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House of Representatives

The House was not in session today. Its next meeting will be held on Thursday, January 27, 2000, at 12 noon.

Senate

WEDNESDAY, JANUARY 26, 2000

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Lord, inside each of us is that sacred sanctuary of the soul, the port of entry for Your Spirit, the place You live in each of us, and the portion of us that determines the development of our characters and direction for our lives. We join with the psalmist's longing for You to heal our souls with Your forgiveness, to uplift our souls with Your inspiration, to quiet our souls with Your peace, to sustain our souls with Your patience, and to calm our souls with Your pacing and timing. May the soul of the matter for us today be to express what You have placed in our souls. And so we say with the psalmist: ''Bless the Lord, O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul, and forget not all His benefits. . . .''—Psalm 103:1–2, Lord God of hope, be with us yet, lest we forget! Amen.

PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. HATCH. Mr. President, today the Senate will immediately resume consideration of the bankruptcy bill under the previous order. There are several amendments in order. Therefore, I encourage all Members to work with the bill managers on a time to debate their amendments. Votes ordered with respect to the bankruptcy bill will occur on Tuesday, February 1. Consequently, no votes will occur during today's session, and the next time the Senate will be conducting rollcall votes will be on Tuesday of next week. In addition, the Senate will recess today between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party caucuses to meet.

I thank my colleagues for their attention.

RESERVATION OF LEADERSHIP TIME

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

BANKRUPTCY REFORM ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 625 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 625) to amend title 11, United States Code, and for other purposes.

Pending:

Hatch/Torricelli amendment No. 1729, to provide for domestic support obligations.

Wellstone amendment No. 2537, to disallow claims of certain insured depository institutions.

Wellstone amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices.

Feinstein amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21.

Feinstein amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency.

Schumer/Durbin amendment No. 2759, with respect to national standards and homeowner home maintenance costs.

Schumer/Durbin amendment No. 2762, to modify the means test relating to safe harbor provisions.

Schumer amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable.

Schumer amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses.

Dodd amendment No. 2531, to protect certain education savings.

Dodd amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress.

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

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Hatch/Dodd/Gregg amendment No. 2536, to protect certain education savings.

Feingold amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Schumer/Santorum amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts.

Feingold amendment No. 2779 (to Amendment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed.

Mr. HATCH. Mr. President, I notice the distinguished minority whip is here. If he has any comments, I certainly defer to him.

Mr. REID. Mr. President, the minority is ready to proceed on this legislation. We have Senators who are ready to speak on this as soon as the acting leader completes his remarks, and we hope to complete this legislation when all the amendments are debated. We have structured time to complete this bill, and we look forward to full debate on all the issues.

Mr. HATCH. I thank the Senator. I thank my colleagues.

Mr. President, I am pleased that we have finally reached an agreement to complete floor consideration of the bankruptcy reform legislation. It was my intention that we finish consideration and pass this bill tonight, but we cannot get it done so we will do it next Tuesday. To that end, I hope any Member who intends to offer an amendment under the agreement comes down and begins debating it as soon as possible.

First, I commend everyone who has worked hard to make this agreement a reality. It took a lot of effort and cooperation to come together and get to where we are today. My staff, the majority and minority leadership and floor staffs, Senator LEAHY's and Senator REID's staffs, Senator GRASSLEY's staff, and Senator GRAMM's staff all worked literally the whole day yesterday to craft the agreement we are operating under. We have a lot of work still ahead of us. We not only have the 13 amendments we must consider today, but we have a number of major issues to resolve in conference. This bill is far from becoming law at this point, but I am optimistic that we can work together as we have done in the past to have a fair and balanced reform bill that the President can sign.

Mr. President, I have stood here on the Senate floor many times and professed the need for reforming our bankruptcy system. I stand before you again today and say that the Senate has enjoyed a lengthy deliberative process. Along with my Senate colleagues, I have debated the legislation and many of its amendments at great length over the past several years. The Senate Judiciary Committee's Subcommittee on Administrative Oversight and the Courts, chaired by my good friend Senator GRASSLEY, has held numerous hearings on the issue of bankruptcy reform, gaining insights from literally dozens of witnesses.

I am optimistic that we will restore fairness and integrity to our bankruptcy system. I am encouraged by what has transpired in the House of Representatives with respect to bankruptcy reform: the House bill is more stringent in terms of reform than the bill we are considering here in the Senate, and it nonetheless passed by an overwhelming, veto-proof margin of 313 to 108.

Not long ago in our Nation's past, there was an expectation that people should repay what they have borrowed. Hand in hand with this expectation was a stigma that attached to those who filed bankruptcy. The bankruptcy system, as it was originally envisioned, was truly a last resort. It was intended to give those who needed it—those in serious financial difficulty, with no way out of their hard times—a fresh start. As our bankruptcy system has evolved over the years, this original mission has become lost.

Our current system, I am sorry to say, allows some people who are able to repay their debts to avoid doing so. It does this by treating income as irrelevant, and by allowing people to exploit various loopholes. When I talk with the hardworking folks both from my state of Utah, and more recently all across this great Nation, I simply cannot defend the current system. I cannot find an adequate explanation for why our current laws let people who have the capacity to repay their debts use bankruptcy as a financial planning tool. I cannot justify the more than $400 hidden tax our current bankruptcy system imposes on every American family every year.

It is no mystery that when someone borrows money or buys something on credit, and then files a bankruptcy of convenience, someone does not get paid back. This is true whether the creditor is a large lending company in which a retiree's pension funds may be invested, or a small family business. Under the current system, when bankruptcies of convenience are filed, everyone loses except for the unscrupulous person who games the system. Studies have been conducted that show that between 6 and 15 percent of filers are using bankruptcy as a financial planning tool, running up debts and erasing them without any noticeable impact on their lifestyle. When we look at the daunting number of bankruptcy filings we have seen in recent years, these abuses are a major problem. In 1998 alone, 1.4 million Americans filed for bankruptcy. As I have pointed out before, more Americans filed bankruptcy than graduated from college, were on active military duty, or worked in the post office. During these days of great economic prosperity, these record filings are outrageous.

We must put an end to the system that allows people to live high on the hog.

The bill also puts the brakes on an abuse known as ''loading up,'' when debtors take out large cash advances on their credit cards and buy luxury goods on the eve of their filing for bankruptcy.

The bill is also designed to enhance consumer protections by imposing penalties on creditors who overreach. Penalties are imposed on creditors who refuse to negotiate in good faith with debtors prior to declaring bankruptcy, who willfully fail to properly credit payments made by the debtor in a chapter 13 plan, and who threaten to file motions in order to coerce a reaffirmation without justification. The bill also contains provisions designed to eliminate abusive reaffirmation practices.

The bill protects debtors by imposing requirements on lawyers who represent debtors in bankruptcy. These provisions are intended to target the practices of so-called bankruptcy mills, which aggressively promote bankruptcy to people with financial problems when bankruptcy may not be in their best interests.

I am particularly proud of the advancements this bill makes in helping people to avoid bankruptcy and avoid repeating financial problems. The bill provides for education for debtors with respect to their alternatives to bankruptcy, along with financial management education and credit counseling.

This bill also protects our children. Anyone who knows my record in the Senate knows I have been a strong advocate for children for many years. It is not surprising that this is a particularly important aspect of the bill. From the time this bill was being drafted and through the process of committee markup and floor consideration, I made it a top priority to ensure that the bill included provisions to prevent deadbeat parents from using bankruptcy to get out of paying child support and alimony. Under my provisions, the obligation to pay child support and alimony is moved to a first-priority status, as opposed to its current place at seventh in line, behind attorney's fees and other special interests. If you really want to know the truth, my measures make improvements over current law in this area that are too numerous to mention here at this time, but they work to facilitate the collection of child support and alimony and effectively prevent deadbeats from getting their obligations discharged.

I am also proud that one of my provisions on S. 625, which is supported by

AARP and many other important organizations, ensures that retirement savings will be treated equally in bankruptcy so that schoolteachers and church workers will no longer be at a disadvantage relative to people with retirement savings that happen to fall into other categories.

I also made sure that education was protected in this bill. Under my education savings amendment, already accepted as part of S. 625, which I developed with the help of Senators GREGG, DODD, and others, contributions made for educational expenses to education IRAs and qualified State tuition savings programs will be protected in bankruptcy. I believe protecting these savings accounts is important because college savings accounts encourage families to save for college and increase access to higher education. My amendment ensures that the ability to use dedicated funds to pay the educational costs of children and grandchildren will not be jeopardized by the bankruptcy of a parent or a grandparent. At the same time, I have included conditions on the protection of these accounts to prevent fraud and abuse.

In effect, this bill tightens up the bankruptcy laws to ferret out abuses on all sides, from the unscrupulous debtor to the overreaching creditor to the dishonest lawyer. At the same time, it works to stop the cycle of indebtedness through education. It makes sure that children, our retirement savings, and access to education are all protected.

It is wrong for this country to have a system that makes honest, hard-working, bill-paying citizens foot the bill for those who have the ability to pay but who choose not to. A recent study shows that 76 percent of all Americans believe individuals should not be allowed to erase all of their debts in bankruptcy if they are able to repay a portion of what they owe. I am pleased to say that that is precisely what S. 625 would accomplish. This study is heartening to me because it indicates that this country hasn't lost sight of the principle that individuals should take responsibility for their own actions.

We are enjoying a wonderful period of economic prosperity. To the people who, despite their high levels of income, choose a bankruptcy of convenience, I say the game is over. No longer will the hard-working people of my State of Utah and in the rest of the country foot the bill for the people who are abusers of the system. The American people deserve better. With passage of the bankruptcy reform bill, the bankruptcy system will again return to the last resort for those who truly need it.

In closing, I urge my colleagues to urge colleagues to come down here sooner rather than later to debate amendments, or let us know if they don't intend to offer them. It is my and the leader's intention, and I believe the intention of Senators LEAHY and DASCHLE, that we debate these amendments in a timely manner today and vote on final passage next Tuesday. I hope we can get through all these amendments today, and next Tuesday we will have a full day of voting.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

AMENDMENT NO. 2651, AS MODIFIED

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2651, as modified.

Mr. CRAIG. 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 in the bill, insert the following new section:

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

[(a)**]** Section 541(b) of title 11 of the United States Code is amended by adding at the end the following—

''(6) any interest of the debtor in property where the debtor pledged or sold tangible personal property **[**or other valuable things**]** (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

''(a) the tangible personal property is in the possession of the pledgee or transferee;

''(b) **[**(i)**]** the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

''(c) **[**(ii)**]** neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law in a timely manner as provided under state**[**,**]** law and Section 108(b) of this title.''

Mr. HATCH. Mr. President, following Senator CRAIG's amendment No. 2651, as modified, I ask unanimous consent that Senator MURRAY be recognized for 10 minutes to speak, and I ask that Senator SESSIONS be given 10 minutes.

Mr. REID. Reserving the right to object, the ranking member of the Judiciary Committee wants to come and speak on this at some time.

Mr. HATCH. Whenever the ranking member wants to speak, we will, at a convenient time, interrupt and allow him to do so.

Finally, we will go to Senator WELLSTONE's amendment after Senator SESSIONS speaks.

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

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I understand that my amendment, as modified, has been accepted on that side.

I guess I am at risk, as we are anytime a Senator comes to the floor and says, ''This is a simple amendment'' But in fact that is exactly what this amendment is. It corrects a very small but very real problem. We are talking about property that is pawned by a debtor.

This amendment deals with the question of when that pawned property is legally out of the reach of a debtor's bankruptcy estate.

This amendment would allow pawned tangible personal property to be excluded from the bankruptcy estate, so long as the debtor has no legal obligation to repay the money or redeem or buy back the property and the contract or statutory redemption period has expired on the pawned property. And, of course, it is that expiration date that is clear and important as it relates to the period of redemption, and that is where the courts have found themselves in the last several years.

This amendment incorporates the general position of the courts that pawnbrokers should be allowed to have complete and clear title to the pawned personal property of a person in bankruptcy once the redemption period has expired and the debtor or trustee has not exercised the right of redemption.

This amendment allows the pawnbroker to sell the pawned property without burdening the courts with unnecessary actions seeking relief from the automatic stay provision of the bankruptcy code.

Courts have found that unredeemed, pawned, tangible personal property cannot be treated as property of the bankruptcy estate because once the statutory redemption period has run, and the pawned goods have not been redeemed, the debtor forfeits all rights and title to the pawned property. The cutoff date for inclusion of the bankruptcy estate is the end of the redemption period. I am referencing Dunlap, a 1993 case in Maryland and Tennessee, 158 BR 724.

In the circumstances outlined by this amendment, the property doesn't belong to the debtor anymore. Once that redemption period has run out and they have not exercised it, it is out of his possession and out of his right to control. It is only common sense that when it is no longer his property, it cannot be pulled into the bankruptcy estate. That is what the courts have said, and that is what this amendment says.

All too often, however, pawnbrokers are pulled in and ultimately they have to go through the expense of hiring attorneys and doing all of those kinds of things even though it is very clear that the property redemption period has expired and the courts ultimately ruled in favor of the pawnbroker.

So we are clarifying that with this amendment, and I hope my colleagues will accept it and be consistent in this law with what the courts have been saying now over the last period of years.

Mr. President, I relinquish the floor.

Mr. HATCH. Mr. President, I rise in support of the amendment offered by my good friend, the Senator from Idaho. This amendment is needed to clarify that if an individual has pledged

his property for money and is not obligated to redeem it, and indeed does not redeem the property within the time he or she agreed to redeem it, then the bankruptcy laws are not abused to attempt to get that property back.

What this amendment does is basically recognize and respect the right of individuals and businesses to be able to pledge property for money for an agreed period of time. Essentially, those businesses engaged in this type of transaction, namely pawnbrokers, provide cash loans to people in exchange for a pledge of personal property. The pawnbroker charges interest on the loan, but the customer is under no obligation to redeem the pledged property. When the individual does not redeem the pawned item within the contractual period, the property becomes part of the pawnbroker's inventory for sale. It does not continue to be the property of the individual.

Some debtors have attempted to subject their pawn transactions to the operation of the bankruptcy code's automatic stay, after the time under the contract for redeeming the property has expired. Most courts that have considered the matter have held that if the debtor or the trustee does not redeem the property within a typical period of 60 days from the date of filing for bankruptcy, then full title to the property vests with the pawnbroker. This is the sensible result, because the debtor has no obligation to redeem the property.

This is a sensible clarification amendment, without which, certain individuals could abuse the system to the detriment of other consumers who use and need the pawnbroker's services. Let's close this loophole and support this amendment.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

(The remarks of Mrs. MURRAY pertaining to the introduction of the legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. SESSIONS. Mr. President, it is great to be back in session this morning and see my chairman, Senator HATCH. I know today he made a big announcement. He has given his heart over the last several months and offered himself to the American people as our next President. He did so with integrity. Throughout the year, he chaired the Judiciary Committee. We never slacked in our committee hearings. He was here and missed hardly any votes. So many of our candidates seem to give up their responsibilities in the House or the Senate, but he did not do so. He regularly cast his votes day after day. This is the first real business of the Senate, a day in which he made an announcement. I know it was very important to him that he would not continue his seeking of the Presidency, and he is introducing and leading the fight for a very important and historic bankruptcy reform bill that is long overdue.

Senator HATCH and Senator GRASSLEY have worked exceedingly hard to make this bill a reality. We are on the verge of it becoming a reality. It has been frustrating. The last time we passed this bill in the last hours of the last Congress, it had over 95 votes and only 1 or 2 opposing votes. It came out of committee last year 16–2, with almost that many votes this time in Judiciary Committee.

It is a bill whose time has come. I am glad we are bringing it up. I thank the majority leader, Senator TRENT LOTT, for saying we need to bring this to a conclusion and calling it up for debate at the beginning.

There has been some suggestion and some comments recently about a decline in bankruptcy filings this past year. One full-page ad—I suppose designed to influence this body—was in one of the local Washington papers. The headline was, ''The Incredible Disappearing Bankruptcy Problem.''

Let's talk about the numbers. Chairman HATCH mentioned those earlier. In 1980, when we had an economy that was weaker than it is today, there were only 287,000 bankruptcy filings. In 1998, less than 20 years later, with the economy one of the strongest we have ever had, the number of personal bankruptcy filings has skyrocketed to 1,398,000—a 386-percent increase. That is a stunning fact.

In 1999 when the economy was even stronger—we had an even stronger economy last year than in 1998—we had a modest 7-percent reduction in bankruptcy filings. Some are saying we don't need to have any bankruptcy reform, that it is a disappearing problem. I hardly think anybody can believe that a 7-percent reduction, after a 386-percent increase, suggests in any way that we don't continue to have a bankruptcy problem.

The Consumer Federation of America, which is really hard left in my view, issued a press release saying the crisis is over. That certainly is not the fact. In 1997, the National Bankruptcy Review Commission, with Federal judges and bankruptcy experts on it, issued a report that stated the most visible and disturbing fact about consumer bankruptcy has been the extraordinary increase in filings in the last two decades. Since 1980, the rate of consumer bankruptcies has risen nearly threefold. These are the words of the official report of the Commission. Certainly nothing has happened since that report was issued in 1997 to indicate we have had any significant permanent reduction.

In 1996, the number of consumer bankruptcy filings was 1.1 million. In 1999, the estimated number of filings is 1.3 million. Thus, since the Bankruptcy Review Commission complained about the alarming number of filings, the filings have increased 16 percent. So since the official report's conclusion criticizing and complaining and expressing concern about the large number of filings, it has increased 16 percent since then.

I believe we do have a problem. We have a deep problem of abusive and repeat filers, people whose lawyers tell them clever ways to beat their legitimate debts. There are a lot of abuses in this system. So while we are happy we have had a modest decrease in filings, we have not dealt with the fundamental problem. The reason we have a bankruptcy reform bill is not because there are a large number of filings. The reason we have this bankruptcy reform bill is that the system is not working fairly. Too many people with high incomes—$70,000, $80,000, $90,000—are filing bankruptcy and are not paying their debts when they could easily do so. The moral question arises because the person they owe may have far less income than they do—maybe it is their neighborhood garage mechanic who worked on their car. They may have greater income than the people they owe, who they are not repaying.

So we want to make sure the historic principle of bankruptcy is alive and well: That a person can wipe out his debts and start over again and not be burdened with unpayable debts. But when a person can reasonably pay a substantial part of those debts, we believe he ought to do so. That is what we will be talking about today.

The purpose of bankruptcy reform is—hopefully, we will have some reduction in filings. I do not expect we will have much of a reduction as a result of this reform, but our basic goal in bankruptcy reform is to have a system that works better to reduce litigation, to reduce the cost. We make it so you do not have to have a lawyer to represent yourself on a matter in bankruptcy court. We required that persons be at least knowledgeable of and have an opportunity to talk with a credit counseling agency. They are in every locality in America. They help people deal with their financial crises, short of declaring bankruptcy on many occasions. Sometimes they will tell them, ''You cannot handle it, you have to go to bankruptcy.'' Or they may say they need to have a budget and get the family in and deal with the fundamental problems, where they are in debt, and start first paying the debts off with the highest interest rates.

Our goal is not primarily to reduce bankruptcy filings. Our goal primarily is to end abuses and problems that have made themselves clear over the past 30 years since we last reviewed bankruptcy. The lawyers have learned how to work the system well. We need to create a legal system that has integrity and efficiency and that everyone can respect.

Mr. HATCH. Mr. President, I thank my colleague from Alabama for his kind remarks about me. I want to mention what a great service he has done

on the Judiciary Committee helping with this bill. He is one of the truly knowledgeable people in this area. I express my regard for him.

Mr. SESSIONS. Mr. President, I don't think I mentioned about Senator HATCH, when he came to Alabama, and there were 2,000 delegates there at a State convention voting for President, he came within a few votes of being the winner. He had a great showing in our home State of Alabama.

Mr. HATCH. I thank the Senator. I did not do the same in New Hampshire and Iowa. I appreciate his kind remarks and appreciate his strong efforts on this bill. He has done a great job and deserves a lot of credit on this bill.

With that, I relinquish the floor to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, before I go on in this debate on this bankruptcy bill, since I have a very different position on this piece of legislation than my colleague, Senator HATCH from Utah, I say to him I think all of us in the Senate, even when we do not agree with him, like to see him on the floor. He is a Senator with a tremendous amount of dignity. He is a very, very fine Senator. So we welcome him back.

Mr. President, I will start out talking about a couple of amendments. The first amendment I want to make reference to—then I want to talk about this bill to give some context for these amendments—is an amendment which would curb a form of predatory lending which targets low- and moderate-income families.

One of my criticisms of this bill is it is very one sided and does not deal with these kinds of unscrupulous lending practices. This amendment, which is called the payday loan amendment, would prevent claims at bankruptcy on high-cost transactions in which the annual interest rate exceeds 100 percent such as payday loans and car title pawns.

I say to my colleague from Utah and other colleagues in the Senate, this is an outrageous practice. As long as we are talking about bankruptcy reform, we ought to make it clear this kind of predatory lending practice means these folks cannot have claims in bankruptcy. Let me give some examples, and I will go into this more next week.

First, on payday loans, what we are talking about is the situation of a family where maybe the car breaks down. These are people who do not have a lot of money. Maybe it is an illness, a medical bill. It is called a payday loan. They seek a 2-week loan; maybe it is $200, maybe it is $100. What happens is the lenders, these credit companies that are involved in these payday loans, will say we will make the loan to you and you write out a check to us, and also here is going to be the fee we are going to charge, which equals high interest, then 2 weeks from now you pay us back. It turns out quite often people cannot pay back the loan because these people are under the gun, in which case they roll it over again and again and again, which is exactly what the payday lenders want, to the point where, for example, a $15 fee on a 2-week loan of $100 equals an annual interest rate of 391 percent. There are some instances where the actual interest rate is 2,000 percent.

I think a lot of people in the lending industry are not happy with this practice at all—I want to give some credit where credit is due, no pun intended. Additionally, what these pay day lenders do is use a coercive practice where they say to very hard-pressed families: We have the check you made out to us and if you don't pay us back, we are going to go ahead and bounce the check and then you will be subject to criminal prosecution. They use that as a threat. They don't follow through, but they intimidate people.

Let me go on to talk about car title pawns. This is unbelievable, American people. It is hard to get people's attention on this bankruptcy bill. I think people ought to know some of the practices that go on in the country.

In this particular case, you have a double whammy. People are hard pressed. If they were not hard pressed and had nowhere to go, if they were big customers with big banks, they would have no problem. We are talking about hard-working, poor people, low-income people in Arkansas, Minnesota, Utah, desperate for money. What are they going to do?

In this particular case with the car title pawns, they get a $100 loan and the creditor puts a lien on the car and says you have to pay us back with the fee, high interest. If you don't pay them back—literally quite often they require the key to the car as part of the condition for granting the loan—they take the car. They sell the car and in some states they don't even have to give back to the original owner the additional money they make beyond what the loan was. They keep all the money. Can you believe it? Can you believe it? This is exactly what goes on.

One of my amendments, that I am going to spell this out in greater detail next week, will say that there is some predatory lending which clearly targets hard-pressed low- and moderate-income families, which we find obscene. We intend to have some kind of ground rules here, some kind of accountability. Basically what we are saying is—this is the proposition—we are not going to let you make a bankruptcy claim where you have had a credit transaction in which the annual interest rate exceeds 100 percent. If we are going to talk about bankruptcy reform, I am hoping to see my colleagues out here with a good, strong affirmative vote.

I will briefly talk about the second amendment because I will have more time to lay this out later. I will cooperate with the manager. I will begin to lay out my case. This is an important consumer amendment which will require big banks with more than $200 million in assets to offer low-cost, basic banking services to their customers if, again, they wish to make claims against debtors in bankruptcy proceedings.

We have talked about the responsibility of the consumers—hard-pressed people. What about the responsibility of banks and lending institutions to offer inexpensive means to conduct financial transactions and to save money? What happens is, they say you have to have a minimum balance of $1,000 in your account. If you do not, you have to pay an exorbitant fee, which could result in hundreds of dollars a year. These low-income people cannot afford it. There are some 12 million Americans who do not have the same kind of service that we have. As a result, then, they end up having to deal with unscrupulous kinds of dealers, like the payday lenders that I just described.

Our community banks in Arkansas and Minnesota went out of their way with low- and moderate-income people who live within their communities to make sure they were able to access low cost accounts. But now, with this consolidation and these mergers, a lot of these big branch banks do not see it the same way. So what we are simply saying is, we want these consumers to be able to have an affordable checking account, one that does not require a large minimum balance or costly access fees. That is what is going on. This amendment will speak to that.

But context for this. Again, I say to my colleagues, believe me, I am just absolutely amazed, when I look at some of the practices that take place in this country, that we are not, in this piece of legislation, dealing with it. But let me give some context for these amendments. I am a little bit surprised, frankly.

I say to my colleagues, since we are in disagreement on this, as I have already said to Senator HATCH, how good it is to see him here, and what a fine Senator he is. I think everybody in the Senate agrees with that.

Mr. HATCH. If the Senator will yield, I express my gratitude to my good friend for the kind comments he has made. I really appreciate them.

With that, I yield back.

Mr. WELLSTONE. I thank the Senator from Utah.

I would not say it if it were not true. That is the way the Senator is.

But this piece of legislation is fundamentally flawed. It contains numerous provisions which are harshly punitive to those citizens who are the most vulnerable in our country. It addresses a crisis that no longer exists and that appears to be self-correcting. It rewards predatory and reckless lending by banks and credit card companies, which fed the crisis in the first place, and does nothing to actually prevent bankruptcy or to promote economic security for working families.

I do not see anything in this legislation that deals with the crisis of medical costs, that deals with what happens to people when they cannot get a job at a decent wage. I do not see anything in this bill that deals with housing costs. But what I see is a fundamentally flawed piece of legislation.

I am amazed that it has sailed through the way it has. I am amazed there is not more opposition, which is punitive toward those people who are the most vulnerable in our society. This purports to address a crisis which does not even exist.

Professor Lawrence Ausubel of the University of Maryland notes that the peak increase in bankruptcy filings came and went in 1996. In fact, the filings in 1998 were barely an increase over 1997. We know now that there were 112,000 fewer bankruptcies in 1999 than there were in 1998—a nearly 10-percent decline.

Perhaps most startling, given what some of my colleagues have stated, is that credit card lenders have seen their chargeoffs—loans which are uncollectible—decline over the past 2 years.

So I ask my colleagues, is this a crisis? Despite the decrease in filings, there are still too many bankruptcies in America. I agree with that. However, this bill does not do anything to reverse this. It is going to make matters worse. The nonexistent crisis is being used to justify harsh restrictions on bankruptcy relief, which will harm those citizens who are most in need of its protection.

Colleagues, let me quote from the September 30, 1999, issue of The American Banker magazine. The title of the article is ''Bankruptcies Down; Enthusiasm for Reform Wanes.'' I quote from the article:

> A retreat in bankruptcy filings from their record highs is causing precious little jubilation in the lending community. Lenders, who persistently point to the high rate of filings as one of their top business problems, may be concerned that a turnaround will undercut their effort to reform bankruptcy laws and make it easier to collect on poor credits.

Bankruptcy does not occur in a vacuum. We know, in the vast majority of cases, it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner—he or she—they have lost their job. There is a sudden illness. There is a terrible accident. All of us know that could happen to us. The bankruptcy system is supposed to allow a person or a family to climb back up after they have hit bottom, to have a fresh start.

There is no point in continuing to push a person and a family once their resources are overmatched by debt. That is what we are doing in this legislation.

The bankruptcy system simply allows families to regroup, to focus resources on essentials, such as home, transportation, and meeting the needs of their dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt. In most cases, this debt would never be repaid because of the debtor's financial circumstances.

In fact, in over 95 percent of bankruptcy cases, creditors receive no distributions from the filer's assets, not because these folks are able to beat the system but because in the vast majority of the cases the debtor does not have any assets left.

The sponsors of this measure—the megabanks and the credit card companies—they do not like to focus on these situations. They talk about all of the abuses. But let me just cite some evidence here. A study by the American Bankruptcy Institute found that only 3 percent of debtors who file under chapter 7—which is what we are talking about—would actually have been able to pay more of their debt than they are required to under chapter 7. Three percent does not sound, to me, like a percentage of a lot of abuse. Even the Justice Department says the abuse of claims was only between 3 and 13 percent.

But what this legislation is going to do is, it is going to channel many more debtors into chapter 13 bankruptcy, where the debtor enters a 3- to 5-year repayment plan where very little debt is forgiven. As a matter of fact, under current law, 67 percent of the debtors in chapter 13 cannot fulfill or cannot live up to their repayment plan, often because they do not get enough relief.

So what are we doing?

Why is this so punitive and why is it so one sided? Why aren't we also addressing the predatory practices of these credit companies, of these lenders? This is apparently not obvious to many of my colleagues, but with all due respect, debt involves both the borrower and the lender.

I gave examples of some egregious practices with which I will deal in my amendments. As high-cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years—and so have many bankruptcy filings; we all know that—and are pumped on our children, our neighbors, as the consumer credit card industry has begun to aggressively court the poor and vulnerable, bankruptcies have risen. There is no question about it. Credit card companies brazenly dangle literally billions of dollars of credit card offers to high debt families every year. With this legislation, we are giving them a blank check to do even more. They encourage credit card holders to make low payments toward their credit card balances, guaranteeing that a few $100 in clothing or food will take years to pay off. The lengths to which these companies go to keep their customers in debt is ridiculous.

I already gave an example, when I was talking about what happens with these car title pawn companies and these payday loan companies. It is absolutely unbelievable. People get charged anywhere from 100 percent up to 2000 percent in interest by these unscrupulous dealers. All you have to do to enter into this is to have no conscience. People are desperate. You give them a $100, $200 loan. You basically roll it over when they can't pay it. Pretty soon they have to pay 300-percent interest on an annual basis. You take title to their car. They can't pay back $100. These are poor people; they are desperate. They had to come to you for that reason. Then you repossess their car, and you keep the money beyond anything they owed you. There is no accountability.

Yet in this bankruptcy reform bill, I don't see any discussion or any kind of rules or any kind of accountability or any kind of protection for consumers when it comes to these unscrupulous practices. I am amazed this piece of legislation has been sailing through. I think the President should veto this.

I will take some time to give context to this. A March 31, 1990, edition of the Detroit Free Press reported on a woman who sent a check to her credit card company to pay her entire credit card balance of $4,000. I know the Presiding Officer would say that is the way it should be done. She had the money. She could do it. A few days later, she got a call from the company offering her a lower interest rate for 6 months if she would let the credit card company rip up her check and keep the $4,000 balance on her card. Fortunately for her, this woman made the right decision and refused this insane offer. But if credit card companies are using these tactics to keep folks in debt, do they have any right to preach about financial responsibility?

Why is this piece of legislation so one sided? Why are we not talking about their unscrupulous practices and how to also make sure they live up to some kind of standard of responsibility?

I will quote a few lines from an L.A. Times feature called the Money Savvy Weekend. It is a column about money management. I would like my colleagues to hear how the author of the piece advises credit card holders to deal with card companies.

She starts out by saying:

> Your credit card issuer is not your friend, or even your most trusted business partner, so if you've been thinking along these lines, stop now.

I say to my colleagues, if people think their credit card company is their friend now, they will know differently when this bill passes, when they see how their right to a fresh start has been eroded. This bill just gives these credit card companies everything they want, provides no protection for poor people, provides no protection for single parents, no protection for senior citizens. What in the world has happened to the Senate? What has happened to Democrats? Why are we letting this bill go by without amendments? Why aren't we standing up and taking on this piece of legislation?

Continuing on from the L.A. Times feature, the author goes on to say:

Instead, start thinking of your credit card issuer as a slightly sleazy and overbearing salesman who controls one product you want, but who wants to trick you into buying the store. That salesman does not have your best interests at heart. . . .

Then in the same column:

Last week, a San Francisco law firm filed a law suit against Providian Financial Corp., alleging that the firm delayed postings (of payments), hid terms of its card agreements, and made it seem like a fairly useless $12.95-per-month credit protection plan was a requirement when it wasn't. The city's prosecutors are investigating the firm.

I could go on but here is the question. I talked about payday loans. I talked about repossessing cars. When we read S. 625, it is a clear indication of who has clout in the Nation's capital. There is not one provision in this bill that holds the consumer credit industry responsible for their lending habits. There is not one provision in this bill that holds the consumer credit industry responsible for their lending habits. I have spent time on two deplorable practices on which I will have amendments. We will have votes on it next week. But there is nothing in this piece of legislation that has a word to say about any of this. With all due respect, it is not all that surprising why.

Who do you think the people are who have to rely on payday loans? Who do you think the people are who have to rely on these car pawn loans? Who do you think the people are who by and large file chapter 7? You will come up with some abusive examples, but I have given you study after study that shows there is very little abuse. Most of the people who do this are hard-pressed people, poor people. You lose your job. You don't have a family you can go to who can help you out. Your car breaks down. You have an illness. You had no health insurance in the first place. Now we have this punitive piece of legislation that targets these citizens, the most vulnerable citizens, but gives the credit card industry all they want.

I think this is a sad reflection of who gets to the table and who doesn't and whose voice is heard and whose voice is not.

Mr. LEAHY. Mr. President, if the Senator will yield for a moment without yielding his right to the floor.

Mr. WELLSTONE. I will.

Mr. LEAHY. The distinguished senior Senator from Minnesota has been one of the hardest working Members on this whole bankruptcy issue, one of the most passionate and articulate. I hate to interrupt. I wonder if he would allow me a few minutes, without losing his right to the floor, in my capacity as ranking member to say a few comments.

Mr. WELLSTONE. Mr. President, I would be pleased, if my colleague needs more time. I would like to make sure that I have the floor after the Senator speaks.

Mr. LEAHY. I ask unanimous consent that upon completion of my remarks that the floor revert to the Senator from Minnesota and his original time.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mr. HATCH. Reserving the right to object, could I ask how much longer the distinguished Senator will hold forth?

Mr. WELLSTONE. Mr. President, I will need some additional time. I was intending to try to finish before 12:30 because that is when we go into conference. My idea would be that I would then come back with these amendments, finish up right before we vote.

Mr. HATCH. Mr. President, I ask unanimous consent that the Craig amendment be laid aside so the two amendments of the distinguished Senator from Minnesota can be put forward.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Chair warns Senators that we have to deal with the unanimous consent request the Senator from Vermont put forward.

Mr. LEAHY. I will withhold that for a moment, if the Senator from Utah wishes to make another request.

Mr. HATCH. I ask the distinguished Senator from Minnesota, has the distinguished Senator laid down his two amendments?

Mr. WELLSTONE. What I am intending to do is call up my amendments. My understanding, originally, was we were going to perhaps vote today. We are not going to vote. Therefore, I was trying to accommodate my colleagues. I said I wanted some time to talk about the context of these amendments and that I would come out here today. I would lay out my case. Then, when we come back next week and vote, I want a final hour for the two amendments. Then we would vote.

Mr. HATCH. I ask the distinguished Senator a favor, that he do his debate today on his amendments, because we are going to move to table, and then we will have at least 10 minutes equally divided for each amendment on Tuesday. We have to get rid of these amendments.

Mr. WELLSTONE. Mr. President, I say to my colleague from Utah, I would have to respectfully decline. Originally, I had not agreed to any time agreement on these amendments. I said I would not agree. Then I was told that if I would come out today, try to speak before conference, and then reserve the final hour, agree to a time agreement next week for a final hour on two amendments, I would have an hour and whatever time I need. I said I would do that. I have given up on limited time.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. I am not objecting.

The PRESIDING OFFICER. Is there objection to the request as presented by the Senator from Vermont? Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I should say to all Senators, both sides of the aisle and the two leaders who have worked on this, that I am pleased we reached a reasonable unanimous consent agreement to proceed to debate and vote on the few remaining amendments of the Bankruptcy Reform Act. We worked very hard on this before we broke for the Christmas recess.

Mr. WELLSTONE. Mr. President, as long as Senator LEAHY is speaking, I ask unanimous consent, because I do want to finish up and accommodate everyone, that when we come back, I do have a final hour to speak on my two amendments on Monday or Tuesday.

Mr. HATCH. I have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, we want to be able to finish next Tuesday. We want to resolve this.

Mr. LEAHY. Mr. President, I wonder if the Senator from Utah and the Senator from Minnesota and I can work together during the break and see if we can reach an area of agreement.

During the last few days of the session, the distinguished Senator from Utah and I, the distinguished Senator from Iowa, Mr. GRASSLEY, and the distinguished Senator from New Jersey, Mr. TORRICELLI, worked very hard to whittle down the numbers. The distinguished Senator from Nevada, the Assistant Democratic Leader, was his usual indefatigable self in working, cajoling, pleading, and, when all else failed, threatening to break arms to get rid of amendments. I knew we were successful when I saw so many Members going down to see the orthopedic surgeon in the Capitol physician's office after having a meeting with the Senator from Nevada.

I am also pleased to see my friend from Utah, the distinguished senior Senator, ORRIN HATCH, back on the Senate floor. The Senator is not only one of the most gifted legislators in Congress but one of the best known. More important, to me, though, he is one of the closest friends I have had in my 25 years in the Senate. He is such a good friend that while he was campaigning in Iowa, I offered to go out and either speak for or against him, whichever would help the most. Trust me, Mr. President, I have plenty of material either way on that.

I say to Chairman ORRIN HATCH, it is good to have you back here.

Mr. HATCH. I thank the Senator.

Mr. LEAHY. Mr. President, one of the reasons I am so happy to have him back is that the Senator from Utah and I, even though we bring different political philosophies to so many issues, know that on so many issues before the Judiciary Committee we have a responsibility to try to bring both sides of the aisle together and to span a wide philosophical gap among the 100 Senators. When we work together, as we have on many issues, we find that those issues pass the Senate overwhelmingly. That is why, I might say, as we start this new action in this new millennium, how much better it is, instead of having a cloture vote, that we are letting

the Senate process work—something both he and I have seen for a couple of decades here work the way it should.

Last year, the Democrats entered into a unanimous consent agreement to limit our rights to offer only three nonrelevant amendments and to file relevant amendments by November 5. We entered into this agreement to work in a bipartisan manner to improve the bill. We made bipartisan progress. I don't know how many Senators realize it, but we adopted 37 amendments to the underlying bill—amendments of both Democrats and Republicans. We worked that out on a consent basis. We cleared amendments. We set up rollcall votes. In fact, from a total of 320 amendments filed by Senators on both sides of the aisle on November 5, 1999, Senator TORRICELLI and I, working with the Senator from Nevada, Mr. REID, narrowed down the remaining Democratic amendments on this bill to a handful. The remaining amendments from our list are all relevant. We are ready to debate and work on them.

I am proud to cosponsor Senator SCHUMER's amendment on debts incurred through the commission of violence to health service clinics. The amendment makes sense. Under our unanimous consent agreement, we will have an up-or-down vote on it. Under our unanimous consent agreement, Senator LEVIN from Michigan will also have an up-or-down vote on his amendment on firearm-related debts. He is willing to limit the time on his amendment to 2 hours. Senator SCHUMER will have 40 minutes on his amendment. These are reasonable time limits.

There is another important amendment by Senators SARBANES and DURBIN to clarify the credit industry reforms in the bill. Millions of credit card solicitations made to consumers have caused, in part, the rise in consumer bankruptcy filings. The credit card industry should bear more of the responsibility. So the Sarbanes-Durbin amendment improves the Truth in Lending Act by requiring more disclosure of credit information so consumers may better manage debts and avoid bankruptcy altogether.

In the last Congress, the Senate bankruptcy reform bill was fair and balanced because it included credit industry reforms. We passed that bill by 97–1 vote in 1998. The 1998 Senate-passed bill should be a model here in the year 2000.

Many Democratic Senators have offered short time agreements of a half hour or less on their amendments. The Democrats are prepared to debate and vote on these amendments. That is the way the Senate works best. I commend my colleagues for working to get this agreement. I look forward to a fair and full debate.

Mr. President, I am actually delighted to be back. It is nice for people in Washington to provide weather that looks like we have in Vermont—with one notable exception: With this little bit of snow on the ground, our government offices in Vermont would all be open.

In fact, all other offices would be open. I note that because we had a couple of calls from incredulous Vermonters who couldn't believe that the Federal Government had been closed down 2 days in a row for the kind of snow we might get in a morning. I want to assure them that the office of the senior Senator from Vermont is open. I suspect the offices of the other two Members of the Vermont delegation are open. I guess the one nice thing about it is there is no traffic going in and out. There is not much snow on the road either.

I wish all those employees who are having 2 days of vacation because of a little bit of snow have a good time. I hope they spend time with their children, read a good book, shovel their walks, and just be glad they are not living in an area where you would still go to work with an awful lot more snow.

I close again by saying it is good to see my good friend, the chairman of this committee. I look forward to starting the millennium and working well with him.

Mr. HATCH. I thank the Senator.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Vermont. He is a dear friend and the ranking member on the Judiciary Committee. We work well together. His comments are very deeply felt by me. When both he and Senator KENNEDY offered to come to Iowa and New Hampshire to speak against me, I think I made a big mistake by not asking them to do it. I think I would have done much better.

Mr. President, I ask unanimous consent that Senator WELLSTONE call up his two amendments today and that we reserve 1 hour between 9:30 and 10:30 next Tuesday morning for the debate on both of those amendments, including up until 12:30 today.

Mr. WELLSTONE. Mr. President, reserving the right to object—I don't think I will—I ask for an hour to make my case. It is not an hour equally divided; it is an hour that I have divided for my two amendments.

Mr. HATCH. It is my understanding that would be the time for the Senator to talk about his two amendments, and he has the rest of the time until 12:30 today. Then we will set aside his amendments after he calls them up so we can call up amendments.

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

AMENDMENTS NOS. 2537 AND 2538

Mr. WELLSTONE. Mr. President, I want to begin my remarks about the overall bill, but let me call up my amendments.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes amendments numbered 2537 and 2538.

The amendments are as follows:

AMENDMENT NO. 2537

At appropriate place, insert the following:

SEC. . DISALLOWANCE OF CLAIMS OF CERTAIN INSURED DEPOSITORY INSTITUTIONS.

Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(10) such claim is the claim of an insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act) that, as determined by the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act)—

''(A) has total aggregate assets of more than $200,000,000;

''(B) offers retail depository services to the public; and

''(C) does not offer both checking and savings accounts that have—

''(i) low fees or no fees; and

''(ii) low or no minimum balance requirements.''.

AMENDMENT NO. 2538

At appropriate place, insert the following:

SEC. . DISALLOWANCE OF CERTAIN CLAIMS; PROHIBITION OF COERCIVE DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 502(b) of title 11, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' at the end;

(2) in paragraph (9), by striking the period at the end and inserting ''; or''; and

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

''(10) such claim arises from a transaction—

''(A) that is—

''(i) a consumer credit transaction;

''(ii) a transaction, for a fee—

''(I) in which the deposit of a personal check is deferred; or

''(II) that consists of a credit and a right to a future debit to a personal deposit account; or

''(iii) a transaction secured by a motor vehicle or the title to a motor vehicle; and

''(B) in which the annual percentage rate (as determined in accordance with section 107 of the Truth in Lending Act) exceeds 100 percent.''.

(b) UNFAIR DEBT COLLECTION PRACTICES.—

(1) IN GENERAL.—Section 808 of the Fair Debt Collection Practices Act (15 U.S.C. 1692f) is amended—

(A) in the first sentence, by striking ''A debt collector'' and inserting the following:

''(a) IN GENERAL.—A debt collector''; and

(B) by adding at the end the following:

''(b) COERCIVE DEBT COLLECTION PRACTICES.—

''(1) IN GENERAL.—It shall be unlawful for any person (including a debt collector or a creditor) who, for a fee, defers deposit of a personal check or who makes a loan in exchange for a personal check or electronic access to a personal deposit account, to—

''(A) threaten to use or use the criminal justice process to collect on the personal check or on the loan;

''(B) threaten to use or use any process to seek a civil penalty if the personal check is returned for insufficient funds; or

''(C) threaten to use or use any civil process to collect on the personal check or the loan that is not generally available to creditors to collect on loans in default.

''(2) CIVIL LIABILITY.—Any person who violates this section shall be liable to the same extent and in the same manner as a debt collector is liable under section 813 for failure to comply with a provision of this title.''.

(2) CONFORMING AMENDMENT.—Section 803(6) of the Fair Debt Collection Practices Act (15 U.S.C. 1692a(6)) is amended by striking ''808(6)'' and inserting ''808(a)(6)''.

Mr. WELLSTONE. Mr. President, there are a few of the truly onerous provisions of this bill affecting hard-pressed, working families.

Section 105—someone needs to focus on this—imposes mandatory credit counseling on debtors before they can seek bankruptcy relief, at the debtor's expense. This is regardless of whether the bankruptcy would be the result of simple overspending or something unavoidable such as a serious illness in your family and a medical expense.

Forty-four million people in our country do not have health insurance.

There is no waiver of this requirement if the debtor needs to make an emergency bankruptcy filing to stave off eviction or a utility shutoff. It is amazing. I can't believe this.

Again, you have a situation—I used to do a lot of work organizing with poor people—with a family, and these people are denied. They have to go through mandatory credit card counseling before they can seek bankruptcy relief, even when it is clear it isn't because they just overspent, that it is because something happened to them that was beyond their control, such as an illness in their family. And there isn't even a waiver of this requirement when the family has to get the emergency bankruptcy filing in order to stave off an eviction or a utilities shutoff.

It is cold outside today in Washington, DC. Do you know what a utility shutoff would mean to family?

Section 311 would end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. What we are saying is if a tenant is filing for bankruptcy right now, they have at least some protection. Section 311 will basically end this protection. You can go on with the eviction proceedings.

Section 312 will make a person ineligible to file for chapter 13 bankruptcy if he or she has successfully emerged from bankruptcy within the past 5 years, even if it was a successful chapter 13 reorganization where the debtor paid off all the creditors. If they have been through it successfully before and paid off all of the creditors, and there is an emergency medical bill or whatever happened—they lost their job—they are ineligible.

This is called reform?

I started out saying before the Chair came that you have this unbelievable practice right now that I am trying to go after with one amendment—these title car pawn loans and payday loans—car title pawn loans, again, where somebody needs $100, or $200, and basically they get the loan. The unscrupulous creditor says: We give you the loan. You pay us the high interest. In addition, we want the key to your car. We have a loan on your car.

If they do not pay it back at the end of the week, or after 2 weeks, they take the car key and sell it. Whatever money they make, they can keep, even if it is above and beyond what they owe the debtor. It is unbelievable. We ought to do something about that. This is a ludicrous business. These are hard-pressed people and this is the only place they can go right now.

I talked about these payday loans. In all due respect, again, these folks who do this ought not be covered by this bankruptcy. They ought not be able to collect these payday loans. It is unbelievable. It is the same thing. You need a loan of $100 for a week or two. You are charged 15 percent interest. They roll over again and again. It can be as high as 300 or 400. There have been some cases where it has been as high as 2,000 percent interest.

We ought to say, in all due respect, if you folks want to be allowed to claim, we ought to put a limit, and if the limit is going to be at 100-percent interest, it seems to me that is pretty high—100 percent interest payments? Maybe we want to say then we prohibit the recovery of loans.

Mr. SESSIONS. Mr. President, will the Senator yield?

Mr. WELLSTONE. I am sorry to say to my colleague that I have been yielding over and over again. I will try to finish by 12:30. Let me finish, and then I will yield.

Mr. President, on this piece of legislation, I started out citing that there are three or four national studies—three or four independent national studies, credible national studies. That is a matter of fact. What is supposed to be a crisis no longer exists, and the trend is that there are going to be fewer bankruptcies.

I then went on to say there are still too many. But the irony is that the reason a lot of people have to file for bankruptcy is because we haven't done a darned thing when people do not have health insurance. We haven't done a darned thing to make sure people find a job with descent wages. We haven't done a darned thing about affordable child care. We are doing nothing about the crisis in affordable housing, including in rural areas. All of this impinges on these families, but instead we have this piece of legislation.

I then went on to argue, and I cited a number of provisions which are draconian, this piece of legislation targets low-income people. The people who are going to be most harshly treated by this are poor people, senior citizens, women, and single parents.

I then went on, and I gave many instances to say that it does nothing about the unscrupulous creditors—nothing at all. There is no accountability there. There was not a call for responsibility on their part.

I will be back next week with two amendments. I will have an hour to argue my case. I hope at least on these two amendments I can receive majority support. I have tried to take some time this morning and I will take more time next week to at least get people in the country, people who watch this debate or people who write about this debate, to understand there are a lot of punitive provisions in this piece of legislation. It hardly can be called ''reform.''

There are many organizations—consumer organizations, senior organizations, children's organizations, labor organizations—that have raised important questions about this. I think rather than a step forward, this is a very harsh step backward.

I am pleased to yield for a question or comment from my colleague from Alabama.

The PRESIDING OFFICER. Is the Senator aware we are under a previous order to got to recess at 12:30?

Mr. WELLSTONE. I am pleased to debate this subject with my colleague next week.

Mr. SESSIONS. I had a question about the amendment but I don't think it is necessary to pursue it today at this time.

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RECESS

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

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mrs. HUTCHISON].

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BANKRUPTCY REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Madam President, I rise today in strong support of S. 625, the Bankruptcy Reform Act. This legislation is urgently needed to address abuses of our bankruptcy laws and help make sure bankruptcy is reserved for those who truly need it.

We have had Federal bankruptcy laws for 100 years, and no one disputes that some people must file for bankruptcy. Some people fall on hard times and have financial problems that dwarf their financial means. They need to have the debts that they cannot pay forgiven, and they need a fresh start.

However, other people who file for bankruptcy have assets or have the ability to repay their debts over time. These people should reorganize their debts. Bankruptcy should not be an avenue for people to avoid paying their debts when they have the ability to do so. People should pay what they can.

The problem is becoming more serious because more and more people are filing for bankruptcy every year. The number of consumer bankruptcy filings has more than quadrupled in the last 20 years. More Americans filed for bankruptcy last year than ever before.

S. 625 addresses the issue by making it easier for judges to transfer cases

from Chapter 7 discharge to Chapter 13 reorganization, based on the income of the debtor and other factors. The bill permits creditors to be involved if they believe the debtor has the ability to repay. However, if a creditor abuses that power and brings such motions without substantial justification, the creditor is penalized. Also, the legislation places more responsibility on attorneys to steer individuals toward paying what they can.

The bill makes reforms without jeopardizing the truly needy. For example, the bill has special provisions to protect mothers who depend on child support by making these payments the top priority for payment in bankruptcy.

It is too easy to file for bankruptcy. It is too easy to get the slate wiped clean. We recognize that some people need a fresh start. But a fresh start should not mean a free ride. We must stop this type of abuse.

I urge my colleagues to support this important reform measure.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to be permitted to speak for 15 minutes as in morning business.

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

Mr. BOND. I thank the Chair and my colleagues.

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THE BENEFITS AND POLITICS OF BIOTECHNOLOGY

Mr. BOND. Madam President, as we move into this next century, we face a great opportunity and great challenge. We need only to look backward to help contemplate the immense change and innovation that is in front of us. While positive change is to the long-term benefit of all, it typically results in short-term difficulties, anxiety, and fear for some. How we cope with those difficulties defines our vision and tests our courage. In the last century we saw the industrial age and the computer age. We experienced fits of fear regarding everything from aviation, penicillin, industrialization, computerization and most recently, the non-calamity, fortunately, known as Y2K.

Remarkably, plant technology in this half-century has helped make it possible for the U.S. farmer, who in 1940 fed 19 people, to fee 129 today.

Meanwhile, worldwide population grows and farmland shrinks, Policymakers, farmers, doctors, business leaders, scientists, and others look ahead and search for critical tools to meet the increasing demands of a growing and changing world.

Nobel prizewinning chemist Robert F. Curl of Rice University said that ''it is clear that the 21st will be the century of biology.''

Scientists, medical doctors, Government officials, farmers, and others have testified before the Congress and elsewhere to the benefits of this new generation of technology, which may offer the sustainable production of safer amd more abundant food sources, new vaccines and medicines, as well as biodegradable plastics and cleaner energy alternatives.

Senator MACK hosted a hearing of the Joint Economic Committee in September entitled ''Putting a Human Face on Biotechnology'' where Tour de France winner Lance Armstrong testified about his personal experience using biotechnology and will to overcome cancer. Senators LUGAR and HARKIN held 2 days of hearings in October with a diverse number of distinguished witnesses to discuss the science and regulation of biotechnology.

Bipartisan members including Senators KERRY, DURBIN, HAGEL, CRAIG, FRIST, CONRAD, LUGAR, GORTON, GRASSLEY, ASHCROFT, ROBB, BURNS, GRAMS, GORDON SMITH, BAUCUS, HELMS, HUTCHISON, ROBERTS, BAYH, BROWNBACK, CRAPO, and COVERDELL have joined me in expressing to the President our bipartisan commitment to biotechnology.

We urge the administration and the State Department to be firm in their negotiations in Montreal, to say that the phyto sanitary agreements are adequate in all we need to regulate biotechnology.

As chairman of the Senate Appropriations Subcommittee which funds public research activities at the National Science Foundation, I have worked with my partner, Senator MIKULSKI, to win congressional approval of $150 million in the last 3 years for the Plant Genome Initiative at the National Science Foundation to study the structure, organization, and function of genomes of significant plants important to improving human health and the environment.

Recently, I received a letter signed by over 500 scientists revealing the exceptionally strong scientific consensus endorsing biotechnology. These are public- and private-sector scientists, the majority of whom are from academic institutions representing nearly every State, a number of foreign countries, the National Academy of Sciences, private foundations, Federal research agencies, and our National Labs. Here is some of what they told me about biotechnology:

> The ultimate beneficiaries of technological innovation have always been consumers, both in the United States and abroad. In developing countries, biotechnological advances will provide means to overcome vitamin deficiencies, to supply vaccines for killer diseases like cholera and malaria, to increase production and protect fragile natural resources, and to grow crops under normally unfavorable conditions.

They continued:

> We recognize that no technology is without risks. At the same time, we have confidence in the current U.S. regulatory system provided by the USDA, EPA, and FDA. The U.S. system has worked well and continues to evolve as scientific advancements are achieved.

They strongly endorse the U.S. regulatory multiagency approval system, which they say works well.

The American Medical Association is supportive also. In policy H–480.985, ''Biotechnology and the American Agricultural Industry'' they say the following:

> It is the policy of the AMA to (1) endorse or implement programs that will convince the public and government officials that genetic manipulation is not inherently hazardous and that the health and economic benefits of recombinant DNA technology greatly exceed any risk posed to society; (2) where necessary, urge Congress and federal regulatory agencies to develop appropriate guidelines which will not impede the progress of agricultural biotechnology, yet will ensure that adequate safety precautions are enforced; (3) encourage and assist state medical societies to coordinate programs which will educate physicians in recombinant DNA technology as it applies to public health, such that the physician may respond to patient query and concern; (4) encourage physicians, through their state medical societies, to be public spokespersons for those agricultural biotechnologies that will benefit public health; and (5) actively participate in the development of national programs to educate the public about the benefits of agricultural biotechnology.

Remarkably, however, we find ourselves at a crossroads as a strange mixture of forces endeavor not to ensure that biotechnology is safe—which is and should be our collective purpose—but to discredit and eliminate biotechnology. Opposition has been motivated variously by protectionist sentiment, by political intimidation, by competing business, and by scientifically unsubstantiated fear of technology. Activists and protectionists in Europe have conspired with a level of success that is stunning. Their goal is to stroke fear and use intimidation to frustrate and undermine biotechnology.

Just this week, it was reported by the Detroit News that:

> A visiting Michigan State University associate professor whose office was the target of a fire set by radical environmentalists on New Year's Eve said Sunday that she heads a project aimed at increasing food production and making food more nutritious.

The purpose of her work was to ensure that we use agricultural knowledge and tools to address those problems.

Catherine Ives, director of the Agricultural Biotechnology for Sustainable Productivity, which is based at Michigan State University, said, ''The whole point of the project is to make land more productive so we don't have to damage the environment.'' The paper reported, ''The goal of the project is to develop long-term solutions for food security in the developing world, where undernourishment is an epidemic.'' ''We know that there are 840 million people in the world who don't have enough to eat,'' Ives said. ''The use of agricultural knowledge and tools will help in addressing that problem.''

Dr. Martina McGlaughlin, Director of Biotechnology at the University of California at Davis, in a November 1, 1999, column in the Los Angeles Times reinforced the dilemma of population growth coupled with the finite quantity of arable land:

[u]nless we will accept starvation or placing parks and the Amazon Basin under the plow, there really is no alternative to applying biotechnology to agriculture.

Dr. McGlaughlin continued:

The most cost-effective and environmentally sound general method for controlling pests and disease is the use of DNA.

This approach has led to a reduction in the use of sprayed chemical insecticides. According to the National Agricultural Statistics Service, 2 million fewer pounds of insecticide were used in 1998 to control bollworm than were used in 1995, before ''Bt'' cotton was introduced. And the Bt gene—introduced into the crop plant, not sprayed into the atmosphere—is present in minute amounts and spares beneficial insects.

She concluded:

Millions of people have eaten the products of genetic engineering and no adverse effects have been demonstrated. The proper balance of safety testing between companies and the government is a legitimate area for further debate. So are environmental safeguards. But the purpose of such debate should be to improve biotech research and enhance its benefits to society, not stop it in its tracks.

It should be mentioned that her students at Cal Davis were also victimized by law-breakers who vandalized their research testing plots. Clearly, if the radicals were as interested in understanding as they are in intimidation, eliminating research is the last thing they would consider.

In an Op-Ed in the New York Times entitled ''Who's Afraid of Genetic Engineers?'' former President Jimmy Carter outlined the sad irony. He said:

Imagine a country placing such rigid restrictions on imports that people would not get vaccines and insulin. And imagine those same restrictions being placed on food products as well as on laundry detergent and paper. As far-fetched as it sounds, many developing countries and some industrialized on may do just that.

He concluded:

If imports . . . are regulated unnecessarily, the real losers will be the developing nations. Instead of reaping the benefits of decades of discovery and research, people from Africa and Southeast Asia will remain prisoners of outdated technology. Their countries could suffer greatly for years to come. It is crucial that they reject the propaganda of extremists groups before it is too late.

Renowned scientists have dedicated their lives to understanding biotechnology and using it to the benefit of mankind to solve problems of hunger, disease and environmental degradation.

These problems are considerable now, but will grow in magnitudes in the years ahead. In the tabloid press, however, a teenager dressed up as a corn cob will get as much attention and is attributed the same credibility as leading scientists, whose work is subjected to rigorous peer review.

We need to be clear about several issues. First, our Government and its citizens are second to none in our collective commitment to food safety. We have a rigorous multi-agency approval process that has stood the test of time since 1938. It is based not on politics but on scientific consensus. It is supported by bipartisan Members of each body who have the strongest commitment to food safety and environmental protection. None of us are advocates for unfettered technology. As with any technology, there are limits that will be and must be subjected to law, not to mention common sense.

Second, we need to realize that there are strong elements in the European Union who are more than happy to exploit fears—fears that they helped create—to provide short-term protection to their farmers from imports. In a sentence, fear and hysteria, without scientific basis, is being used by some to limit the productivity of foreign farmers—period. Meanwhile, opportunistic food companies such as ADM and Novartis are knowingly undermining our scientists and trade negotiators to placate the Luddites and protectionists.

Finally, let me emphasize this critical point. The issue of risk is not one-dimensional. Yes, we must understand and evaluate the relative risk to a Monarch Butterfly larvae. Additional research has answered already many of those questions. But there is another risk. That risk is that naysayers and the protectionists succeed in their goals to kill biotechnology and condemn the world's children to unnecessary blindness, malnutrition, sickness and environmental degradation.

Dr. C.S. Prakash directs the Center for Plant Biotechnology Research at Tuskegee University in Tuskegee, Ala, said the following in a column for the Atlanta Journal-Constitution:

Anti-technology activists accuse corporations of ''playing God'' by genetically improving crops, but it is these so-called environmentalists who are really playing God, not with genes but with the lives of poor and hungry people.

While activist organizations spend hundreds of thousands of dollars to promote fear through anti-science newspaper ads, 1.3 billion people, who live on less than $1 a day, care only about findings their next day's meal. Biotechnology is one of the best hopes for solving their food needs today, when we have 6 billion people, and certainly in the next 30 to 50 years, when there will be 9 billion on the globe.

Those people, who battle weather, pests and plant disease to try to raise enough for their families, can benefit tremendously from biotechnology, and not just from products created by big corporations. Public-sector institutions are conducting work on high-yield rice, virus-resistant sweet potato and more healthful strains for cassava, crops that are staples in developing countries.

The development of local and regional agriculture is the key to addressing both hunger and low income. Genetically improved food is ''scale neutral,'' in that a poor rice farmer with one acre in Bangladesh can benefit as much as a larger farmer in California. And he doesn't have to learn a sophisticated new system; he only has to plant a seed. New rice strains being developed through biotechnology can increase yields by 30 to 40 percent. Another rice strain has the potential to prevent blindness in millions of children whose diets are deficient in Vitamin A.

Edible vaccines, delivered in locally grown crops, could do more to eliminate disease than the Red Cross, missionaries and U.N. task forces combined, at a fraction of the cost. But none of these benefits will be realized if Western-generated fears about biotechnology halt research funding and close borders to exported products.

For the well-fed to spreadhead fear-based campaigns and suppress research for ideological and pseudo-science reasons is irresponsible and immoral.

Dr. Prakash just released a petition signed by more than 600 scientists declaring support of agricultural biotechnology. In his press release he noted, ''We in the scientific community felt it necessary to counteract the baseless attacks so often being made on biotechnology and genetically modified foods. Biotechnology is a potent and valuable tool that can help make foods more productive and nutritious. And, contrary to anti-biotech activists, they can even advance environmental goals such as biodiversity.''

Not content to live with their own brand of ludditism, European activists have shifted the battleground and they are now looking to export—not answers or solutions or constructive proposals—but fear, hysteria and unworkable restrictions to Asia, South America and even the United States. Many have stayed out of this debate thinking the controversy will blow over as it does with most regulated technologies. Many, particularly those who understand the science of the issue, had been silent, thinking, possibly that people would understand and that the technology would sell itself.

I have said from the beginning that we could not take it for granted that people would embrace the technology because it is complex. I have said from the beginning that American consumers would want information. Consumers who know the facts—who know the benefits this technology will provide—will endorse it. American consumers demand food safety, but they also embrace technology and progress. They are not satisfied to say what we are doing is good enough. And finally, they want to base their decisions on science not fiction and it is the open discussion of facts that the vandals, the protectionists, and the luddites fear the most.

President Clinton outlined what is at stake last week in proclaiming January 2000 as National Biotechnology Month:

Today, a third of all new medicines in development are based on biotechnology. Designed to attack the underlying cause of an illness, not just its symptoms, these medicines have tremendous potential to provide not only more effective treatments, but also cures. With improved understanding of cellular and genetic processes, scientists have opened exciting new avenues of research into treatments for devastating diseases—like Parkinson's and Alzheimer's, diabetes, heart disease, AIDS, and cancer—that affect millions of Americans. Biotechnology has also given us several new vaccines, including one for rotavirus, now being tested clinically, that could eradicate an illness responsible for the deaths of more than 800,000 infants and children each year.

The impact of biotechnology is far-reaching. Bio-remediation technologies are cleaning our environment by removing toxic substances from contaminated soils and ground

water. Agricultural biotechnology reduces our dependence on pesticides. Manufacturing processes based on biotechnology make it possible to produce paper and chemicals with less energy, less pollution, and less waste. Forensic technologies based on our growing knowledge of DNA help us exonerate the innocent and bring criminals to justice.

A question is whether we want to continue with a fixed number of agricultural uses or if we want to expand them to provide farmers and consumers new options and new opportunities. A question for some is whether we want to be more pro-environment and pro-health and nutrition than we are anti-corporate.

Like many of my colleagues here in the Senate, I have consulted scores of scientists in the academic world, in the public sector and in the private sector. I have consulted medical professionals, and farmers for their practical experience regarding biotechnology. But let me finish by reading you a quote from a December 25, 1999, interview in ''New Scientist'' and you consider for yourself who might be the source:

> I believe we are entering an era now where pagan beliefs and junk science are influencing public policy. GM foods and forestry are both good examples where policy is being influenced by arguments that have no basis in fact or logic.

The source is not a corporate leader, a Senator, or a university scientist. It is an ecologist with a Ph.D.

That ecologist is Patrick Moore, one of the founding members of Greenpeace and a veteran of the frontline against everything from whaling to nuclear waste since the 1970s.

The scientific consensus amongst government and academic scientists in the U.S. is extraordinary. The scientific community in Europe, some of whom I have met with agree, but have been intimidated and silenced. Please give the scientific and medical communities the opportunity to speak to these complex issues before you are swayed by the tabloids in Europe, those who may have their head burried in the flat earth, and the vandals and extremists who have been condemned even by some of their very own.

We have a system in the U.S. to identify and evaluate relative risk, and, if necessary, mitigate those risks. The focus of international leaders should be on working constructively to identify and evaluate relative risk so that our people may have safely the options of biotechnology available to them. The development of this technology is not recreational. It is to solve real world problems and the possibilities are truly breathtaking. There is too much at stake for those who know better to remain passive.

In 1921, Missouri's renowned plant scientist, George Washington Carver said: ''I wanted to know the name of every stone and flower and insect and bird and beast. I wanted to know where it got its color, where it got its life—but there was no one to tell me.'' He added that: ''No individual has any right to come into the world and go out of it without leaving behind him distinct and legitimate reasons for having passed through it.'' This issue will be a test of our collective vision, discipline, and courage.

Madam President, I thank the Chair and my colleagues. I ask unanimous consent to print in the RECORD materials from President Clinton, President Carter, Drs. Prakash and McGlaughlin, New Scientist, and the 500 scientists' letter.

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

[From the White House, Office of the Press Secretary, Jan. 20, 2000]

NATIONAL BIOTECHNOLOGY MONTH, 2000

(By the President of the United States of America—A Proclamation)

As we stand at the dawn of a new century, we recognize the enormous potential that biotechnology holds for improving the quality of life here in the United States and around the world. These technologies, which draw on our understanding of the life sciences to develop products and solve problems, are progressing at an exponential rate and promise to make unprecedented contributions to public health and safety, a cleaner environment, and prosperity.

Today, a third of all new medicines in development are based on biotechnology. Designed to attack the underlying cause of an illness, not just its symptoms, these medicines have tremendous potential to provide not only more effective treatments, but also cures. With improved understanding of cellular and genetic processes, scientists have opened exciting new avenues of research into treatment for devastating diseases—like Parkinson's and Alzheimer's, diabetes, heart disease, AIDS, and cancer—that affect millions of Americans. Biotechnology has also given us several new vaccines, including one for rotavirus, now being tested clinically, that could eradicate an illness responsible for the deaths of more than 800,000 infants and children each year.

The impact of biotechnology is far-reaching. Bioremediation technologies are cleaning our environment by removing toxic substances from contaminated soils and ground water. Agricultural biotechnology reduces our dependence on pesticides. Manufacturing processes based on biotechnology make it possible to produce paper and chemical with less energy, less pollution, and less waste. Forensic technologies based on our growing knowledge of DNA help us exonerate the innocent and bring criminals to justice.

The biotechnology industry is also improving lives through its substantial economic impact. Biotechnology has stimulated the creation and growth of small businesses, generated new jobs, and encouraged agricultural and industrial innovation. The industry currently employs more than 150,000 people and invests nearly $10 billion a year on research and development.

Recognizing the extraordinary promise and benefits of this enterprise, my Administration has pursued policies to foster biotechnology innovations as expeditiously and prudently as possible. We have supported steady increases in funding for basic scientific research at the National Institutes of Health and other science agencies; accelerated the process for approving new medicines to make them available as quickly and safely as possible; encouraged private-sector research investment and small business development through tax incentives and the Small Business Innovation Research program; promoted intellectual property protection and open international markets for biotechnology inventions and products; and developed public databases that enable scientists to coordinate their efforts in an enterprise that has become one of the world's finest examples of partnership among university-based researchers, government, and private industry.

Remarkable as its achievements have been, the biotechnology enterprise is still in its infancy. We will reap even greater benefits as long as we sustain the intellectual partnership and public confidence that have moved biotechnology forward thus far. We must strengthen our efforts to improve science education for all Americans and preserve and promote the freedom of scientific inquiry. We must protect patients from the misuse or abuse of sensitive medical information and provide Federal regulatory agencies with sufficient resources to maintain sound, science-based review and regulation of biotechnology products. And we must strive to ensure that science-based regulatory program worldwide promote public safety, earn public confidence, and guarantee fair and open international markets.

Now, therefore, I, William J. Clinton, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 2000 as National Biotechnology Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

In witness whereof, I have hereunto set my hand this nineteenth day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.

[From the New York Times, Aug. 26, 1998]

WHO'S AFRAID OF GENETIC ENGINEERING?

(By Jimmy Carter)

Imagine a country placing such rigid restrictions on imports that people could not get vaccines and insulin. And imagine those same restrictions being placed on food products as well as on laundry detergent and paper.

As far-fetched as it sounds, many developing countries and some industrialized ones may do just that early next year. They are being misled into thinking that genetically modified organisms, everything from seeds to livestock, and products made from them are potential threats to the public health and the environment.

The new import proposals are being drafted under the auspices of the biodiversity treaty, an agreement signed by 168 nations at the 1992 Earth Summit in Rio de Janeiro. The treaty's main goal is to protect plants and animals from extinction.

In 1996, nations ratifying the treaty asked an ad hoc team to determine whether genetically modified organisms could threaten biodiversity. Under pressure from environmentalists, and with no supporting data, the team decided that any such organism could potentially eliminate native plants and animals.

The team, whose members mainly come from environmental agencies in more than 100 different governments, should complete its work within six months and present its final recommendation to all the nations (the United States is not among them) that ratified the treaty. If approved, these regulations would be included in a binding international agreement early next year.

But the team has exceeded its mandate. Instead of limiting the agreement to genetic modifications that might threaten biodiversity, the members are also pushing to regulate shipments of all genetically modified organisms and the products made from them.

This means that grain, fresh produce, vaccines, medicines, breakfast cereals, wine, vitamins—the list is endless—would require written approval by the importing nation before they could leave the dock. This approval could take months. Meanwhile, barge costs would mount and vaccines and food would spoil.

How could regulations intended to protect species and conserve their genes have gotten so far off track? The main cause is anti-biotechnology environmental groups that exaggerate the risks of genetically modified organisms and ignore their benefits.

Anti-biotechnology activists argue that genetic engineering is so new that its effects on the environment can't be predicted. This is misleading. In fact, for hundreds of years virtually all food has been improved genetically by plant breeders. Genetically altered antibiotics, vaccines and vitamins have improved our health, while enzyme-containing detergents and oil-eating bacteria have helped to protect the environment.

In the past 40 years, farmers worldwide have genetically modified crops to be more nutritious as well as resistant to insects, diseases and herbicides. Scientific techniques developed in the 1980's and commonly referred to as genetic engineering allow us to give plants additional useful genes. Genetically engineered cotton, corn and soybean seeds became available in the United States in 1996, including those planted on my family farm. This growing season, more than one-third of American soybeans and one-fourth of our corn will be genetically modified. The number of acres devoted to genetically engineered crops in Argentina, Canada, Mexico and Australia increased tenfold from 1996 to 1997.

The risks of modern genetic engineering have been studied by technical experts at the National Academy of Sciences and World Bank. They concluded that we can predict the environmental effects by reviewing past experiences with those plants and animals produced through selective breeding. None of these products of selective breeding have harmed either the environment or biodiversity.

And their benefits are legion. By increasing crop yields, genetically modified organisms reduce the constant need to clear more land for growing food. Seeds designed to resist drought and pests are especially useful in tropical countries, where crop losses are often severe. Already, scientists in industrialized nations are working with individuals by developing countries to increase yields of staple crops, to improve the quality of current exports and to diversify economies by creating exports like genetically improved palm oil, which may someday replace gasoline.

Other genetically modified organisms covered by the proposed regulations are essential research tools in medical, agricultural and environmental science.

If imports like these are regulated unnecessarily, the real losers will be the developing nations. Instead of reaping the benefits of decades of discovery and research, people from Africa and Southeast Asia will remain prisoners of outdated technology. Their countries could suffer greatly for years to come. It is crucial that they reject the propaganda of extremist groups before it is too late.

[From the Atlanta Journal-Constitution, Dec. 5, 1999]

GENETIC RESEARCH: FOES OF BIOTECHNOLOGY IGNORE GLOBAL HUNGER

(By C.S. Prakash)

Anti-technology activists accuse corporations of ''playing God'' by genetically improving crops, but it is these so-called environmentalists who are really playing God, not with genes but with the lives of poor and hungry people.

While activist organizations spend hundreds of thousands of dollars to promote fear through anti-science newspaper ads, 1.3 billion people, who live on less than $1 a day, care only about finding their next day's meal. Biotechnology is one of the best hopes for solving their food needs today, when we have 6 billion people, and certainly in the next 30 to 50 years, when there will be 9 billion on the globe.

Those people, who battle weather, pests and plant disease to try to raise enough for their families, can benefit tremendously from biotechnology, and not just from products created by big corporations. Public-sector institutions are conducting work on high-yield rice, virus-resistant sweet potato and more healthful strains of cassava, crops that are staples in developing countries.

But none of these benefits will be realized if Western-generated fears about biotechnology halt research funding and close borders to exported products. Public perception is being manipulated by fringe groups opposed to progress and taken advantage of by politicians favoring trade protectionism.

There is no safety reason for this. Foods produced through biotechnology are just as safe, if not safer, than conventionally produced foods because they are rigorously tested. David Aaron of the U.S. Commerce Department recently told the Senate Finance Committee that ''13 years of U.S. experience with biotech products have produced no evidence of food safety risks; not one rash, not one cough, not one sore throat, not one headache.''

More recently, a panel of entomology experts has questioned the only seemingly legitimate environmental issue raised to date—the alleged threat to Monarch butterflies.

Yet activists continue to look for a new cause, a new evil in this technology. While these well-fed folks jet around the world plotting ways to disrupt the technology, they cannot or will not see the conditions of millions who are at grave risk of starvation. Activists resist development of longer-lasting fruits and vegetables, at the expense of Third World people who have no refrigeration to preserve their foods.

Critics of biotechnology invoke the trite argument that the shortage of food is caused by unequal distribution. There's plenty of food, they declare, we just need to distribute it evenly. That's like saying there is plenty of money in the world so let's just solve the problem of poverty in Ethiopia by redistributing the wealth of Switzerland (or maybe the United Kingdom, where the heir to the throne is particularly opposed to companies ''playing God'' with biotechnology).

The development of local and regional agriculture is the key to addressing both hunger and low income. Genetically improved food is ''scale neutral,'' in that a poor rice farmer with one acre in Bangladesh can benefit as much as a large farmer in California. And he doesn't have to learn a sophisticated new system; he only has to plant a seed. New rice strains being developed through biotechnology can increase yields by 30 to 40 percent. Another rice strain has the potential to prevent blindness in millions of children whose diets are deficient in Vitamin A.

Edible vaccines, delivered in locally grown crops, could do more to eliminate disease than the Red Cross, missionaries and U.N. task forces combined, at a fraction of the cost.

These are some of the benefits that the Church of England saw when church leaders recently issued a position statement on ''playing God'' through biotechnology: ''Human discovery and invention can be thought of as resulting from the exercise of God-given powers of mind and reason; in this respect, genetic engineering does not seem very different from other forms of scientific advance.''

More recently, the Vatican director on bioethics, Bishop Elio Sgreccia, criticized the ''catastrophic sensationalism with which the press reports on biotechnology'' and he rejected the ''idea of conceiving scientific progress as something that should be feared.''

So, if scientists who are developing biotechnology are not ''playing God'' in the eyes of these religious leaders, what are we to think of self-appointed guardians who would deny its benefits to those who need it most? We have the means to end hunger on this planet and to feed the world's 6 billion—or even 9 billion—people. For the well-fed to spearhead fear-based campaigns and suppress research for ideological and pseudo-science reasons is irresponsible and immoral.

[From the Los Angeles Times, Nov. 1, 1999]

(By Martina McGloughlin)

COMMENTARY; WITHOUT BIOTECHNOLOGY, WE'LL STARVE; AGRICULTURE: GENETIC ENGINEERING IS SUBJECT TO MORE SAFEGUARDS THAN MANY UNALTERED FOODS WE EAT

I agree with Greenpeace that we need to feed and clothe the world's people while minimizing the impact of agriculture on the environment. But the human population continues to grow, while arable land is a finite quantity. So unless we will accept starvation or placing parks and the Amazon Basin under the plow, there really is no alternative to applying biotechnology to agriculture.

Today's biotechnology differs significantly from previous agriculture technologies. Using genetic engineering, scientists can enhance the nutritional content, vitamins, minerals, antioxidants, texture, color, flavor, growing season, yield, disease resistance and other properties of production crops. Engineered microbes and enzymes produced using recombinant DNA methods are used in many aspects of food production. The cheese and bread you eat and the detergent you use to clean your clothes all have used engineered enzymes since the early part of this decade.

By reducing dependency on chemicals and tillage through the development of natural fertilizers and of pest-resistant plants, biotechnology has the potential to conserve natural resources, prevent soil erosion and improve environmental quality. Strains of microorganisms could increase the efficiency, capacity and variety of waste treatment. Bioprocessing using engineered microbes offers new ways to use renewable resources for materials and fuel.

Biotechnology is, in fact, the low-risk alternative to current practices. Take pest control. The economic and environmental costs of using existing methods are well known. But many of us are not aware of the potential costs of not controlling pests. Not controlling fungal disease in plants, for example, allows them to generate deadly toxins such as aflatoxin and fumonisin, which have been found, among other things, to cause brain tumors in horses and liver cancer in children.

The most cost-effective and environmentally sound general method for controlling pests and disease is the use of DNA. This approach already has led to a reduction in the use of sprayed chemical insecticides. According to the National Agricultural Statistics Service, 2 million fewer pounds of insecticide were used in 1998 to control bollworm

and budworm than were used in 1995, before ''Bt'' cotton was introduced. And the Bt gene—introduced into the crop plant, not sprayed into the atmosphere—is present in minute amounts and spares beneficial insects.

There is no evidence that recombinant DNA techniques or rDNA-modified organisms pose any unique or unforeseen environmental or health hazards. In fact, a National Research Council study found that ''as the molecular methods are more specific, users of these methods will be more certain about the traits they introduce into plants.'' Greater certainty means greater precision and safety. The subtly altered products on our plates have been put through more thorough testing than any conventional food ever has been subjected to. Many of our daily staples would be banned if subjected to the same rigorous standards. Potatoes and tomatoes contain toxic glycoalkaloids, which have been linked to spina bifida. Kidney beans contain phytohaemagglutinin and are poisonous if undercooked. Dozens of people die each year from cynaogenic glycosides from peach seeds. Yet none of those are labled as potentially dangerous.

Million of people have eaten the products of genetic engineering and no adverse effects have been demonstrated. The proper balance of safety testing between companies and the government is a legitimate area for further debate. So are environmental safeguards. But the purpose of such debate should be to improve biotech research and enhance its benefits to society, not stop it in its tracks.

[From the New Scientist, Dec. 25, 1999]

DR TRUTH

(By Michael Bond)

You come from a family of loggers. How did they take to you becoming an environmentalist?

My dad was one of our biggest supporters when we started Greenpeace in the early 1970s. With the US nuclear tests in Alaska there was a possibility that the hydrogen bombs would trigger an earthquake that would, in turn, trigger a tsunami. A very serious one during the Alaska earthquake of 1964 severely affected by father's business. Environmentalism then did not involve bashing loggers. We were concerned about all-out nuclear war and it blows my mind sometimes to see the movement behaving the same way about forestry that it did about nuclear war. I think they've got their priorities a bit mixed up.

What were those early days of Greenpeace like?

They were heady—there was huge camaraderie. We used to sing all the time. We always had a couple of people with a guitar. We were together for weeks on end on many of those expeditions into the Pacific and out to Newfoundland. We always had songs, such as: ''If mankind was created a step below the angels, the whales I'm sure were somewhere in between.'' They were wonderful songs. We really had a wonderful time. We always thought that a revolution should be a celebration. We tried to avoid the hair-shirt mentality that tends to creep in with self-righteousness, dogmatism and that short of thing.

As an ecologist with a PhD in the subject, were you a rare breed in the organization?

I was somewhat rare and had to live with the fact throughout my time in Greenpeace that there was a lot of disrespect for my science. That is why they called me Dr Truth. It was kind of a put-down.

As Greenpeace became bigger, richer and more famous did its priorities or principles change?

The best thing is that Greenpeace has remained faithful to the peaceful civil disobedience theme. In other words, the ''peace'' in Greenpeace is still the main principle. I think that's excellent. I do think though that they have diversified into so many issues, many of which are questionable in terms of priorities and some of which are just plain wrong-headed. A case in point is GM foods. If they are really so worried about human health, why don't they tackle tobacco?

Few scientists become radical environmental activists. What lit the spark with you?

It was partly my professors. The most important was Vladimir Krajina, a Czech forest ecologist. I used to think that science was just about technology. But after studying with Krajina, the light suddenly went on and I realized that the mystery of nature could be approached through science and ecology. The political part came while I was writing my thesis on pollution control in 1972. A very large copper-mining project was applying to dump its tailings into the sea. It was very close to my boyhood home at Winter Harbour in Vancouver Island, Canada. I chose to study not just the environmental impact of the tailings disposal, but the system that granted permits for the process. I soon learned that this was immune to truth.

Why after 15 years of activism did you start to become disenchanted with the environmental movement?

Partly it was the fact that foot soldiers often become diplomats. I don't think anybody should be required to be in confrontational environmental politics for their whole lives, especially when they start a family. But it was partly the movement's refusal to evolve. I'm in favour of civil disobedience in order to bring about justice where something really bad is going on such as nuclear testing or toxic dumping. But I'm a Gandhian through and through—I believe that peaceful civil disobedience and passive resistance movements are great shapers of social change. But when industry and government agree that the environment needs to be taken into account in policy making, and when there are ministries and vice-presidents of the environment, it seems to me it would be a good idea to work with them. When a majority of people decide to agree with you, it is time to stop hitting them over the head.

How has the environmental movement got it so wrong?

The environmental movement abandoned science and logic somewhere in the mid-1980s, just as mainstream society was adopting all the more reasonable items on the environmental agenda. This was because many environmentalists couldn't make the transition from confrontation to consensus, and could not get out of adversarial politics. This particularly applies to political activists who were using environmental rhetoric to cover up agendas that had more to do with class warfare and anti-corporatism than they did with the actual science of the environment. To stay in an adversarial role, those people had to adopt ever more extreme positions because all the reasonable ones were being accepted.

But hasn't environmentalism always been about opposing the establishment?

Environmentalism was always anti-establishment, but in the early days of Greenpeace we did not characterize ourselves as left wing. That happened after the fall of the Berlin wall when a whole bunch of left wing activists, who no longer had any role in the peace, women's or labour movements, joined us. I would go to the Greenpeace Toronto office and there would be an awful lot of young people wearing army fatigues and red berets in there.

Environmentalists recoil with horror when they hear you say that harvesting trees for paper or fuel benefits plants and wildlife. What's your evidence?

The environmental movement is essentially anti-forestry. Young people are being convinced to stop using trees to make paper and use environmentally appropriate alternative fibres, such as hemp and cotton. Now where are you going to grow those exotic farm crops? You are going to grow them where you have been growing trees for 20 years, where an environment exists for bugs, birds, squirrels and other wildlife. That environment will be destroyed if you clear a forest to grow a farm crop.

Does this mean that even clear-cutting is not as damaging as we've been led to believe?

Forests are resilient. They can grow back from total volcanic destruction, ice ages, fires, storms, whatever. You can take heavy equipment and bulldoze the soil right down to bedrock over a huge area, and if you go away and come back 100 years later you will have a new forest starting to grow back. Just logging the trees is not going to irreversibly destroy the ecosystem. In addition, I believe it is possible to sustain the biodiversity of a forest while removing large quantities of timber.

Surely you're not saying that logging has no impact on biodiversity?

Logging is never going to have zero impact. But its aim should be to maintain viable populations of all those species that were on that site to begin with. So you plan your forestry in such a way to ensure that there is a suitable habitat for every one of those species somewhere all of the time. For example, when you clear-cut an area, you are going to remove a lot of the shrubs, with means that shrub-nesting birds not do well there for a while. But as long as you have a place that was logged ten years ago somewhere hereby where the shrub layer has been able to replace itself, the birds will not mind if there are no trees.

Green groups ware that logging is threatening some animals with extinction. Are you telling me they're wrong?

In 1996 the World Wide Fund for Nature (WWF) announced that 50,000 species are going extinct each year due to human activity. And the main cause, they said, is commercial logging. The story was carried around the world, and hundreds of millions of people cam to believe that forestry is the main cause of species extinction. During the past three years I've asked the WWF on many occasions to provide me with a list of some of the species that have supposedly become extinct due to logging. They have not offered up a single example as evidence. In fact, to the best of our scientific knowledge, no species has become extinct in North America due to forestry.

You may disagree with the green groups, but would you still describe yourself as an environmentalist?

James Lovelock is my hero and I believe in the Gaia hypothesis that all life is one living breathing being, I don't see any reason to damage it more than necessary. I believe in gardening the Earth, but there should be lots of places left wild. The ''hands off'' attitude doesn't work with 6 billion humans needing things from Earth every day.

Why do you oppose the campaign against genetically modified crops?

I believe we are entering an era now where pagan beliefs and junk science are influencing public policy. GM foods and forestry are both good examples where policy is being influenced by arguments that have no basis in fact or logic. Certainly, biotechnology needs to be done very carefully. But GM crops are in the same category as oestrogen-mimicking compounds and pesticide residues. They are seen as an invisible force that will kill us all in our sleep or turn us all into

mutants. It is preying on people's fear of the unknown.

What does the future hold for the environmental movement?

We need to get out of the adversarial approach. People who base their opinion on science and reason and who are politically centrist need to take the movement back from the extremists who have hijacked it, often to further agendas that have nothing to do with ecology. It is important to remember that the environmental movement is only 30 years old. All movements to go through some mucky periods. But environmentalism has become codified to such an extent that if you disagree with a single word, then you are apparently not an environmentalist. Rational discord is being discouraged. It has too many of the hallmarks of the Hitler youth, or the religious right.

Crops modified by molecular and cellular methods should pose risks no different from those modified by classical genetic methods for similar traits. As the molecular methods are more specific, users of these methods will be more certain about the traits they introduce into plants.—National Research Council.

America leads the world in agricultural products developed with biotechnology. These products hold great promise and will unlock benefits for consumers, producers and the environment at home and around the world. We are committed to ensuring the safety of our food and environment through strong and transparent science-based domestic regulatory systems.—President William J. Clinton, statement on World Trade Organization objectives October 13, 1999.

January 13, 2000.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: The undersigned scientists support the use of biotechnology as a research tool in the development and production of agricultural and food products. We also strongly advocate the use of sound science as the basis for regulatory and political decisions pertaining to biotechnology.

Biotechnology for agriculture and the food industry is offering remarkable innovations—providing new tools for growth and development. Biotechnology has a long history of development. Its early applications produced better quality medicines and improved industrial products. Recently, products have been developed that allow farmers to reduce their input costs and increase yields while providing environmental benefits. In the near future, an ever-increasing number and variety of crops with traits beneficial to consumers will reach the market. Such traits will include improved nutritional values, healthier oils, increased vitamin content, better flavor, and longer shelf life.

The ultimate beneficiaries of technological innovation have always been consumers, both in the United States and aboard. In developing countries, biotechnological advances will provide means to overcome vitamin deficiencies, to supply vaccines for killer diseases like cholera and malaria, to increase production and protect fragile natural resources, and to grow crops under normally unfavorable conditions.

We recognize that no technology is without risks. At the same time, we have confidence in the current U.S. regulatory system provided by the USDA, EPA, and FDA. The U.S. system has worked well and continues to evolve as scientific advancements are achieved.

Considering the tremendous potential of this technology, we urge policy makers to base their decisions on sound scientific evidence.

BANKRUPTCY REFORM ACT OF 1999—Continued

AMENDMENTS NOS. 2651 AND 2517, AS MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I would like to clear some amendments. Senator LEAHY is ready to do this. I ask unanimous consent that amendments Nos. 2651 and 2517, both of which have been modified, be adopted en bloc in their modified form and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Madam President, I have no objection. I note that this makes 39 amendments the distinguished chairman and those of us on this side have been able to clear.

Mr. GRASSLEY. Yes. We now only have 9 amendments remaining from the 200 or 300 we started with back in late October. That is quite an accomplishment, and I thank the Senator for his cooperation.

The PRESIDING OFFICER. The amendments are agreed to.

The amendments (Nos. 2651 and 2517), as modified, were agreed to, as follows:

AMENDMENT NO. 2651

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

SEC. . PROPERTY NO LONGER SUBJECT TO REDEMPTION.

(a) Section 541(b) of title 11 of the United States Code is amended by adding at the end the following—

''(6) any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money, where—

''(a) the tangible personal property is in the possession of the pledgee or transferee;

''(b) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price, and

''(c) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or state law in a timely manner as provided under state law and Section 108(b) of this title.''

AMENDMENT NO. 2517

At the appropriate place insert the following:

SEC. . AVAILABILITY OF TOLL-FREE ACCESS TO INFORMATION.

Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)), added by this Act, is amended by adding at the end the following:

''(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: _____.'.''.

Mr. LEAHY. Madam President, I say further to my good friend from Iowa, we have served here for decades together. We were faced with what looked to be an impossible task when it began because of the number of amendments. I note for the record that the distinguished Senator dealt with this side in good faith. We were able, as a result, I think, to put the Senate in a position now where we are within range of being able to have a final vote, and the Senate will work its will either for or against the bill. We will actually be able to do that. It is because Senators on both sides of the aisle dealt with each other in good faith and got rid of a lot of amendments that we knew would go nowhere anyway. The Senator from Iowa and I have been able to accept 39 amendments. I think that is good progress, and I extend my appreciation to him.

Mr. GRASSLEY. I thank the Senator from Vermont and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

MEASURE READ THE FIRST TIME

Mr. SPECTER. Madam President, I send a bill to the desk regarding citizenship for Mr. Yongyi Song and ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2006) for the relief of Yongyi Song.

Mr. SPECTER. Madam President, I ask for a second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Madam President, the procedure on the bill is, under rule XIV, to hold the bill at the desk.

Madam President, I ask unanimous consent that I may speak for up to 15 minutes as in morning business.

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

(The remarks of Mr. SPECTER pertaining to the submission S. 2006 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

Mr. SPECTER. Madam President, how much time remains of my 15 minutes?

The PRESIDING OFFICER. Nine minutes.

TRIPS MADE OVER THE RECESS PERIOD

Mr. SPECTER. Madam President, I will comment briefly about two trips I made over the recess.

On December 17, 18, and 19, I traveled to Key West, FL, to observe Coast Guard operations and drug interdiction, and then on to Panama to see the immediate impact of the turnover of the canal to the Panamanian Government, and then on to Colombia, where I had an opportunity to visit with

President Pastrana. President Pastrana, coincidentally, was in Washington today and met with members of the Appropriations Committee. The text that I will submit contains a number of comments about the trip to both Key West and Panama.

I did want to make a comment or two about the pending request by the Government of Colombia for funding in excess of $1 billion to fight the narcotics dealers in Colombia. I am sympathetic with their problems and with the grave difficulties they have encountered. I have seen these difficulties firsthand on three visits to Colombia, the first back in 1988.

I have substantial reservations about a U.S. expenditure in excess of $1 billion to reduce the supply of narcotics into the United States. I filed a resolution years ago calling for the use of the military in drug curtailment and narcotic interdiction—but as successful as we have been in interdicting narcotics from Latin America and as successful as we have been in having hectares in Peru, Colombia or Bolivia replaced with other crops, the great demand in the United States and worldwide continues, and thus the supply comes back.

The U.S. Government spends approximately $18 billion a year on drug control. Two-thirds of that, or about $12 billion, is directed to activities such as interdiction and to fighting street crime in the United States. I do believe that our effort against drug selling on the streets of American cities and America's farms and rural areas has to continue, as I did when I was district attorney of Philadelphia. But the regrettable fact is that as long as the demand for drugs exists, the supply will continue, and if not from Colombia, from somewhere else. Even as many drug dealers are put in jail, as long as it is profitable, more drug dealers come to the street corners to sell drugs. So I make this cautionary comment about additional heavy investments in trying to stop the supply of drugs until we spend more money on education and more money on rehabilitation.

From January 4 until January 13, in the company of six other Senators, I traveled to Morocco, and then on to Naples, and then to Kosovo, and five Senators continued on to Tunisia and then on to Israel. That trip was very significant in finding very strong support and allies from the Governments of Morocco and Tunisia and seeing the operation of the NATO Southern Command and our strong 6th Fleet. In Kosovo, we saw the superb performance of our American military, where they have moved into a land and have constructed a military base overnight and are doing so much to try to maintain the peace in that very troubled country. My floor statement will recite in detail the findings in Kosovo, Morocco, Tunisia, and Italy.

A word or two about our trip to Israel where we visited the Golan Heights. We had an opportunity to visit with Israeli officials—with Prime Minister Barak, and with Ariel Sharon who leads the Likud and the opposition.

I compliment both the Israelis and the Syrians for moving ahead on the peace process. It is my hope the process will reach fruition.

My own view, after having visited Syria on a number of occasions since 1984, and having seen a decisive shift in the attitude of the leadership of the Government of Syria in the intervening 15–16 years, the prospects for an agreement are reasonably good. We heard a great deal of talk about very substantial funding by the United States. I think it is important where an agreement is reached, which is a costly agreement, that the expenses be shared by the western European nations, by Japan, and by the oil-rich countries of the Persian Gulf, and that the astronomical figures not be cited broadly, which makes it more complex when the matters reach the Congress for consideration of these important funding matters.

Mr. President, I would like to comment further about a recent visit I made to Key West, FL, Panama, and Colombia from December 17–19, 1999, in order to gain a firsthand view on matters of concern to both my constituents in Pennsylvania and all citizens of the United States.

I departed Andrews Air Force Base on the morning of December 17, 1999, and arrived at Key West Naval Air Station where I proceeded to the Coast Guard Group Key West. I was met by Captain Rudolph, the commanding officer of Group Key West and was given an operations briefing from Lieutenant Commander Woodring. The briefing detailed the mission of Group Key West in such activities as drug interdiction, migrant operations, and search and rescue. Following the briefing, I boarded the U.S. Coast Guard Cutter (USCGS) *Monhegan* where the Commanding Officer, Lieutenant Benjamin A. Cooper, and his crew, gave me a briefing of their mission. They discussed how their ability to apprehend drug smugglers could be enhanced by virtue of the Coast Guard's new use of armed helicopters, which the Coast Guard considers to be their most potent aid in capturing drug traffickers.

I informed the crew of the *Monhegan* that I had been one of the original cosponsors of S. 2728 in 1990, a measure which clarified and expanded the authority of the armed forces to provide support for civilian law enforcement agencies. Furthermore, this legislation authorized the use of military aircraft for transportation of, and flight training for, civilian law enforcement personnel and for aerial surveillance. According to the crew, the speed of the drug traffickers boats, known as ''go fast boats,'' has hampered their ability to get near the smugglers. The armed helicopters are one of their best weapons in chasing ''go-fast boats,'' in their drug interdiction mission. Following my review of the *Monhegan*, I was given a tour of the USCG Cutter *Thetis* by Commander Finch. I found Commander Finch to be an impressive officer who was forthright in this opinions of the military and its various functions. The role of the USCG Cutter *Thetis* is maritime law enforcement and search and rescue that uses electronic sensors and computerized command and control systems. The crew of the cutter *Thetis* was warm and friendly and we engaged in conversation over such issues as the role of gays in the Coast Guard, integrated gender training, and women's service aboard ships. I was pleased by the open exchange among the crew, and I was gratified to find that several of them were Pennsylvanians.

Upon leaving the cutter *Thetis*, I proceeded to the Joint Interagency Task Force (JIATF)–East which was formed as the umbrella organization to coordinate interdiction of illicit drugs in the Caribbean Basin. I was met by Rear Admiral Edward J. Barrett, Director of JIATF–East, who gave me a tour and introduced me to his staff who provided me a classified briefing on the threats faced by JIATF–East. Following the briefing, I was accompanied by Admiral Barrett and Captain Frank Klein, Director of Operations, on a tour of the classified Joint Operations Command Center (JOCC).

The following day, December 18, 1999, I traveled to Colombia. I arrived in Bogota in the early afternoon and was met by the Deputy Chief of Mission, Barbara Moore and immediately proceeded to the United States Embassy in Bogota for a classified country team briefing on the current political situation in the country. The briefing focused on narcotics trafficking, violence among the FARC and ELN and the current discussions between the Colombian Government and the guerrilla groups. We also discussed Colombia's extradition of narcotic traffickers and the resulting violence from such action. I asked the group about the cultivation of cocoa and poppy crops and the forcible eradication of the supply of narcotics. I was informed that the decreased percentages in cultivation of narcotic crops in Bolivia and Peru were offset by an increase in Colombia. I was told that Bolivia had decreased 28 percent in narcotic crop production and Peru had seen an average decrease of 50 percent in cultivation. I inquired about the current Colombian economy and was told that the economy was at rock bottom and that Colombia was currently enduring the highest unemployment rate in Latin America. However, those present felt that the current policies of President Pastrana were good and sound. I then inquired about the Colombian military and its need for United States assistance. The group felt that the lack of a military dictator in Colombia, unlike other Latin American countries, has a positive effect on the military, which currently consist of 120,000 soldiers. Furthermore, I

asked about the United States involvement in training of the Colombian military and I was assured that United States soldiers were not involved in any level of combat between the Colombian guerrilla groups.

Following this briefing, I proceeded with Deputy Chief Moore to the Presidential Palace to meet with President Pastrana. I was welcomed into the President's private office. He had just arrived at the palace from his son's 17th birthday party. President Pastrana is an impressive individual with an initial career as a journalist and his service as the mayor of Bogota. He was elected president in March 1998. I informed the President that I had watched his interview on the television show ''60 Minutes'' with Mike Wallace and was impressed with the way he handled himself. I informed him that Mike Wallace had done a ''60 Minutes'' report on prisons in the city of Philadelphia while I served as the city's district attorney. He mentioned that his interview with Mike Wallace was broadcast over C–SPAN and was seen by 60 million people. I commented on how far Mike Wallace and ''60 Minutes'' had come since then. We discussed his statements on his ''60 Minutes'' interview about the U.S. demand for drugs, which I agreed with. President Pastrana stated that while the supply of narcotics from Colombia may decrease the total supply from elsewhere will remain the same if the United States demand remains the same. He felt that the United States has not done enough to decrease the demand for illicit drugs and I agreed with him. I assured him that I was committed to searching for ways through legislation to curb the demand for drugs in the United States.

Our conversation moved on to the peace process between the Colombian Government and the guerilla group known as the Fuerzas Armadas Revolucionarias de Colombian (FARC). According to President Pastrana, he recently introduced the idea of a peace process as a form of dialogue between both the government and the FARC because he firmly believes that people of Colombia want peace. President Pastrana assured me that both he and the FARC were committed to peace in Colombia but it will take time and compromise. I also inquired about the Colombian Judiciary system and the bombing of the Colombian Supreme Court. President Pastrana explained the problems associated with a judiciary that fears violence after extraditing a drug lord. However, the President explained that he has conveyed to his people and the guerrilla groups that he will continue to extradite convicted drug lords regardless of the threats of violence.

President Pastrana and I discussed the situation regarding the ''New Tribes Mission''. He explained that while the government has aggressively searched and investigated this kidnaping, he has been unable to locate the missionaries. The only lead in the case was from a source who told the investigators that he knew that the Americans had been killed, who did it, and that he knew where they were buried. I explained to President Pastrana the great importance of this case, not only to myself, but to the people of Pennsylvania and of course to the families of those kidnaped. President Pastrana assured me that he would do everything in his power to bring these criminals to justice and to bring a conclusion to this case.

After the meeting I departed for the Bogota air terminal where I was met by Agent Jose Rodriguez and Manuel ''Cookie'' Aponte, both FBI Special Agents stationed in Colombia. The Special Agents are both currently working on the New Tribes Mission cases and they explained that the source that had been referred to by President Pastrana had indeed come forward in October of this year and was considered to be a FARC defector. Special agent Rodriguez explained that the source had stated that he knew where the Americans were buried and could identify the exact location. When the source was taken by investigators to the area that he had earlier identified, he informed them it was the wrong location. However, he was able to lead the team to another location down river. When the investigative team located the place he described, no bodies were recovered, Special Agent Rodriguez explained that the bodies could have been washed away because of the proximity to the river. I asked the Special Agents what was currently being done and how close they felt they were to a resolution to this case. Special Agent Rodriguez said that they needed to give a polygraph to the source in order to ascertain if he knows who kidnaped the Americans, if they were alive or have been killed, and if so, who is responsible. According to the agents, they were waiting for a response from the source and they will continue to work to bring about a resolution to this case.

When I arrived in Panama in the evening of the December 18, 1999, I was met by Mr. Robert J. Bolhm and Mr. Frederick A. Becker, the Minister Consejero for the United States Embassy to Panama. I then attend a country team meeting with representatives of the Department of Defense. I asked this group several questions in regard to the transition of the Panama Canal and national security. I expressed my concern, and that of my constituents in Pennsylvania, about the use of ports along the Panama Canal that are operated by a Chinese owned company, Hutchison Whampoa. I was informed that the operation of a port area by one of its companies does not present a national security risk, and assured me that our national security interests were fully protected. I then inquired about the drug issue and asked if there was any light at the end of the tunnel. Representatives from DEA shared my concerns about drug trafficking and agreed with my previous statements about the need to stem the U.S. demand for narcotics. Finally, I asked the group about the structure of the Panama Canal Authority, Panama Canal Commission, The Maritime Authority, and the Port Authority and their effects on the United States. Mr. Becker felt that the two biggest problems facing the management structure of the canal were possible corruption within the leadership and general maintenance of the canal.

On the morning of December 19, 1999, I visited the Panama Canal and was met by Joseph W. Cornelison, the Deputy Administrator of the Panama Canal Commission. I was given a briefing and posed several questions to him. I first asked about the involvement of the Chinese company of Hutchison International Port Holdings, which operates two ports in the region, I relayed the concerns that my constituents in Pennsylvania have about U.S. national security and was assured by the Deputy Administrator that these ports operate similarly to warehouses and are merely for loading and unloading cargo. Furthermore, he explained that of the six ports which existed along the canal, only two were operated by Hutchison Whampoa, a Hong Kong based company. I then asked the Deputy Administrator what guidelines are being used in regards to U.S. involvement in the protection of the canal. He explained that under the scope of the neutrality treaty, there would be joint U.S. and Panamanian involvement in order to allow the United States to protect its national security interests. I then asked if there were ever talks in the 1970's of the United States selling the Panama Canal to Panama. The Deputy Administrator said that he was not aware of any such discussions. I also inquired about the structure of the canal and its governing body. The Deputy Administrator confirmed that there were 11 members of the Panama Canal Commission and that they served in staggered terms. However, the Panama Canal Authority replaced the Commission on January 1, 2000; its members were appointed by the President of Panama and confirmed by the legislature. My questions then moved to that of finances and economic competition for the canal. The Deputy Administrator explained that the canal was profit driven from fees that are charged for usage based on weight of cargo. The Deputy Administrator explained that in FY99 the canal broke even financially. Finally, I was given a tour of the Panama Canal and shown some of the lock systems. The Deputy Administrator showed me examples of the older functioning system and their newer system. He further explained that the canal would use $200 million in maintenance and modernization in the future.

Mr. President this concludes the summary of my trip to Key West Florida, Colombia, and Panama.

Mr. President, over the recess, from January 4 through January 13, I accompanied Senator STEVENS and several other of my colleagues on an overseas trip with our primary focus on matters relating to appropriations.

Our first stop was Rabat, Morocco. Morocco is one of the United States' oldest allies, first recognizing our fledgling nation in 1787 by entering into a treaty of friendship. Initially we received a country team briefing from our very capable Ambassador Ed Gabriel and his staff. Ambassador Gabriel showed us a copy of a letter he has in his office from George Washington, thanking the King of Morocco for his support of our nascent American nation. President Washington's letter stated that although the United States was still struggling and had little to offer to the great Kingdom of Morocco, he hoped that in the future America would grow and prosper so that some day the United States could assist Morocco. Following the country team briefing, we met with Moroccan Foreign Minister Mohamed Benaissa.

Prior to his appointment as Foreign Minister, Mr. Benaissa was posted in Washington, DC, as the Moroccan Ambassador. The Foreign Minister stated that the only problem with United States-Moroccan relations was that there was no problem. The Foreign Minister was enthusiastic about the Eizenstat Initiative named for Undersecretary of State Stuart Eizenstat. This initiative, proposed in 1998, is intended to support sustainable economic growth and development in North Africa by encouraging investment and trade with the United States and by reducing internal barriers to trade in the region.

The primary internal obstacle Morocco must address before the country can make any serious economic progress is illiteracy. It was reported that roughly 50 percent of Moroccans are illiterate. My colleague, Senator HOLLINGS, stated that when he visited Morocco in 1972 with Senator Mansfield he was quoted the same statistic by the government. Mr. President, it has been said that ''knowledge is power.'' Since a large segment of the Moroccan population cannot read they subsequently cannot access any basic, let alone, advanced, education or training. In a world that is increasingly shrinking because of the advent of electronic commerce and the Internet, Moroccan's must improve on one of the most basic of skills—the ability to read—before they are further eclipsed by others in the fast paced global economy.

After our meeting with the Foreign Minister, we visited the mausoleum of Mohamed V and Hassan II and honored the memory of those kings by placing a wreath at their tombs. Later that evening we dined at the Ambassador's home with the Foreign Minister, as well as Mr. Jalal Essaid, President of the Chamber of Councilors, the upper body of the Moroccan Parliament and Mr. Abdelwahad Radi, President of the Chamber of Representatives, the lower body in the Parliament.

The next day we visited with Morocco's King Mohamed VI who ascended to the throne recently with the passing of his father Hassan II. Over the course of his life, King Hassan II had established himself as a moderate leader who was willing to work for peace in the region. King Hassan II played a key role in fostering the Egyptian-Israel contacts that led to President Answar Sadat's visit to Jerusalem in 1977. In 1993, after the signing of the Declaration of Principles between Israel and the Palestinians here in Washington, King Hassan hosted Prime Minister Rabin in Morocco as a demonstration of support for the agreement.

The next morning we traveled from Morocco to Naples, Italy. NATO is divided into two commands and our initial stop was at one of those commands, NATO's AFSOUTH Headquarters, where we received a current operations overview. We were hosted at AFSOUTH by Lieutenant General Efthymios Petinis of the Greek Army, Deputy Commander-in-Chief for NATO Southern Command, by Lieutenant General Carlo Cabigiosu of the Italian Army, Chief of Staff NATO Southern Command, and Lieutenant General Mike Short of the United States Air Force, Commander Air Forces for NATO Southern Command. General Short's briefing was of specific interest to our group as he reviewed with us the decreased level of U.S. air assets committed to NATO which are engaged in the ongoing situation in Kosovo. General Short informed us that during the height of the air war in Kosovo hundreds of U.S. aircraft were on station flying missions, and now only 6 U.S. Air Force F–16 fighters, which were permanently stationed in Italy, were supporting the current NATO mission over Kosovo.

For our next meeting we traveled by helicopter to Gaeta, home of the U.S. Navy's Sixth Fleet. We were met by Vice Admiral Murphy, Commander U.S. Sixth Fleet who gave us a brief tour of the naval facilities at Gaeta and then provided a demonstration of a Tomahawk Land Attack Missile (T–LAM) target work-up and strike. Admiral Murphy briefed us on the wide range of missions the 16 ships and 7,200 sailors and marines are called upon to undertake in the region from a Tomahawk strike in Kosovo to an Ambassadorial evacuation and Embassy protection in Albania and Macedonia. We discussed the situation regarding Vieques Island with Admiral Murphy. He told our group that the lack of training was having a deleterious affect on combat readiness and that the current battle group deployed in the Mediterranean had to get under way without the traditional combined arms live fire exercises and gunnery. We discussed possible alternatives to Vieques. However, Admiral Murphy stated that none of the current options satisfy the Navy's critical need to live fire and conduct operations like the Vieques range does. Admiral Murphy also discussed the proposed International Criminal Court and the impact it would have on the Sailors and Marines under his charge. Both Admiral Murphy and his aide, Captain Jan Colin, responded negatively. Admiral Murphy recounted a recent situation which such a body might be called to act upon. He explained that after ordering a carefully planned and executed Tomahawk strike of the Serbian MUP police headquarters, the initial reconnaissance photographs pictures burning civilian homes and stores around the MUP building but no damage to the MUP building itself. Admiral Murphy stated that at that point, despite meticulous target planning and diligent execution to insure no collateral damage, he believed something had gone awry. He stated that he feared the missile somehow missed the target and that he would now have to answer for the errant missile despite everyone's best efforts to minimize collateral damage. A short time later however, additional reconnaissance photographs became available which showed the MUP police themselves actually setting fire to the civilian buildings around their headquarters. Subsequent photos then confirmed that the MUP building had been destroyed by the Tomahawk.

Captain Jan Colin, a Navy pilot, recounted his experience flying a bombing mission into Libya in 1986 to strike suspected international terrorist training camps. Captain Colin said that the Chief of Naval Operations at the time, Admiral Kelso, had subsequently been indicted for war crimes by the Libyan government for ordering the strike. The handful of military officers assembled for our briefing said that in their opinions the United States, as the only remaining military superpower operating in the world, was resented around the globe. They said that even if the resentment was not overt, it was lurking just below the surface. They felt that the International Criminal Court would be too willing to participate in second guessing American military decisions abroad and the rest of the world might too readily accept charges of American wrongdoing, justified or not, as a result of the perceived American arrogance.

The next morning we departed for Skopje, Macedonia. We were met at the Skopje airport by General Montgomery Meigs, Commanding General, U.S. Army Europe and Seventh Army and Brigadier General Ricardo Sanchez, Commander U.S. Task Force Falcon headquartered at Camp Bondsteel, Kosovo. We were scheduled to travel by helicopter to camp Bondsteel however, because of the snow and fog, we could not fly and instead traveled by vehicle for roughly two hours to reach our destination. I had previously visited Camp Bondsteel this past August and the physical transformation was impressive. Hundreds of tents had been replaced by buildings and the soldiers

now had barracks, a mess hall, a phone center and physical fitness facility.

General Sanchez presented our group with an operational overview of the responsibilities of the U.S. Army's 1st Infantry Division (Mechanized) in the Multinational Brigade East area of operations, which is roughly 19 miles wide by 50 miles long. General Sanchez told us that his unit's mission was to provide and maintain a safe and secure environment and to assist in the responsible transition to appropriate civil organizations enabling KFOR forces to withdraw from Kosovo. He told us that soldiers from the 1st Infantry Division perform roughly 1700 security patrols in the area during a typical week, staff 48 checkpoints and guard 62 key facilities 24 hours a day 7 days a week. Approximately 5,430 soldiers of the 8,240 total KFOR soldiers in Kosovo are Americans, and many of those outstanding young men and woman are from Pennsylvania. Unfortunately, on December 16, 1999, a few weeks before our arrival, one of those young soldiers from Pennsylvania made the ultimate sacrifice giving his life in the line of duty.

Staff Sergeant Joe Suponcic of Jersey Shore, Pennsylvania, one of America's famous Green Beret's, was stationed at Camp Bondsteel. Sergeant Suponcic was on a reconnaissance patrol in the Russian sector of Kosovo when his HUMVEE struck a land mine resulting in his death. I spoke with his Commander, Major Jim McAllister, a fellow Green Beret who asked me to share with you what kind of soldier Sergeant Suponcic was. Major McAllister told me that Sergeant Suponcic was a great young American, who was ''motivated, he loved life, his family and the Army.'' His fellow soldiers called him ''Super'', not just as an abbreviated version of his name Suponcic, but because he was a ''Super'' soldier who was ''ecstatic'' to be a Sergeant in the elite special forces. Major McAllister told me the local villagers in and around Kamonica and Kololec, the area in which Sergeant Suponcic worked, loved him and had nick-named him ''Joey Blue Eyes.'' When they heard of his death, they brought flowers, gifts and condolences to the camp. After we returned to America, I spoke with his mother to give my condolences to the Suponcics personally and to share with them what I had learned in Kosovo. Mrs. Suponcic was gracious and told me of her son's burial at Arlington National Cemetery on December 29, 1999. America owes the Suponcics a great debt. His Mother Patricia and Father Edmund, his brother Brian and his sister Andrea should be proud of their son and brother. To paraphrase Abraham Lincoln's words to a widow who was believed to have lost five sons in the Civil War: How weak and fruitless must be any word of mine which should attempt to beguile the Suponcics from the grief of a loss so overwhelming. But I cannot refrain from tendering to them the consolation that may be found in the thanks of the Republic.

During my visit to Camp Bondsteel I also had the opportunity to have lunch and visit with some of the troops from Pennsylvania who currently call Kosovo home: Second Lieutenant Amanda Belfron from Philadelphia; Sergeant Glen Fryer of Jersey Shore, who was a high school classmate of Staff Sergeant Suponcic; Warrant Officer Christopher Frey of Pittsburgh; Sergeant Keith Faust of Nazbrath; Warrant Officer Andrea Carlesi Ellonsburg of Ford City; Major McGinley of Conshohocken; Lieutenant Colonel Duane Gapinski of Bernsville; and Lieutenant Colonel Kevin Stramara of Schulykill Haven. All of those soldiers impressed me with their dedication to duty and positive outlook on the tough mission they perform. It is refreshing to be reminded of the high caliber of individuals serving on the vanguard of freedom in our Armed Forces and I salute their service to our nation.

We departed Camp Bondsteel and headed to the former Serb town of Urosevac where we were met by Lieutenant Colonel Mike Ellerbe, the Battalion Commander of the 82nd Airborne Division's, 3rd Battalion, 504th Parachute Infantry Regiment—The Blue Devils. Colonel Ellerbe's unit was assigned to provide security for the remaining Serbian population in this now Albanian dominated town. Prior to the conflict, Urosevac, a town of some 60,000, had a Serbian population of roughly 6,000. Now there are 24 Serbians living in 9 homes being protected 24 hours a day, 7 days a week by roughly 1,000 Paratroopers from the 82nd Airborne Division. Our stated objective in the town, I am told, is to insure the safety of the few remaining Serbs and protect their property so that other former Serbian villagers will return. They are provided an armed escort by U.S. soldiers to the Serbian border so that they can shop and, upon completion, are escorted back home. Their homes are protected around the clock by U.S. soldiers from being set ablaze by local Albanians. While there are many issues that can be debated regarding our presence in Kosovo, I do not believe anyone would argue with me if I say that based upon what I saw in Kosovo the United States will not be leaving anytime soon.

The next day we traveled to Tunisia which, like Morocco, is a long standing ally of the United States signing it's first treaty in 1789. Our first stop in Tunisia was the U.S. North African Cemetery and Memorial in Carthage. The American military forces led by then-General Eisenhower played a critical role in Operation Torch, the campaign that succeeded in evicting General Rommel from Tunisia in May of 1943 and ending the German occupation of North Africa. At the Cemetery there is a very large mosaic map of the region depicting the major battles that took place in North Africa. Senators FRITZ HOLLINGS and TED STEVENS, both World War II veterans of North Africa, used the map to share with our group their stories of service in uniform on the continent. The Cemetery is the final resting place for 2,841 of our country's military dead. At the Cemetery there is also a beautiful memorial commemorating the 3,724 soldiers, sailors and airmen who gave their lives in Africa during World War II but whose remains were never recovered. My colleagues and I placed a wreath at the cemetery in honor of all those memorialized there. The inscription at the cemetery entrance eloquently echoes my feelings on my visit that morning: ''Here we and all who shall hereafter live in freedom will be reminded that to these men and their comrades we owe a debt to be paid with grateful remembrance of their sacrifice and with the high resolve that the cause for which they died shall live.''

After paying our respects at the cemetery, we had a working lunch and country team brief where we discussed the current economic, educational and political state in Tunisia. Ambassador Robin Raphael and I discussed the political situation in Libya. It was the Ambassador's impression that U.S. policy regarding the Khadafi Regime was in fact working, albeit slowly, and that she believed that if things continued to progress, Libya may well again join the community of nations. Later that evening Ambassador Raphael hosted a reception at her home where we met with various representatives from Tunisian business and government.

Our second day in Tunisia started by meeting with the Minister of Foreign Affairs Habib Ben Yahia who is the former Tunisian Ambassador to the United States. The Foreign Minister, a very capable representative of the Tunisian Government, discussed with us Tunisia's upcoming assignment on the United Nations Security Council. The Foreign Minister shared with us his recent discussion with Saddam Hussein where he encouraged Saddam to cooperate more fully with the United Nations and it's weapons inspections program. The Foreign Minister recounted that Saddam's future cooperation was doubtful as Saddam was convinced that the West, via the U.N., was determined to destabilize and ''Balkanize'' the nation of Iraq.

Following our meeting with the Foreign Minister we boarded Tunisian Air Force helicopters and were transported to the Tunisian air base of Sidi Ahmed at Bizerte where we received briefings and demonstrations of the operational capabilities of the 15th Air Groups F–5's. Following the visit to the air base we moved to the nearby naval base where we toured and were briefed aboard a naval oceanographic vessel that had been transferred by the U.S. to the Tunisian Navy. The military personnel at both the air and naval facilities we visited demonstrated a high degree of professionalism and competence. At the conclusion of our visit

to Bizerte, we once again boarded Tunisian Air Force helicopters and returned to Tunis to meet with the Minister of Defense. Mr. Mohamed Jegham, the Minister of Defense, told us that while Tunisia had good relations with the other countries in the region, the continuing regional problems in Algeria and the Western Sahara were cause for some concern. The Defense Minister told us that Libya was not a problem for Tunisia because of Tunisias' long relationship with the country and with Colonel Khadafi.

Following our meeting at the Defense Ministry we met with Tunisian President Zine El Abidine Ben Ali. The President told us how he would like to attract more investors and business from the United States. As in Morocco, the Eizenstat Initiative was a point for discussion and because of his country's stability, security and educational achievements, the President contended that Tunisia was the perfect location for foreign businesses looking to locate in Africa. On the topic of Middle East peace, President Ben Ali concluded it was his sense that all parties to the negotiations were hopeful. President Ben Ali, who has close ties to PLO Chairman Arafat because of Arafat's residence in Tunis for 12 years, was of the opinion that the peace process needed to conclude soon as the aging Arafat and Syrian President Assad were perhaps the primary forces uniting and solidifying both their peoples resolve in this matter. Following our meeting with the President we met with Tunisian Parliamentarians at the Chamber of Deputies after which, the Minister of Foreign Affairs hosted us for a working dinner.

The next morning we departed for Incirlik Air Base, Turkey to discuss the situation in Turkey and to review to U.S. participation in Operation Northern Watch. Incirlik is home to the U.S. Air Force's 39th Wing, which is comprised of roughly 1400 U.S. Air Force personnel. We were met at the airfield by Brigadier General Bob Dulaney, U.S. Air Force Commander of the Combined Air Forces at Incirlik. General Dulaney and his staff provided us with an overview of the types of missions that our outstanding pilots and aircrews were flying during Operation Northern Watch. We were able to get a close look at the British Jaguar, a tactical reconnaissance aircraft, as well as an American EA–6B, an electronic warfare aircraft and an American F–16, an aircraft used in an air-to-air and air-ground combat role.

The allied pilots of Operation Northern Watch fly in the no-fly zone which was created in 1991 after the Gulf War to protect Iraqi Kurds. Iraq has never accepted the validity of either the Northern no-fly zone or of the Southern no-fly zone, which was designed to protect Shiite Muslims in the South. Allied jets patrolled the zones virtually unmolested by Iraqi defenses for more than seven years. However, that soon ended after the four day air offensive of Operation Desert Fox in December 1998, which was designed to punish the Iraqi government for refusing to allow continued U.N. inspections of the Iraqi nuclear, biological and chemical weapons programs. Iraq thereafter declared the flights of Northern and Southern Watch as violations of its sovereign air space. Now, virtually every patrol flown by allied pilots is challenged by Iraqi anti aircraft artillery or surface-to-air missile fire.

Our next stop after Incirlik was Israel. When we left the U.S., Prime Minister Barak and Syrian Foreign Minister were in Shepardstown, West Virginia, discussing possible peace in the region. Upon our arrival in Jerusalem we attended a working dinner hosted by Mr. Dan Meridor, a member of the Knesset and the Chairman of the Knesset Foreign Affairs and Defense Committee. The next morning we had a working breakfast with Aaron Miller, deputy to Ambassador Dennis Ross, who provided us with an update on the discussions in Shepardstown between Israel and Syria. After breakfast we boarded an Israeli Air Force helicopter at the Knesset and flew to Palmachim Air Base to review the progress of the Israeli Arrow Missile Project which is designed to combat theater ballistic missiles, such as the Scuds fired at Israel by Iraq during Operation Desert Storm.

We were joined by Major General Uzi Dayan, the Israeli Defense Force Deputy Chief of Staff and cousin of late Moshe Dayan, and once again boarded the helicopter for a flight to the Ben Tal overlook in the Golan Heights. At the Ben Tal overlook, General Dayan pointed out the places and towns in the valleys below where he fought the Syrians in 1973 and explained to us the obvious strategic importance of the Golan. Our second stop in the Golan found us at Nimrod's Castle, where we were able to get a better view of the Jordan, Ammund, Wabadai and Haman Rivers the four tributaries which flow into the Sea of Galilee and supply Israel with 40% of it's water. Our final stop in the Golan was Carlucci Point named for former Secretary of Defense Frank Carlucci. We were met and briefed by the Commander of the Northern Command, Major General Gaby Ashkenazi. From our vantage point General Ashkenzai pointed out Southern Lebanon and a nearby Israeli town, which, because it's large size and close proximity to the Lebanese border, is the frequent target of Hezbollah Katyusha rocket attacks.

We departed the Golan via helicopter and headed back to Jerusalem for a meeting with Prime Minister Barak. The Prime Minister was in good spirits. He had just returned from Washington and the negotiations with the Syrians only the night before. Prime Minister Barak reported that the negotiations with the Syrians were progressing slowly. The primary concerns of Israel during these talks, he explained, were security, early warning, normalization of relations with Syria and water. Prime Minister Barak shared that the United States had prepared a document which outlined the concerns of both Syria and Israel. He told us the document was a useful tool as it put the otherwise abstract negotiations in concrete terms. The Prime Minister thought that while there was some movement in certain areas of the Syrian position, as nothing was final until the whole process was final, the movement may have been simply a negotiating tactic. Prime Minister Barak was hopeful that there would soon be peace discussions with Lebanon. He felt that such talks would encourage the people of Israel concerning Syria's position and allow them to hope for a comprehensive regional peace.

As members of the Appropriations Committee, we discussed the cost of peace with Syria with the Prime Minister. My colleagues and I cautioned him that the media was questioning us regarding the reports that the price for such peace was going to be in the $10–60 billion range. We discussed the difficulty of finding consensus in Congress to fund the Wye River Agreement and advised the Prime Minister to keep the Congress informed as the process progressed. Prime Minister Barak told our group that it was his hope that other countries, such as Japan and various other G–7 nations, would contribute to whatever sum eventually emerged. The Prime Minister said that the Camp David Accord laid the cornerstone for peace in the region, the Wye River Agreements built upon that foundation, and he was now hopeful that the discussions with Syria would produce the keystone which could be put in place to allow the full weight of regional peace to come to rest.

Discussing other security issues in the region, the Prime Minister told us that he is ''deeply disturbed'' by both Iran and Iraq's drive to acquire nuclear weapons. Prime Minister Barak told us that he believed that unless UNSCOM inspections begin again, Iraq would have nuclear weapons within 5–7 years and that Iran was similarly positioned.

The next morning our delegation had a working breakfast with Mr. Avraham Shohat, the Minister of Finance. Our discussion once again focused on the cost of any peace with Syria. The Finance Minister, like Prime Minister Barak, was hopeful that other countries would contribute in addition to the United States. We departed later that morning from Israel and returned to Andrews Air Force Base later that evening after nine long, but informative days abroad.

I thank the Chair. I thank my distinguished colleague from Iowa for yielding the time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I ask unanimous consent to address the Senate as if in morning business.

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

VISIT TO THE UNITED NATIONS

Mr. WARNER. Madam President, I thank the distinguished Senators for their indulgence in permitting me to make this statement. I feel very strongly about what I am about to say, and I wish to share some views with my colleagues.

Last Friday, I had the opportunity to participate in a historic mission to the United Nations. It embraced a series of events, led by the distinguished chairman of the Senate Foreign Relations Committee. On Friday, I was privileged to join the chairman and, the distinguished ranking member of the Foreign Relations Committee, and other members of the committee for this historic occasion. I appreciated very much the opportunity to join the Foreign Relations Committee. For it was the first time in history that the U.S. Foreign Relations Committee conducted a hearing out of Washington, DC. I think it was most appropriate that the hearing was conducted under the auspices of the United Nations. Our distinguished Ambassador to the United Nations, Ambassador Holbrooke, facilitated these series of meetings. I commend him highly for his participation.

The Foreign Relations Committee events at the United Nations began on Thursday afternoon when Chairman HELMS became the first Member—very interesting, Madam President—the first Member of the Congress of the United States to address the U.N. Security Council.

The chairman's statement to the Security Council was tough, but those of us who have known Senator HELMS and who have had the privilege of working with him through these many years know him to be a very tough and resolute and forthright man. He spoke with candor, but, in my view, his statement was carefully measured. His objectives were constructive. In my view, he accurately portrayed the concerns of many Americans with regard to the United Nations—an important organization.

As I said last Friday, to the Secretary General at lunch—I spoke again to a large group of Ambassadors—and then in the course of the hearing, the world is dependent upon the existence of the United Nations to bring member nations together, and to try to work on a variety of problems throughout the world.

One of those problems of great concern to me is peacekeeping, which is becoming a greater and greater challenge. I do not in any way disparage the U.N. We came as a group to constructively give our viewpoints and to indicate the willingness of those of us who came and others to try to make the U.N. work more efficiently in the cause of world peace and to lessen human suffering throughout the globe. But that organization is in need of reform.

I ask unanimous consent that Senator HELMS' statement to the U.N. Security Council be printed in the RECORD at the conclusion of my remarks, as well as a brief description of the events at the United Nations that the committee attended.

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

(See Exhibit 1.)

Mr. WARNER. Madam President, I urge all of my colleagues to take a look at this statement of the distinguished chairman. I will address momentarily some troublesome criticism directed at Senator HELMS. I put his statement in the RECORD so all Americans can read it. Make up your mind for yourself with regard to the contents of his statement and the statements of others at that historic meeting, because I think we have to join together to try to help the U.N. become a more efficient, constructive organization.

I would like to also call the attention of my colleagues to the statement made on Monday by the Secretary of State, Mrs. Albright. I quote that statement because I find it very troubling, and it prompts me to come to the floor today.

Secretary Albright said:

> Let me be clear. Only the President and the executive branch can speak for the United States.

I say to the Secretary, for whom I have a high, professional regard, and out of respect for the very important office which she holds: Madam Secretary, you are mistaken.

I will not deliver a speech on the formation of our Government, but it is so basic that the Founding Fathers created three independent branches of government, coequal—I repeat: coequal—in authority. The President does not have sole authority in the area of foreign affairs.

I could go into detail regarding the checks and balances in the Constitution and specific reference to the responsibility of the Congress and those of the President, but clearly Congress, through its advice and consent role, deals with treaties. A treaty cannot go forward without the advice and consent of the Senate. We have seen this most recently with the comprehensive test ban treaty, a highly controversial treaty. No Ambassador can go forth from this land to represent this Nation without the advice and consent of the Senate, and no program initiated by a President requiring funding of taxpayer dollars can be implemented without the authorization of those funds by the Congress of the United States.

Madam Secretary, I say to you most respectfully: Reconsider that statement. I urge you to revise, as we say in the Congress, that statement in the context of the exact authority given by the Constitution to the Congress, and out of respect for the Members of the Congress who, Madam Secretary Albright, have respect for you and want to work with you, but not in the face of such a defiant proclamation as that.

My primary purpose in attending the hearing at the United Nations last Friday was to give my views on what I view as the tragic situation developing in Bosnia and Kosovo. Together with my senior staff on the committee, Colonel Brownlee, Mrs. Ansley, and in the company of General Clark, commander in chief of our forces in NATO, commander in chief of U.S. forces in Europe, and his deputy, Admiral Abbot, I toured both Kosovo, Bosnia, and, indeed, spent time in Macedonia.

I am gravely concerned. I have had a long association, as have many Members of this Chamber, with the conflicts in that troubled region. I was the first Senator to go to Bosnia, in September of 1992, in the middle of the war, arriving in the historic city of Sarajevo and seeing for myself the tragedy of war unfolding right before my eyes in the shelling of that city and the killing of innocent civilians. It was a very dramatic experience for me.

It motivated me to dedicate much of my time since then to that conflict and to try to do what I could, together with others, to alleviate the human suffering. I am concerned that not enough is being done in either Bosnia or Kosovo.

Let's look at a little history. Since NATO troops were first deployed to Bosnia in December of 1995, the United States has spent almost $10 billion to support our military commitment of troops to that nation. We are but one of many nations committing troops and funds to Bosnia. In addition, we have spent an additional $5 billion in Kosovo for the air campaign and the deployment of United States KFOR troops. Again, we are one nation, with more than 30 other nations, contributing military forces. The price tag for these military commitments of U.S. troops is roughly $1.5 billion each year for Bosnia and $2 billion a year projected for Kosovo. Those are very significant sums of money.

Apart from the significant sums of money is my concern for the safety and the welfare of the young men and women of the United States Armed Forces and, indeed, those of other nations who every single day march through the frozen streets of Bosnia and Kosovo, subjecting themselves to risk. The fighting still goes on in small, largely ethnic, conflict—particularly in Kosovo. Our military personnel could be caught in the crossfire tomorrow.

We experienced a tragic loss in Somalia—again, when the world had taken its attention away from Somalia. We had the best of intentions when we went in to relieve the human suffering in that nation. Then we drifted into nation building, and tragedy befell our Armed Forces in Somalia. A comparable tragedy could befall the Armed Forces of our country and those of other nations in either Bosnia or Kosovo tomorrow.

Why are our troops still in Bosnia over four years after they were first deployed? Why is no end in sight in Kosovo? The reason for that is that the

United Nations, together with other international organizations, are not doing their job.

We went into these military operations in both Bosnia and Kosovo with a clear understanding that if the troops performed their mission, which they have done in both countries, then the United Nations and other organizations would take the necessary steps to rebuild Bosnia and Kosovo—which is still not a sovereign nation, with no plans to make it a sovereign nation at this time; it is part of Serbia. Nevertheless, they would restore law and order and enable the people to live their lives in peace. The military has done their mission. The United Nations is failing.

In the course of the hearing we had in New York City, Ambassador Holbrooke, the U.S. Ambassador to the United Nations, recounted how the United Nations had failed in its peacekeeping operations in Somalia, in Rwanda, and other areas. He said we cannot fail again. The Presiding Officer in the Chamber at this time was present during that hearing. He will remember I said that the United Nations is on the brink of failure in both Bosnia and Kosovo unless the U.N. steps up the pace of the fulfillment of its obligations, together with organizations that likewise have a commitment to provide an infrastructure of government and a rebuilding of the economy.

There have been positive actions; for instance, the recent elections in Croatia. Still, we are so far behind in the fulfillment of commitments to rebuild civilian administrations in both Bosnia and Kosovo. We have to move with swiftness. Otherwise, we are guilty of letting the men and women of our Armed Forces and other armed forces take on jobs for which they were never trained but which they are carrying out—jobs of being policemen, jobs of trying to bring some civil structure of life to these little villages, all kinds of jobs for which they are not trained as military people, but to their credit they are carrying out well.

We have to keep the pressure on the U.N. and the other organizations to do their job. There has been much discussion that the U.N. should take on enlarged obligations in Africa. We all recognize Africa is crying out for help. It has a measure of human suffering almost beyond comprehension. It has a measure of disease—primarily AIDS—beyond human comprehension. However, the problem is that until the U.N. can first fulfill its missions in Bosnia and Kosovo, I caution them not to take on additional peacekeeping actions of the magnitude of those contemplated for Africa. We have all been taught: Finish what you start before you take on a new task. I made those remarks, and I stand by them.

In consultation with the members of the Armed Services Committee, I will initiate a series of hearings to provide this Senate and others with an up-to-date report on the situations in Bosnia and Kosovo. Proudly, the first part of that report is that the military has done its job—the militaries of our Nation and other nations. Sadly, our report will show that the United Nations is falling behind daily in fulfilling its commitments, together with other international organizations.

I yield the floor.

EXHIBIT I

ADDRESS BY SENATOR JESSE HELMS, CHAIRMAN, U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, BEFORE THE UNITED NATIONS SECURITY COUNCIL, JANUARY 20, 2000

Mr. President, Distinguished Ambassadors, Ladies and Gentlemen.

Thank you for your welcome this morning. It is an honor to be here today, and to meet with you here in the Security Council.

I understand that you have interpreters who translate the proceedings of this body into a half dozen different languages. It may be that they have an interesting challenge today. As some of you may have detected, I don't have a Yankee accent. I hope you have a translator here who can speak Southern, someone who can translate words like ''y'all'' and ''I do declare.''

It may be that one other language barrier will need to be overcome this morning. I am not a diplomat, and as such, I am not fully conversant with the elegant and rarefied language of the diplomatic trade. I am an elected official, with something of a reputation for saying what I mean and meaning what I say. So I trust you will forgive me if I come across as a bit more blunt than those you are accustomed to hearing in this chamber.

I am told that this is the first time that a United States Senator has addressed the United Nations Security Council. I sincerely hope it will not be the last. It is important that this body have greater contact with the elected representatives of the American people, and that we have greater contact with you.

In this spirit, tomorrow I will be joined here at the U.N. by several other members of the Senate Foreign Relations Committee. Together, we will meet with U.N. officials and representatives of some of your governments, and will hold a Committee ''Field Hearing'' to discuss U.N. reform and the prospects for improved U.S.-U.N. relations.

This will mark another first. Never before has the Senate Foreign Relations Committee ventured as a group from Washington to visit an international institution. I hope it will be an enlightening experience for all of us, and that you will accept this visit as a sign of our desire for a new beginning in the U.S.-U.N. relationship.

I hope—I intend—that my presence here today will presage future visits by designated spokesmen of the Security Council, who will come to Washington as official guests of the United States Senate and the Senate's Foreign Relations Committee which I chair. I trust that your representatives will feel free to be as candid in Washington as I will try to be here today so that there will be hands of friendship extended in an atmosphere of understanding.

If we are to have such a new beginning, we must endeavor to understand each other better. And that is why I will share with you some of what I am hearing from the American people about the United Nations.

Now I am confident you have seen the public opinion polls, commissioned by U.N. supporters, suggesting that the U.N. enjoys the support of the American public. I would caution that you not put so much confidence in those polls. Since I was first elected to the Senate in 1972, I have run for reelection four times. Each time, the pollsters have confidently predicted my defeat. Each time, I am happy to confide, they have been wrong. I am pleased that, thus far, I have never won a poll or lost an election.

So, as those of you who represent democratic nations well know, public opinion polls can be constructed to tell you anything the poll takers want you to hear. Let me share with you what the American people tell me. Since I became chairman of the Foreign Relations Committee, I have received literally thousands of letters from Americans all across the country expressing their deep frustration with this institution.

They know instinctively that the U.N. lives and breathes on the hard-earned money of the American taxpayers. And yet they have heard comments here in New York constantly calling the United States a ''deadbeat.'' They have heard U.N. officials declaring absurdly that countries like Fiji and Bangladesh are carrying America's burden in peacekeeping.

They see the majority of the U.N. members routinely voting against America in the General Assembly. They have read the reports of the raucous cheering of the U.N. delegates in Rome, when U.S. efforts to amend the International Criminal Court treaty to protect American soldiers were defeated. They read in the newspapers that, despite all the human rights abuses taking place in dictatorships across the globe, a U.N. ''Special Rapporteur'' decided his most pressing task was to investigate human rights violations in the U.S.—and found our human rights record wanting.

The American people hear all this; they resent it, and they have grown increasingly frustrated with what they feel is a lack of gratitude.

Now I won't delve into every point of frustration, but let's touch for just a moment on one—the ''deadbeat'' charge. Before coming here, I asked the United States General Accounting Office to assess just how much the American taxpayers contributed to the United Nations in 1999. Here is what the GAO reported to me:

Last year, the American people contributed a total of more than $2.5 billion dollars to the U.N. system in assessments and voluntary contributions. That's pretty generous, but it's only the tip of the iceberg. The American taxpayers also spent an additional eight billion, seven hundred and seventy nine million dollars from the United States' military budget to support various U.N. resolutions and peacekeeping operations around the world. Let me repeat that figure: eight billion, seven hundred and seventy nine million dollars.

That means that last year (1999) alone the American people have furnished precisely eleven billion, two hundred and seventy nine million dollars to support the work of the United Nations. No other nation on earth comes even close to matching that singular investment.

So you can see why many Americans reject the suggestion that theirs is a ''deadbeat'' nation.

Now, I grant you, the money we spend on the U.N. is not charity. To the contrary, it is an investment—an investment from which the American people rightly expect a return. They expect a reformed U.N. that works more efficiently, and which respects the sovereignty of the United States.

That is why in the 1980s, Congress began withholding a fraction of our arrears as pressure for reform. And Congressional pressure resulted in some worthwhile reforms, such as the creation of an independent U.N. Inspector General and the adoption of consensus budgeting practices. But still, the arrears accumulated as the U.N. resisted more comprehensive reforms.

When the distinguished Secretary General, Kofi Annan, was elected, some of us in the

Senate decided to try to establish a working relationship. The result is the Helms-Biden law, which President Clinton finally signed into law this past November. The product of three years of arduous negotiations and hard-fought compromises, it was approved by the U.S. Senate by an overwhelming 98–1 margin. You should read that vote as a virtually unanimous mandate for a new relationship with a reformed United Nations.

Now I am aware that this law does not sit well with some here at the U.N. Some do not like to have reforms dictated by the U.S. Congress. Some have even suggested that the U.N. should reject these reforms. But let me suggest a few things to consider: First, as the figures I have cited clearly demonstrate, the United States is the single largest investor in the United Nations. Under the U.S. Constitution, we in Congress are the sole guardians of the American taxpayers' money. (It is our solemn duty to see that it is wisely invested.) So as the representatives of the U.N.'s largest investors—the American people—we have not only a right, but a responsibility, to insist on specific reforms in exchange for their investment.

Second, I ask you to consider the alternative. The alternative would have been to continue to let the U.S.-U.N. relationship spiral out of control. You would have taken retaliatory measures, such as revoking America's vote in the General Assembly. Congress would likely have responded with retaliatory measures against the U.N. And the end result, I believe, would have been a breach in U.S.-U.N. relations that would have served the interests of no one.

Now some here may contend that the Clinton Administration should have fought to pay the arrears without conditions. I assure you, had they done so, they would have lost. Eighty years ago, Woodrow Wilson failed to secure Congressional support for U.S. entry into the League of Nations. This administration obviously learned from President Wilson's mistakes. Wilson probably could have achieved ratification of the League of Nations if he had worked with Congress. One of my predecessors as Chairman of the Senate Foreign Relations Committee, Henry Cabot Lodge, asked for 14 conditions to the treaty establishing the League of Nations, few of which would have raised an eyebrow today. These included language to insure that the United States remain the sole judge of its own internal affairs; that the League not restrict any individual rights of U.S. citizens; that the Congress retain sole authority for the deployment of U.S. forces through the league, and so on.

But President Wilson indignantly refused to compromise with Senator Lodge. He shouted, ''Never, never!'', adding, ''I'll never consent to adopting any policy with which that impossible man is so prominently identified!'' What happened? President Wilson lost. The final vote in the Senate was 38 to 53, and League of Nations withered on the vine.

Ambassador Holbrooke and Secretary of State Albright understood from the beginning that the United Nations could not long survive without the support of the American people—and their elected representatives in Congress. Thanks to the efforts of leaders like Ambassador Holbrooke and Secretary Albright, the present Administration in Washington did not repeat President Wilson's fatal mistakes.

In any event, Congress has written a check to the United Nations for $926 million, payable upon the implementation of previously agreed-upon common-sense reforms. Now the choice is up to the U.N. I suggest that if the U.N. were to reject this compromise, it would mark the beginning of the end of U.S. support for the United Nations.

I don't want that to happen. I want the American people to value a United Nations that recognizes and respects their interests, and for the United Nations to value the significant contributions of the American people.

Let's be crystal clear and totally honest with each other: all of us want a more effective United Nations. But if the United Nations is to be ''effective'' it must be an institution that is needed by the great democratic powers of the world.

Most Americans do not regard the United Nations as an end in and of itself—they see it as just one tool in America's diplomatic arsenal. To the extent that the U.N. is an effective tool, the American people will support it. To the extent that it becomes an ineffective tool—or worse, a burden—the American people will cast it aside.

The American people want the U.N. to serve the purpose for which it was designed: they want it to help sovereign states coordinate collective action by ''coalitions of the willing,'' (where the political will for such action exists); they want it to provide a forum where diplomats can meet and keep open channels of communication in times of crisis; they want it to provide to the peoples of the world important services, such as peacekeeping, weapons inspections and humanitarian relief.

This is important work. It is the core of what the U.N. can offer to the United States and the world. If, in the coming century, the U.N. focuses on doing these core tasks well, it can thrive and will earn and deserve the support of the American people. But if the U.N. seeks to move beyond these core tasks, if it seeks to impose the U.N.'s power and authority over nation-states, I guarantee that the United Nations will meet stiff resistance from the American people.

As matters now stand, many Americans sense that the U.N. has greater ambitions than simply being an efficient deliverer of humanitarian aid, a more effective peacekeeper, a better weapons inspector, and a more effective tool of great power diplomacy. They see the U.N. aspiring to establish itself as the central authority of a new international order of *goblal* laws and *global* governance. This is an international order the American people will not countenance.

The U.N. must respect national sovereignty. The U.N. serves nation-states, not the other way around. This principle is central to the legitimacy and ultimate survival of the United Nations, and it is a principle that must be protected. The Secretary General recently delivered an address on sovereignty to the General Assembly, in which he declared that ''the last right of states cannot and must not be the right to enslave, persecute or torture their own citizens.'' The peoples of the world, he said, have ''rights beyond borders.'' I wholeheartedly agree.

What the Secretary General calls ''rights beyond borders,'' we in America we call ''inalienable rights.'' We are endowed with those ''inalienable rights,'' as Thomas Jefferson proclaimed in our Declaration of Independence, not by kings or despots, but by our Creator.

The sovereignty of nations must be respected. But nations derive their sovereignty—their legitimacy—from the consent of the governed. Thus, it follows, that nations can lose their legitimacy when they rule without the consent of the governed; they deservedly discard their sovereignty by brutally oppressing their people.

Slobodan Milosevic cannot claim sovereignty over Kosovo when he has murdered Kosovars and piled their bodies into mass graves. Neither can Fidel Castro claim that it is his sovereign right to oppress his people. Nor can Saddam Hussein defend his oppression of the Iraqi people by hiding behind phony claims of sovereignty.

And when the *oppressed* peoples of the world cry out for help, the free peoples of the world have a fundamental right to respond.

As we watch the U.N. struggle with this question at the turn of the millennium, many Americans are left exceedingly puzzled. Intervening in cases of widespread oppression and massive human rights abuses is not a new concept for the United States. The American people have a long history of coming to the aid of those struggling for freedom. In the United States, during the 1980s, we called this policy the ''Reagan Doctrine.

In some cases, America has assisted freedom fighters around the world who were seeking to overthrow corrupt regimes. We have provided weaponry, training, and intelligence. In other cases, the United States has intervened directly. In still other cases, such as in Central and Eastern Europe, we supported peaceful opposition movements with moral, financial and covert forms of support. In each case, however, it was America's clear intention to help bring down Communist regimes that were oppressing their peoples,—and thereby replace dictators with democratic governments.

The dramatic expansion of freedom in the last decade of the 20th century is a direct result of these policies. In none of these cases, however, did the United States ask for, or receive, the approval of the United Nations to ''legitimize'' its actions. It is a fanciful notion that free peoples need to seek the approval of an international body (many of whose members are totalitarian dictatorships) to lend support to nations struggling to break the chains of tyranny and claim their inalienable, God-given rights.

The United Nations has no power to grant or decline legitimacy to such actions. They are inherently legitimate. What the United Nations can do is help. The Security Council can, where appropriate, be an instrument to facilitate action by ''coalitions of the willing,'' implement sanctions regimes, and provide logistical support to states undertaking collective action.

But complete candor is imperative: The Security Council has an exceedingly mixed record in being such a facilitator. In the case of Iraq's aggression against Kuwait in the early 1990s, it performed admirably; in the more recent case of Kosovo, it was paralyzed. The U.N. peacekeeping mission in Bosnia was a disaster, and its failure to protect the Bosnian people from Serb genocide is well documented in a recent U.N. report.

And, despite its initial success in repelling Iraqi aggression, in the years since the Gulf War, the Security Council has utterly failed to stop Saddam Hussein's drive to build instruments of mass murder. It has allowed him to play a repeated game of expelling UNSCOM inspection teams which included Americans, and has left Saddam completely free for the past year to fashion nuclear and chemical weapons of mass destruction.

I am here to plead that from now on we all must work together, to learn from past mistakes, and to make the Security Council a more efficient and effective tool for international peace and security. But candor compels that I reiterate this warning: the American people will never accept the claims of the United Nations to be the ''sole source of legitimacy on the use of force'' in the world.

But, some may respond, the U.S. Senate ratified the U.N. Charter fifty years ago. Yes, but in doing so we did not cede one syllable of American sovereignty to the United Nations. Under our system, when

international treaties are ratified they simply become domestic U.S. law. As such, they carry no greater or less weight than any other domestic U.S. law. Treaty obligations can be superceded by a simple act of Congress. This was the intentional design of our founding fathers, who cautioned against entering into ''entangling alliances.''

Thus, when the United States joins a treaty organization, it holds no legal authority over us. We abide by our treaty obligations because they are the domestic law of our land, and because our elected leaders have judged that the agreement serves our national interest. But no treaty or law can ever supercede the one document that all Americans hold sacred: The U.S. Constitution.

The American people do not want the United Nations to become a ''entangling alliance.'' That is why Americans look with alarm at U.N. claims to a monopoly on international moral legitimacy. They see this as a threat to the God-given freedoms of the American people, a claim of political authority over America and its elected leaders without their consent.

The effort to establish a United Nations International Criminal Court is a case-in-point. Consider: the Rome Treaty purports to hold American citizens under its jurisdiction—even when the United States has neither signed nor ratified the treaty. In other words, it claims sovereign authority over American citizens without their consent. How can the nations of the world imagine for one instant that Americans will stand by and allow such a power-grab to take place?

The Court's supporters argue that Americans should be willing to sacrifice some of their sovereignty for the noble cause of international justice. International law did not defeat Hitler, nor did it win the Cold War. What stopped the Nazi march across Europe, and the Communist march across the world, was the principled projection of power by the world's great democracies. And that principled projection of force is the only thing that will ensure the peace and security of the world in the future.

More often than not, ''international law'' has been used as a make-believe justification for hindering the march of freedom. When Ronald Reagan sent American servicemen into harm's way to liberate Grenada from the hands of communist dictatorship, the U.N. General Assembly responded by voting to condemn the action of the elected President of the United States as a violation of international law—and, I am obliged to add, they did so by a larger majority than when Soviet invasion of Afghanistan was condemned by the same General Assembly!

Similarly, the U.S. effort to overthrow Nicaragua's Communist dictatorship (by supporting Nicaragua's freedom fighters and mining Nicaragua's harbors) was declared by the World Court as a violation of international law.

Most recently, we learn that the chief prosecutor of the Yugoslav War Crimes Tribunal has compiled a report on possible NATO war crimes during the Kosovo campaign. At first, the prosecutor declared that it is fully within the scope of her authority to indict NATO pilots and commanders. When news of her report leaked, she backpedaled.

She realized, I am sure, that any attempt to indict NATO commanders would be the death knell for the International Criminal Court. But the very fact that she explored this possibility at all brings to light all that is wrong with this brave new world of global justice, which proposes a system in which independent prosecutors and judges, answerable to no state or institution, have unfettered power to sit in judgment of the foreign policy decisions of Western democracies.

No U.N. institution—not the Security Council, not the Yugoslav tribunal, not a future ICC—is competent to judge the foreign policy and national security decisions of the United States. American courts routinely refuse cases where they are asked to sit in judgment of our government's national security decisions, stating that they are not competent to judge such decisions. If we do not submit our national security decisions to the judgment of a Court of the United States, why would Americans submit them to the judgment of an International Criminal Court, a continent away, comprised of mostly foreign judges elected by an international body made up the membership of the U.N. General Assembly?

Americans distrust concepts like the International Criminal Court, and claims by the U.N. to be the sole source of legitimacy'' for the use of force, because Americans have a profound distrust of accumulated power. Our founding fathers created a government founded on a system of checks and balances, and dispersal of power.

In his 1962 classic, Capitalism and Freedom, the Nobel-prize winning economist Milton Friedman rightly declared: ''[G]overnment power must be dispersed. If government is to exercise power, better in the county than in the state, better in the state than in Washington. [Because] if I do not like what my local community does, I can move to another local community . . . [and] if I do not like what my state does, I can move to another. [But] if I do not like what Washington imposes, I have few alternatives in this world of jealous nations.''

Forty years later, as the U.N. seeks to impose its utopian vision of ''international law'' on Americans, we can add this question: Where do we go when we don't like the ''laws'' of the world? Today, while our friends in Europe concede more and more power upwards to supra-national institutions like the European Union, Americans are heading in precisely the opposite direction. America is in a process of reducing centralized power by taking more and more authority that had been amassed by the Federal government in Washington and referring it to the individual states where it rightly belongs.

This is why Americans reject the idea of a sovereign United Nations that presumes to be the source of legitimacy for the United States Government's policies, foreign or domestic. There is only one source of legitimacy of the American government's policies—and that is the consent of the American people.

If the United Nations is to survive into the 21st century, it must recognize its limitations. The demands of the United States have not changed much since Henry Cabot Lodge laid out his conditions for joining the League of Nations 80 years ago: Americans want to ensure that the United States of America remains the sole judge of its own internal affairs, that the United Nations is not allowed to restrict the individual rights of U.S. citizens, and that the United States retains sole authority over the deployment of United States forces around the world.

This is what Americans ask of the United Nations; it is what Americans expect of the United Nations. A United Nations that focuses on helping sovereign states work together is worth keeping; a United Nations that insists on trying to impose a utopian vision on America and the world will collapse under its own weight.

If the United Nations respects the sovereign rights of the American people, and serves them as an effective tool of diplomacy, it will earn and deserve their respect and support. But a United Nations that seeks to impose its presumed authority on the American people without their consent begs for confrontation and, I want to be candid, eventual U.S. withdrawal.

Thank you very much.

FOREIGN RELATIONS COMMITTEE EVENTS AT THE UNITED NATIONS

Senator Helms scheduled two days of events at the United Nations in New York. On Thursday, January 20, 2000, Senator Helms met with Ambassador Richard Holbrooke, the United States' Permanent Representative to the United Nations. This meeting was followed by a private discussion with United Nations Secretary General Kofi Annan. At the conclusion of the Kofi Annan meeting Senator Helms proceeded to the chamber of the United Nations Security Council where he delivered a speech to the members of the Security Council. In addition to the fifteen members of the Security Council, the speech was attended by representatives of most countries in the United Nations. Senator Helms was later the guest of honor at a luncheon hosted by Ambassador Holbrooke at which Senator Helms and several U.N. ambassadors continued the discussion on United Nations reform and the future of U.S.-U.N. relations.

On Friday, January 21, Senator Helms was joined by four other Senate Foreign Relations Committee members (Senators Biden, Hagel, Grams, and Feingold) and Chairman of the Armed Services Committee, Senator John Warner, for another full day of meetings on U.S.-U.N. relations. The schedule started with a meeting between the Senators and Ambassador Holbrooke. This was followed by a meeting with the Secretary General of the United Nations. The Secretary General was joined by his top deputies responsible for U.N. management and peacekeeping. At the conclusion of the meeting, the Senators attended a luncheon at the United Nations hosted by Ambassador Holbrooke. Representatives of nearly every one of the 188 nations represented at the United Nations were invited, and it appeared that most showed up. The day concluded with an afternoon hearing at which three panels of witnesses spoke on a wide range of issues related to the United Nations including the state of reforms, peacekeeping in the Balkans and Africa, efforts to inspect WMD programs in Iraq, and the U.S.-U.N. relationship.

On Friday evening, a dinner hosted by Mr. Erwin Belk, a U.S. Public Delegate to the United Nations, was held in honor of the U.S. Presidency of the U.N. Security Council during the month of January. The dinner was attended by Senators and many United Nations representatives.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Iowa.

BANKRUPTCY REFORM ACT OF 1999—Continued

Mr. GRASSLEY. As everyone knows, we have started with the new Congress what we hope will be the final 2 days of the bankruptcy bill that we started sometime during the last 2 weeks of the session last year. We hope to finish by next Tuesday or Wednesday. We have the number of amendments down to about nine, with limits on debate on most of those amendments. It looks as if we can see the end of the debate and what I hope will be final passage. I think I can predict final passage because we did pass this legislation with only one or two dissenting votes during

the year of 1998. At that particular time, it was too late in the session to get the bill back to the House before final adjournment, so obviously in 1999 we had to start over again. That is concluding now with the House passing the bill in the middle of last year by a veto-proof margin.

At this point, I will say a few words about how we have thought of the proper role of bankruptcy over the course of our Nation's history. Congress' authority to create bankruptcy legislation derives from the body of the Constitution. Article I, section 8, clause 4, authorizes Congress to establish ''uniform laws on the subject of bankruptcy throughout the United States.''

Until the year 1898, we did not have permanent bankruptcy laws; they were temporary. They were temporary reactions to particular economic problems. With each successive bankruptcy act and each major reform of our Nation's bankruptcy laws, we have refined our concept of how bankruptcy should promote the important social goal of giving honest but unfortunate Americans a fresh start while at the same time we guard against the moral hazard of making bankruptcy too lax. Quite frankly, since 1978 that is exactly what has happened. In the last 6 or 7 years, we have seen an explosion of the number of bankruptcies, from about 700,000 to about 1.4 million.

We do not have solid statistics on this, but hopefully that 100-percent rise in bankruptcies over the last 6 years has leveled off now. We think it has. If it has leveled off, hopefully it will start to decline. Some of that is attributable to our working on this legislation and sending a signal not only to people who are unfortunate and are considering bankruptcy, but to our entire society that Congress is taking a look at this 1978 legislation. The point of that legislation may not have been to make it easier to go into bankruptcy, but that has been the final product of that 1978 legislation. Hence, our reconsideration of that 1978 legislation with the amendments that are in this bill will send a signal to the people of this country that those who have the ability to pay should not be in bankruptcy in the first place. But if they decide to go into bankruptcy, they are not going to get off scot-free. That still retains our social practice, which has been that if they deserve a fresh start, they will still get it.

The bill before us proposes fundamental reforms which are a logical outgrowth and an extension of our prior bankruptcy reform efforts. I am talking about certain reforms that have taken place over the last 102 years. From 1898, which is the start of our permanent bankruptcy legislation, until 1938, consumers had only one way to declare bankruptcy. It was called straight bankruptcy, or chapter 7 bankruptcy. Under chapter 7, which is still in existence, bankrupts surrender some of their assets to the bankruptcy court. The court sells these assets and uses the proceeds to pay creditors. Any deficiency, then, is wiped out, hence the term ''a fresh start.''

In 1932, the President recommended changes to the bankruptcy laws which would push wage earners into repayment plans. Later in the 1930s—and the exact date is 1938—Congress created, then, as a result of this suggestion 8 years before, chapter 13, which permits but does not require a debtor to repay a portion of his or her debts in exchange for limited debt cancellation and protection from debt collection efforts. Chapter 13 is still on the books to this very day, although it has been modified several times, most notably that modification in 1978.

Under current law, the choice between chapter 7 and chapter 13 is entirely voluntary. Since it is entirely voluntary, that is the cause of part of the problems we have now. People who have the ability to repay, who might use chapter 13 of the bankruptcy code as part of their financial planning, try to get into 7 and do not have to go into 13. As a result of not going into 13, they can get off scot-free.

Senators, decades before this Senator, saw a weakness in this. In the late 1960s, there was a distinguished Senator from Tennessee by the name of Albert Gore, Sr. He introduced legislation to push people into repayment plans. This proposal was reported to the Senate as part of a bankruptcy tax bill passed by the Finance Committee, but the Gore amendment ultimately died in the Senate.

Later, in the mid-1980s, Senator Dole and a Congressman from Oklahoma by the name of Mike Synar tried to steer higher income bankrupts—those who could repay some of their debt, those who were going into bankruptcy chapter 7 to get off scot-free—to steer those people to chapter 13. That was a good idea by Senator Dole and Congressman Mike Synar. The efforts of Senator Dole and the Congressman, though, ultimately resulted in the creation of section 707(b). This section gives bankruptcy judges the power to dismiss the bankruptcy case of someone who has filed for chapter 7 bankruptcy if that case is—and these are the words from the law—if that case is a ''substantial abuse'' of the bankruptcy code.

This idea sounds very good and probably was quite a step forward by Senator Dole and Congressman Synar, but it has not worked so well in the real world. First, the term ''substantial abuse'' has not been clearly defined, and its actual meaning is very unclear. Why? Not because of the intent of the authors, but because we have had so many conflicting court cases. The decisions have brought conflicts in this area of the law from different parts of the country, so people are not sure what the rules are.

There is a second reason. Creditors and private trustees are actually forbidden from bringing evidence of abuse to the attention of the bankruptcy judge. I want to think that this was an oversight by Senator Dole and Congressman Synar. Or it may have been part of a necessary compromise at the time to take a small step forward. But it is unreasonable, if you believe there has been a substantial abuse of the bankruptcy code, and going into chapter 7 and, according to the language of the statute, there has been ''substantial abuse,'' that somehow knowledge of that cannot be brought to the attention of a bankruptcy judge by creditors and private trustees.

The bill before our body corrects these two shortcomings. Under this bill, 707(b) now permits creditors and private trustees to file motions and actually bring evidence of chapter 7 abuses to the attention of the bankruptcy judge. This change is very important since creditors have the most to lose from bankruptcy abuse, and, of course, the private trustees are often in the best position to know which cases are abusive in nature. In certain types of cases where the probability of abuse is high, the Department of Justice is also required to bring evidence of abuse to the attention of bankruptcy judges.

Additionally, the bill requires judges to dismiss or convert chapter 7 cases where the debtor has a clear ability to repay his or her debts. Under this bill, if someone who has filed for chapter 7 bankruptcy can repay 25 percent or more of his or her general unsecured debts, or a total of $15,000 over a 5-year period, then a legal presumption arises that this case should be dismissed or converted to a repayment plan under another chapter.

Taken together, these changes will bring the bankruptcy system back into balance. I am sure it is a balance that Senator Dole and Congressman Synar sought in the first instance. Importantly, these changes preserve an element of flexibility so each and every debtor can have his or her special circumstances considered. That is important, as well, as we give some leeway, some flexibility, to the bankruptcy judge when this sort of evidence is brought. This will not put any group of bankrupts in a straitjacket. All of this means then that their unique situation will be taken into account.

As we proceed to consider this bill, I hope my colleagues will keep in mind the balance of this legislation, the fair nature of this legislation, as well as its deep historical roots, not going back, I suppose, to the beginning of our country but, as far as a uniform permanent bankruptcy code, to 1898.

I also think this is a tribute—as the Senator from Vermont spoke about earlier—that we have been working very closely between Republicans and Democrats on crafting a bipartisan measure.

That reminds me again that, as with last fall when we first started consideration of this bill—we are continuing it now because we did not finish it last year—a great deal of credit goes to the Senator from New Jersey, Mr.

TORRICELLI, for his outstanding cooperation with me on this legislation, in addition to Senator LEAHY because as chairman of the subcommittee that handles this legislation, I had to work very closely, and enjoyed working very closely, with Senator TORRICELLI. We introduced the bill together. We got it out of subcommittee together. We got it out of the full committee together. This enjoyed a great deal of bipartisan support in the Senate Judiciary Committee.

Lastly, I just ask my colleagues to come to the floor. We were told that a couple of the authors of these amendments would be prepared to come to the floor this afternoon to debate these amendments and, except for votes, to take care of some of these amendments. I hope my colleagues will come.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I would like to point out a concern I have with a seemingly innocuous, seemingly beneficial, provision contained in the Domenici amendment to S. 625, the Bankruptcy Reform Act of 1999—''Section __68. MODIFICATION OF EXCLUSION FOR EMPLOYER PROVIDED TRANSIT PASSES.'' The goal of the provision—to expand the use of the Federal transit benefit, a ''qualified transportation fringe'' in the vernacular—is admirable, but I fear that the way in which the provision pursues that goal may, in fact, unintentionally undermine the transit benefit.

The employer-provided Federal transit benefit has evolved since its creation within the Deficit Reduction Act of 1984 as a $15 per month ''de minimis'' benefit. After fourteen years of gradual change, 1998's Transportation Equity Act for the 21st Century (TEA–21) codified the benefit as a ''pre-tax'' benefit of up to $65 per month. The cap will increase to $100 in 2002. The ''pre-tax'' aspect was a major reform because it provided an economic incentive—payroll tax savings—for employers to offer the program. Companies would save money by offering a benefit of great utility to their workers while simultaneously removing automobiles from our choked and congested urban streets and highways. It is effective public policy. (As an aside, I should note that a similar pre-tax benefit of $175 per month exists for parking, and so despite all we know about air pollution and the intractable problems of automobile congestion, Congress continues to encourage people to drive. Discouraging perhaps, but we're closing the gap. If one doesn't have thirty years to devote to social policy, one should not get involved!)

Quite consciously, and conscientiously, Congress established a bias in the statute toward the use of vouchers—which employers can distribute to employees—over bona fide cash reimbursement arrangements. We permitted employers to use cash reimbursement arrangements only when a voucher program was not ''readily available.'' We reasoned that because the vouchers could only be used for transit, we would eliminate the need for employees to prove that they were using the tax benefit for the intended purpose. Furthermore, by stipulating that voucher programs are the clear preference of Congress, we are compelling transit authorities to offer better services—monthly farecards, unlimited ride passes, smartcards, et al.—to the multitudes of working Americans who must presently endure all manner of frustrations and indignities during their daily work commute.

While the new law has only been in effect for less than two years, the program is catching on in our large metropolitan areas and should continue to expand. We have been alerted, however, to a legitimate concern of large multistate employers. Several of these companies have noted that establishing voucher programs can be arduous and unwieldy when the companies must craft separate programs in multiple jurisdictions with different transportation authorities. These difficulties, coupled with an expertise in administering cash reimbursement programs, have convinced the companies that bona fide cash reimbursement programs are more practical. Fair enough.

We should, therefore, make it easier for such companies to offer the benefit through cash reimbursement arrangements. While I am committed to that end, I have serious reservations about the repeal of the voucher preference contained in the Domenici amendment.

My main objection is that the U.S. Treasury is currently developing substantiation regulations for the administration of this benefit through cash reimbursement arrangements. These regulations will provide companies with a clear understanding of their obligations in the verification of their employees' transit usage, an understanding which does not exist today. Until these regulations are promulgated, voucher programs offer the only true mechanism of verification—vouchers, unlike cash, are useless unless enjoyed for their intended purpose. The Congress should not take an action that might rapidly increase the use of a tax benefit without the existence of accompanying safeguards to ensue the program's integrity.

I will work with my colleagues on the Finance Committee, with my revered Chairman, and any Senator interested in this issue, to improve the ease with which companies can offer this important benefit to their employees. It is, after all, in our national interest. But I must strongly oppose efforts to repeal the voucher preference until the Treasury establishes a regulatory framework for cash reimbursement. We have been told to expect proposed regulations from the Treasury within the week. We anxiously await their arrival.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business.

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

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METHAMPHETAMINE

Mr. BAUCUS. Mr. President, I rise today to address an issue that is tearing rural communities apart—methamphetamine.

Last week, our Nation's drug czar, Gen. Barry McCaffrey, and his deputy, Dr. Don Vereen, came to Montana to focus on methamphetamine. We met with law enforcement officers, health care professionals, and concerned citizens.

As many of you know, methamphetamine is a powerful and addictive drug. It is considered by many youths to be a casual, soft-core drug with few lasting effects. But, in fact, meth can actually cause more long-term damage to the body than cocaine or crack.

Methamphetamine users are often irritable and aggressive. They have tremors and convulsions, their hearts working overtime to keep up with the frenetic pace set by the drug. Methamphetamine can stop their hearts. It can kill.

The psychological effects of meth use are also severe: Paranoia and hallucinations; memory loss and panic; loss of concentration and depression.

We have all heard these symptoms manifested around the country, particularly in rural America.

Time magazine reported just 2 years ago, in June 1998, on the meth problem faced in Billings, MT. Time found that until 5 years ago, in Billings—Montana's largest city—marijuana and cocaine were the most often used illegal substance of choice. Today, as reported in Time magazine, it is methamphetamine.

In 1998, the number of juveniles charged with drug-related or violent crimes in the Yellowstone County Youth Court rose by 30 percent.

In Lame Deer—that is the community of the Northern Cheyenne Indian Reservation—kids as young as 8 years old have been seen for meth addiction.

Last November in our State, a meth lab blew up in Great Falls, leading to a half dozen arrests.

Sounds like awful stuff, doesn't it? But if it is bad, why is methamphetamine the fastest growing drug in Montana, and particularly over rural America in the last 5 years? Why did meth use among high school seniors more than double from 1990 to 1996?

The short answer is that methamphetamine provides a temporary high, a short-term euphoria; it feels good; in addition, increases alertness. Although the use of the drug later leads to a dulling of the body and mind, its short-term lure is one of enhanced physical and mental prowess.

Workers may use the drug to get through an extra shift, particularly a night shift; it gives them a real high. Young women often use meth to lose weight. It is interesting, but in our State over half of methamphetamine

users are women, single moms, stressed out, working. She needs a break. She takes the drug. It helps her get through the day or week. Athletes also use it to improve performance. People think it helps. It helps them get through the day, helps them to do what they are doing. They do not realize how much it hurts.

Therein lies the danger of methamphetamine. Folks think they can use it for a short time with no long-term ill effects—sort of like straying from their New Year's diet and eating a couple of pieces of cheesecake—but they can't do it, can't get away with it.

Consider this: Dr. Bill Melega is a doctor at UCLA. He researched the effects of methamphetamine on monkeys, giving them meth for 10 days. He found that not only did methamphetamine physically alter the brain, but these monkeys' brains remained altered 3 years after methamphetamine was administered. Again, 3 years after taking the drug, the brain still had not recovered.

Brain scans show that, whether it is postron or other forms of technology we have that scan the brain, when an individual is taking methamphetamine, the brain is significantly changed. As I said, in the case of monkeys—we do not have test results yet on human beings—it is permanently changed.

So meth is a problem. But is it reasonable to believe we can mobilize a community-wide effort against it? Is it possible to remove meth from Montana and all our communities? I say we can, but it is going to take a lot of work.

A few years ago, for example, in Billings, MT, a group of skinheads threatened Billings and its Jewish community with bodily harm. They threw bricks through windows of Jewish homes. They threatened violence on others and caused a huge problem in my State, particularly in Billings.

But what happened? The people of Billings mobilized. They mobilized to defend against that mindless hatred. They banded together, and they organized the largest Martin Luther King Day march ever in my State. Billings people, in addition to the police, law enforcement officers, and others—basically, the people—the community rose to the challenge and ousted the skinheads from Billings, MT.

Just a few days after yet another Martin Luther King celebration, we are given the chance all across our country to try again, with community efforts, to solve community problems, whether it is racial hatred, whatever it is—in this case, among others, this methamphetamine. We all have a part to play.

Kids, you should know that meth will hurt you. It might even kill you. Our communities need you to serve as examples of how to live a positive, drug-free life. You are doing it already through organizations such as SADD—the Students Against Destructive Decisions—Big Brothers and Sisters, Smart Moves, Smart Leaders. There are lots of organizations.

One encouraging sign in the fight against meth is the incredible people who have been working on this problem.

In my State of Montana, for example, there is a lady named Virginia Gross who for over a decade has been in the ''treatment trenches'' serving the most serious cases of meth addiction in Billings, MT. A Billings native herself, she got her start in the treatment area, working generally with emotionally disturbed kids. She saw that almost invariably these emotionally disturbed kids had a drug abuse problem tied with them. In doing intakes at a treatment center called the Rimrock Foundation, she treated her first meth addict 13 years ago.

There is virtually no literature on the subject, particularly on meth treatment, so she, on her own—working with this and that—developed her own treatment techniques—testing this, trying that—and she gradually learned what it takes to treat a meth patient effectively.

In the hundreds of patients she has treated since 1987, she points to one as her greatest success. This fellow, strung out since age 14 on drugs for more of his life than not, came to Virginia with a determination to try anything. He told her he would do whatever it took to beat his addiction. He knew he wanted to be clean, and clean he became. Three years after starting treatment, this former high school dropout got his GED, started college. He has gotten straight A's and aspires to be a forest ranger. He is a symbol of Virginia's and his own success and particularly a symbol of what young people can do who are on drugs and who want to get off.

Success can be achieved. Meth can be defeated. We all have a part to play. Parents, teachers, you must know the symptoms of meth use; recognize them. More importantly, you need to talk to your children. It is true that teens whose parents talk to them about drugs are half as likely to use drugs as those whose parents don't. If you talk to your kids, the chances your kids will take drugs is 50 percent less than if you don't talk to them about drugs. It is a proven fact. It is a statistic that is very amply demonstrated.

Finally, law enforcement, you have a critical part to play, too. Last week, again, the news in Billings reported that the crime rate has fallen significantly in the last 2 years, 10 percent this year alone. That is good news. But the bad news is, it is also true that Billings' violent crime rate has increased over that same time. I believe much of that is attributable to drug use. Until we get a handle on the drug problem, controlling crime is going to be a very steep uphill battle.

To that end, Montana must be a member of the Rocky Mountain High-Intensity Drug Trafficking Area, or HIDTA. It is a collaboration between State, Federal, and local law enforcement agencies. Then there is S. 486, the Meth Act, which passed the Senate last session and waits for action in the House. It provides longer prison terms for drug criminals, more money for law enforcement, education, prevention, and a wider ban on meth paraphernalia. All told, the bill increases Federal funding for law enforcement and education by over $50 million.

We are proud in our State to call Montana the last best place. We love our way of life. But in the past several years, we have found that even the last best place is not immune to the scourge of methamphetamine and all the trouble that comes with it. We have gangs. We have thugs. We have crime. We have drugs. We have a problem.

Today a report was released underscoring the fact that rural teenagers are much more likely to smoke, to drink, and to use illegal drugs than their urban counterparts. The report was commissioned by the Drug Enforcement Administration and funded by the National Institute on Drug Abuse, focusing primarily on 13- and 14-year-olds. It showed that eighth graders in rural America are 83 percent more likely to use crack cocaine than their urban counterparts. They are 50 percent more likely to use cocaine, 34 percent more likely to smoke marijuana, 29 percent more likely to drink alcohol. Even more shocking, the report showed that rural eighth graders were 104 percent more likely to use amphetamines, including methamphetamine. That is double the rate of urban eighth graders.

We also have confidence in our State, as I know people do in other communities, that we can solve this, particularly in the face of such adversity. And this battle must be won. Meth use in Montana and in other communities is much too important a battle to lose. So, kids, please understand what meth does to you. Serve as examples to your peers and what it means to lead a drug-free life. We need you. Parents, teachers, recognize the symptoms; talk to your kids. Law enforcement, your efforts are bearing fruit. You need more support and all of us, of course, will continue to help you, particularly here in the Congress, to get it. You need the help of the communities because community problems require community solutions.

One final note. Let me emphasize that last one: Community effort. This is only going to be solved in all communities across our country if it is a total community effort. Doctors have to get more involved. They have to not only get involved with the glamorous cases of heart transplants and hip replacements but also meth use, addiction. Doctors have to get much more involved. Pediatricians have to talk much more to parents of the kids when the kids come into the office. Our faith community can do still more, much more throughout our country in cracking down on meth, working hard to

work together with other communities, parents, obviously teachers and schools, treatment centers.

In addition, treatment is so important. So many people are arrested for meth use or for peddling meth. They are addicted. They are put in prison. What happens? After they are out of prison, they are back on meth. There is virtually no treatment or there is very little treatment of incarcerated persons in prison because of meth. There has to be treatment. Treatment is tough. Treatment takes a long time. It takes more than 30 days. It takes more than 60 days. It takes more than 90 days. Treatment usually takes up to 1 to 2 years. Halfway houses, you have to stick with it. You have to stick with it if we are going to solve it.

Look at it this way: If we leave meth users alone in the community, it is going to cost the community, estimates are, $38,000, $39,000, $40,000 a year. That is the cost of that meth-addicted user to communities, whether it is in crimes, stealing to support the habit, all the ways that addicted meth users are destructive to a community. To put that same person in prison, it is going to be very costly; that is, prison without treatment. It is going to cost maybe up to $30,000. Incarceration today costs about $30,000 a person a year. Treatment alone is about $6,000 to $8,000. Treatment in prison is going to be less than letting the person free out on the street in the community. It pays.

Taxpayers, rise up. Recognize your tax dollars are spent much more efficiently with treatment, treatment of addicted meth users in prison, than without the treatment, working with law enforcement officials, coordinating all your efforts.

Again, I emphasize that final point. Methamphetamine is a national problem. It is a State problem, but it is more a community solution, all the peoples of the communities working together, certainly with States and certainly with Uncle Sam, but you have to do it together as a well-knit effort. That is how we will solve this scourge in this country.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I compliment the Senator from Montana for his eloquent remarks on methamphetamine and the destruction it is wreaking not only on Western States such as Montana and Utah but throughout the country. We passed a methamphetamine bill out of the Senate. We have to get it through the House. I ask my dear friend from Montana to help us work with House Members to get that through. If we get that through, it will immediately start taking effect.

What these kids don't realize, and their parents, is once they are hooked on meth, it is almost impossible to get them off. I had a situation where a very strong friend of mine had a son, a good kid, but he was picked up and put in jail once for meth. He promised to be OK. He had quite a bit of time to get OK, came outside, he had perfect intentions, wanted to be everything he possibly could be. Then, all of a sudden, he started making meth in his apartment, got picked up again. The father called me and said: I know he has to go to jail. I hope you can get the help for him.

I called the top people and they said they will try and get him into a Federal rehabilitation center, but it would take at least 3 years just to get him to be able to handle it, not ever get rid of the desire, but just to handle it.

So you parents out there, if you don't realize how important what Senator BAUCUS has been talking about is, then you better start thinking. If your kids get hooked on meth, it is going to be a long, hard road to get them off. Their lives may be gone.

We have to pass that bill. I appreciate the distinguished Senator's remarks for the most part. I thank him for being here. I hope we will all work together to get that bill through Congress so we can solve this terrible scourge.

Mr. BAUCUS. I hope not only for the most part but for the whole part, Mr. President. The Senator from Utah is exactly correct. I must confess, I learned a lot about the scourge this past week when Gen. Barry McCaffrey was in Billings for a whole day and half the next day with his people, meeting with treatment people the whole time, various aspects of the people who deal with this. It is one big problem, as the Senator from Utah said. It is really vicious stuff. Once you are on it, it is worse than cocaine or heroin. It is harder to withdraw. The treatment is longer. I mean, this is wicked stuff.

I might add, one fact I learned is that in our State—and I hope it is not true in Utah—we have a high percentage of users who shoot it with needles, or IV. Therefore, if we don't stamp it out, we are going to face a high incidence of hepatitis C and HIV. Dr. Green, an expert on the subject in Billings, was shocked last week when he came to understand the high rate of users who inject meth instead of taking it orally or smoking it.

All I say is that I hope parents and communities will rally and knock this thing out. It is really bad stuff.

Mr. HATCH. I thank my colleague. It is a real problem, and we have to do something about it. I appreciate his remarks.

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MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

SUPERFUND RECYCLING EQUITY ACT

Mr. DASCHLE. Mr. President, I take this opportunity to correct an inadvertent but significant error in the CONGRESSIONAL RECORD of November 19, 1999, the last day of the first session of this Congress. It concerns a statement submitted for the RECORD by Senator LOTT (145 CONGRESSIONAL RECORD S15048) regarding the Superfund Recycling Equity Act, which was passed as part of the Intellectual Property and Communications Omnibus Reform Act of 1999. The statement erroneously was attributed to both Senator LOTT and me. In fact, the statement did not then and does not now reflect my understanding of the Superfund recycling amendments.

I make this clarification at the earliest opportunity, in order to minimize the possibility of any mistaken reliance on the statement as the consensus view of two original cosponsors, particularly with respect to the availability of relief in pending cases. It is not.

The recycling amendments were passed as part of the end of year appropriations process and did not have the benefit of hearings, debates, or substantive committee consideration during the 106th legislative session. Thus, there is no conference report, and there are no committee reports or hearing transcripts, to guide interpretation of the bill.

However, much, though not all, of the language in the recycling amendments originated in the 103d Congress. At that time, key stakeholders, including EPA, members of the environmental community and the recycling industry, agreed on recycling provisions as part of efforts to pass a comprehensive Superfund reform bill. Although Superfund reform legislation did not reach the floor in the 103d Congress, it was reported by the major Committees of jurisdiction in both the Senate (S. 1834) and the House with bipartisan support. In reporting these bills in the 103d Congress, the Senate Environment and Public Works Committee, the House Energy and Commerce Committee, and the House Public Works and Transportation Committee each produced reports that include discussions of the recycling provisions.

Since the recycling provisions of S. 1834 were identical in most respects to the Superfund Recycling Equity Act of 1999, and the meaning of key provisions of that bill were actively considered and discussed, the Senate Committee Report contains probably the best description of the consensus on the meaning of those provisions.

To the extent the Committee Report does not address a particular provision of the recycling amendments, the Committee may very well have chosen to be silent on the point. With respect to such provisions, the ''plain language'' of the statute must be our guide.

I am proud of our accomplishment in finally passing the Superfund Recycling Equity Act with broad bi-partisan support. This could not have happened without the hard work and cooperation of Senator LOTT. And the significance of this accomplishment is by no means compromised by the absence of agreement on any legislative history. As usual, it will be for the courts to resolve questions of interpretation on a case-by-case basis, applying the bill to a wide range of potential factual situations.

I again thank the distinguished majority leader for his work on this bill.

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HEALTH ACCOMPLISHMENTS FOR THE FIRST SESSION OF THE 106th CONGRESS

Mr. HATCH. Mr. President, I will take just a few minutes at the beginning of the second session of the 106th Congress to comment on several legislative initiatives I authored in the first session, and which I am pleased to say either passed or were substantially incorporated into other bills that were approved and signed into law by the President last year.

One of the most important issues for my state of Utah is the Radiation Exposure Compensation Act (RECA) Amendments of 1999, S. 1515, which I introduced last year. I am delighted that the Senate passed this important legislation in November.

This bill will guarantee that our government provides fair compensation to the thousands of individuals adversely affected by the mining of uranium and from fallout during the testing of nuclear weapons in the early post-war years.

Senator BEN NIGHTHORSE CAMPBELL; the distinguished Senate Minority Leader, Senator TOM DASCHLE; Senator JEFF BINGAMAN; and Senator PETER DOMENICI all joined me in introducing this legislation.

In 1990, the Radiation Exposure Compensation Act (42 U.S.C. 2210) was enacted in law. RECA, which I was proud to sponsor, required the federal government to compensate those who were harmed by the radioactive fallout from atomic testing. Administered through the Department of Justice, RECA has been responsible for compensating approximately 6,000 individuals for their injuries. Since the passage of the 1990 law, I have been continuously monitoring the implementation of the RECA program.

Quite candidly, I have been disturbed over numerous reports from my Utah constituents about the difficulty they have encountered when they have attempted to file claims with the Department of Justice. I introduced S. 1515 in response to their concerns.

This bill honors our nation's commitment to the thousands of individuals who were victims of radiation exposure while supporting our country's national defense. I believe we have an obligation to care for those who were injured, especially since, at the time, they were not adequately warned about the potential health hazards involved with their work.

Another issue which many of my constituents contacted me about over the past year was the Medicare provisions contained in the 1997 Balanced Budget Act (BBA) and the impact of these provisions on health care providers and Medicare beneficiaries.

I am extremely pleased that the House and Senate approved the Medicare, Medicaid, and CHIP Adjustment Act of 1999 and that President Clinton signed the measure into law.

This important bill will help to ensure that Medicare beneficiaries can continue to receive high-quality, accessible health care.

Overall, the bill increases payments for nursing homes, hospitals, home health agencies, managed care plans, and other Medicare providers. It will also increase payments for rehabilitative therapy services, and longer coverage of immunosuppressive drugs.

Over $17 billion in legislative restorations are contained in this package for the next 10 years.

Clearly we now know that there were unintended consequences as a result of the reimbursement provisions contained in the BBA. Many of the changes provided for in the BBA resulted in far more severe reductions in spending that we projected in 1997.

As a result, skilled nursing facilities, home health agencies and hospitals have been particularly hard hit from these changes in the Medicare law.

In 1997, Medicare was in a serious financial condition and was projected to go bankrupt in the year 2001. The changes we made in 1997 saved Medicare from financial insolvency and have resulted in extending the program's solvency until 2015.

Nevertheless, the reductions we enacted in 1997 created a serious situation for many health care providers who simply are not being adequately reimbursed for the level and quality of care they were providing.

This situation is particularly evident in the nursing home industry.

Many skilled nursing facilities, or SNFs, are now facing bankruptcy because the current prospective payment system, which was enacted as part of the BBA, does not adequately compensate for the costs of care to medically complex patients.

As a result, I introduced the Medicare Beneficiary Access to Quality Nursing Home Care Act of 1999, S. 1500, which was designed to provide immediate financial relief to nursing homes who care for medically complex patients.

The Chairman of the Budget Committee, Senator DOMENICI, was the principal cosponsor of this important legislation. And I would like to take this opportunity now to thank him for the extraordinary effort he made in helping to have major provisions of our bill incorporated into the final conference agreement on the BBA refinement bill.

Moreover, I want to thank the other 44 Senators who cosponsored S. 1500 and who lent their support in helping to move this issue to conference.

This is an important victory for Medicare beneficiaries who depend on nursing home care.

As we have seen over the past several years, those beneficiaries with medically complex conditions were having difficulty in gaining access to nursing home facilities, or SNFs, because many SNFs simply did not want to accept these patients due to the low reimbursement levels paid by Medicare.

The current prospective payment system is flawed. It does not accurately account for the costs of these patients with complex conditions.

The Health Care Financing Administration (HCFA) has acknowledged that the system needs to be corrected.

Under the provisions of the BBA Restoration bill we are passing today, reimbursement rates are increased by 20% for 15 payment categories, or the Resource Utilization Groups—RUGs—beginning in April 2000. These increases are temporary until HCFA has fine-tuned the PPS and made adjustments to reflect a more accurate cost for these payment categories.

Moreover, after the temporary increases have expired, all payment categories will be increased by 4% in fiscal year 2001 and 2002.

These provisions will provide immediate increases of $1.4 billion to nursing home facilities to care for these high-cost patients.

In addition, the bill also gives nursing homes the option to elect to be paid at the full federal rate for SNF PPS which will provide an additional $700 million to the nursing community.

I would also add that I am pleased the conference report includes a provision to provide a two-year moratorium on the physical/speech therapy and occupational therapy caps that were enacted as part of the BBA.

As we all well know, these arbitrary caps have resulted in considerable pain and difficulty for thousands of Medicare beneficiaries who have met and exceeded the therapy caps.

I joined my colleague and good friend, Senator GRASSLEY, as a cosponsor of this important legislation and I want to commend him for his leadership in getting this bill incorporated into the final BBA refinement conference report.

There are many other important features of this bill that are included in the conference report agreement and, clearly, these provisions will do a great deal to help restore needed Medicare funding to providers.

The bottomline is all of this is ensuring that Medicare beneficiaries have access to quality health care. We need to keep that promise and I believe we have done that through the passage of this legislation.

Overall, $2.7 billion is restored to SNFs under this legislation.

With respect to other providers, I would briefly add that the bill contains funding for home health agencies as well. The bill will ease the administrative requirements on home health agencies as well as delay the 15 percent reduction in reimbursement rate for one year. This reduction was to have taken effect on October 2000 but will now be delayed for one year until October 1, 2001.

I have worked very closely with my home health agencies in my state who were extremely concerned over the impact of the 15% reduction next year. I am pleased to tell them that we have addressed their concerns by delaying this reduction for another year. I think this time will give us an opportunity to focus on this provision to determine what other adjustments, if any, may be required in the future.

Overall, the bill adds $1.3 billion back into the home health care component of Medicare.

So I believe we have taken some significant steps to ensure that home health care agencies will be able to operate without the threat of increased Medicare reductions on their bottomline.

We have also taken steps to help hospitals and teaching hospitals with over $7 billion in Medicare restorations. These increases will help to smooth the transition to the PPS for outpatient services—an issue that was brought to my attention by practically every hospital administrator in my state.

On the separate, but equally important issue of children's graduate medical education funding, I am especially pleased that the House passed legislation that will authorize, for the first time, a new program to provide children's hospitals with direct and indirect graduate medical education funding.

Indepednet children's hospitals, including Primary Children's Hospital in Salt Lake City, receive very little Medicare graduate medical education funding (GME). This is because they treat very few Medicare patients, only children with end stage renal disease, and thus do not benefit from federal GME support through Medicare.

I cosponsored legislation to provide greater GME funding for children's hospitals. The bill passed the Senate and House, and was signed into law by the President.

Moreover, $40 million is contained in the omnibus FY 2000 appropriation's bill that will serve as an excellent foundation on which to provide assistance to children's hospitals.

I am also pleased that provisions from S. 1626, the Medicare Patient Access to Technology Act, were included in the BBA refinement bill.

These important provisions guarantee senior citizens access to the best medical technology and pharmaceuticals. Currently, Medicare beneficiaries do not always have access to the most innovative treatments because Medicare reimbursement rates are inadequate. And I just don't think that it's fair to older Americans. My provisions contained in the conference report change this by allowing more reasonable Medicare reimbursements for these therapies.

Take John Rapp, my constituent from Salt Lake City.

Mr. Rapp, who is 71 years old, was diagnosed with prostate cancer last May. He was presented with a series of treatment options and decided to have BRACHY therapy because it was minimally invasive, he could receive it as an outpatient and it had fewer complications than radical surgery.

This new innovative therapy implants radioactive seeds in the prostate gland in order to kill cancer cells. The success rate of this therapy has been overwhelming.

So, what's the problem? Without my legislation, services such as BRACHY therapy would not be available in the hospital outpatient setting to future Medicare patients due to the way the outpatient prospective payment system is being designed.

Life saving services such as BRACHY therapy would be reimbursed at significantly lower-reimbursement rates, from approximately $10,000 to $1,500, and, therefore, it would not be cost-effective for hospitals to offer this service. Fortunately, the provisions included in the conference report change all of that—innovative treatments, such as BRACHY therapy, will now be available to future prostate cancer patients.

We must get the newest technology, to seniors as quickly as possible. Government bureaucracy should not stand in the way of seniors receiving the best care available.

We must put Medicare patients first, not government bureaucracy. That is why my legislation is necessary and I am so pleased that it was included in the Medicare package of the conference report.

Mr. President, there are numerous other provisions in this BBA refinement package that I will not take the time to comment on now, but they are equally important and I want to commend the leadership in the Senate and House for working to put together this important measure that will clearly help millions of Medicare beneficiaries throughout the country.

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TARGETED GUN DEALER ENFORCEMENT ACT

Mr. LEVIN. Mr. President, the Brady law has been very successful. The federal law that requires background checks on deals conducted by federally licensed firearms dealers has prevented more than 470,000 prohibited persons from purchasing firearms. Unfortunately, the Brady law is not the only law enforcement tool needed to prevent felons from purchasing firearms.

Straw purchases are probably the best-known way around the Brady law. Straw purchases occur when a buyer with a clean record is hired to purchase a gun for someone who is prohibited by law from buying the gun or does not want to be traced. Often times, this is how gun trafficking is facilitated. Firearms are bought in the legal marketplace, and then transferred directly to the secondary market, where there are virtually no restrictions.

A new report issued by Senator SCHUMER shows that most guns used in crimes are purchased in this secondary market. According to the report, which analyzed data compiled by the Bureau of Alcohol, Tobacco, and Firearms, in 13 percent of crimes, the crime gun could be traced to the original buyer and in 87 percent of the crimes, the gun had transferred hands.

Many of the time, these crime guns can be traced back to a small percentage of high volume dealers, who are willing to sell a single person a large quantity of firearms. Guns bought in these large quantities are often characterized by a short ''time to crime,'' or a short period between the sale and time they are used in criminal acts. In another report issued by Senator SCHUMER, a small percentage of licensed dealers are responsible for a disproportionate number of crime guns. Specifically, in 1998, 137 dealers, or 1.1 percent of all gun dealers, were responsible for selling 13,000 crime guns.

Mr. President, I am the cosponsor of a bill that would give ATF the authority it needs to put an end to these practices. The Targeted Gun Dealer Enforcement Act of 1999 focuses in on a specific group of businesses, who have an abysmal record of having their products used for illegal activities. It would outlaw all straw purchasing and give ATF additional law enforcement tools to suspend the licenses of high-volume crime gun dealers. I urge my colleagues to support this bill and help put an end to these unscrupulous practices, which keep violent persons armed.

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MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

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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–6926. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Administration's ''Performance Profiles of Major Energy Producers 1998''; to the Committee on Energy and Natural Resources.

EC–6927. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled

''Equity Options with Flexible Terms'' (RIN1545–AV48) (TD 8866), received January 21, 2000; to the Committee on Finance.

EC–6928. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Update of Notice 92–48'' (Notice 2000–11), received January 21, 2000; to the Committee on Finance.

EC–6929. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Subchapter S Subsidiaries'' (RIN1545–AU77) (TD 8869), received January 21, 2000; to the Committee on Finance.

EC–6930. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Revision of Revenue Procedure 80–18 to Reflect Repeal of U.K. ACT'' (Rev. Proc. 2000–13) (RP–105329–99), received January 19, 2000; to the Committee on Finance.

EC–6931. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Reporting Election Workers' Pay'' (Rev. Rul. 2000–6), received January 19, 2000; to the Committee on Finance.

EC–6932. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice of Call for Redemption'', received January 20, 2000; to the Committee on Finance.

EC–6933. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Penalties for False Drawback Claims'' (RIN1515–AC21), received January 19, 2000; to the Committee on Finance.

EC–6934. A communication from the Secretary of Energy transmitting, pursuant to law, a report relative to the Department's funds that have been obligated for fiscal year 1999 in the area of protection, control, and accounting of fissile materials in Russia; to the Committee on Armed Services.

EC–6935. A communication from the Assistant Secretary of Defense, Strategy and Threat Reduction transmitting, pursuant to law, a report relative to the elimination of certain Russian ICBMs; to the Committee on Armed Services.

EC–6936. A communication from the Under Secretary of Defense (Personnel and Readiness) transmitting, pursuant to law, a report relative crimes and criminal activity on military installations or involving a member of the Armed Forces; to the Committee on Armed Services.

EC–6937. A communication from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, a report relative to the National Defense Stockpile; to the Committee on Armed Services.

EC–6938. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Drug Applications; Drug Master Files'' (910–AA78), received January 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6939. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Exemption From Premarket Notification and Reserved Devices; Class I'' (Docket No. 98N–0009), received January 20, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6940. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits'', received January 19, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–6941. A communication from the Chief of Staff, National Indian Gaming Commission transmitting, pursuant to law, the report of a rule entitled ''Minimum Internal Control Standards'' (RIN3141–AA11), received January 21, 2000; to the Committee on Indian Affairs.

EC–6942. A communication from the Chief of Staff, National Indian Gaming Commission transmitting, pursuant to law, the report of a rule entitled ''Issuance of Certificates of Self-Regulation to Tribes for Class II Gaming'' (RIN3141–AA04), received January 21, 2000; to the Committee on Indian Affairs.

EC–6943. 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 ''Bifenthrin; Pesticide Tolerances for Emergency Exemptions'' (FRL #6485–2), received January 19, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6944. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Y–Bank Holding Companies and Changes in Bank Control'', received January 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–6945. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Export Administration's annual report for fiscal year 1999 and the 2000 report on Foreign Policy Export Controls; to the Committee on Banking, Housing, and Urban Affairs.

EC–6946. A communication from the President of the United States transmitting, pursuant to law, a report relative to continuation of the emergency regarding terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–6947. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Attacking Financial Institution Fraud: Fiscal Year 1997 (Second Quarterly Report)''; to the Committee on the Judiciary.

EC–6948. A communication from the Secretary, Mississippi River Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6949. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6950. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Service's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6951. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for calendar year 1999; to the Committee on Governmental Affairs.

EC–6952. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6953. A communication from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6954. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6955. A communication from the Director, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6956. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6957. A communication from the Assistant Secretary, Budget and Programs, Department of Transportation, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6958. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–6959. A communication from the Under Secretary, Smithsonian Institution, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-6960. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC-6961. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Special Retirement Eligibility under the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 for Nuclear Materials Couriers Employed by the Department of Energy'' (RIN3206–AI666), received January 19, 2000; to the Committee on Governmental Affairs.

EC-6962. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to and deletions from the Procurement List, received January 19, 2000; to the Committee on Governmental Affairs.

EC-6963. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the new mileage reimbursement rate for Federal employees who use privately owned automobiles while on official travel; to the Committee on Governmental Affairs.

EC-6964. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to accounts containing unvouchered expenditures potentially subject to audit by the Comptroller of the Currency; to the Committee on Governmental Affairs.

EC-6965. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, a report entitled ''Restoring Merit to Federal Hiring: Why Two Special Hiring Programs Should be Ended''; to the Committee on Governmental Affairs.

EC-6966. A communication from the Deputy Archivist, National Archives and Records Administration transmitting, pursuant to law, the report of a rule entitled ''Storage of Federal Records'' (RIN3095–AA86), received December 2, 1999; to the Committee on Governmental Affairs.

EC-6967. A communication from the Deputy Archivist, National Archives and Records Administration transmitting, pursuant to law, the report of a rule entitled ''Agency Records Centers'' (RIN3095–AA8), received December 2, 1999; to the Committee on Governmental Affairs.

EC-6968. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law, the report of a rule entitled ''Implementing Foreign Proposals to NASA Research Announcements on a No-Exchange-of-Funds Basis'', received January 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6969. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a rule entitled ''Second Memorandum Opinion and Order in the Matter of Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems'' (CC Docket #94–102, FCC 99–352), received January 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6970. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 9 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AL31), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6971. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Monkfish Fishery Management Plan'' (RIN0648–AJ44), received November 23, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6972. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''American Lobster Fishery'' (RIN0648–AH41), received January 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6973. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Pelagic Fisheries; Hawaii-based Pelagic Longline Area Closure'' (RIN0648–AN44), received January 20, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6974. 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 ''Closure of Specified Groundfish Fisheries in the Gulf of Alaska'', received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6975. 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 ''Fisheries of the Northeast United States; Atlantic Surf Clam and Ocean Quahog Fishery; Suspension of Minimum Surf Clam Size for 2000'', received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6976. 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 ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'', received December 27, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6977. 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 Northeast United States; Scup Fishery; Commercial Quota Harvested for Winter II Period'', received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6978. 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 off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial Reopening from Cape Flattery to Leadbetter Point, WA'', received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6979. 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 ''Atlantic Highly Migratory Species Fisheries; Fishing Season Notification'' (I.D. 111899C), received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6980. 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 ''Pacific Tuna Fisheries; Closure of Purse Seine Fishery for Bigeye Tuna'', received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6981. 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 ''Summer Flounder Fishery; Commercial Quota Transfer: Commercial Quota Harvest Reopening'', received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6982. 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 ''Pacific Tuna Fisheries; Closure of U.S. Purse Seine Fishery for Yellowfin Tuna in the Eastern Pacific Ocean'', received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6983. 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; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands'', received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6984. 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 Northeastern United States; Northeast Multispecies Fishery; Commercial Haddock Harvest'', received November 22, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6985. 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 Off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments'', received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6986. 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 Off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Commercial and Recreational Inseason Adjustments and Reopening from Cape Flattery to Leadbetter Point, WA'', received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC-6987. 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 Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 4 Period'', received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6988. 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 ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna: Retention Limit Adjustment'' (I.D. 120199C), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC-6989. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeast United States; Spiny Dogfish Fishery Management Plan'' (RIN0648–AK79), received January 19, 2000; to the Committee on Commerce, Science, and Transportation.

EC−6990. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States-Final Rule to Implement Framework Adjustment 31 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AN15), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC−6991. A communication from the 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 ''Magnuson Act Provisions; Foreign Fishing; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Emergency Rule'' (RIN0648–AM21), received January 13, 2000; to the Committee on Commerce, Science, and Transportation.

EC−6992. A communication from the 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 ''Interim 2000 Harvest Specifications for Gulf of Alaska Groundfish'', received January 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6993. A communication from the 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 of the Exclusive Economic Zone off Alaska; Permit Requirements for Vessels, Processors, and Cooperatives Wishing to Participate in the Bering Sea and Aleutian Islands Pollock Fishery Under the American Fisheries Act'' (RIN0648–AM83), received January 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6994. A communication from the 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; Northern Anchovy/Coastal Pelagic Species Fishery; Amendment 8'' (RIN0648–AL48), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6995. A communication from the 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 ''International Fisheries; Pacific Tuna Fisheries; Harvest Quotas'' (RIN0648–AN04), received January 3, 2000; to the Committee on Commerce, Science, and Transportation.

EC–6996. A communication from the Acting Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Establish a Separate Maximum Retainable Bycatch Percentage for Shortraker and Rougheye Rockfish in the Eastern Regulatory Area of the Gulf of Alaska'' (RIN0648–AM36), received December 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–6997. 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 ''Pollution Prevention Incentives for Tribes Grant Guidance'', received December 31, 1999; to the Committee on Environment and Public Works.

EC–6998. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Interim Guidance on the CERCLA Section 101 (10)(H) Federally Permitted Release Definition for Certain Air Emissions''; to the Committee on Environment and Public Works.

EC–6999. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Slotted Guideposts at NSPS Subpart Ka/Kb Storage Vessels''; to the Committee on Environment and Public Works.

EC–7000. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Closeout Procedures for National Priorities List Sites''; to the Committee on Environment and Public Works.

EC–7001. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Section 1018—Disclosure Rule Enforcement Response Policy''; to the Committee on Environment and Public Works.

EC–7002. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Environmental Management Review (EMR) National Report: Lessons Learned in Conducting EMRs at Federal Facilities''; to the Committee on Environment and Public Works.

EC–7003. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''New Source Review (NSR) Sector Based Approach''; to the Committee on Environment and Public Works.

EC–7004. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Debt Collection Improvement Act of 1996''; to the Committee on Environment and Public Works.

EC–7005. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Quality Assurance Term and Condition''; to the Committee on Environment and Public Works.

EC–7006. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Information Collection Requirements''; to the Committee on Environment and Public Works.

EC–7007. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Research Misconduct under Assistance Agreements''; to the Committee on Environment and Public Works.

EC–7008. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Term and Condition for Year 2000 Compliance''; to the Committee on Environment and Public Works.

EC–7009. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List''; to the Committee on Environment and Public Works.

EC–7010. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled ''Indian Tribes: Air Quality Planning and Management''; to the Committee on Environment and Public Works.

EC–7011. A communication from the Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Newcomb's Snail (Erinna newcombi)'', received January 21, 2000; to the Committee on Environment and Public Works.

EC–7012. A communication from the Director, Fish and Wildlife Service, Department of the Interior transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Two Larkspurs from Coastal California, 'Delphinium bakeri' (Baker's larkspur) and ''Delphinium luteum' (yellow larkspur)'' (RIN1018–AE23), received January 21, 2000; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–373. A resolution adopted by the House of the Legislature of the State of Michigan relative to lifetime health care for military retirees; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 183

Whereas, The men and women who have devoted themselves to military service on behalf of their fellow citizens are entitled to receive the benefits promised them when they began their patriotic service. When these people signed up for the difficult and dangerous work of protecting our country and way of life, they were assured that the country would provide lifetime health care benefits; and

Whereas, This implied contract is not being fulfilled. Upon reaching the age of sixty-five, military retirees lose a significant portion of promised health care due to Medicare eligibility. This situation is made more severe by the fact that many military retirees do not live near military treatment facilities; and

Whereas, Military retirees have significantly less access to health care than other retired federal employees covered under the Federal Employees Health Benefits Program. This is especially true in light of inequities between coverages for pharmaceuticals; and

Whereas, There are proposals under consideration in Congress to rectify this problem and extend to military retirees the benefits they have earned and deserve. In addition, there are pilot projects operating that address the problem by allowing Medicare-eligible retirees to enroll in a program through the Department of Defense. Clearly, there are options available to provide military retirees the care to which they are entitled; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress and the President of the United States to maintain or improve our nation's commitment to military retirees to provide lifetime health care; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–374. A resolution adopted by the House of the Legislature of the State of Michigan relative to compensation for members of the military reserve and national guard when called to active duty; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 213

Whereas, the members of the military reserves and National Guard represent a vital

component of our national defense. From the birth of our country, civilian soldiers have made the swift transition to take up arms in our country's times of need. Since the end of the Cold War, our reservists have shouldered a heavier burden as the active military has been reduced; and

Whereas, in recent years, with mobilizations in the Middle East and the Balkan Peninsula, for example, reservists and National Guard units called to active duty have proven invaluable in all facets of military operations. This recent experience has also made it clear that the men and women serving in this role often do so at significant personal costs. This cost includes not only the financial strains on families, but also the burden facing the families and the small business operations that lose the contributions of the person who has donned a military uniform. In situations where the reservist or guard member is a medical professional, for example, several people can be deprived of their livelihoods for an indefinite period of time. This hardship becomes even more severe and long lasting if a business is lost; and

Whereas, some members of Congress, military leadership, and other observers have expressed concern for this future strength of our military as fewer young people pursue military service. In light of these factors, it seems logical to respond appropriately to the genuine needs of those who are already committed to the service of our country through the military. It is important that serious efforts be made to address this of those who are already committed to the service of our country through the military. It is important that serious efforts be made to address this situation swiftly: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to provide proper compensation and protection to members of the military reserves and National Guard when called to active duty to safeguard against financial and professional hardships; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–375. A resolution adopted by the House of the Legislature of the State of Michigan relative to disability compensation for military retirees; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 214

Whereas, The men and women who devote themselves to our nation's defense through careers in the military provide their fellow citizens with a quality of life and freedom unsurpassed anywhere on earth. This service routinely puts our military personnel at risk for injuries far more threatening than dangers inherent in most civilian professions; and

Whereas, Those pursuing military careers are promised a full retirement upon twenty or more years of active service. In addition to this service, the men and women who have served in the armed forces are sometimes called back into duty during mobilizations; and

Whereas, Currently, a person who becomes eligible for disability compensation as a result of a service-related injury sees retirement benefits reduced by the amount of compensation being paid for the injury. This situation has long been a source of discouragement and frustration for career military personnel. Their unique services and exposure to hardships should be recognized in the law as an indication of the appreciation of our citizens for the risks of military service; and

Whereas, There are measures before Congress to provide that disability payments and retirement benefits can be made concurrently, without deduction from either. This legislation needs to be enacted to keep faith with those to whom our nation has made promises that are an obligation of honor with people who preserve our cherished way of life. Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation permitting military retirees to receive disability compensation for service injuries without any reduction in retirement pay; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–376. A resolution adopted by the House of the Legislature of the State of Michigan relative to quality of and access to health care for veterans; to the Committee on Veterans Affairs.

HOUSE RESOLUTION NO. 205

Whereas, With the move to a balanced federal budget, many people are concerned over the impact of increasingly limited funds for vitally important services. An area of special concern is the health care provided to our veterans, especially through the facilities and programs of the Department of Veterans Affairs; and

Whereas, For those who served our country with sacrifice and valor in the Armed Forces, the VA health programs represent a fulfillment of a promise. The programs and facilities are literally a lifeline for many. This promise on the part of our nation—to care for our veterans in their times of need—cannot be forgotten or abandoned. The move to bring austerity and fiscal responsibility to government spending cannot override the needs of the veterans who now rely on us as we relied on them in our nation's times of need; and

Whereas, Funding to care for veterans who have suffered grave injuries must not be jeopardized. Veterans bedridden by injuries and dependent on VA health services have every right to the same level of dedication they gave to America in battles to preserve our way of life. To decrease our financial and emotional commitment to these patriots through inadequate care is wrong. Continuing cutbacks in funding and reductions in service and personal care represent a flawed approach to caring for men and women who have earned our lasting gratitude: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained or improved; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–377. A petition from the Attorney General of the State of Rhode Island relative to the statutory establishment of an office within the Department of Justice to address violence in families; to the Committee on the Judiciary.

POM–378. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM–379. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM–380. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM–381. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM–382. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM–383. A petition from a citizen of the State of Ohio relative to partial-birth abortions; to the Committee on the Judiciary.

POM–384. A joint resolution adopted by the Legislature of the State of Oregon relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE JOINT MEMORIAL 8

Wheares the Constitution of the United States requires an actual enumeration of the population every 10 years and entrusts Congress with overseeing all aspects of each federal decennial census; and

Whereas the sole constitutional purpose of the federal decennial census is to apportion the seats in Congress among the states; and

Whereas an accurate and legal federal decennial census is necessary to properly apportion seats in the United States House of Representatives among the 50 states and to create legislative districts within the states; and

Whereas an accurate and legal federal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas section 2, Article 1, United States Constitution, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an ''actual Enumeration'' of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas Title 13, Section 195 of the United States Code, consistent with this constitutional mandate, expressly prohibits the use of statistical sampling to enumerate the population of the United States for the purpose of reapportioning the United States House of Representatives; and

Whereas legislative redistricting conducted by the states is a critical subfunction of the constitutional requirements to apportion representatives among the states; and

Whereas the United States Supreme Court, in No. 98–404, Department of Commerce, et al. v. United States House of Representatives, et al., together with No. 98–564, Clinton, President of the United States, et al. v. Glavin, et al., ruled on January 25, 1999, that the Census Act prohibits the Census Bureau's proposed use of statistical sampling in calculating the population of purposes of apportionment; and

Whereas in reaching its findings, the United States Supreme Court found that the use of statistical samplings to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of ''one person, one vote''; and

Whereas consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate ''one vote'' legal protections, thus exposing the State of Oregon to protracted litigation over legislative redistricting plans at great cost to the taxpayers of the State of Oregon, and likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or

other statistical methodologies that add persons to or subtract persons from the census counts based solely on statistical inference; and

Whereas consistent with this ruling, no person enumerated in the census should ever be deleted from the census enumeration; and

Whereas consistent with this ruling, every reasonable and practicable effort should be made to obtain the fullest and most accurate count of the population as possible, including employing census counters and providing appropriate funding for state and local census outreach and education programs as well as a provision for post-census local review; and

Whereas census counters have encountered problems entering the United States' 11 most urban areas and counting citizens there; and

Whereas employing additional census counters from within problematic urban areas would provide temporary employment opportunities and increase the accuracy of the data collected in those areas: Now, therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

(1) We call on the United States Census Bureau to conduct the 2000 federal decennial census in a manner consistent with the January 25, 1999, United States Supreme Court ruling and the constitutional mandate, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

(2) We oppose the use of P.L. 94–171 data for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add persons to or subtract persons for the census counts.

(3) We demand that the State of Oregon receive P.L. 94–171 data for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the United States Supreme Court ruling and the constitutional mandate, which require a physical head count of the population and bar the use of statistical sampling to create or in any way adjust the count.

(4) We urge Congress, as the branch of government assigned the responsibility of overseeing the federal decennial census, to take whatever steps are necessary to ensure that the 2000 census is conducted fairly and legally.

(5) A copy of this memorial shall be sent to the President of the United States, the Vice President of the United States, the Majority Leaders of the United States Senate, the Speaker of the United States House of Representatives, the United States Census Bureau and each member of the Oregon Congressional Delegation.

POM–385. A resolution adopted by the House of the Legislature of the State of Oregon relative to child sexual abuse; to the Committee on Health, Education, Labor, and Pensions.

HOUSE MEMORIAL 1

Whereas children are a precious gift and responsibility; and

Whereas preserving the spiritual, physical and mental well-being of children is our sacred duty as citizens; and

Whereas no segment of our society is more critical to the future of human survival and society than our children; and

Whereas it is the obligation of all public policymakers not only to support but also to defend the health and rights of parents, families and children; and

Whereas information endangering children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations; and

Whereas elected officials have a duty to inform and to counteract actions they consider damaging to children, parents, families and society; and

Whereas Oregon has made sexual molestation of a child a crime; and

Whereas parents who sexually molest their children should be declared to be unfit; and

Whereas virtually all studies in this area, including those published by the American Psychological Association has recently published, but did not endorse, a study that suggests that sexual relationships between adults and ''willing'' children are less harmful than believed and might even be positive for ''willing'' children: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon:

(1) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon condemns and denounces all suggestions in the recently published study by the American Psychological Association that indicate that sexual relationships between adults and ''willing'' children are less harmful than believed and might even be positive for ''willing'' children.

(2) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon urges the President and the Congress of the United States of America to likewise reject and condemn, in the strongest honorable written and vocal terms possible, any suggestions that sexual relationships between children and adults are anything but abusive, destructive, exploitive, reprehensible and punishable by law.

(3) The House of Representatives of the Seventieth Legislative Assembly of the State of Oregon encourages competent investigations to continue to research the effects of child sexual abuse using the best methodology so that the public and public policymakers may act upon accurate information.

(4) A copy of this memorial shall be sent to:

(a) The Honorable Bill Clinton, President of the United States;

(b) The Honorable Al Gore, Jr., Vice President of the United States and President of the United States Senate;

(c) The Honorable Trent Lott, Majority Leader of the United States Senate;

(d) The Honorable J. Dennis Hastert, Speaker of the United States House of Representatives;

(e) The Honorable David Satcher, M.D., Ph.D., Surgeon General of the United States; and

(f) The members of the Oregon Congressional Delegation, including Senators Ron Wyden and Gordon Smith and Representatives David Wu, Greg Walden, Earl Blumenauer, Peter DeFazio and Darlene Hooley.

POM–386. A resolution adopted by the Common Council of the City of Syracuse, New York relative to excessive use of force by police officers and elimination of conflicts of interest within local judicial systems; to the Committee on the Judiciary.

POM–387. A resolution adopted by the General Assembly of a youth cooperative at Luis F. Crespo High School in Camuy, Puerto Rico relative to Vieques Island; to the Committee on Armed Services.

POM–388. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 10

Whereas, Social Security provides American workers and their families with universal, wage-related and inflation-adjusted benefits in the event of retirement, disability, or death of a wage earner; and

Whereas, without Social Security, approximately 54 percent of the population aged 65 and over would be consigned to poverty; and

Whereas, 98 percent of children under age 18 can count on monthly Social Security benefits if a working parent dies; and

Whereas, Social Security's trustees and administrators have carefully modified the benefit and financing structure to ensure the program's viability in light of demographic and economic developments; and

Whereas, Social Security, without any changes, could pay full benefits until the year 2032 and could pay 75 percent of benefits for decades thereafter; and

Whereas, the long-term solvency of Social Security can be ensured for future generations with measured, timely adjustments to the program made by Congress; and

Whereas, recent volatility in the stock market and overseas financial crises serve as reminders that the current Social Security system continues to provide the most financially stable safety net for American workers; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the United States Congress should give priority to preserving Social Security for future generations of Americans so that Social Security will continue to be a universal, mandatory, contributory social insurance system where risk is pooled among all workers; That copies of this resolution, signed by the speaker of the house and the president of the senate, be forwarded by the house clerk to the speaker of the United States House of Representatives, the President the United States Senate, and to each member of the New Hampshire congressional delegation.

POM–389. A resolution adopted by the Board of Chosen Freeholders of Ocean County, New Jersey relative to the dredging of the Brooklyn Marine Terminal and the disposal of dredge materials at the Mud Dump Site; to the Committee on Environment and Public Works.

POM–390. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania relative to the 2000 census; to the Committee on Governmental Affairs.

HOUSE CONCURRENT RESOLUTION

Whereas, the Constitution of the United States requires an actual enumeration of the population every ten years and entrusts Congress with overseeing all aspects of each decennial enumeration; and

Whereas, the sole constitutional purpose of the decennial census is to apportion the seats in Congress among the several states; and

Whereas, an accurate and legal decennial census is necessary to properly apportion United States House of Representatives seats among the 50 states and to create legislative districts within the states; and

Whereas, an accurate and legal decennial census is necessary to enable states to comply with the constitutional mandate of drawing state legislative districts within the states; and

Whereas, section 2 of Article I of the Constitution of the United States, in order to ensure an accurate count and to minimize the potential for political manipulation, mandates an ''actual enumeration'' of the population, which requires a physical head count of the population and prohibits statistical guessing or estimates of the population; and

Whereas, the provisions of 13 United States Code § 195 (relating to use of sampling), consistent with this constitutional mandate, expressly prohibit the use of statistical sampling to enumerate the population of the United States for the purpose of reapportioning the United States House of Representatives; and

Whereas, legislative redistricting conducted by the states is a critical subfunction of the constitutional requirement to apportion representatives among the states; and

Whereas, the United States Supreme Court, in case No. 98–404, Department of Commerce, et al. v. United States House of Representatives, et al., together with case No. 98–564, Clinton, President of the United States, et al. v. Glavin, et al., 525 U.S. 316 (1999), ruled on January 25, 1999, that 13 United States Code (relating to census) prohibits the Bureau of the Census' proposed uses of statistical sampling in calculating the population for purposes of apportionment; and

Whereas, in reaching its findings, the United States Supreme Court found that the use of statistical procedures to adjust census numbers would create a dilution of voting rights for citizens in legislative redistricting, thus violating legal guarantees of ''one-person, one-vote''; and

Whereas, consistent with this ruling and the constitutional and legal relationship of legislative redistricting by the states to the apportionment of the United States House of Representatives, the use of adjusted census data would raise serious questions of vote dilution and violate ''one-person, one-vote'' legal protections, thus exposing the Commonwealth of Pennsylvania to protracted litigation over legislative redistricting plans at great cost to the taxpayers of this Commonwealth, and would likely result in a court ruling invalidating any legislative redistricting plan using census numbers that have been determined in whole or in part by the use of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts based solely on statistical inference; and

Whereas, consistent with this ruling, no person enumerated in census should ever be deleted from the census enumeration; and

Whereas, consistent with this ruling, every reasonable and practical effort should be made to obtain the fullest and most accurate count of the population as possible, including appropriate funding for state and local census outreach and education programs, as well as a provision for post-census local review; and

Whereas, Federal funding based upon census data determine the state-by-state distribution of nearly $200 billion in Federal funds each year; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania call on the Bureau of the Census to conduct the 2000 decennial census consistently with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical head count of the population and which bar the use of statistical sampling to create, or in any way adjust, the count; and be it further

Resolved, That the Senate urge the Bureau of the Census to permit a postcensus local review process to ensure an actual enumeration; and be it further

Resolved, That the Senate oppose the use of the 2000 decennial census Public Law 94–171 data file for state legislative redistricting based on census numbers that have been determined in whole or in part by the use of statistical inferences derived by means of random sampling techniques or other statistical methodologies that add or subtract persons to the census counts; and be it further

Resolved, That the Senate urgently request that it receive the 2000 decennial census Public Law 94–171 data file for legislative redistricting identical to the census tabulation data used to apportion seats in the United States House of Representatives consistent with the aforementioned United States Supreme Court ruling and constitutional mandate, which require a physical head count of the population and which bar the use of statistical sampling to create, or in any way adjust, the count; and be it further

Resolved, That the Senate urge the Congress, as the branch of government assigned the responsibility of overseeing the decennial enumeration, to take whatever steps are necessary to ensure that the 2000 decennial census is conducted fairly and legally; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania.

POM–391. A resolution adopted by the Senate of the Legislature of the Commonwealth of Pennsylvania relative to the Canadian film industry and the upcoming trade talks with Canada; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION

Whereas, the financial advantages offered to filmmakers by Canada have attracted movie production to Canada, which has had the effect of increased employment in the Canadian film industry, the building of related facilities in Canada and more business for the Canadian vendors who supply movie companies with essential goods and services; and

Whereas, films that would have once been shot in the United States are now being made in Canada; and

Whereas, George Romero, who during a 30-year career has made all but a few of his films, including ''Night of the Living Dead,'' in Pittsburgh, made his most recent movie in Canada, citing Toronto as a filmmaker's paradise; and

Whereas, film industry support groups in the United States are looking at international trade agreements as a way to level the playing field between the United States and Canada with regard to the film industry; and

Whereas, Members of the Congress of the United States are circulating a petition to raise the issue of ''runaway production'' in upcoming trade talks with Canada; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize Congress to take action to assure that Canadian subsidies and cultural protectionism in the film industry be considered during the upcoming trade talks with Canada; and be it further

Resolved, That copies of this resolution be sent to the presiding officers of each House of Congress and to each Member of Congress from Pennsylvania.

POM–392. A joint resolution adopted by the Legislature of the State of Oregon relative to American soldiers and pilots missing from the Korean War; to the Committee on Foreign Relations.

SENATE JOINT MEMORIAL 10

Whereas during the Korean War the United States led 20 nations in the defense of South Korea; and

Whereas during the Korean War 5.7 million Americans served in the armed forces of this nation; and

Whereas 54,246 American soldiers were killed in the war, 103,284 were wounded, and 8,177 are still unaccounted for almost 50 years later; and

Whereas those still missing from the Korean War include Oregonians; and

Whereas the families of those missing from the Korean War are entitled to know what happened to their loved ones; and

Whereas the emotional pain of those families cannot end until such knowledge is obtained; and

Whereas many of the families of the missing desire to inter the remains of missing family members in the United States; and

Whereas knowledge of the missing and the recovery of the physical remains of the missing depends upon the cooperation of the Democratic People's Republic of Korea; now, Therefore, be it *Resolved by the Legislative Assembly of the State of Oregon:*

(1) The Congress of the United States and the President of the United States are respectfully requested to use all appropriate legal, diplomatic and economic means to obtain the full cooperation of the Democratic People's Republic of Korea and other nations in resolving the issue of American soldiers and pilots missing from the Korean War.

(2) A copy of this memorial shall be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Oregon Congressional Delegation.

POM–393. A joint resolution adopted by the Legislature of the State of Oregon relative to a constitutional convention on balancing the federal budget; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL 9

Whereas Article V of the Constitution of the United States provides for the proposal of amendments to the Constitution of the United States by two-thirds concurrence of the members of both houses of Congress; now, Therefore, be it

Resolved by the Legislative Assembly of the State of Oregon:

(1) The Congress of the United States is respectfully requested to disregard calls for a constitutional convention on balancing the federal budget because there exists no guarantee that a federal constitutional convention, once convened, could be limited to the subject of a balanced federal budget, and therefore such a convention may intrude into other constitutional revisions.

(2) This memorial supersedes all previous memorials from the Legislative Assembly of the State of Oregon requesting the Congress of the United States to call a constitutional convention to propose an amendment to the Constitution of the United States that would require a balanced federal budget, including Senate Joint Memorial 2 (1977), and therefore any similar memorials previously submitted are hereby withdrawn.

(3) A copy of this memorial shall be sent to the Senate Majority Leader and Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

POM–394. A concurrent resolution adopted by the Legislature of the State of Michigan relative to the quality of and access to health care for veterans; to the Committee on Veterans Affairs.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, With the move to a balanced federal budget, many people are concerned over the impact of increasingly limited funds for vitally important services. An area of special concern is the health care provided to our

veterans, especially through the facilities and programs of the Department of Veterans Affairs; and

Whereas, For those who served our country with sacrifice and valor in the Armed Forces, the VA health programs represent a fulfillment of a promise. The programs and facilities are literally a lifeline for many. This promise on the part of our nation—to care for our veterans in their times of need—cannot be forgotten or abandoned. The move to bring austerity and fiscal responsibility to government spending cannot override the needs of the veterans who now rely on us as we relied on them in our nation's times of need; and

Whereas, Funding to care for veterans who have suffered grave injuries must not be jeopardized. Veterans bedridden by injuries and dependent on VA health services have every right to the same level of dedication they gave to America in battles to preserve our way of life. To decrease our financial and emotional commitment to these patriots through inadequate care is wrong. Continuing cutbacks in funding and reductions in service and personal care represent a flawed approach to caring for men and women who have earned our lasting gratitude; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we memorialize the Congress of the United States to assure that quality and access to health care for veterans are maintained; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–395. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to the Federalism Act of 1999; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 233

Whereas, Under the Supremacy Clause of the United States Constitution, if a Federal law or regulation adopted appropriately pursuant to one of the Federal Government's powers conflicts with state law, then Federal law preempts state law; and

Whereas, This is as it should be and is as the Framers of the Constitution intended; and

Whereas, The problem is that the frequency and pace of Federal preemption of state law has, in recent years, increased dramatically; and

Whereas, Today state and local governments find it increasingly difficult to play their traditional role within our system of constitutional federalism; and

Whereas, The increasing reliance upon Federal preemption means that the policy jurisdiction of state legislatures and of city and county councils has been lost; and

Whereas, When states and localities cannot legislate in response to their citizen's needs because the Federal Government has preempted the policy field, then the capacity for regional and local self-government is lost; and

Whereas, The advantages of federalism are that laws will be adapted to local needs and conditions and will reflect regional and community values and that it allows greater responsiveness and innovation through local self-government; and

Whereas, The proposed Federalism Act addresses the increasing problem of the preemption of state and local laws by providing Congress with more information about the preemptive impact of legislative proposals, providing a rule of construction urging the courts to limit findings that preemption is implied where in fact there is neither a direct conflict between state and Federal law nor a clear expression by Congress of its intent to preempt and providing for notice and consultation procedures in the Federal administrative process to encourage Federal agencies to take federalism and preemption issues more fully into account in the course of rulemaking; and

Whereas, Preemption must be limited if we are to enjoy the advantages of federalism which foster policymaking respecting America's diversity and a policymaking process which encourages innovation and responsiveness; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize the President of the United States and the Congress to support and approve The Federalism Act of 1999; H.R. 2245 (1999), which comprehensively addresses the Federal preemption of state law with ''one-size-fits-all'' national policy; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–396. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to the Individuals with Disabilities Education Act; to the Committee on Appropriations.

HOUSE RESOLUTION NO. 227

Whereas, The Individuals with Disabilities Education Act (Public Law 91–230, 20 U.S.C. §1400 et seq.) was first enacted in 1970 as the Education of the Handicapped Act (Public Law 91–230, 84 Stat. 175); and

Whereas, The Individuals with Disabilities Education Act protects the rights of children with disabilities to be educated in the least restrictive environment through a continuum of appropriate services and placements; and

Whereas, Beginning in 1996, educators and lawmakers saw congressional reauthorization as an opportunity to make changes, particularly in the area of giving local school districts more flexibility to reduce costs and to discipline disabled students whose misconduct jeopardizes school safety or unreasonably disrupts classroom learning; and

Whereas, Despite the omnibus changes made during the 1997 Individuals with Disabilities Education Act reauthorization, superintendents and local school boards of directors are gravely concerned about potential cost increases related to conforming to the new law and its implementing regulations; and

Whereas, Added procedural requirements and timelines and operational difficulties may be encountered by school entities in complying with the new law, particularly its very complex and detailed implementing regulations; and

Whereas, Assuring that appropriate procedural safeguards remain in place for the disabled children is expected to further exacerbate the already high per pupil costs for special education; and

Whereas, When the Individuals with Disabilities Education Act was created, the Congress of the United States promised to provide 40% of its funding, but the $4 billion appropriated in fiscal year 1997–1998 paid for less than 9% of the program; and

Whereas, The lack of an adequate and appropriate Federal fiscal commitment leaves State and local taxpayers bearing a disproportionate share of the costs to comply with these Federal mandates; therefore be it

Resolved, That the House of Representatives memorialize Congress to fully fund its obligations under the Individuals with Disabilities Education Act; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–397. A petition from a citizen of the State of Texas relative to employment discrimination; to the Committee on Health, Education, Labor, and Pensions.

POM–398. A resolution adopted by the House of the Legislature of the State of Illinois relative to the attack on Pearl Harbor; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 440

Whereas, December 7, 2001 is the 60th anniversary of the sneak attack on Pearl Harbor by the Japanese Navy and Air Forces on December 7, 1941; and

Whereas, On August 23, 1994, President William J. Clinton signed HJ Res 131 National Pearl Harbor Remembrance Day into law; said PL 103–308 urged all to fly the flag of the United States at half staff to honor all those individuals who died as the result of their service at Pearl Harbor on December 7, 1941; and

Whereas, There were no appropriate ceremonies, activities, or any press releases to the mass media to inform the general public of PL 103–308; therefore, be it

Resolved, by the House of Representatives of the Ninety-First General Assembly of the State of Illinois, that in order to commemorate the 60th anniversary of the attack on Pearl Harbor, we urge the Senate and the House of Representatives of the United States of America to enact legislation requiring all governmental posts to fly the flag of the United States at half staff to honor all those individuals who died as the result of their service at Pearl Harbor on December 7, 1941 and urging all Americans to do likewise; and be it further

Resolved, That the President of the United States issue a proclamation and press releases to all mass media about PL 103–308 and the aforementioned legislation so that the general public will know of same; and be it further

Resolved, That suitable copies of this resolution be forwarded to the President of the United States, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Illinois congressional delegation.

POM–399. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven relative to the dredging of the Brooklyn Marine Terminal and the disposal of dredge materials at the Mud Dump Site; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 2004. A bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS (for himself, Mr. NICKLES, Mr. ROBERTS, Mr. GRAMS, and Mr. ALLARD):

S. 2005. A bill to repeal the modification of the installment method; to the Committee on Finance.

By Mr. SPECTER:

S. 2006. A bill for the relief of Yongyi Song; read the first time.

By Mr. CONRAD:

S. 2007. A bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ASHCROFT:

S. 2008. A bill to require the pre-release drug testing of Federal prisoners; to the Committee on the Judiciary.

By Mr. WYDEN (for himself, Mr. BYRD, Mr. BREAUX, and Mrs. LINCOLN):

S. 2009. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

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SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr . CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 245. A resolution relative to the Death of Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate; considered and agreed to.

By Mr. KERREY (for himself, Mr. HAGEL, Mr. LOTT, Mr. DASCHLE, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 246. A resolution relative to the death of Carl Curtis, former United States Senator for the State of Nebraska; considered and agreed to.

By Mr. CAMPBELL (for himself, Mr. HATCH, Mr. BURNS, Mr. JEFFORDS, Mr. COVERDELL, Mr. LEAHY, Mr. CLELAND, Mr. MOYNIHAN, Mr. DEWINE, Mr. GRAMM, Mr. BIDEN, Mr. CRAPO, Mr. AKAKA, Mr. LAUTENBERG, Mr. SARBANES, Mr. HAGEL, Mr. WARNER, Mr. GORTON, Mr. HELMS, Mr. INHOFE, Mr. INOUYE, Mr. GRAMS, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. BAYH, Mr. DORGAN, Mr. LEVIN, Mrs. HUTCHISON, and Ms. COLLINS):

S. Res. 247. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. SCHUMER, Mr. BAUCUS, Ms. COLLINS, Mr. LEAHY, Mr. KERRY, and Mr. WELLSTONE):

S. Con. Res. 78. A concurrent resolution expressing the sense of the Congress that, the Government of the People's Republic of China should immediately release from prison and drop all criminal charges against Yongyi Song, and should guarantee in their legal system fair and professional treatment of criminal defense lawyers and conduct fair and open trials; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY):

S. Con. Res. 79. A concurrent resolution expressing the sense of Congress that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba; to the Committee on the Judiciary.

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 2004. A bill to amend title 49 of the United States Code to expand State authority with respect to pipeline safety, to establish new Federal requirements to improve pipeline safety, to authorize appropriations under chapter 601 of that title for fiscal years 2001 through 2005, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY ACT OF 2000

Mrs. MURRAY. Mr. President, at the start of this session, I've come to the floor to introduce a bill that will improve the safety of all Americans by raising the safety standards on the oil and gas pipelines that run through our communities.

Today, I'm introducing the Pipeline Safety Act of 2000.

Until recently, like many Americans, I wasn't aware of the potential safety hazards that pipelines can pose. These pipelines stretch across America—running under our homes and near our schools and offices. Nationwide, the Office of Pipeline Safety oversees more than 157,000 miles of underground pipeline which transport hazardous liquids and more than 2.2 million miles of pipeline which transport natural gas. They perform a vital service—bringing oil and essential products to our homes and businesses. I rarely heard about them, so I assumed they were safe.

But last year, there was a deadly pipeline accident in my home state of Washington. And the more I learned about how pipelines are regulated in the United States—the more concerned I became.

Today, seven months after that disaster in Bellingham, I am here on the Senate floor with a bill that takes the lessons of pipeline disasters and turns them into law—so that these tragedies won't happen again.

Mr. President, on June 10th, in Bellingham, Washington, a gas pipeline ruptured—releasing more than a quarter of a million gallons of gasoline into Whatcom Creek. The gas ignited—sending a huge fireball racing down the creek—destroying everything in its path for more than a mile. The dramatic explosion killed three young people who happened to be playing by the creek. It created a plume of smoke which rose more than twenty-thousand feet into the air. This photo behind me was taken just moments after the explosion. One minute, a quiet residential area; the next moment, a disaster.

Besides the tragic loss of these three young lives, this explosion caused horrendous environmental damage. In fact, I was scheduled to be at this exact site just a few weeks later to designate a newly restored salmon spawning ground. When I saw the damage a short time after the explosion, frankly, I was shocked.

Take a look at these pictures. This was before the explosion where we were going to dedicate a salmon creek spawning ground. This is afterwards. As you can see, this explosion destroyed all of the plant and animal life in the creek, and it was once a lush and diverse habitat. In moments, it was destroyed and gone.

The explosion also had an impact on the entire community. Neighbors could not sleep at night, and young children—still to this day—panic during lightning storms. And, of course, three

families—who lost their children—will never be the same.

Mr. President, as I researched this issue, I learned that what happened in my state was not unique—in fact—it wasn't even rare. According to the Office of Pipeline Safety, since 1986, there have been more than 5,500 incidents, resulting in 310 deaths and 1,500 injuries. Those 5,500 incidents also caused nearly a billion dollars in property damage. On average, our nation suffers one pipeline accident every day.

Clearly, this is a national problem—requiring a national solution. This chart shows some of the major pipeline accidents since 1981. This chart only shows the accidents investigated by the National Transportation Safety Board—not all 5,500.

As you can see, these disasters can occur anywhere—in anyone's neighborhood, in anyone's community, close to anybody's school, near anybody's place of work. And they have devastating results.

While the pipeline industry—by and large—does a good job of safely delivering the fuel we need to heat our homes and drive our cars, there are some examples where they failed to protect the public.

According to a New York Times article from January 14th of this year:

> One of the nation's largest pipeline operators quit inspecting its lines for much of the 1990's and instead found flaws by waiting for the pipes to break. Koch Industries agreed to pay a fine of $30 million—the largest civil environmental penalty to date.

That company's behavior resulted in leaks of three million gallons of crude oil, gasoline, and other products in 300 separate incidents in the last nine years.

We can't just rely on the industry to police itself. As this example showed, one company decided it was cheaper to wait for accidents to happen, than to take steps to prevent them. The time has come to raise the standards for pipeline safety.

Too often the public is left in the dark. Neighbors don't know they live near pipelines. Schools and communities aren't told when there are problems with a pipeline. The time has come to expand the public's right to know about the pipelines that run near their homes.

Too often pipelines operators don't have the training or experience they need to handle emergencies. Sometimes their actions cause accidents, and many times they make these disasters even worse. We should certify pipeline inspectors so we will know they have the training they need. In fact, in 1992 Congress passed a law requiring certification of pipeline operators. But a few years later, that requirement was repealed. That's a mistake we need to correct, and today, the need for qualified, certified operators is even greater.

Too often there aren't enough resources to oversee the industry or to carry out vital safety programs. The time has come to put the resources behind these new standards.

The time has come to reduce the risks pipeline pose. And the bill I'm introducing today does just that.

Here are the key provisions of my bill:

First, my bill will expand state authority to give states more control over pipeline safety standards. It's time to make states equal partners when it comes to pipeline safety. States should be able to use their knowledge of local conditions and circumstances to increase safety. States should be able to set up even more stringent standards than the federal government in areas like:

Requiring additional training and education of inspectors and operators;

Allowing states to require additional leak detection devices;

Allowing states to certify procedures and responses to accidents; and

Allowing states to enforce regulations.

While some new state authority gives the Secretary of Transportation the discretion to allow states to regulate, it is my intent that the Secretary work aggressively at accomplishing these partnerships in the way I outline in my bill.

I also strongly support efforts to better equip states as they respond to accidents. This involves better coordination between state and federal agencies so that police, fire, and emergency medical personnel will be better able to respond to pipeline disasters. The federal government should also encourage states to work more closely with pipeline companies on prevention.

Second, my bill will improve inspection practices.

We must develop guidelines and requirements for the internal and external inspection of pipelines. Current law only requires that pipelines be inspected internally when they are new and being used for the first time.

My bill requires pipeline companies to periodically inspect their pipelines internally and externally and report their findings to federal and state authorities, as well as the public. My bill also requires pipeline companies to take action if those findings uncover problems.

Third, my bill will strengthen the public's ''right to know.''

Currently the public does not have the right to know about spills and problems with pipelines. My bill would require pipeline companies to disclose problems with the pipeline and what the company is doing to fix them. It will require pipeline companies to report to the public any spill and also to report the results of the periodic testing I am proposing.

Fourth, my bill will improve the quality of pipeline operators.

Current law allows companies to determine if their own operator is ''qualified'' to work on a pipeline. My bill would place the government in the position of determining whether the companies' assessment is accurate. We wouldn't want an airline pilot flying a plane unless the FAA determined he was qualified. Similarly, we should require the Office of Pipeline Safety to review and certify the qualifications of pipeline operators.

Finally, my bill will increase funding to improve safety.

We should increase funding for research that will help improve the devices that inspect pipelines and detect leads. We should also increase grant programs to state agencies that regulate and monitor pipelines. This should be a partnership that recognizes both the state and federal responsibility in making pipelines safer.

Mr. President, I am proud to introduce this bill today because I know it's the right thing to do. This has been a long process, and I've received a lot of cooperation. Specifically, I would like to thank U.S. Secretary of Transportation Rodney Slater, the Office of Pipeline Safety, the National Transportation Safety Board, the City of Bellingham, my colleagues in the Senate, Gov. Locke, other federal and state agencies, and industry representatives. Senator GORTON, my colleague from Washington State, is well aware of the importance of this issue and I look forward to his continued input.

I'm also looking forward to working with my colleagues in the House—specifically Representatives INSLEE, METCALF, and BAIRD—who have expressed interest in this issue.

This bill will raise safety standards so that every family that lives near a pipeline can sleep soundly at night. This accident should not happen again. The time has come to take the lessons of this tragedy and put them into law—so we can reduce the odds of another disaster. We have a responsibility to do it, this bill gives us the tools to do it, and I hope you will support me in this effort.

Mr. SESSIONS. Mr. President, I will be interested in the Senator's pipeline safety bill. That is a matter that is important. The pipelines are so much safer than trucks and other forms of distribution of fossil fuel. We are moving toward the use of natural gas, which burns so much cleaner than coal, fossil fuel, and other fuels. I think we will be having more pipelines around the country. I think it will be essential. It will be a positive environmental step to move forward with it.

I have been somewhat discouraged that the Vice President has indicated he opposes drilling for natural gas off the gulf coast where it can be done so much more safely than drilling for liquid gas. We have had very few problems of any kind drilling off the coast. In fact, it produces the cleanest burning fuel we have. We have the Vice President opposing nuclear power, and now we are shutting off our capacity to reach natural gas which we are now using to generate electricity at a fraction of the environmental pollutants that other forms of energy generate. We are reaching a point of boxing ourselves in. We are supposed to reach

cleaner air goals under the Kyoto agreement. The President and Vice President say we should go forward, but we are boxing ourselves in.

We need to maintain an efficient gas pipeline system in America to generate the energy for the needs we have while continuing to reduce pollutants in the atmosphere. It has to be safe, too. I am willing to look at that. I certainly don't favor additional regulations, but if it promotes safety, I think it is something we ought to talk about.

By Mr. BURNS (for himself, Mr. NICKLES, Mr. ROBERTS, Mr. GRAMS, and Mr. ALLARD):

S. 2005. A bill to repeal the modification of the installment method; to the Committee on Finance.

REPEAL OF A TAX ON THE SALE OF SMALL BUSINESSES

Mr. BURNS. Mr. President, today I introduce a bill that will repeal a little-noticed, yet extremely detrimental, installment tax provision on small businesses.

This provisions, enacted at the end of last year's congressional session as part of the conference report of H.R. 1180, the Ticket to Work and Work Incentives Improvement Act of 1999 was placed into effect on December 17 when President Clinton signed the bill.

According to this provision, many small-business owners who sell their businesses will now have to immediately pay in one lump sum all capital gains taxes resulting from the sale, even if the sale's payments are spread out in installments over a period of several years. Under previous treatment, the capital gain tax payment could be spread over the life of the installment note.

An unintended consequence of this provision has been to adversely affect the sale of small businesses. Most sales of these businesses use the installment sales method. Larger publicly traded corporations are not impacted as they tend to use other financing methods involving cash or stock transactions.

According to the National Federation of Independent Business (NFIB), it is possible that most of the 200,000 small business sales which occur each year will be adversely affected by this provision. Some estimates show that, depending upon the circumstances, this provision could reduce the sale price of a business by 5, 10, 20 percent or more.

My legislation will repeal the elimination of this provision giving small business owners the opportunity to defer over the period of payments the capital gains tax on the sale of their business.

Mr. President, the American public is aware of this tax. I have seen press releases, newspaper articles and even a story on a national news network. This will effect not only the liquidity and price a seller is required to accept for a business.

We're not talking about major corporations—rather, we are talking about small businesses—a local hamburger joint, a laundromat, a car wash, the businesses that support a community.

I encourage my colleagues to support the small business owner by cosponsoring this legislation.

By Mr. SPECTER:

S. 2006. A bill for the relief of Yongyi Song; read the first time.

PRIVATE RELIEF LEGISLATION

Mr. SPECTER. The thrust of the private relief bill and the concurrent resolution is that they seek relief for Mr. Yongyi Song, who is a librarian at Dickinson College of Carlisle, PA. Mr. Song was detained in Beijing, China, on August 7 of this year and on Christmas Eve was charged with ''the purchase and illegal provision of intelligence to foreign institutions.''

Two days ago, the People's Republic of China announced that Yongyi Song had confessed, which I believe is a representation having absolutely no credibility because Mr. Song has been held in detention for months. Any statements made in that context are inherently coercive, intimidating, and really of no validity at all.

The facts are that Yongyi Song is a distinguished and noted scholar who has published extensive works about the Cultural Revolution in China and that he had made a trip to the People's Republic of China earlier this year in order to further his academic research. Then he was taken into custody without cause.

The resolution that has been filed calls for the People's Republic of China to release Yongyi Song promptly. It calls for the fair treatment of lawyers in the People's Republic of China so they may practice in a decent manner within their judicial system, and it calls for the People's Republic of China to put into practice the reforms in the judicial system which they have, in fact, adopted on paper but are not putting into effect as a matter of practice.

The relationship between the United States Government and the People's Republic of China is a complex one. We have seen repeated incidents by China of flagrant disregard for human rights, and this is another instance. By taking Yongyi Song into custody and holding him in detention without charges, and months later—from August 7 until Christmas Eve—finally filing charges, and then the representation of a confession, which legal experts interpret to mean that they have no case and are doing their best to try to fashion some make-way situation is perhaps the lowest ebb of disregard for human rights and for academic freedom.

The resolution will be taken up concurrently in the House of Representatives as well. The bill for naturalization will enable the Government of the United States to take stronger action on behalf of Mr. Song. It will enable our State Department officials, for example, to visit with Yongyi Song, may be instrumental in obtaining the right to counsel, and may be instrumental in obtaining the right to observe any trial which is in process.

There has been a marked and serious determination in the activities of the People's Republic of China in their criminal justice system.

I ask unanimous consent that at the conclusion of my remarks the full text of an article from the New York Times, dated January 6 of this year, be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. It concerns lawyer Liu Jian who represented the defendant in a criminal case. He found that none of the 37 witnesses he had lined up appeared to testify because of intimidation from the Government. He found himself, a lawyer, in police custody charged with ''illegally obtaining evidence.'' While in custody, he was subjected to beatings and day-long interrogations without food or rest, and he later found his ability to practice law and his license to practice law in jeopardy.

It is obviously impossible to have a judicial system that functions without lawyers. The activities of the People's Republic of China have been absolutely reprehensible in this regard. Our resolution calls for relief for Yongyi Song and also calls for an improvement in the judicial system and the treatment of lawyers by the People's Republic of China.

Mr. President, this vital legislation would grant Mr. Yongyi Song U.S. citizenship. Mr. Song has been a resident of the United States for the past ten years, has passed his United States citizenship tests, and had been scheduled to be sworn in as a United States citizen in September 1999. However, Mr. Song, a respected researcher and librarian at Dickinson College in Carlisle, PA, was detained on August 7, 1999, in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1960's. After 5 months of detention, Mr. Song was formally ''arrested'' on Christmas Eve in China, on charges of ''the purchase and illegal provision of intelligence to foreign institutions.''

The People's Republic of China claims Mr. Song violated Chinese criminal law by collecting historical documents. However, the documents in Mr. Song's possession have reportedly been previously published in newspapers, books, and other ''open'' sources. The historical material Mr. Song was gathering in no way threatens the security of the Chinese Government or people. The case of Yongyi Song is an affront to basic human rights, an affront to academic freedom and affront to people around the world.

The bill that I am introducing today would waive the oath of allegiance and grant Mr. Song immediate citizenship, as Mr. Song passed the INS naturalization test on June 7, 1999. I believe it is vital that Congress become involved in this case: if Mr. Song were a U.S. citizen, the State Department would be in

a stronger position to insist on being able to see him while he is being detained, insist on monitoring any trial that may occur, and insist on Mr. Song's right to counsel. Further, U.S. citizenship would afford Mr. Song a better chance of being expelled by the Chinese government after the trial, rather than being forced to serve a prison sentence should the Chinese Government convict him in Chinese court.

Mr. Song was a young man in China during the Cultural Revolution and now, at age 50, he is languishing in a Chinese jail as a result of trying to study it. Considering the extremely high conviction rate in the Chinese judicial system, it is very probable that Mr. Song will be convicted despite my commitment to an all-out fight for his freedom and innocence.

This case presents an international challenge to academic freedom and the pursuit of truth. While private relief legislation is a last resort that should be used sparingly by the Congress, the urgency and the compelling nature of this situation is one that demands immediate and definitive action. I urge my colleagues to support me in this fight for justice.

THE YONGYI SONG RESOLUTION

Mr. President, I have sought recognition today to introduce legislation that will bring attention to a situation which is occurring in the People's Republic of China. On August 7, 1999, Mr. Yongyi Song, a resident of Carlisle, PA, was detained in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1966–76.

Mr. Song works as a researcher and librarian at Dickinson College in Carlisle, PA. He is a noted scholar of Chinese cultural history and has authored two books and several articles on the subject. On Christmas eve Mr. Song was formally arrested on charges of ''the purchase and illegal provision of intelligence to foreign institutions.'' Yet, the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other ''open'' sources.

His case is complicated because although Mr. Song has lived in the United States for the past ten years and has passed his citizenship tests, he has not been sworn in as a U.S. citizen. He was scheduled to take the oath of allegiance on September 23, 1999, but was detained by the PRC before he could return home.

The case of Yongyi Song is an affront to basic human rights, an affront to academic freedom and an affront to people around the world. The People's Republic of China claims that Mr. Song violated Chinese criminal law by collecting historical documents, yet the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other ''open'' sources. At a time when the Chinese Government is looking for legitimacy, trying to get into the World Trade Organization and talking about improving its criminal justice system, this is a sharp about face.

This legislation I am about to introduce, a Concurrent Resolution, will express the Sense of the Congress that the Government of the People's Republic of China (PRC) should immediately release from prison and drop all criminal charges against Yongyi Song. Further, it will encourage the PRC to make reforms to their legal system so that criminal defense lawyers are guaranteed fair and professional treatment and encourage the PRC to conduct fair and open court proceedings.

In working with Mr. Song's defense team, I have learned about several problems within the Chinese legal system. First, the difficulties criminal defense lawyers face in representing their clients in the People's Republic of China. Over the past several years China has attempted to reform its legal system yet it has not been successful. Police often refuse to let lawyers meet with their clients and lawyers are often not provided with legally guaranteed information they require to competently represent clients. Many times trials are not open to the public or defendants families so that fair treatment of both lawyer and client cannot be accurately ascertained or proven. Additionally, defense lawyers are subject to harassment and interference and at times even arrest and imprisonment by Chinese authorities while defending clients. For example, in July, 1998 Liu Jian, a criminal defense lawyer from Nanjing, China was imprisoned, subjected to beatings and ''marathon'' interrogations after he represented a local official accused of taking bribes.

I urge my colleagues to send a sharp message to the People's Republic of China that they immediately release Yongyi Song from prison and drop all charges against him. Further, we should encourage the PRC to provide fair and professional treatment to criminal defense lawyers and work to ensure that more court proceedings are open to the public.

EXHIBIT 1

[From the New York Times, Jan. 6, 2000]

IN CHINA'S LEGAL EVOLUTION, THE LAWYERS ARE HANDCUFFED

(By Elisabeth Rosenthal)

NANJING, CHINA.—Liu Jian was an idealistic new lawyer when his Nanjing firm sent him to a rural town 200 miles away to represent a local official accused of taking bribes.

Stationed in the town, Binhai, he worked round-the-clock doing what defense lawyers do to prepare for trial: interviewing witnesses, examining documents and—when the police would allow—brainstorming with his client.

But when the court convened on July 13, 1998, almost none of the 37 witnesses he had lined up appeared to testify. The prosecutor swore and ranted at Mr. Liu, calling him a criminal. And at trial's end, outside Binhai's courthouse, Mr. Liu found himself in police custody, charged with ''illegally obtaining evidence.''

Although legal experts around the country declared his innocence, Mr. Liu spent a nightmarish five months in detention, subjected at times to beatings and daylong interrogations without food or rest.

''I was released on Dec. 11, and I've tried not to have any contact with the criminal law since,'' said Mr. Liu, a thin, serious man with a downtrodden air, whose son was born and whose mother had a heart attack while he was in jail. ''I've really lost confidence in the system.''

Over the past decade, China has tried to overhaul its legal system, training thousands of new lawyers and passing laws that greatly expand their role in criminal cases—for example, for the first time giving defendants in detention the right to a lawyer and allowing lawyers to conduct pretrial investigations.

But results have been mixed, especially in the country's vast rural areas, where the police, prosecutors and judges often chafe under the new rules. And China's young lawyers have been at once a tremendous force for change and also frequent victims: byproducts of a new legal system that is far better established on paper than in practice.

''The law has made great advances, but sometimes thinking has not,'' said Li Baoyue, a criminal lawyer who also teaches at Beijing's University of Politics and Law. ''It is going to be a very difficult road ahead to get these new regulations implemented.''

Although it is rare for criminal lawyers to end up in prison, defense lawyers say, it is common for them to suffer a barrage of problems, insults and lesser slights like these:

The police often refuse to let lawyers meet their clients in private or in a timely manner, despite a law giving them access within 48 hours.

Lawyers are often not provided with legally guaranteed access to court material, like transcripts of confessions, medical examinations and witness lists.

Intimidation of witnesses by the local police and prosecutors often leaves lawyers with few people willing to testify.

''Because of these problems, it's sometimes hard to find a lawyer for criminal cases,'' Professor Li said, adding that the work can be dangerous. ''Many lawyers are scared they could become implicated in the case and lose their livelihood.'' Business law is much more lucrative, and safer

Gu Yongzhong, a former criminal law specialist in Beijing who now takes on criminal cases only occasionally said: ''For the amount of time it takes to prepare the case, it doesn't pay. And it's very hard to get a not-guilty verdict.''

Lawyers agree that the obstacles are far greater in the rural areas, where the legal training of judges and the police is often poorest. But some problems are more widespread, like the difficulty in meting defendants, lawyers said.

Defendants in cases that are politically sensitive are rarely granted their legally guaranteed rights.

One lawyer said that he had recently spent two weeks trying to met a client detained by the Beijing Public Security Bureau, which repeatedly deflected requests and turned him away at the gates of the detention center before finally allowing the meeting.

''It usually takes some time to get to see your clients,'' Mr. Gu said. ''The law enforcement agencies are not willing at the start because they are worried it will interfere with their investigation. Although it seems to be getting somewhat better lately.''

Unfortunately, experts say, those first days of detention are when some of the worst police abuses occur—when defendants are subjected to aggressive and sometimes brutal interrogation to obtain confessions. Although Chinese law forbids torture, and confessions obtained by torture cannot be used

in court, Chinese officials acknowledge that the practice is still relatively common.

The use of ''confession by torture remains unchecked,'' said a recent commentary in the official China Youth Daily. ''It is commonplace for citizens to be arbitrarily summoned, forcibly seized, detained and even detained beyond legal time limits, and for citizens whose freedom has been restricted to be treated inhumanely.''

Transcripts of police interrogations with recalcitrant suspects often show breaks in the questioning marked by the words ''Education takes place,'' defense lawyers say. And when the session resumes—voila!—a confession.

''The use of torture to obtain a confession is something defendants often raise, but it puts us in a very delicate situation since we need facts and evidence to back up these claims,'' said Sun Guoxiang, a prominent defense lawyer in Nanjing who helped defend Mr. Liu. ''But it is very hard to gather evidence because it is almost impossible to get access to clients at these times.''

In Mr. Liu's case, the cultures of law and law enforcement repeatedly clashed, as Mr. Liu reminded his captors of his legal rights.

Just a high school graduate, Mr. Liu became a lawyer through an arduous self-study law program affiliated with Nanjing University, while working full time designing furniture. The first professional from a poor rural family, Mr. Liu regarded the law with a touch of awe.

''I thought it was a career where I could help people, that had meaning,'' he said.

He was admitted to the bar in 1994, when officials in Beijing were writing the new Criminal Procedure Code, which took effect in October 1997. That code allows lawyers to formulate a defense by conducting independent investigations during what prosecutors call the ''investigative period,'' a stage that can last weeks if not months, when a suspect is in detention but has not yet been formally charged.

But the police in Binhai had other ideas. On his first trip to Binhai, Mr. Liu said, he and a colleague from his firm were never allowed to see their client, whose wife had retained the firm. When a meeting was finally permitted on a subsequent visit, they were given time only to ''exchange a few words''—and these with the head of the county anticorruption bureau listening.

But a week before the trial, a longer meeting took place—and Mr. Liu discovered huge discrepancies between the bribery charges brought by the prosecutors and the story told by the defendant, who said he had been tortured into confessing.

For the next week, Mr. Liu frantically—and aggressively—sought out witnesses, many of whom contradicted the police and some of whom said they had been threatened by local officials.

''Our impression wasn't that our client was totally innocent,'' Mr. Liu said, ''but we felt that the prosecution needed to provide better evidence to make the charges stand.''

IT'S THE LAWYERS WHO ARE HANDCUFFED

Although the realist in him ''kind of expected'' a guilty verdict because ''the prosecutor had a lot riding on the corruption case,'' his lawyer side thought he might have a chance.

That hope quickly dissipated once his witnesses failed to appear—except the defendant's wife and one nervous man who repeatedly contradicted himself—and the court struck down each point he raised.

Still, during closing arguments, Mr. Liu was ''shocked'' to hear the prosecutor attacking not the defendant, but the defense team. The prosecutor charged that Mr. Liu had broken the law: that he had ''deliberately induced witnesses to give false evidence'' and then ''presented testimony that he knew to be false to the court''—charges that Chinese legal experts have loudly protested.

Professor Li of the University of Politics and Law said, ''In certain cases, when law enforcement bodies don't have a highly developed legal mentality, they assume lawyers doing their professional work are doing the bidding of villains.''

He added that there was often tension between the rural police, few of whom have gone beyond high school, and the better-educated, relatively high-earning lawyers who enter their turf.

After Mr. Liu was detained, he refused to eat for a day, to protest a jailing he regarded as illegal. He repeatedly reminded the police about the legal time limit on detention and his right to see a lawyer, with little effect.

For the first 10 days he was not even allowed to contact his own law firm, he said. For the entire five months in custody he was not permitted to speak to his wife. He learned about the birth of his son from a prosecutor.

In marathon interrogations, the police first urged him to confess, then, when he demurred, ''reminded'' him that he had ''forced witnesses'' to change their testimony. Mr. Liu said they made him stand for hours or beat him until his mouth filled with blood when he refused to confirm their version of events. He said they wrote out a confession for him, which he eventually read to a camera.

Legal experts from Nanjing and Beijing rallied to his defense, sending lawyers to defend him at his trial, set for October 1998, and preparing statements declaring his innocence.

He was grateful for their support, but ultimately dared not test the system, deciding to plead guilty in exchange for a light sentence, consisting of time served.

''Because of the mental pressure I was under, I was forced to admit to their charges,'' he said. ''I thought, 'I'm not going to receive justice here.' I wanted to get out a soon as possible and thought then I could set about clearing my name.''

Mr. Liu is now appealing the judgment, although lawyers say that with a videotaped confession he will have a hard time officially clearing his name. Meantime, his criminal record bars him from working as a lawyer.

It is a frustrating limbo for a man, now only 28, whom the country's top defense lawyers have declared innocent. Late last year, a panel of 12 legal experts concluded that while Mr. Liu's actions were ''somewhat irregular'' they ''did not possess the conditions for a crime.''

Among Mr. Liu's ''minor breaches'' were posing questions in a leading manner and interviewing witnesses alone, said Sun Guoxiang, his principal defense lawyer, noting that these were mostly a result of his inexperience. It is standard practice in China for two lawyers to be present at questioning, although Mr. Liu often worked solo because his firm did not want to station two lawyers in such a remote area.

And though the case has been devastating for Liu Jian, Mr. Sun says it demonstrates both the incipient power of the legal profession and how far it has to go.

''On the one hand I think he was freed as early as he was because lawyers are gaining more respect and playing a bigger role,'' he said. ''On the other, lawyers continue to face difficulties, which are closely related to the quality of the law enforcement and judicial services.''

By Mr. CONRAD:

S. 2007. A bill to amend title 38, United States Code, to improve procedures relating to the scheduling of appointments for certain non-emergency medical services from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

SPECIALIZED MEDICAL CARE FOR VETERANS

Mr. CONRAD. Mr. President, during the recent congressional adjournment, I had many opportunities to meet with veterans across North Dakota and medical care professionals within the Department of Veterans Affairs Medical Center in Fargo regarding issues relating to veterans medical care and the VA budget.

One concern raised repeatedly by veterans and VA health care professionals related to the lengthy waiting periods for service-connected, non-emergency speciality medical care. In many cases, the waiting period for a veteran between the initial consultation by a VA health care professional, and the scheduled appointment with a medical specialist was 6 to 10 months, and in some instances up to a year.

Last year, Mr. President, the Independent Budget For Fiscal Year 2000 prepared by the Disabled American Veterans, AMVETS, Veterans of Foreign Wars and Paralyzed Veterans of America, called attention to the specialized care concerns, particularly the impact of funding shortfalls on staffing to provide specialized medical services. The Independent Budget emphasized the need to provide adequate resources for veterans with speciality needs. More recently, surveys of VA medical facilities by the Disabled Veterans of America confirmed no significant improvement in waiting periods for medical care at VA facilities.

Mr. President, veterans requesting speciality care at a DVA medical facility are entitled to speciality care within a reasonable period of time. They should not be required to wait months and months for this essential medical care. In response to these speciality care concerns, and the recommendations in the Fiscal Year 2000 Independent Budget, I am introducing legislation to make certain that service-connected veterans requesting speciality care at VA facilities receive that care within a reasonable period of time.

Under this legislation, the VA would be required to automatically review a service-connected veteran's request for non-emergency speciality care if scheduling the appointment exceeds a three week period beyond the initial VA consultation. If an appointment for specialty care could not be provided at a veteran's VA facility in the local area, the VA would be required to provide the service-connected veteran with an appointment for care at another VA facility, or offer the veteran the opportunity for speciality care through a private physician in the veteran's home community.

Additionally, the VA would be required to report to Congress annually

on the waiting periods for various types of non-emergency speciality medical care for service-connected veterans, especially on any critical problems and staffing shortages that contribute to these waiting periods. The report also requires the VA to include recommendations for addressing waiting periods, any staffing shortages, including special pay adjustments, or any other modifications in pay authority that might be necessary to retain and recruit speciality medical personnel.

Mr. President, I know that DVA officials and medical center personnel are very concerned about the waiting periods that veterans experience for certain speciality medical care. D.A. personnel are also acutely aware of speciality care staffing shortages. As reported in the Independent Budget for Fiscal Year 2000, it's critical that Congress provide the essential funding resources to ensure that these speciality care services are met promptly. I urge the Senate Committee on Veterans Affairs to conduct hearings on VA speciality care and to incorporate the recommendations in my legislation in appropriate veterans medical care legislation that will be considered by the Senate in FY 2001.

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

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

S. 2007

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

SECTION 1. IMPROVEMENT OF PROCEDURES RELATING TO SCHEDULING OF APPOINTMENTS FOR CERTAIN NON-EMERGENCY MEDICAL SERVICES.

(a) IN GENERAL.—(1) Subchapter I of chapter 17 of title 38, United States Code, is amended by inserting after section 1706 the following new section:

"§ 1706A. Management of health care: appointments for certain non-emergency medical services

''(a) The Secretary shall establish a priority in the scheduling of appointments for non-emergency medical services furnished by the Secretary through medical specialists for veterans with service-connected disabilities.

''(b) If the scheduled date of an appointment of a veteran with a service-connected disability for non-emergency medical services to be furnished by the Secretary through a medical specialist is more than three weeks later than the date the appointment is made, the Secretary shall—

''(1) provide for the immediate review of the appointment; and

''(2) furnish the medical services covered by the appointment to the veteran at an earlier date than the scheduled date of the appointment—

''(A) through a Department medical specialist at another Department facility; or

''(B) through a non-Department medical specialist located in the area in which the veteran resides.''.

(2) The table of sections at the beginning of chapter 17 of that title is amended by inserting after the item relating to section 1706 the following new item:

''1706A. Management of health care: appointments for certain non-emergency medical services.''.

(b) ANNUAL REPORT ON SHORTAGES IN MEDICAL SPECIALTY PERSONNEL.—(1) Not later than January 31 each year, the Secretary of Veterans Affairs shall submit to Congress a report on any shortages in medical specialty personnel in the Veterans Health Administration during the preceding year.

(2) The report under paragraph (1) for a year shall—

(A) set forth the average waiting period during the year for veterans with service-connected disabilities for various types of non-emergency medical services furnished by medical specialty personnel at each Department of Veterans Affairs medical center;

(B) set forth any shortages in medical specialty personnel identified by the Secretary during the year; and

(C) include the recommendations of the Secretary for means of addressing such shortages, including recommendations, if appropriate, for special pays, adjustments in pay, or other modifications of pay authority necessary to recruit or retain appropriate medical specialty personnel.

By Mr. WYDEN (for himself, Mr. BYRD, Mr. BREAUX, and Mrs. LINCOLN):

S. 2009. A bill to provide for a rural education development initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

RURAL EDUCATION DEVELOPMENT INITIATIVE FOR THE 21ST CENTURY ACT

Mr. WYDEN. Mr. President, we spend less than a quarter of our nation's education dollars to educate approximately half of our nation's students. You don't have to be a math whiz to know that the numbers just don't add up.

Thousands of rural and small schools across our nation face the daunting mission of educating almost half of America's children. Increasingly, these schools find that they are underfunded, overwhelmed, and overlooked. While half of the nation's students are educated in rural and small public schools, they only receive 23% of Federal education dollars; 25% of State education dollars; and 19% of Local education dollars.

We all grew up thinking that the three R's were Reading, Writing, and Arithmetic. Unfortunately for our rural school children, the three R's are too often run-down classrooms, insufficient resources, and really over-worked teachers.

Increasingly, Mr. President, rural and small schools are plagued by disparities connected to their geographic location and limited enrollment. To top it off, rural and small schools face shrinking local tax bases, higher transportation costs associated with the greater distance students must travel to school, and crumbling school buildings that may not have air conditioning, hot water, or roofs that do not leak.

Rural school districts and schools also find it more difficult to attract and retain qualified administrators and certified teachers. Consequently, teachers in rural schools are almost twice as likely to provide instruction in two or more subjects than their urban counterparts. Rural teachers also tend to be younger, less experienced, and receive less pay than their urban and suburban counterparts. Worse yet, rural school teachers are less likely to have the high quality professional development opportunities that current research strongly suggests all teachers desperately need.

Limited resources also mean fewer course offerings for students in rural and small schools. Consequently, courses are designed for the kids in the middle. So, students at either end of the academic spectrum miss out. Additionally, fewer rural students who dropout ever return to complete high school, and fewer rural higher school graduates go on to college.

On another note, recent research on brain development clearly shows the critical nature of early childhood education, yet rural schools are less likely to offer even kindergarten classes, let alone earlier educational opportunities. Limited resources also mean less support for teacher training, technical assistance, educational technologies, and school libraries.

To make matters worse, many of our rural areas are also plagued by persistent poverty, and, as we know, high-poverty schools have a much tougher time preparing their students to reach high standards of performance on state and national assessments. Data from the National Assessment of Educational Progress consistently show large gaps between the achievement of students in high-poverty schools and students in low-poverty schools.

Our bill would provide funding to approximately 3,400 rural and small school districts that serve 4.6 million students—a short-term infusion of funds that will allow these schools and their students to take substantial strides forward.

Local education agencies would be eligible for REDI funding if they are either ''rural'' (serve a non-metropolitan area) and have a school-age population (ages 5–17) with 20 percent or more of whom are from families with incomes below the poverty line; or ''small'' (student population of 800 or less) and a student population (ages 5–17) with 20 percent or more of whom are from families with incomes below the poverty line.

Like the Education Flexibility Act of 1999 (Ed-flex) I authored with Senator BILL FRIST earlier this Congress, REDI is voluntary—states and school districts could choose to participate in the program. Both Ed-flex and REDI are designed to provide states and districts with the flexibility they need in order to use funding to deal with their local priorities.

I've heard it said that this would be the Education Congress, but we have much to do before we earn that title. Ed-flex was a good start, but it was a start, not a finish. It's time to show

that we when it comes to education, we won't leave anyone behind, and REDI will give poor, rural children a real chance. We can't afford to stop now.

—

ADDITIONAL COSPONSORS ON JANUARY 25, 2000

S. 1197

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1197, a bill to prohibit the importation of products made with dog of cat fur, to prohibit the sale, manufacture, offer for sale, transportation, and distribution of products made with dog or cat fur in the United States, and for other purposes.

—

ADDITIONAL COSPONSORS ON JANUARY 26, 2000

S. 456

At the request of Mr. CONRAD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 456, a bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for information technology training expenses paid or incurred by the employer, and for other purposes.

S. 685

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr . HATCH) was added as a cosponsor of S. 685, a bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes.

S. 1017

At the request of Mr. MACK, the name of the Senator from New Hampshire (Mr. SMITH OF NEW HAMPSHIRE) 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. 1128

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1196, a bill to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes.

S. 1384

At the request of Mr. ABRAHAM, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors 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. 1421

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1421, a bill to impose restrictions on the sale of cigars.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 1909

At the request of Mr. TORRICELLI, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from New York (Mr. SCHUMER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 1915

At the request of Mr. JEFFORDS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1915, a bill to enhance the services provided by the Environmental Protection Agency to small communities that are attempting to comply with national, State, and local environmental regulations.

S. 1999

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1999, a bill for the relief of Elian Gonzalez-Brotons.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. Res. 87, A resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 212

At the request of Mr. ABRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 212, a resolution to designate August 1, 2000, as ''National Relatives as Parents Day.''

SENATE CONCURRENT RESOLUTION 78—CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE FROM PRISON AND DROP ALL CRIMINAL CHARGES AGAINST YONGYI SONG AND SHOULD GUARANTEE IN THEIR LEGAL SYSTEM FAIR AND PROFESSIONAL TREATMENT OF CRIMINAL DEFENSE LAWYERS AND CONDUCT FAIR AND OPEN TRIALS

Mr. SPECTER (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. SCHUMER, Mr. BAUCUS, Ms. COLLINS, Mr. LEAHY, Mr. KERRY, and Mr. WELLSTONE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 78

Whereas Yongyi Song, a researcher and librarian at Dickinson College in Carlisle, Pennsylvania, was detained on August 7, 1999 in Beijing, China while collecting historical documents on the Chinese cultural revolution of the 1966–76;

Whereas Mr. Song has lived in the United States for the past ten years, has passed his United States citizenship tests, and was scheduled to be sworn in as a United States citizen in September of 1999;

Whereas after five months of detention, Mr. Song was formally ''arrested'' on Christmas Eve in China on charges of ''the purchase and illegal provisions of intelligence to foreign institutions'';

Whereas the People's Republic of China claims that Mr. Song violated Chinese criminal law by collecting historical documents, yet the documents in Mr. Song's possession have reportedly been previously published in newspapers, books and other ''open'' sources;

Whereas the historical material Mr. Song was gathering in no way threatens the security of the Chinese government or people;

Whereas steps that China has taken to institute true legal representation for criminal defendants are important developments in China's internal modernization and in its integration into the world community;

Whereas despite these developments, criminal defense lawyers in China, are subject to harassment and interference and at times even arrest and imprisonment by Chinese authorities while defending clients;

Whereas criminal defense lawyers in China are often subject to harassment from police, prosecutors and judges;

Whereas in July, 1998 Liu Jian, a criminal defense lawyer from Nanjing, China was imprisoned, subjected to beatings and ''marathon'' interrogations after he represented a local official accused of taking bribes;

Whereas the legal system in the People's Republic of China was greatly reformed in 1997, yet Chinese officials often disregard the new laws; and

Whereas in many cases judicial proceedings are closed to public: Now, therefore be it:

Resolved by the Senate (the House of Representatives concurring), That the Congress calls on the Government of the People's Republic of China to—

(1) immediately release Yongyi Song from imprisonment and drop all charges against him;

(2) guarantee in the legal system in the People's Republic of China fair and professional treatment for criminal defense lawyers; and

(3) open more criminal proceedings in the People's Republic of China to the public.

—

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT ELIAN GONZALEZ SHOULD BE REUNITED WITH HIS FATHER, JUAN GONZALEZ OF CUBA

Mr. DODD (for himself, Mrs. BOXER, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. LEAHY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas Elian Gonzalez, a 6-year citizen of Cuba, lost his mother in a tragic boat accident and floating alone for days in treacherous conditions off the coast of Florida;

Whereas Elian Gonzalez was found November 25, 1999, alive but physically and emotionally drained, brought ashore and examined at a hospital, and released temporarily by the Immigration and Naturalization Service (INS) into the care of his great-uncle and cousins in the Miami area while it evaluated his case;

Whereas the natural father and sole surviving parent of Elian Gonzalez. Juan Gonzalez of Cuba, has repeatedly requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elian Gonzalez should be determined by United States statutes and regulations related to immigration cases involving children;

Whereas the INS, after interviewing Juan Gonzalez twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan Gonzalez is a caring and involved father, that Elian Gonzalez faces no credible threat of political persecution if returned to his father, and as a result, that Juan Gonzalez possesses the sole authority of speaking for Elian Gonzalez regarding his son's immigration status in the United States under Federal immigration law and universally accepted legal norms;

Whereas the INS resolved to return Elian to Cuba by January 14, 2000, to live with his father Juan Gonzalez, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the INS ruling, reaffirmed INS jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elian Gonzalez to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision;

Whereas what Elian Gonzalez needs most at this time is to be with the father and both sets of grandparents who raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) Congress should not interfere with normal immigration proceedings by taking any unusual or inappropriate legislative measures designed to delay the reunification of Elian and Juan Gonzalez; and

(2) the Immigration and Naturalization Service should proceed with its original decision to return Elian Gonzalez to his father, Juan Gonzalez, in Cuba and take all necessary steps to reunify Elian Gonzalez with his father as soon as possible.

—

SENATE RESOLUTION 245—RELATIVE TO THE DEATH OF DR. FLOYD M. RIDDICK, PARLIAMENTARIAN EMERITUS OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. BYRD, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 245

Whereas Floyd M. Riddick served the Senate with honor and distinction as its second Parliamentarian from 1965 to 1975;

Whereas Floyd M. Riddick created the Daily Digest of the Congressional Record and was its first editor from 1947 to 1951;

Whereas Floyd M. Riddick was Assistant Senate Parliamentarian from 1951 to 1964;

Whereas Floyd M. Riddick compiled thousands of Senate precedents into the official volume whose current edition bears his name;

Whereas Floyd M. Riddick served the Senate for more than 40 years;

Whereas Floyd M. Riddick upon his retirement as Senate Parliamentarian served as a consultant to the Senate Committee on Rules and Administration;

Whereas Floyd M. Riddick performed his Senate duties in an impartial and professional manner; and

Whereas Floyd M. Riddick was honored by the Senate with the title Parliamentarian Emeritus: Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

—

SENATE RESOLUTION 246—RELATIVE TO THE DEATH OF CARL CURTIS, FORMER UNITED STATES SENATOR FOR THE STATE OF NEBRASKA

Mr. KERREY (for himself, Mr. HAGEL, Mr. LOTT, Mr. DASCHLE, Mr. BYRD, Mr. ABRAHAM, Mr. AKAKA, Mr. ALLARD, Mr. ASHCROFT, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. BUNNING, Mr. BURNS, Mr. CAMPBELL, Mr. L. CHAFEE, Mr. CLELAND, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas Senator Curtis served with honor and distinction, for the State of Nebraska, in the House of Representatives from 1939 until his resignation in 1954 and in the Senate from 1955 to 1979;

Whereas Senator Curtis served his country for 40 years;

Whereas Senator Curtis stood for fiscal and social conservatism;

Whereas Senator Curtis regarded one of his biggest accomplishments as bringing flood control and irrigation to the Midwest;

Whereas Senator Curtis served as the Senate Republican Conference Chairman and ranking member on the Finance Committee during his last term in office;

Whereas Senator Curtis was admitted to the bar in 1930 and had a private law practice in Minden, Nebraska prior to his service in the House of Representatives; and

Whereas Senator Curtis served in Congress longer than any other Nebraskan: now, therefore, be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Carl Curtis, former Member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the house of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Carl Curtis.

—

SENATE RESOLUTION 247—COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. CAMPBELL (for himself, Mr. HATCH, Mr. BURNS, Mr. JEFFORDS, Mr. COVERDELL, Mr. LEAHY, Mr. CLELAND, Mr. MOYNIHAN, Mr. DEWINE, Mr. GRAMM, Mr. BIDEN, Mr. CRAPO, Mr. AKAKA, Mr. LAUTENBERG, Mr. SARBANES, Mr. HAGEL, Mr. WARNER, Mr. GORTON, Mr. HELMS, Mr. INHOFE, Mr. INOUYE, Mr. GRAMS, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. BAYH, Mr. DORGAN, Mr. LEVIN, Mrs. HUTCHISON, and Ms. COLLINS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 247

Commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment, which is all too often threatened by the insidious fear caused by violence in schools;

Whereas 134 peace officers lost their lives in the performance of their duty in 1999, and a total of nearly 15,000 men and women have now made that supreme sacrifice;

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty; and

Whereas, on May 15, 2000, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2000, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL. Mr. President, today I am joined by 28 of my colleagues in submitting this resolution to keep alive in the memory of all Americans, the sacrifice and commitment of those men and women who lost their lives while serving as law enforcement officers. Specifically, this resolution would designate May 15, 2000, as National Peace Officers Memorial Day.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities. Currently, more than 700,000 men and women who serve this nation as our guardians of law and order do so at a great risk. Every year, about 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. There are few communities in this country that have not been impacted by the senseless death of a police officer.

In 1999, approximately 135 federal, state and local law enforcement officers have given their lives in the line of duty and nearly 15,000 men and women have made that supreme sacrifice during the past century. We can be heartened by knowing that fewer police officers died in 1999 than in any year since 1965.

According to National Law Enforcement Officers Memorial Fund Chairman Craig W. Floyd, ''a combination of factors appears to be making life safer for our officers including better training, improved equipment, the increased use of bullet-resistant vests, and the overall drop of crime.''

On May 15, 2000, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their fallen comrades, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Mr. President, I urge my colleagues to join us in supporting this important resolution.

I ask unanimous consent that letters of support be printed in the RECORD.

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

POLICE EXECUTIVE RESEARCH FORUM,
Washington, DC, January 24, 2000.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: I am writing on behalf of the members of the Police Executive Research Forum (PERF) in support of your efforts to secure Congressional designation of May 15 as Peace Officers Memorial Day. PERF, an association of police executives primarily from the larger police agencies in the United States, believes that this is a fitting and appropriate tribute that honors not only those officers for their sacrifice, but their brave families, the law enforcement agencies they represented, and the grieving communities for whom they died serving. As we all work to improve American policing and the criminal justice system, it is important to remember the individual American police officers who have for nearly two centuries served our communities and all too often made the ultimate sacrifice.

Thank you for your efforts and the efforts of your colleagues in introducing this measure to honor America's law enforcement officers.

Sincerely,

CHUCK WEXLER,
Executive Director.

—

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS,
Alexandria, VA, January 20, 2000.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washington, DC.

DEAR SENATOR CAMPBELL: The International Brotherhood of Police Officers (IBPO) is an affiliate of the Service Employees International Union. The IBPO is the largest police union in the AFL–CIO.

On behalf of the over 50,000 members of the IBPO, I wish to thank you for introducing legislation to designate May 15, 2000 as National Peace Officers Memorial Day. This legislation is a tribute to the more than 700,000 men and women who protect our citizens.

Your legislation serves as a solemn reminder of the sacrifice and commitment to safety that peace officers make on our behalf. In 1999 over 130 peace officers lost their lives while in the performance of their job.

As a former law enforcement official, you know firsthand the dangers these peace officers face. Your legislation not only honors the peace officers fallen in the line of duty but to their surviving families.

Once again, thank you for all your help honoring America's peace officers.

Sincerely,

KENNETH T. LYONS,
National President.

—

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.,
Washington, DC, January 21, 2000.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate,
Washinton, DC.

DEAR SENATOR CAMPBELL: On behalf of the National Association of Police Organizations (NAPO), representing 4,000 unions and associations and 250,000 sworn law enforcement officers, I want to express our wholehearted support for a Senate Resolution to recognize the brave men and women of law enforcement, who have paid the ultimate sacrifice.

Every year, for one week during the month of May, the law enforcement community pays tribute and honors the fallen heroes who have died in the line of duty at the National Law Enforcement Officers Memorial. Serving on the Board of Directors at the National Law Enforcement Officers Memorial Fund and as a former Detroit Police officer for twenty-five years, I truly appreciate a day for all Americans to recognize and commemorate, with surviving family members, those who have lost their lives in the line of duty.

Every day law enforcement officers put their lives on the line to serve and protect our communities. Over the past few years, we have experienced a steady decrease in violent crime throughout our neighborhoods and cities. However, this does not come at a small price. In 1999, approximately 135 of our Nation's finest lost their lives protecting the citizens of this country. We need to honor and remember these outstanding men and woman every year.

Thank you for your dedication in advancing the interests of the law enforcement community. I look forward to working with you in the 106th Congress. Please let me

know if I can be of any assistance in the future.

Sincerely,

ROBERT T. SCULLY,
Executive Director.

—

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GRAMS. Mr. PRESIDENT, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Reducing Medical Error: A look at the IoM report'' during the session of the Senate on Wednesday, January 26, 2000, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRAMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, January 26, 2000, to conduct a hearing on the renomination of Alan Greenspan to Chairman of the Board of Governors of the Federal Reserve System.

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

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ADDITIONAL STATEMENTS

NATIONAL BIOTECHNOLOGY MONTH

● Mr. GRAMS. Mr. President, shortly before the first session of the 106th Congress adjourned, I introduced, and the Senate passed, a resolution designating January 2000 as ''National Biotechnology Month.'' I rise today to formally recognize National Biotechnology Month here in the Senate.

While back in Minnesota, I had the opportunity to meet with some of my constituents who are in the biotechnology industry. Whether it's agricultural, medical, or environmental applications of biotechnology, Minnesota is a leader in the field.

Here are some characteristics of the biotechnology industry nationally:

Over 200 million people worldwide have been helped by the more than 80 biotechnology drug products and vaccines approved by the U.S. Food and Drug Administration (FDA).

There are more than 350 biotechnology drug products and vaccines currently in human clinical trials and hundreds more in early development in the United States. These medicines are designed to treat various cancers, Alzheimer's, heart disease, multiple sclerosis, AIDS, obesity and other conditions.

Biotechnology will help us feed the world by developing new and better agriculture commodities that are disease and pest resistant and offer higher yields as well.

Environmental biotechnology products make it possible to more efficiently clean up hazardous waste without the use of caustic chemicals.

Industrial biotechnology applications have led to cleaner processes with lower production of wastes and lower energy consumption, in such industrial sectors as chemicals, pulp and paper, textiles, food and fuels, metals and minerals and energy. For example, much of the denim produced in the United States is finished using biotechnology enzymes.

DNA fingerprinting, a biotech process, has dramatically improved criminal investigation and forensic medicine, as well as afforded significant advances in anthropology and wildlife management.

There are 1,283 biotechnology companies in the United States-many in Minnesota.

Market capitalization, the amount of money invested in the O.S. biotechnology industry, increased 4 percent in 1998, from $93 billion to (97 billion.

Approximately one-third of biotech companies employ fewer than 50 employees. More than two-thirds employ fewer than 135 people.

The U.S. biotechnology industry currently employs more than 153,000 people in high-wage, high-value jobs.

Biotechnology is one of the most research-intensive industries in the world. The U.S. biotech industry spent $9.9 billion in research and development in 1998. The top five biotech companies spent an average of $121,400 per employee on R&D.

Mr. President, biotechnology plays an extremely important part in my life because a little over a year ago I had an artificial valve implanted in my heart to correct a condition I had for years. Without the research and commitment of this industry, I might not have had that option available to me.

I have always been a believer in biomedical and basic scientific research and the advances we will see in the future will be testimony to the importance and foresight of the investment we make today—and I have no doubt the future holds great promise.●

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ELIZABETH GLASER PEDIATRIC AIDS FOUNDATION

● Mrs. BOXER. Mr. President. I have spoken in this Chamber before about the exemplary life of Elizabeth Glaser and the work of the Pediatric AIDS Foundation, which bears her name. I rise today to again speak about Elizabeth and her remarkable work and life.

In 1986, Elizabeth and her husband, Paul, discovered that she and her two children were infected with HIV as a result of a blood transfusion following a difficult childbirth. In 1988, following the death of their daughter, Ariel, to AIDS she founded a foundation to raise money for scientific research for pediatric AIDS. At the time there was little coordinated research focused on the effect of this disease on children or pharmaceutical testing of protocols for pediatric AIDS.

In 1994, Elizabeth succumbed to this terrible disease after a long and courageous battle.

Today, eleven years after its founding, the Elizabeth Glaser Pediatric AIDS Foundation has raised more than $85 million in support of AIDS research. This has lead to a new and greater understanding of HIV/AIDS and its effects on children.

Among the more exciting and promising breakthroughs this research has provided is the drug Nevirapine. Last year, a study in Uganda showed that Nevirapine could prevent almost half of HIV transmissions from mothers to infants—and at a fraction of the cost of other, less effective, treatments.

Mr. President, some 1,800 children are infected with HIV each day. The United Nations reports that 33.6 million people are infected with HIV or have developed AIDS; more than two-thirds of these people live in Sub-Saharan Africa. As the nature and emographis of HIV/AIDS evolves, the work of groups like the Elizabeth Glaser Pediatric AIDS Foundation is a pioneer in its field, richly deserving of the support and attention it receives.

Elizabeth Glaser remans a source of strength and inspiration to all of us. And her good works continue to reap benefits for countless thousands of people.●

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TRIBUTE TO MR. BOB EDDLEMAN

● Mr. LUGAR. Mr. President, I take this opportunity to salute the outstanding public service of a conservationist and member of the agriculture community in the state of Indiana.

After 42 years of service, Bob Eddleman, Indiana State Conservationist for the U.S. Department of Agriculture's Natural Resources Conservation Service, retired at the end of December. In his role as public servant, Bob set an example for everyone with his steadfast concern for conservation and dedication to the preservation of natural resources of his home state.

Mr. Eddleman was born and raised on a farm in Crawford County, Indiana. He was an active member of 4–H and Future Farmers of America and took an interest in activities relating to the conservation of soil and water resources. He received a Bachelor of Science degree in Agriculture at Purdue University and a Master of Public Administration from the University of Oklahoma.

His career of federal service began in 1957 as a student trainee for the USDA Soil Conservation Service in English, Indiana. After serving as a soil conservationist, a district conservationist and an area conservationist in Indiana, his career path took him to New York as assistant state conservationist and then back to the Midwest as deputy state conservationist in Illinois. In 1980 Bob returned to the Hoosier state as state conservationist.

In his role as state conservationist with the Natural Resources Conservation Service, Mr. Eddleman has demonstrated an exceptional commitment to conserving Indiana's soil and water resources and has devoted himself to building a strong federal, state, and local partnership to provide services to Indiana citizens. He is also a leading advocate for Indiana's soil and water conservation districts. The individual accomplishments of Mr. Eddleman are many, but his years of service reflect his dedication to building working partnerships. As the result of his guidance and leadership, Indiana's Conservation Partnership is recognized as a model for other states to use to increase soil and water conservation practices on the land.

Mr. Eddleman served on many statewide natural resource work groups that have directed conservation actions in Indiana including: the Indiana Lakes Management Group; the Great Lakes Watershed Management Group; the Maumee River Basin Study; the Indiana Water Committee; and the Indiana Natural Resources Land Use work group. Bob has been a 4–H leader for 27 years, has served on the Marion County Extension Board for 9 years, was recognized as a fellow of the Soil and Water Conservation Society (SWCS), and currently serves on the SWCS Board of Directors. In 1995 he received the Distinguished Agricultural Alumni Award from Purdue University in recognition of his professional achievements and dedicated service to agriculture and society.

Finally, Bob Eddleman served as a mentor and role model to others in federal service. There are a great number of leaders within the USDA Natural Resources Conservation Service who have gained skills in leadership and partnership building by working for and with Bob.

Mr. President, I regret that the State of Indiana and all conservationists will be losing Bob Eddleman. With special thanks, I salute him for his service and wish him well as he embarks upon new endeavors.●

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TRIBUTE TO WILLIAM SUMAS

● Mr. TORRICELLI. Mr. President, I rise today to pay tribute to William Sumas, a New Jersey resident and distinguished member of the business community, who will be inducted as Chairman of the New Jersey Food Council on January 27, 2000.

Bill is a native of New Jersey, having grown up in South Orange. After attending Columbia High School, he continued his education at Fairleigh Dickinson University.

Bill Sumas currently serves as a Vice President of the International Association of Corporate Real Estate Executives New Jersey Chapter, and as an Executive Vice President of Village Supermarkets, the 49th largest corporation in the State of New Jersey. Village Supermarkets was founded in 1937 by Bill's father and uncle, Perry and Nicholas Sumas. Since then, the company has grown to become one of New Jersey's most important food retailers.

The New Jersey Food Council (NJFC) was formed to promote, foster, aid, advance and protect the mutual interests of the food retailers and their suppliers. The council represents the multi-billion dollar food industry, including over 1,200 retailers, wholesalers, manufacturers, and service companies involved in every aspect of the industry. The NJFC is recognized nationally for its effective leadership and achievements in all aspects of public affairs, and has always maintained a reputation of excellence and integrity.

It is my firm belief that William Sumas will continue this fine tradition, and serve with distinction as an advocate on behalf of the NJFC's members. He will clearly promote the short and long term goals of the food industry in a timely and prescient manner, and will enhance the image and standing in the community of the entire industry.

Mr. President, I ask my colleagues to join me today in congratulating William Sumas on his induction as Chairman of the New Jersey Food Council. Under his leadership I am confident that the industry will continue to grow, and I look forward to its successful future.●

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HAROLD VARMUS, M.D.

● Mr. SPECTER. Mr. President, for 6 years I had the pleasure of working closely with Dr. Harold Varmus, the distinguished Director of the National Institutes of Health. During his tenure as Director, great strides were made in medical research—the continued mapping of the human genome; new generations of AIDS drugs' gene therapy; the remarkable growth of information technology in health research; a strong effort to combat the global spread of infectious diseases; and exciting new scientific opportunities, such as stem cell research, that may one day lead to cures for Parkinson's, Alzheimer's, heart disease, and diabetes.

When I first met Dr. Varmus, I recall being impressed by the force and eloquence with which he advanced the cause of medical research. When he informed me of his intention to leave his post as Director, I could not help but think that NIH would lose one of its most valuable assets. His commitment to raise the level of scientific achievement at the NIH, and the enthusiasm and vigor that he brought to the job will certainly be missed.

I have no doubt that in his new position as head of the Memorial Sloan-Kettering Cancer Center in New York City, Dr. Varmus will stimulate the same high level of excitement and energy as he did at NIH. And while Sloan-Kettering will benefit from his vast knowledge of the biology of cancer, cancer patients there will feel the warmth of his deep compassion.

During his tenure as NIH Director, the agency has seen unprecedented funding increases. In 1993, when he assumed the position of Director funding for NIH was $8.9 billion. Under his leadership, the NIH budget has more than doubled to the $17.9 billion.

Dr. Varmus was the first Nobel Laureate to serve as NIH Director. He was awarded the Nobel Prize in Physiology and Medicine in 1989 for his work in demonstrating that cancer genes can arise from normal cellular genes. He is an international authority on retro-viruses and the genetic basis for cancer. Prior to coming to NIH, Dr. Varmus was a Professor at the University of California at San Francisco.

I want to take this opportunity to congratulate Dr. Varmus on his new position and to salute his contribution to the Nation and the cause of medical research. His wise counsel and responsible leadership helped lay the foundation for a research agenda that will have a lasting effect on the lives of millions of people throughout the United States and the world.●

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A TRIBUTE TO ANDY MORAN

● Mrs. FEINSTEIN. Mr. President, no matter what our party affiliation, no matter what our beliefs, no matter whether we are Members or staff, we are all here for one purpose—that is, we believe in the nobility of public service. And while the enormity of the issues before this body bring it, and us, much notoriety, it is to the many thousands of dedicated public servants at the State and local level that we owe a debt of gratitude.

San Francisco has been fortunate for the last 25 years to have had the services of a public servant of great ability and dedication, Andy Moran. Andy's talents first came to my attention when I was Mayor. He has risen through the ranks of municipal government and has, for the last six years, served as the General Manager of the San Francisco Public Utilities Commission. For those who do not know, our PUC includes the Hetch Hetchy Water and Power Division, the Water Department and San Francisco's Clean Water Program.

As one might imagine, the challenges of this job are many, and they are varied. Andy has met those challenges with practice, intelligence, good humor, and a sense of fairness. His accomplishments are too numerous to mention here, but I would be remiss if I don't pay special tribute to his expertise on the all-important issue of California water. Water is our lifeblood in California, and the demands on our water supply and our water supply system have increased dramatically in the last generation.

Andy has been a part of that evolution. He has an institutional memory and an understanding of those issues which are born of first hand experience. He has played pivotal roles in such landmark agreements as the Bay-Delta

accord and the settlement of Tuolumne River water rights with Turlock and Modesto Irrigation Districts. His accomplishments have been widely recognized by his peers, and he has served on numerous California water committees, including a term as Chair of the Association of California Urban Water Agencies.

Mr. President, we do not know what the future holds for Andy Moran, but we do know that his future will be met with continued success. He has been a mainstay of San Francisco's municipal government and will be greatly missed. We owe Andy a tremendous debt of gratitude, and we wish him the very best in his life ahead. Andy Moran is a true public servant.●

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A 50TH BIRTHDAY SALUTE TO THE REVEREND ALPHONSE STEPHENSON

● Mr. MOYNIHAN. Mr. President, I rise today to recognize an important event which occurred yesterday, January 25th—the 50th birthday of The Reverend Alphonse Stephenson. Father Stephenson was recently feted by over a hundred family members and friends and his 50th birthday warrants a few moments of the Senate's attention.

Father Alphonse is a native son of New Jersey, but he has shared his varied talents with people of New York City. Priest at the Catholic Actor's Chapel in New York City, musical conductor of ''A Chorus Line'' on Broadway, and founder and conductor of St. Peter's Orchestra by the Sea, are just a few of the ''hats'' worn by Father Alphonse.

But Father Alphonse also assists in providing for those less fortunate. The Orchestra of St. Peter's by the Sea, under the baton of Father Alphonse, has raised over two million dollars for various hospitals, such as our own St. Vincent's in New York City; educational facilities, such as Mount Saint Michael in the Bronx; and churches that assist the homeless, such as St. John's near Pennsylvania Station. Additionally, and perhaps most importantly, he has created the Cecilia Foundation which allows young school children to experience the classics and even get a chance to conduct. The Cecilia Foundation provides musical instruments to children who would not get such an opportunity without the generosity of Father Alphonse.

Somehow, Father Alphonse has also found time to create the ''Festival of the Atlantic,'' a series of free concerts at Point Pleasant Beach and the largest outdoor musical endeavor in the State of New Jersey. Crowds of 10,000 and more are not uncommon.

He is also a Major and the Chief Chaplain of the 108th Refueling Wing at McGuire Air Force Base in New Jersey with another change in rank soon to occur!

An amazing list of accomplishments for one so young. As the Senate begins the 2nd Session of the 106th Congress, I join family and friends in wishing Father Alphonse a healthy and happy 50th Birthday—one wonders what the next 50 years will bring!●

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DEATH OF FLOYD M. RIDDICK, PARLIAMENTARIAN EMERITUS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 245, which was submitted earlier by Senators LOTT, DASCHLE, and others.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 245) relative to the death of Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, we just received word that Floyd M. Riddick, the Parliamentarian Emeritus of the Senate, passed away yesterday. As many of our colleagues may recall, Floyd M. Riddick was the Senate Parliamentarian from 1964 to 1974.

He was a parliamentarian of extraordinary depth and value. In 1954, under the supervision of then-Parliamentarian Charles L. Watkins, he began working on the first edition of ''Senate Procedure.'' The Senate procedure book that came as a result of his work now bears his name.

I think that says everything about the impact and the remarkable contribution Floyd Riddick has made to the Senate, to the way we continue to legislate, and certainly to the contribution he made in his time in public life.

Floyd Riddick received a Ph.D. from Duke University in 1941. His dissertation was on congressional procedure, and he began work for the Senate in 1947, being the very first to publish a Daily Digest, which we all use every day from the back of the Congressional RECORD.

Doc Riddick, as he was often referred to, was born in Trotville, NC, on July 13, 1908. As Senator BYRD has noted in his foreword to the current edition of ''Senate Procedure,'' he was truly a unique scholar.

His contributions to the Senate will be utilized, as they have been utilized and valued, by future generations of Senators and staff who have not yet even been born.

Floyd Riddick made his mark on the Senate, on Congress, and on history for the publication of ''Riddick's Senate Procedure.''

I know I speak for all of my colleagues and all of our staff in expressing heartfelt condolences to his wife Margo, to his friends, and his family.

Mr. HATCH. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 245) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 245

Whereas Floyd M. Riddick served the Senate with honor and distinction as its second Parliamentarian from 1965 to 1975;

Whereas Floyd M. Riddick created the Daily Digest of the Congressional Record and was its first editor from 1947 to 1951;

Whereas Floyd M. Riddick was Assistant Senate Parliamentarian from 1951 to 1964;

Whereas Floyd M. Riddick complied thousands of Senate precedents into the official volume whose current edition bears his name;

Whereas Floyd M. Riddick served the Senate for more than 40 years;

Whereas Floyd M. Riddick upon his retirement as Senate Parliamentarian served as a consultant to the Senate Committee on Rules and Administration;

Whereas Floyd M. Riddick performed his Senate duties in an impartial and professional manner;

Whereas Floyd M. Riddick was honored by the Senate with the title Parliamentarian Emeritus; Now therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

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DEATH OF CARL CURTIS, FORMER U.S. SENATOR FROM NEBRASKA

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 246, submitted earlier by Senators LOTT, DASCHLE, and others.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 246) relative to the death of Carl Curtis, former U.S. Senator for the State of Nebraska.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERREY. Mr. President, I rise today to express my sadness at the death of Senator Carl T. Curtis.

Senator Curtis was a lifelong public servant best known for his untiring work on behalf of the people of Nebraska. He began his public career in 1930 when he was elected Kearney County Attorney. After failing to be re-elected as county attorney—the only political defeat he would ever face—he was elected to the U.S. House of Representatives in 1938. The people of Nebraska returned Carl Curtis to the House of Representatives for an additional seven terms.

In 1954, he chose to leave the House and to return to private life. But when then-Senator Dwight Griswold died in office, Carl Curtis was coaxed into further public service. He was overwhelmingly elected to the United States Senate and served as a distinguished member of this body until his retirement from public office in 1979.

Mr. President, Senator Curtis brought to the Senate the plain-spoken common sense of rural Nebraska. He understood his roots and he cared deeply for the people he represented. While his style did not lend itself to self-promotion and banner headlines, his influence in Congress was felt on a number of important issues. He was instrumental in shaping tax and agricultural policy, he was a staunch advocate of budgetary discipline, and he was a fervent defender of his political party. Yet, Senator Curtis was most well known for his dedication to the people of Nebraska. As many have noted, Senator Curtis set the standard for constituent service. He often dedicated hours of his personal time to helping individuals and his office was always open to Nebraskans visiting the nation's capital.

As the longest serving Member of Congress in Nebraska history, Senator Curtis established a legacy of service unlikely to be matched. After retiring from Congress, Senator Curtis returned to the practice of law and always remained an active participant in Nebraska politics.

While Nebraska has lost a statesman, the Curtis family has lost a husband, a father, a grandfather, and a great grandfather. I know my colleagues will join with me in expressing our sincerest condolences to the family of Senator Carl T. Curtis.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 246) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 246

Whereas Senator Curtis served with honor and distinction, for the State of Nebraska, in the House of Representatives from 1939 until his resignation in 1954 and in the Senate from 1955 to 1979.

Whereas Senator Curtis served his country for 40 years.

Whereas Senator Curtis stood for fiscal and social conservatism.

Whereas Senator Curtis regarded one of his biggest accomplishments as bringing flood control and irrigation to the Midwest.

Whereas Senator Curtis served as the Senate Republican Conference Chairman and ranking member on the Finance Committee during his last term in office.

Whereas Senator Curtis was admitted to the bar in 1930 and had a private law practice in Minden, Nebraska prior to his service in the House of Representatives.

Whereas Senator Curtis served in Congress longer than any other Nebraskan.

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Carl Curtis, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Carl Curtis.

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ORDERS FOR THURSDAY, JANUARY 27, 2000

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 8:30 p.m. on Thursday, January 27. I further ask consent that on Thursday, 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 begin a brief period for morning business to consider a few housekeeping matters prior to the Senate proceeding as a body to the Hall of the House of Representatives to hear the President's address.

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

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ORDERS FOR MONDAY, JANUARY 31, 2000

Mr. HATCH. Mr. President, I ask unanimous consent that following the President's State of the Union Address, the Senate immediately stand in adjournment until 12 noon on Monday, January 31. I further ask consent that following the approval of the routine opening requests and reservation of the leaders' time, there be a period for the transaction of morning business until the hour of 2 p.m., with the time between 12 noon and 1 p.m. under the control of the Democratic leader, or his designee, and the time from 1 p.m. to 2 p.m. under the control of Senator LOTT, or his designee. I further ask consent that at 2 p.m. the Senate resume the bankruptcy reform bill under the previous order.

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

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PROGRAM

Mr. HATCH. Mr. President, for the information of all Senators, the Senate will be in session at 8:30 p.m. tomorrow in order to proceed as a body to the House of Representatives to hear the President's address. Following his remarks, the Senate will adjourn until Monday at 12 noon. At 2 p.m., the Senate will resume the bankruptcy bill. As announced previously, no rollcall votes will occur on Monday. Any Senator who still intends to debate bankruptcy amendments should be available to debate those amendments on Monday. Any votes ordered on those amendments will be postponed to occur on Tuesday, February 1.

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ORDER FOR ADJOURNMENT

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senators DODD, DURBIN, DASCHLE, and REID of Nevada.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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SENATOR KERREY'S DECISION TO NOT SEEK RE-ELECTION

Mr. DASCHLE. Mr. President, last week, to my regret, my good friend, Senator BOB KERREY, announced that he will be leaving this Senate at the end of this year to return to private life. I'm sure my colleagues on both sides of the aisle will agree that his decision is a loss not only to Nebraskans, and to the Democratic party, but to the entire Senate.

Over the years, Senator KERREY has made us all laugh. More importantly, he has made us all think. He has challenged us to face the big questions of our time and to reach across party lines to find solutions.

It has been said that some people seek public office to be someone; others seek office to do something. Clearly, BOB KERREY is of the ''do something'' school.

Before he ever came to the Senate, he had achieved more than almost anyone I know. A pharmacist by training, he has also been a Navy SEAL, a decorated war hero, a successful entrepreneur, and a popular governor—all by the time he was 44 years old.

Perhaps even more impressive than his professional accomplishments, however, are his personal achievements.

As we all know much of the story. BOB KERREY was nearly killed 30 years ago in Vietnam. On a moonless night, while he was leading a surprise attack on North Vietnamese snipers, an enemy grenade exploded on the ground beside him, shattering his right leg, badly wounding his right hand, and piercing much of his body with shrapnel. Days later, doctors were focused to amputate his injured leg just below the knee.

For his sacrifice, Lieutenant KERREY was awarded the Bronze Star, the Purple Heart, and the highest award our nation bestows for bravery, the Congressional Medal of Honor.

He returned from Vietnam angry and disillusioned. What he endured in Vietnam, and what he saw later at the Philadelphia Naval Hospital, where he spent nine months learning how to walk again, shook his faith—both in the war, and in the government that had sent him to it. It forced him to re-

examine everything he had ever believed about his country. But slowly, out of his pain and anger and doubt, he began to acquire a new faith in this nation.

Years ago, when he was Governor of Nebraska, he described that faith to a reporter. He said, ''There are . . . people who like to say, 'You know all these subsidy programs we've got? They make people lazy.' And I like to jump right in their face and say, that is an absolute lie.'' Government help ''didn't make me lazy. It made me grateful.''

It was the United States Government, he said, that fitted him with a prosthesis and taught him to walk again. It was the government that paid for the countless operations he needed.

Later, it was the government that helped him open his first restaurant with his brother-in-law. And when that restaurant was destroyed in a tornado, it was the government—the people of the United States—that loaned them the money to rebuild.

For 4 years as Nebraska's Governor, and for the last 11 years as a Member of this Senate, BOB KERREY has fought to make sure the people of the United States, through their government, work for all Americans.

He has fought to make health care more affordable and accessible. He has fought to give entrepreneurs the chance to turn their good ideas into profitable businesses. He has fought to make sure this Nation keeps its promises to veterans.

He has fought tirelessly to preserve family farms and rural communities. As someone, like Senator KERREY, who comes from a state that is made up mostly of small towns and rural communities, I am personally grateful to him for his insistence that rural America be treated fairly.

But Senator KERREY's greatest contribution to this Senate, and to this nation, may be the fact that he is not afraid to challenge conventional wisdom.

In 1994, almost singlehandedly, he created and chaired the Bipartisan Commission on Entitlement and Tax Reform. Conventional wisdom said, don't get involved with entitlements. You can't make anyone happy; you can only make enemies. But BOB KERREY's personal experience told him that preserving Social Security and Medicare was worth taking a political risk.

He has repeatedy opposed efforts to amend our Constitution to make flag-burning a crime. It is politically risky, even for a wounded war hero, to take such a position. But Senator KERREY has taken that risk, time and time again, because—in his words, ''America is a beacon of hope for the people of this world who yearn for freedom from the despotism of repressive government. This hope is diluted when we advise others that we are frightened by flag burning.''

He is a genuine patriot, and a genuine American hero.

There is a story Senator KERREY has told many times about a conversation he had with his mother 30 years ago. Doctors at the Philadelphia Naval Hospital had just amputated his leg. When he awoke from surgery, his mother was standing at his bedside. ''How much is left?'' he asked her. His mother responded, ''There's a lot left.'' As Senator KERREY says, ''She wasn't talking about body parts. She was talking about here.'' She was talking about what was in his heart.

He has said that he would like to focus now on his private life. As much as I regret his decision, I respect it. Public life offers great regards, but it also makes great demands—on the officeholder, and on his or her family.

The only consolation in seeing BOB KERREY leave this Senate will be watching what he does next with his remarkable life. There is still a lot left. I have no doubt he will continue to contribute in significant ways to our Nation. And until he goes, we will continue to look to him for unorthodox solutions and uncommon courage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, parliamentary inquiry, what is the business before the Senate?

The PRESIDING OFFICER. We are in morning business, with Senators being allowed to speak for up to 10 minutes.

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EXPRESSING THE SENSE OF CONGRESS THAT ELIAN GONZALEZ SHOULD BE REUNITED WITH HIS FATHER, JUAN GONZALEZ OF CUBA

Mr. DODD. Mr. President, I rise to introduce a resolution on behalf of myself and my colleagues Senator BOXER, Senator FEINSTEIN, and Senator DURBIN. Because I have not solicited cosponsors of this resolution, others may wish to add their names at a later time.

This resolution is virtually identical to a resolution that has been introduced in the other body by Congressman RANGEL of New York, along with a number of other Members of the House. I am told that support for that resolution is bipartisan in nature.

I am going to read the resolution into the RECORD. That is not a normal event, but I think the wording of it is so significant that it deserves to be read into the RECORD. The resolution deals with the case of 6-year-old Cuban boy, Elian Gonzalez, who we all know tragically lost his mother in that dreadful boating incident, an accident as they left Cuba and sought to come to the United States. Young Elian spent some time in the water alone and survived that tragedy. Today, after weeks of this going on, this matter has attracted national and international attention.

Yesterday, together with Senators LEAHY, BOXER, DURBIN, and HAGEL, I met for about an hour with the two grandmothers of this 6-year-old boy. I was convinced before the meeting—and even more so afterwards—that this is a matter which ought to be resolved immediately by reuniting this young boy with his father in Cuba.

I am terribly upset and worried that this matter may end up as a subject of debate in the Senate. I have no intention whatsoever of pursuing the resolution that I introduce today. In fact, it is my strong desire not to pursue it—unless the Senate is forced to address legislation that would extend citizenship or permanent resident status to this young boy. Should such legislation come to the Floor of the Senate, then I will offer this resolution as an alternative.

My sincere hope is that the leadership of the Senate and of the House will think again before deciding to make this child a focal point in a debate about the current regime in Cuba. He really should not be, in my view. The Senate of the United States and the House of Representatives ought not to utilize this child as a way of advancing the debate on Cuba. This would be a great travesty, in my view. Conferring, by special legislation, citizenship or permanent resident status on this boy would, I believe, set a dangerous precedent. It would violate longstanding legal processes. Furthermore, it would violate a cherished principle ingrained in the Constitution and laws of our country, and embraced by all of us here—namely, that the best interests of a child is normally served by that child being with his or her parents.

Tragically, this young boy lost his mother. His father, we are told, was a good father—and is a good father. This boy ought to be returned to his dad and be home with him, and the quicker the better. So I hope the matter will not come before the Senate.

I have great respect for our majority leader. Most of my colleagues know this. We have our disagreements, but the Senator from Mississippi, the majority leader, and I are good friends, and I cherish that friendship. I urge him to think again about this before deciding to ask this body to cast votes on extending citizenship to an infant. I do not think it is a wise move. I think it is wrong for the Senate to do so, and I hope a different decision will be reached and this matter is left to be resolved in the courts where it is now. That is the best way, in my view, to expedite this process so this boy can be returned to his father and cease to be a pawn in a larger geopolitical debate.

Let me, if I can, read the wording of this resolution because I think it might enlighten some Members who

are not necessarily familiar with all the facts and details.

The resolution reads as follows:

S. CON. RES. 79

Whereas Elian Gonzalez, a 6-year-old citizen of Cuba, lost his mother in a tragic boat accident and floated alone for days in treacherous conditions off the coast of Florida;

Whereas Elian Gonzalez was found November 25, 1999, alive but physically and emotionally drained, brought ashore and examined at a hospital, and released temporarily by the Immigration and Naturalization Service (INS) into the care of his great-uncle and cousins in the Miami area while it evaluated his case;

Whereas the natural father and sole surviving parent of Elian Gonzalez. Juan Gonzalez of Cuba, has repeatedly requested that the United States Government return his son to him immediately;

Whereas the President rightly determined that the fate of Elian Gonzalez should be determined by United States statutes and regulations related to immigration cases involving children;

Whereas the INS, after interviewing Juan Gonzalez twice in Cuba and carefully reviewing all relevant laws, rules, and evidence, correctly determined on January 5, 2000, that Juan Gonzalez is a caring and involved father, that Elian Gonzalez faces no credible threat of political persecution if returned to his father, and as a result, that Juan Gonzalez possesses the sole authority of speaking for Elian Gonzalez regarding his son's immigration status in the United States under Federal immigration law and universally accepted legal norms;

Whereas the INS resolved to return Elian to Cuba by January 14, 2000, to live with his father Juan Gonzalez, in accordance with his father's request;

Whereas on January 12, 2000, the Attorney General fully supported the INS ruling, reaffirmed INS jurisdiction over the matter, and said that a decision by a Florida State court judge granting temporary custody of Elian Gonzalez to his relatives in Miami, establishing a March 6, 2000, date for a hearing on permanent custody, and calling for the father's presence at that hearing had no force and effect;

Whereas only the Federal courts have the jurisdiction to review the Attorney General's decision;

Whereas what Elian Gonzalez needs most at this time is to be with the father and both sets of grandparents who raised him so that he can begin the process of grieving for his mother, in peace;

Whereas despite the existence of important political disagreements between the Governments of the United States and Cuba, these differences should not interfere with the right to privacy of a 6-year-old child or his sacred bond with his father; and

Whereas any unusual or inappropriate changes to immigration law made by Congress to naturalize a minor without the parents' consent would have the effect of encouraging parents in other nations to risk the lives of their children under the false hope that they might receive special treatment outside standard channels for legal immigration: Now, therefore be it

Resolved * * *

The resolve clause basically says Elian Gonzalez ought to be returned to his father.

I send this resolution to the desk.

The PRESIDING OFFICER. It is received and appropriately referred.

Mr. DODD. I appreciate that.

I stated the facts in that resolution.

Mr. President, let me state, again, this boy ought to be home with his father. We have a significant disagreement with the Government of Fidel Castro. Those disagreements are not going to be resolved by this case. But good families exist in countries with bad governments. The idea that the family of Elian Gonzalez, because he lives under a repressive regime in Cuba, cannot be a good family is, on its face, false. There are plenty of good families all over this globe who live under governments that we do not approve of.

In this case, I believe—based on the examination by the Immigration and Naturalization Service of Elian Gonzalez' father, and based on all that is known about his grandparents and other family members—that such a family exists in Cuba. The evidence suggests that his father is not only fit as a parent, but caring and involved, as well. Despite the fact that he was divorced from Elian's mother, the evidence suggests that he shared with her the responsibility of raising this young boy. Therefore, I think it is in the interests of this child that he be returned to that family as quickly as possible.

That really ought to settle this matter. Based on what we know today, his father loves him, and wants him back. That is a desire that every American parent can understand and share.

But what has happened here, apparently, is that the hatred on the part of some for an old man in Cuba—Fidel Castro—is interfering with the love of a father and a son. If there is a debate—and there is between our two Governments—let that debate be conducted by adults.

Let us debate the embargo. Let us debate the issue of food and medicine. I note, as I stand here, the Presiding Officer has been an enlightened and thoughtful participant in that discussion, as we are trying to work our way through what is the best way for us to try to repair this relationship between the Governments of Cuba and the United States that has gone on for 40 years, to bring about the kind of change in Cuba that would bring freedom to the people of Cuba.

We have said repeatedly that our argument is with Fidel Castro and his government, not with the Cuban people. Yet, unfortunately, in this discussion, it appears that for some the debate is with the Cuban people if Elian Gonzalez is denied the opportunity to return to Cuba to be with his father.

I hope, again, as I said a few moments ago, that this matter will not come to the floor of the Senate for debate, that the leadership, in its wisdom, will decide to move on to other matters—the bankruptcy bill, the budget matters that we need to discuss, the Elementary and Secondary Education Act, a Patients' Bill of Rights,and a minimum wage increase, to name just a few. There is a long list of issues for us to debate and discuss. But we ought not to debate the custody status of a 6-year-old child who, in the opinion of all who have taken a look at this issue from a neutral and responsible position, have concluded that Elian Gonzalez ought to be home with his father in Cuba. We ought to instead allow the current legal process to work so that a decision on this boy's fate can be rendered expeditiously and, hopefully, in favor of reuniting him with his father.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I say at the outset, I agree completely with the Senator from Connecticut. I ask unanimous consent that if my name is not shown as a cosponsor——

Mr. DODD. It is.

Mr. DURBIN. Thank you.

I am proud to be a cosponsor of Senator DODD's resolution.

What a curious footnote in the history of this world that this Senate Chamber would focus its debate and the attention of the media in this country on a little 6-year-old boy from Cuba.

But if you scan history, you will find similar cases where one person being caught in the vortex of controversy becomes the focal point. In this case, the focal point is a 6-year-old boy named Elian Gonzalez, and at issue is the foreign policy between the United States of America and the Nation of Cuba.

Yesterday, Senator DODD was kind enough to invite me, as well as three other Senators, to meet with the grandmothers of Elian Gonzalez. I sat and listened for an hour as they explained their family circumstances and answered our questions. It really brought me back to that moment in time many years ago when I was a practicing lawyer in Springfield, IL, and spent many days involved in family law. It was not the most enjoyable part of my legal practice.

In fact, many times those cases, involving divorce and child custody and child support, unfortunately, brought out the very worst in people. Those battles over children became proxy battles over a failed marriage. It saddened me, as I am sure it saddens many who are involved in this.

As I listened yesterday, I understood that these two grandmothers were basically making the case that they had a good family to offer in Cuba, a good family for Elian Gonzalez. I thought they made their case convincingly. The fact that this young boy, after his parents were divorced, was the subject of joint custody is, in and of itself, a telling fact. It is rare. There are people who fight in court for years and spend thousands of dollars over the question of joint custody.

In this case, Elian Gonzalez' mother decided that she could trust her former husband, the father of Elian, so much so that she left him with his father 5 out of 7 days each week. That simple fact told me a great deal about whether or not Elian Gonzalez' father was a fit parent. In the eyes of Elian's mother, the former wife of Elian's father, he certainly was a fit parent.

But then I have to tell you that some of the things said to me by these grandmothers were so touching. Consider Elian's maternal grandmother who came to the United States. Think about what she has been through. In just a few short weeks, she saw an effort by her daughter and Elian, along with a man, to come to the United States. I am not sure how much she knew of this in advance. In fact, she indicated to us she did not know that they were going to take off for the United States.

Then she was told her daughter was involved in a ship sinking, that her daughter drowned at sea, that this little 6-year-old boy watched his mother drowning at sea, that he grabbed on to a life preserver and hung on, some say for days, before he was rescued, and then was swept up into the caring arms of those who rescued him, brought to the United States, and given to a great uncle, who I am sure cares for him very much.

But since he arrived in the United States, this little boy, no more than a first grader, has been the focus of such attention. They have heaped gifts on him, puppies and gifts and trips to Disney World. The cameras swirl around him as he walks across the backyard and plays with a ball or pets his little puppy.

I remember things similar to that in my practice of law. We used to call it Disneyland daddy. If you are only going to get this little boy for a weekend, you will give him the world. You will take him to the ice cream shop as often as he wants to go, buy some toys, take him on a nice vacation, create an atmosphere in his mind that is idyllic. That is what has happened to Elian Gonzalez. In an effort to show love and caring, he has had all these gifts heaped upon him by his great uncle and his family. Yet I believe, as the grandmothers do, that the most basic thing Elian Gonzalez needs is his last surviving parent. He needs his father's loving arms more than he needs a trip to Disney World.

I think with his father and the rest of his family in Cuba, they could start to try to reconstruct this little boy's life and to say to him that though you have seen more tragedies in your few years than many people do in a lifetime, we will stand by you. We will give you the support to make your life whole again. That should be what this debate is all about.

I think the Immigration and Naturalization Service has it right. They asked the first question: Who will speak for this boy's interest? They concluded it would be his natural father. Then they asked the second important question: Is this natural father a fit parent? They interviewed him twice, went to Cuba to do it. They asked a lot of people about his background and came back and said, yes, he is a fit parent. He had joint custody of the little boy. The mother entrusted the boy to his father many, many times.

They concluded, and properly so, that Elian Gonzalez should be allowed to return home to Cuba, but unfortunately that is not the end of the story because this little boy is caught up in a foreign policy debate that has been going on for more than 40 years in America. During my time in college, I lived with a Cuban American expatriate who explained to me what it was like to be forced out of Cuba, to be forced out of your home, to give up everything, by the Castro regime, by this Communist leader who refused to recognize the most basic human rights. I heard firsthand from this roommate of mine in college what his family went through, the sacrifice, the deprivation, the loss of things they would never see again.

I always understood the feelings as best I could, not having lived them personally, of that generation of Cuban Americans who escaped to America's shores to finally get away from Castro and to have a chance at their own life and democracy. I have seen what they have created in south Florida and many other places around the United States. I am very proud that this group of immigrants to this country has made such a valuable contribution to our Nation, but like most immigrants, they never forget their homeland. That is not to say they don't love the United States, but they never forget their homeland of Cuba. They stay intensely involved in the foreign policy debate in Washington about the future of Cuba. They have become quite a political force in Florida, perhaps in national politics.

They feel—and I share their feeling—that the people of Cuba deserve better than Fidel Castro. They deserve a democracy. They deserve an opportunity to live in freedom. They remind us of that frequently. I share their belief. I think they are right. But I have to say I believe they have taken the wrong tack when it comes to Elian Gonzalez. It is much more compelling to most American families that this little boy be reunited with his family than it is that he be in the midst of a foreign policy debate. Some Members of the Senate have suggested that next week we will stop the business of the Senate and we will focus the attention of this deliberative body on a 6-year-old Cuban boy named Elian Gonzalez. They have proposed, in one of the rare instances in American political history, that this little boy will have conferred upon him American citizenship—frankly, citizenship without even asking.

We presume in most courts of law that a 6-year-old boy can hardly make a big decision about his life. He is too easily swayed by emotions and doesn't have the maturity to decide. They want to make the decision for him. They want to decide that he is an American citizen.

I am reminded of an experience I had not long ago in Chicago. I went to a Mexican restaurant. After I finished my meal, a fellow came up to me from the kitchen. He was wearing a cook's clothes. He said: Can I talk to you for a minute, Senator? I said: Of course. He said: I am almost 65 years old. I was born in Mexico. My dream, for as long as I have lived, is to be a citizen of the United States of America. Here is my application form for naturalization.

He had taken it and encased it in plastic; it meant so much to him. He said: This means so much to me, but the Immigration and Naturalization Service system is so slow and so bureaucratic and the new laws coming out of Washington make it so difficult, it has been over 2 years, and I am waiting for my chance to raise my hand and swear my loyalty to the United States of America. He said: Senator, I am afraid I will die before that happens. That would break my heart and the hearts of my family.

I think about him, and I think of hundreds of thousands like him who have come to this country and followed the orderly process to become citizens. They have had to wait. They have had to go through a tangle of bureaucracy. They are hoping they will get the chance to raise their hands and become naturalized citizens.

My mother was one of those. She was an immigrant to this country from Lithuania. In her 20s, after being married, she became a naturalized citizen. I have her naturalization certificate above my desk here in Washington. I am very proud of that.

But you won't hear any efforts on the floor of the Senate for the hundreds of thousands of people who are longing for this chance to become Americans, waiting for the naturalization process to be completed. No, we will focus on one 6-year-old boy from Cuba. Why? Because he makes an important foreign policy point. I don't believe it is fair to him, only 6 years of age. Nor is it fair to the hundreds of thousands who are waiting patiently for us to say that he will move to the front of the line and become a citizen without even asking for it. That doesn't speak well for this country and our respect for the law.

I have compassion for this little boy and what he has been through. Do I believe he could live in the United States and enjoy freedom in this country? Certainly. But as Senator DODD and others have said, there are many good families living in countries with bad governments. Though Elian Gonzalez, by the matter of fate, was born in Cuba under a repressive regime, I don't doubt for a minute that he has a loving family who can give him so much in his life as he grows up. If we are going to have compassion for children and particularly immigrant children, let me tell you, the Senate has a full agenda. I returned 2 weeks ago from Africa where there are literally over 20 million AIDS orphans. These kids need the same compassion and concern.

The PRESIDING OFFICER (Mr. SESSIONS). The time of the Senator has expired.

Mr. DURBIN. I ask unanimous consent for 5 additional minutes.

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

Mr. DURBIN. I thank the Chair.

There are many millions of children around the world who deserve our concern and our compassion. I hope those who are expressing this feeling about Elian Gonzalez will not stop at that, will decide that we can do more to help many others in small ways and large ways combined. I hope next week the leadership of the Senate does not bring this matter before us. I will oppose it. I will support the resolution from the Senator from Connecticut. I think it is sensible. It answers the basic question with the most basic family value. Where should Elian Gonzalez be? He should be with his father, his last surviving parent. The trauma that he has been through I think, I hope he can endure. I hope he will be a strong little boy. I hope he will grow up and reflect on his experience in the United States, remembering that there were people who loved him in this country as well, and there certainly are.

Let me close by saying that I hope Cuban Americans will consider this for a moment. I don't believe the action they have taken relative to Elian Gonzalez has increased the popularity of their cause at all. Many people are confused and bewildered that they would fight a foreign policy battle on the back of a 6-year-old boy.

I think we should learn a lesson from history. There was a time when Eastern Europe was under Soviet domination.

There was a time when we considered them to be victims of a Communist regime. We decided in the latter part of the last century that the best way to change that government and that mindset in Eastern Europe was to open the doors wide, let them see the rest of the world, let them trade with the United States and Europe, and let them understand what democracy was all about, let them see what freedom meant in their daily lives, and, you know, it worked.

We saw the Berlin Wall come down. We saw countries such as Poland, under Soviet domination for 40 years, emerge into a democracy and an economy that is an inspiration to all. Can't we learn the same lesson when it comes to Cuba? If we open the doors and allow Cubans to come to the United States to visit, to work, to trade, to engage in cultural and educational exchanges, is there anyone who can doubt that will lead to a new Cuba? Is there anyone who doubts that kind of exchange, instead of this isolationism, will force the political change we have been waiting for for over four decades?

I don't think that change will come about by granting citizenship to Elian Gonzalez. That one little boy will become just a tragic footnote in history. He has endured enough in his short life. I hope this Senate doesn't add to the burden he now has to carry—the memory of seeing his mother drown at sea. I hope the leadership of the Senate will think twice before they allow us to become party to what has become a sad chapter in the history of this country.

I yield the floor.

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APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 106–120, appoints the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office: The Senator from Colorado (Mr. ALLARD), Martin Faga, of Virginia and William Schneider, Jr., of New York.

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APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic Leader, pursuant to Public Law 106–120, appoints the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office: The Senator from Nebraska (Mr. KERREY), and Lieutenant General Patrick Marshall Hughes, United States Army, Retired , of Virginia.

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APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from New York (Mr. MOYNIHAN) to read Washington's Farewell Address on February 22, 2000.

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UNANIMOUS CONSENT AGREEMENT

Mr. REID. Mr. President, I ask unanimous consent that Senator GRAMS of Minnesota be allowed to speak in morning business when the Senator from Nevada has completed his statement.

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

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THE HIGH COST OF CAMPAIGNS

Mr. REID. Mr. President, about a year ago, I was still celebrating my victory from the election of 1998. It was a tough election. The reason I mention that today is because in the small State of Nevada, with less than 2 million people, the two candidates running for the Senate spent over $20 million. We had less than 500,000 people who voted in that election but we spent over $20 million. We spent approximately $4 million in our campaign accounts, and then each party spent about $6 million. So it was a total of $20 million, plus an undisclosed amount of money that was spent by people who represented the National Rifle Association, the truckers' association, and other groups. These independent expenditures on both sides were something that added to the cost of that election in Nevada.

The reason I mention this is when I first came to the Senate, I had an election I thought cost too much money. It cost about $3 million. In this election I spent over $10 million—that is, counting the money spent mostly on my behalf and on behalf of the others in that election cycle.

Something has to be done to stop the amount of money being spent on these elections. We know that on the Presidential level, Senator MCCAIN, who is running for the Republican nomination for the Presidency, is spending a lot of his time talking about the need for campaign finance reform. I admire and appreciate the work of Senator MCCAIN in this regard. On the Democratic side, both Senators Bradley and Vice President GORE are talking about the need for campaign finance reform. Those who support campaign finance reform got a real boost, a real shot in the arm, in the last few days when the U.S. Supreme Court, in a case that came out of Missouri, rendered a 6–3 opinion. In effect, that opinion said in the case of Shrink v. Missouri Government that the Court had a right to set maximums as to how much somebody could spend. The Court held that the Missouri law imposing a little over a $1,000 limit on contributions to State candidates did comply with the Constitution, despite a challenge claimed that the limit was so low it affected the ability of interested people to give to the candidate of his choice.

The reason this case was so important is that everybody has been waiting for almost 25 years to determine what the Court would do about Buckley v. Valeo, were the Court held that political contributions are speech protected by the first amendment. Though certain limits could be enforced, the Government could not put too many restrictions on when and what a person could spend on political candidates. Some hoped and wished the Shrink case, cited by the Supreme Court, would throw out all the limitations and, in effect, there would be a free-for-all as to how much money could be raised, and there would be no restrictions as to from where the money would come. The Shrink case, while it didn't cite all the problems with campaign finance money, decided there could be limits established in campaign finance spending. That is an important step.

I think what we need is to have elections that are shorter in time. We have to have limitations on how much people can spend on elections. We can't do anything in light of the present law with having individuals spend unlimited amounts of money until we pass a constitutional amendment, which has been pushed by Senator FRITZ HOLLINGS for many years. In spite of our being unable to stop people from spending personal moneys of unlimited amounts, the Court clearly said limits

can be set. I think this should add impetus to the Presidential campaign now underway. What Senator MCCAIN is saying is that we should go with the Feingold-McCain bill that is going to stop the flow of soft money, corporate money, in campaigns. That seems to be something that certainly can be done. We know in the past it has been done in Federal elections, and this should be reestablished.

So I hope Senator MCCAIN, Bill Bradley, and Vice President GORE will continue talking about this. I hope it becomes an issue in the Presidential campaign, which will be shortly upon us.

I do appreciate the Supreme Court. There are some who come here and berate them very often. I think it is time we throw them a bouquet. This was a tough opinion, decided by a 6–3 margin. I think this is important. Justice Stevens noted:

> Money is not speech, it is property. Every American is entitled to speak, but not every American has the same amount of property.

That is something I hope will be carried over into future discussions by the Supreme Court in reviewing Buckley v. Valeo, as to what it means regarding whether or not free speech is the ability to spend as much money as you want in a campaign. I don't think it is. I think the Supreme Court will agree with me.

In short, the Supreme Court did the right thing. It should give us, as a body, the ability to change the law and revisit some of the things taking place in America today. What Senator FEINGOLD and Senator MCCAIN have tried to do is the right approach. We should do that. All the arguments made about how it would be unconstitutional to do that certainly fail in light of what the Supreme Court recently decided.

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THE FREEDOM OF ACCESS TO CLINIC ENTRANCE ACT

Mr. REID. Mr. President, prior to coming here I was a trial lawyer. I started out representing insurance companies. I was a defense lawyer representing insureds who were involved in automobile accidents and other problems. I went to court and tried those cases—lots of them. Then, in the second part of my career, I represented people who had been injured. We sued, in effect, insurance companies. I also had the opportunity and the experience to represent people charged with crimes. I took those cases to juries. I had the good fortune to ask juries approximately 100 times to understand my client's plight and to, hopefully, be an advocate for what was right. I came to the conclusion that what juries do, with rare exception, is arrive at the right decision. It may not always be for the right reason, but it is usually the right decision. I believe in our system of justice, where juries make decisions.

I believe in following the law. What I mean by that is, if there is a law on the books, or the Supreme Court has interpreted that law, I believe it should be followed. There is a very controversial issue that is always before this body dealing with the reproductive rights of women. It doesn't matter how you feel, whether you are a so-called pro-choice or pro-life person; a group of Senators and Congressmen, Democrats and Republicans, pro-life and pro-choice Members, joined together to pass what is called the Freedom of Access to Clinic Entrance Act, called FACE.

In effect, the law said if there is a legally constituted entity, such as planned Parenthood, that is giving women reproductive advice, and on occasion they also perform abortions —it is legal. Some of us may not agree with what they are doing. But, it is a legal entity. They are doing legal things. But FACE said you can't go to one of these entities and stop them from doing business, because if you do, you will violate the law.

A number of people who were unwilling to follow the law were sued as a result of their doing the wrong thing in the FACE States, and a court of law—like those courts I just talked about—ruled against them.

For example, Randall Terry is a person who is opposed to abortion. He sought to intimidate and do acts of violence at abortion clinics. A court awarded $1.6 million to the people who sued him. He acknowledged his intent in doing harm, and he said: I am going to file bankruptcy. Indeed, He filed bankruptcy to avoid the judgement.

Another person by the name of Bonnie Behn of Buffalo, NC, filed for bankruptcy to discharge a debt of some $36,000 because she violated a court order regarding a local clinic where there was an established buffer zone around the clinic. Money damages were assessed against her. She filed for bankruptcy.

These and other acts I think are just out of line. People who do not believe in our system of justice obviously don't believe in our trial by jury system. They don't believe in courts having the ability to award damages when they do something wrong. In effect, they believe the law is for everybody but them. Having violated the law, the judgment is rendered against them. They say: We are going to discharge this debt in bankruptcy. The debt lien means nothing.

That is why I joined with Senator CHARLES SCHUMER of New York in amendment No. 2763 to say that if people do this, they cannot discharge these debts in bankruptcy. I believe that very strongly.

When I practiced law, I also did some bankruptcy work. I learned very quickly that people who willfully violate the law by willful, wanton acts should not discharge their debts to bankruptcy. In fact, one of the things we looked at was, if somebody was a drunk driver, they should not be able to discharge that debt in bankruptcy.

We have made sure that is now the law because the court said, well, there wasn't intent and therefore it wasn't willful and wanton. The courts have said in various cases, for example, that if one is charged with drunk driving, they can discharge those debts in bankruptcy. In these cases, we have allowed these individuals to discharge their debts in bankruptcy. They should not be able to do that. This amendment would stop that.

We have had some real difficulties in recent years. We have to have people respond in monetary damages. Why do we have to have them respond in money damages? Because there have been in the last 10 years 2,000 reported acts of violence against abortion providers, including bombing, arson, death threats, kidnaping, assaults, and over 38,000 reported acts of disruption, excluding bomb threats and pickets. Murders have taken place. Clinic workers constantly face the threat of murder. Since 1993, doctors, clinic employees, clinic escorts, and security guards have been murdered. In addition to the murders that have been accomplished, we have had 16 attempted murders.

These providers face violence, threat, and intimidation. In addition to the two murders in 1998, we have had 19 cases where people threw what they called butyric acid. It burns people who come in contact with it. It smells very bad. In fact, the facility where this acid is thrown becomes inoperable. Clinic workers must take extraordinary measures for protection. They have to vary routes to work and call police if they receive suspicion packages, which they do all the time. They are spending hundreds of thousands of dollars on glass, guards, security cameras, metal detectors, and security devices. These are lawful businesses. We have to make sure we live in a law-abiding society.

Anti-choice violence and terror is worsening every day, and one of the reasons is that these people flaunt the law. They throw this acid. They intimidate people, recognizing that there is no way they are going to have to respond in money damages.

I commend and applaud Senator SCHUMER for offering this amendment. The amendment is part of those that have been accepted as amendments that will be taken up on the bankruptcy bill. There is only a half hour of time that Senator SCHUMER has to make his case.

I hope this body, both the majority and minority, will overwhelmingly support this legislation. This has nothing to do with how you feel about the matter of choice; that is, whether you are pro-choice or pro-life. What it has to do with is whether or not you are going to support the law and whether you believe in our system of justice.

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

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

Mr. GRAMS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized pursuant to a previous order.

—

SOCIAL SECURITY INVESTMENTS

Mr. GRAMS. Mr. President, for over six decades people have come to rely, expect, and depend on investments made into the Social Security system. However, the very financial structure created with the program in 1935 is about to face some very significant strains placed on it by changes in demographics and also by poor fiscal management by Washington. Basically, we are at a crossroads. Do we let the system wither on the vine or do we work to save Social Security?

At the crux of this discussion is how best to serve our Nation's retirees. How can we offer them the most financial security in their retirement? I have some ideas I have shared with Minnesotans and also with the Senate. They are aimed at saving the Social Security system. It is a package of proposals, the Grams Plan for Retirement Security, that encompasses what we expect to do to protect and preserve the existing system, as well as what other steps we might take to offer retirees more security in their elder years.

There are several main elements in my package. On Monday, I introduced the Social Security and Medicare Surplus Protection Act which would trigger an automatic across-the-board cut if the Government would happen to spend any of the surpluses, either Social Security or Medicare.

In effect, this creates a retroactive lockbox to protect Social Security and Medicare surpluses. Even those in Washington who are fiscally conscious of the commitments made to our Nation's retirees were surprised that last year was the first in over 60 to not dip into the Social Security trust fund to pay for other Washington programs.

This all-too-common practice necessitates a retroactive lockbox. My legislation contains the lockbox enforcement mechanism that triggers an automatic reduction in Government discretionary spending, including congressional Members' pay, if any of the Social Security or Medicare surplus is spent on other Government programs, thereby restoring the Social Security and Medicare trust funds. This would lock up the trust funds in case budget forecasts were inaccurate—and surpluses were spent.

The Grams lockbox saves Social Security and Medicare from Washington's big spenders and reaffirms our commitment to our Nation's retirees.

I have also introduced the Personal Security and Wealth in Retirement Act. It creates personal retirement accounts and offers every American the opportunity to achieve personal wealth, and also the dignity, freedom, and security that it affords in their retirement years. It also protects seniors by guaranteeing that their benefits won't be cut. The retirement age and taxes will not be raised if they decide to stay within the Social Security system as we know it today.

At the heart of the Personal Security Wealth in Retirement Act is the personal retirement account, or a PRA. A PRA allows the option to invest dollars into the market that taxpayers are now forced to surrender to the Federal Government in their withholding for the FICA taxes. Workers would now have the freedom to design their own retirement plans, investing in stocks, in equities, bonds or T-bills, or any combination of these, or any other financial instruments with approved investment firms and approved financial institutions. Taxpayers can invest funds into traditional savings accounts if that is what they want. The result would be maximum freedom to control their resources for their own retirement security.

There is no doubt that a market-based retirement system and the power of compounded interest would generate much better returns than under the traditional Social Security system we have to date. Under today's Social Security program, the average annual retirement benefit for a family with two working spouses is about $33,000 a year. Under the Personal Security and Wealth in Retirement Act, families could receive an annual benefit of more than $200,000 a year by investing the same dollars in a PRA rather than in the current system. Low-income families also would do better under this plan. Where Social Security now provides an annual benefit of about $18,000 a year, my proposal would produce benefits as high as $100,000 a year.

Despite the obvious benefits of a PRA, if one chooses to stay within the traditional Social Security system, that is their right, and the Government would guarantee the promised benefits that would not be cut and that Washington could not increase the retirement age and Washington could not increase taxes.

Special protections have been built in to keep the PRA safe. Government-approved private investment companies would manage those PRAs to ensure, to guarantee a return higher than what Social Security pays today. Social Security, by the way, today pays them less than a 2-percent return, and in the near future it will be less than 1 percent. That is not the kind of investment most people would make if they could walk up to a window. I don't think they would invest in an account that pays less than 1 percent. That is what happens. Many taxpayers in the future will have a negative rate of return, meaning it is better to put money under your mattress or bury it in a tin can in the backyard than invest in Social Security.

Rules similar to those applying to individual retirement accounts would apply to the new personal retirement accounts. If a worker happened to fall short of accumulating the minimum retirement benefits, this is where the Federal Government would step in to make up that difference—in other words, to fill the glass full; to assure a minimum retirement benefit so no one will retire into poverty, so you will not lose if you choose a PRA.

The Personal Security and Wealth in Retirement Act also offers features not found in Social Security because you can choose when you want to retire. Right now the Government tells you how much you pay into Social Security, when you can retire, and what your benefits are going to be. But under our Personal Retirement Account plans, you make those decisions, you choose when you want to retire. As long as you have accumulated the minimum benefits necessary for your lifetime, you are free to retire whenever you want. PRAs could be established early on in life, even before a child is out of diapers. The idea is, when a child was born and given a Social Security number, his or her parents or grandparents will be able to begin putting money into that child's retirement account.

As an example, if you put $1,000 into an account for a newborn baby, that account would grow to nearly $250,000 by the time that child would be ready to retire. From $1,000 seed money to $250,000 by the time that child would retire—not a bad start.

The Personal Security and Wealth in Retirement Act ensures that your PRA remains your private property and that you have a right to pass it on. When you die, the remaining funds that are in your account will be transferred, under your estate, to your heirs free of taxes. Right now, as you know, when you die there is no residual Social Security. That is it. So all the money you have paid in you do not get back. The Personal Security and Wealth in Retirement Act confidently answers the question of whether prosperity in retirement can best be achieved by the Government or by you, the individual. Given the tools and the freedom to put them to work, every American will discover that a successful and secure future is just a PRA away.

These proposals are at the heart of the Grams Plan for Retirement Security. In addition to these bills, there are several others in the Grams Plan for Retirement Security. I have introduced the Social Security Benefit Guarantee Act which would create a legal right to Social Security benefits, including an accurate cost-of-living increase. I have also introduced the Fair COLA for Seniors Act, legislation to ensure that older Americans receive accurate cost-of-living adjustments based on their consumption patterns so

they can better achieve retirement security, and the Social Security Information Act, to ensure that hard-working Americans receive adequate information on which they can begin to plan for their retirement, such as the rate of return on their Social Security investment. As I have mentioned, I think if people today would get information on what the return was going to be on their investment, it would play a big part in their decision to have that or turn to a private retirement account.

I have introduced the Medicare Ensuring Prescription Drugs Act—that is legislation to ensure seniors do not have to choose between their medicines and their food—and the Tax Relief for Seniors Act, legislation to repeal taxes on our seniors' Social Security incomes. That is unfair, again—that tax on our seniors.

These are all components of the Grams Plan for Retirement Security, legislation aimed at helping hard-working Americans receive retirement security. As I close, and as we enter this new session of the 106th Congress, we need to have an honest discussion, not about how best to extend the life of a Government program or how to alter numbers so we might technically fit within spending limits at the expense of our Nation's retirees; instead, we should debate and discuss how to offer hard-working Americans the retirement security they deserve.

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.

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

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

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

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

—

ELIAN GONZALEZ

Mrs. FEINSTEIN. Mr. President, as a grandmother, and as a member of the Senate Immigration Subcommittee, I want to say a few words about the case of Elian Gonzalez, and particularly to indicate my strong support for the concurrent resolution Congressman RANGEL has introduced in the House. Senator DODD has just submitted a similar resolution in the Senate this afternoon, of which I am a cosponsor.

As you know, this resolution expresses the sense of the Senate that Elian Gonzalez should be reunited with his father, Juan Gonzalez of Cuba. I have been in California, but nonetheless I have been following, as closely as anyone could over the television, the events surrounding this youngster—the very tragic events.

Based on my understanding of the situation, Elian has enjoyed a very close and loving relationship with his father and his grandparents in Cuba. As a grandmother, this has a lot of meaning to me. Those who know Juan Gonzalez have described him as an ''ideal father'' who spent as much time as he could with his son.

Elian has been living in his father's home, where his grandparents also play a role in raising him. Although Elian's mother and father shared joint custody of the child, he actually spent 5 out of every 7 days of the week in his father's home. It is my understanding that his father can support him, that he can provide a good home for him, and, above all, he is a good and loving father. Both he and Elian's mother had joint custody of the youngster.

To the best of my knowledge, there is no evidence that Juan Gonzalez was either neglectful or abusive in his relationship with his son. After all, a strong parental bond should be the overwhelming test for reunification—that and the fact that the touchstone of U.S. immigration policy has been to protect and reunite the family.

Elian's maternal grandparents also took part in raising their grandchild, often keeping him when either parent was working. Despite the divorce of Elian's mother and father, both parents and their respective families maintained, warm relations and continued to play an active role in the youngster's life.

We cannot know of the mother's true motivations or intentions when she and Elian left Cuba. Elian's father has maintained, however, that Elian's mother, Elizabet Broton, took their son without his knowledge or consent.

Elian's fate should not be subject, I believe, to the politics of any one party or political ideology. I urge all of us—in Florida, in Cuba, and in the Halls of Congress—to cool the rhetoric, to set aside any political views, and commit ourselves to seeing this process to a rightful conclusion.

The central issue in this case should not be America's policy toward Cuba but, rather, the sanctity of the family bond between a parent and his child. Without evidence of abuse or neglect on the father's part, no government has the authority to disrupt that bond, no matter if the bond is in the United States or Cuba, or any other place. The father is the father and should have lawful custody.

In addition to my concerns about the negative impact of legislation to grant citizenship to Elian on him and his family, and what that does to the pending court case, I also have deep concerns about the impact this would have on our own immigration policy. It would certainly, at the very least, reflect an uneven application of immigration policy by the United States. It would be, I believe, a case of major political first impression and set a precedent all across this land in virtually every case from anywhere. It could also create a precarious situation for an American child abroad.

The INS continues, to this day, to send back children to their home countries, even those with repressive regimes. Several months ago, two Haitian children were sent back to Haiti while their mother remained in the United States to file for asylum. Here you have a mother in the United States filing for asylum, and during that period the children were sent back to Haiti. It is true that, after protests and several weeks of separation from their mother, Federal authorities did permit the children to reenter the United States. Or you can look at the case of a 15-year-old Chinese girl who today is being held in juvenile detention and has been held in juvenile detention for 7 months. At her asylum hearing, the young girl could not wipe away her tears because her hands were chained to her waist. According to her lawyer, her only crime was that her parents had put her on a boat so she could get a better life over here. She remains in detention to this day.

I think that is a terrible wrong. Here is a youngster who was put on a boat by her parents, who is now in a jail on the west coast of the United States and goes to a hearing chained like a common criminal. In cases such as these, I believe we should review and perhaps even change immigration laws as they relate to minors in certain situations.

I am in the process of writing a letter to the chairman of my subcommittee, the Senator from Michigan, asking that he hold hearings on some of these cases as well as on whether immigration law with respect to children should, in fact, be changed in certain circumstances.

I believe our immigration policy must be consistent and fair. In any given year, the INS handles more than 4,000 unaccompanied minors, and the vast majority are sent back to their families. Others are detained.

I have received scores of phone calls from citizens in California who say, if this child were Salvadoran, if he were a Mexican child, if he were a child from China, the child would be sent back to his country. Why is this child different? Because political organizations in a couple of States want to make a point with this child's situation?

I think the point is, granting American citizenship in this manner will affect every other situation. We might as well know what we are doing when we do this. I think the only way to look at it is to take a look at all of our immigration laws, as they affect children, in an orderly way over a period of time. But in the meantime, current law should be followed with respect to this youngster.

I think granting U.S. citizenship in this manner, which is really without any precedent, would be a very far-reaching action. It would also play out negatively for U.S. children who might be taken to foreign countries without the consent of the U.S. citizen parent. I have actually tried to help in a case involving a child in Saudi Arabia and

found it most difficult. Once we begin to violate that law, what does it say for other American children who might find themselves in a similar circumstance in a foreign country? As a grandmother, I must say, I shudder to think how I would feel in this same situation.

In conclusion, I don't believe our role as a national legislature is to interpose ourselves in a decision that should rightfully be made by a father.

I thank the Chair and yield the floor.

ADJOURNMENT UNTIL 8:30 P.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:30 p.m. on Thursday, January 27, 2000.

Thereupon, the Senate, at 5:34 p.m., adjourned until Thursday, January 27, 2000, at 8:30 p.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S49–S106

Measures Introduced: Six bills and five resolutions were introduced, as follows: S. 2004–2009, S. Res. 245–247, and S. Con. Res. 78–79. **Pages S85–86**

Measures Passed:

Relative to the Death of Dr. Floyd M. Riddick: Senate agreed to S. Res. 245, relative to the Death of Dr. Floyd M. Riddick, Parliamentarian Emeritus of the United States Senate. **Page S97**

Relative to the Death of Former Senator Carl Curtis: Senate agreed to S. Res. 246, relative to the death of former United States Senator Carl Curtis of Nebraska. **Pages S97–98**

Bankruptcy Reform Act: Senate resumed consideration of S. 625, to amend title 11, United States Code, taking action on the following amendments proposed thereto: **Pages S49–58, S63, S72–74**

Adopted:

Craig Modified Amendment No. 2651, to allow pawned tangible personal property to be excluded from the bankruptcy estate so long as the debtor has no legal obligation to repay the money or redeem or buy back the property. **Pages S51, S63**

Leahy (for Sarbanes) Modified Amendment No. 2517, to require that consumers be notified of the availability of toll-free telephone access to certain consumer credit information.

Withdrawn:

Hatch/Torricelli Amendment No. 1729, to provide for domestic support obligations. **Page S63**

Feinstein Amendment No. 1696, to limit the amount of credit extended under an open end consumer credit plan to persons under the age of 21. **Page S49**

Feinstein Amendment No. 2755, to discourage indiscriminate extensions of credit and resulting consumer insolvency. **Page S49**

Schumer/Durbin Amendment No. 2759, with respect to national standards and homeowner home maintenance costs. **Page S49**

Schumer Amendment No. 2765, to include certain dislocated workers' expenses in the debtor's monthly expenses. **Page S49**

Dodd Amendment No. 2531, to protect certain education savings. **Page S49**

Dodd Amendment No. 2753, to amend the Truth in Lending Act to provide for enhanced information regarding credit card balance payment terms and conditions, and to provide for enhanced reporting of credit card solicitations to the Board of Governors of the Federal Reserve System and to Congress. **Page S49**

Hatch/Dodd/Gregg Amendment No. 2536, to protect certain education savings. **Page S50**

Schumer/Santorum Amendment No. 2761, to improve disclosure of the annual percentage rate for purchases applicable to credit card accounts. **Page S50**

Feingold Amendment No. 2779 (to Amendment No. 2748), to modify certain provisions providing for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed. **Page S50**

Pending:

Wellstone Amendment No. 2537, to disallow claims of certain insured depository institutions. **Pages S49, S56–57**

Wellstone Amendment No. 2538, with respect to the disallowance of certain claims and to prohibit certain coercive debt collection practices. **Pages S49, S56–57**

Schumer/Durbin Amendment No. 2762, to modify the means test relating to safe harbor provisions. **Page S49**

Schumer Amendment No. 2763, to ensure that debts incurred as a result of clinic violence are nondischargeable. **Page S49**

Feingold Modified Amendment No. 2748, to provide for an exception to a limitation on an automatic stay under section 362(b) of title 11, United States Code, relating to evictions and similar proceedings to provide for the payment of rent that becomes due after the petition of a debtor is filed. **Page S50**

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments on Monday, January 31, 2000 at 2 p.m. **Page S98**

Appointments:

National Commission for the Review of the National Reconnaissance Office: The Chair, on behalf of the Majority Leader, pursuant to Public Law 106–120, appointed the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office: Senator Allard, Martin Faga, of Virginia, and William Schneider, Jr., of New York. **Page S102**

National Commission for the Review of the National Reconnaissance Office: The Chair, on behalf of the Democratic Leader, pursuant to Public Law 106–120, appointed the following individuals to serve as members of the National Commission for the Review of the National Reconnaissance Office: Senator Kerrey, and Lt. Gen. Patrick Marshall Hughes, United States Army, Retired, of Virginia. **Page S102**

Washington's Farewell Address: The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appointed Senator Moynihan to read Washington's Farewell Address on February 22, 2000. **Page S102**

Communications: **Pages S78–81**

Petitions: **Pages S81–85**

Statements on Introduced Bills: **Pages S86–92**

Additional Cosponsors:
January 25, 2000 **Page S92**
January 26, 2000 **Page S92**

Authority for Committees: **Page S95**

Additional Statements: **Pages S95–97**

Adjournment: Senate convened at 11 a.m., and adjourned at 5:34 p.m., until 8:30 p.m., on Thursday, January 27, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S98.)

Committee Meetings

(Committees not listed did not meet)

PATIENT SAFETY

Committee on Appropriations: On Tuesday, January 25, 2000, Subcommittee on Labor, Health and Human Services, and Education, and the Committee on Veteran Affairs concluded joint hearings to examine reports and initiatives on patient safety, after receiving testimony from Thomas L. Garthwaite, Acting Under Secretary for Health, and James P. Bagian, Director, National Center for Patient Safety, Veterans Health Administration, both of the Department of Veterans Affairs; Molly J. Coye, Institute of Medicine; Joe Donahey, Circuit Court Judge, Pasco County, Florida; Lucian Leape, Harvard University School of Public Health, Boston, Massachusetts; and Ralph Specken, New York, New York.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System, after the nominee testified and answered questions in his own behalf.

ECONOMIC OUTLOOK

Committee on the Budget: Committee concluded hearings on the economic and budget forecasts of the Congressional Budget Office for fiscal years 2001–2010, after receiving testimony from Dan L. Crippen, Director, Congressional Budget Office.

MEDICAL ERRORS

Committee on Health, Education, Labor and Pensions: Committee concluded hearings to examine the incidence of medical errors, focusing on the Institute of Medicine report on medical safety, after receiving testimony from Lucian Leape, Harvard University School of Public Health, Boston, Massachusetts; Mary Foley, American Nurses Association, and Carmela Coyle, American Hospital Association, both of Washington, D.C.; Nancy W. Dickey, College Station, Texas, on behalf of the American Medical Association; Arnold Milstein, Pacific Business Group on Health, San Francisco, California, on behalf of the Business Roundtable; and Gail Devers, Long Beach, California.

House of Representatives

Chamber Action

The House was not in session today. The House will next meet at noon on Thursday, January 27 for a Quorum Call.

Committee Meetings

OVERSIGHT—U.S. TERRORIST THREATS

Committee on the Judiciary, Subcommittee on Immigration and Claims held an oversight hearing on Terrorist Threats in the United States. Testimony was heard from Ambassador Phillip C. Wilcox, the U.S. State Department (retired) and public witnesses.

Joint Meetings

FAA AUTHORIZATION

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, but did not complete action thereon, and recessed subject to call.

COMMITTEE MEETINGS FOR THURSDAY, JANUARY 27, 2000

Senate

No meetings/hearings scheduled.

House

Committee on Appropriations, Subcommittee on Legislative Operations, on the House of Representatives and the Library of Congress, 2 p.m. H–144 Capitol.

Committee on Government Reforms, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on "The Decline of DOD Assets in the Fight Against Illegal Drugs," 10 a.m., 2247 Rayburn.

Subcommittee on Government Management, Information, and Technology and the Subcommittee on Technology of the Committee on Science, joint hearing on "The Year 2000 Computer Problem: Did the World Overreact and What Did We Learn?" 10 a.m., 2154 Rayburn.

Committee on Ways and Means, Subcommittee on Oversight, hearing on Penalty and Interest Provisions in the Internal Revenue Code, 10 a.m. 1100 Longworth.

Next Meeting of the SENATE

8:30 p.m., Thursday, January 27

Senate Chamber

Program for Thursday: After the transaction of any morning business, Senate will meet in a joint session with the House of Representatives to receive the President's State of the Union Message.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Thursday, January 27

House Chamber

Program for Thursday: Quorum Call and State of the Union Address.

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