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# Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

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

Almighty God, we praise You for not making life a courtroom without a judge. We don't have to judge ourselves with self-condemnation or others with harshness. You are the judge of our lives, the one to whom we must account for our behavior, character, and relationships. We expose our private and public lives to Your judgment. There are no secrets from You. We spread out before You the work of this Senate and ask You to show us what You require. This is Your nation. The Senators and all who work for and with them are here by divine appointment. Your justice and righteousness are our mandates. May we see ourselves honestly in the pure white light of Your truth.

As we stand before You as our judge, we view You beside us with mercy and within us as perfect peace. Take our hands, dear Lord. Lead us on so that as this day closes and we say our prayers, we may have less to confess and more for which to give thanks. In Your righteous, all-powerful name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, 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 PRESIDING OFFICER (Mr. ALLARD). The Senator from Washington is recognized.

## SCHEDULE

Mr. GORTON. Mr. President, this morning the Senate will begin 1 hour of debate on the conference report to accompany the Federal Aviation Administration bill. Following that debate, the Senate will be in a period of morning business until 11:30 a.m. with the time under the control of Senators BROWNBACK and DURBIN. Following morning business, the Senate will begin consideration of the Export Administration Act with amendments to the bill expected to be offered. As a reminder, there will be three stacked votes at 5 p.m. The first vote will be on the conference report to accompany the Federal Aviation Administration bill, to be followed by the two cloture votes with respect to the Berzon and Paez nominations.

I thank my colleagues for their cooperation.

## UNANIMOUS CONSENT REQUEST—S. RES. 237

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 237, which has been held over under the rule, that the resolution be agreed to, the preamble be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. GORTON. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, for the minority, we are grateful that we are now at a point where we can move forward on the FAA bill. It has been held up for a long time. It is very important to the country, and hopefully by the end of the day we will have the conference report approved.

We also hope, with the export administration bill that we have been waiting for weeks now to have debated in the Senate, we can move forward with that bill. We are very hopeful that the bill that comes out of conference is one that has the meat of what is needed to help our high-tech industry and not a watered-down version of a bill we may not be able to support.

## RESERVATION OF LEADER TIME

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

## WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying H.R. 1000 which the clerk will report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 1000, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, March 8, 2000.)

The PRESIDING OFFICER. Under the previous order, there will be 60 minutes of debate with 20 minutes under the control of the majority leader, 20 minutes under the control of the Democratic leader, and 20 minutes under the control of the Senator from New Jersey, Mr. LAUTENBERG.

The Senator from Washington.

Mr. GORTON. Mr. President, it is with great pleasure that I appear here today with my friend and colleague from West Virginia, Senator ROCKEFELLER, to present to the Senate the

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



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conference report on the Federal Aviation Administration reauthorization measure. The compromise reached in this legislation is not only fair but constructive. It will provide necessary increases especially in capital funds for our aviation infrastructure and does provide a reasonable balance with the needs of that system and our limited Federal resources.

I went to the conference committee on this bill with a unique perspective because I sit on the Budget and Appropriations Committees as well as serving as the chairman of the Aviation Subcommittee. My duties on these committees allowed me to see the hard choices that must be made to stay within our tight budgets.

The final agreement reached with Chairman SHUSTER in the House ensures the trust fund revenues will be used for aviation spending. I joined Senator DOMENICI in supporting the Senate position on this issue, a position that allows for expenditure of these revenues for their intended purposes without tying the hands of the Appropriations Committee. That was an integral part of the final passage, and I commend Senator DOMENICI for his hard work on this issue, together with the tremendous contributions we received from Senator STEVENS.

One issue with which I have some reservations is amending the Death on the High Seas Act. I am pleased that the resolution amends the statute to bring the anachronistic law more up to date by allowing the recovery of certain types of non-economic damages. The resolution removes the cap on these damages contained in the Senate bill. I am also pleased that we have clearly retained the prohibition on punitive damages, which are not designed to compensate and which are so often abused. I think the resolution is good insofar as it reflects the Senate approach of keeping most aviation accidents on the high seas within the statute, thereby providing some semblance of certainty and uniformity. I have reservations, however, about the change demanded by the House conferees retroactively to change, from three to twelve nautical miles, the distance from the U.S. shore at which the Death on the High Seas act applies. Those who have wanted to take commercial aviation accident cases on the high seas out of DOHSA altogether have argued that this will cure the unfairness of different recoveries based on the chance of the accident happening over land or over the high seas. I have strongly disagreed with that proposition. Eliminating DOHSA leaves you with a dizzying array of State, Federal, foreign, or perhaps, no, law about which lawyers can fight endlessly, further postponing recovery. I trust those who have demanded that we complicate the federal law retroactively to take TWA Flight 800 litigation out of the coverage of DOHSA have fully considered the effects of that change.

My concerns with this issue are balanced with the positive aspects of this bill such as the removal of slot restrictions at Chicago O'Hare, Washington National, and the two New York airports. These provisions will improve competition, reduce fares, and provide additional service to small communities.

Another provision which will stimulate competition and help to bridge the funding gap that currently exists is an increase in the cap on the passenger facility charge. This provision gets to the heart of my guiding philosophy, which is to give local officials more decision-making power.

Although I favor an increase in the cap on the PFC, I realize that this is just one piece of the puzzle. We must look at the issues of our national aviation system in a larger context if we are going to meet the capacity demands of the 21st century. We cannot rely on unlimited federal funding to solve all of our problems. We must stretch our finite resources as far as possible.

A prime example of this is the modernization of the air traffic control system. This process has been ongoing for more than 15 years. We can no longer allow the program to continue the ''stops and starts'' of the past. Improvements must get on track, or, as the National Civil Aviation Review Commission warned us, the growing demand for air services combined with outdated equipment will soon bring gridlock and serious concerns about safety.

The Federal Aviation Commission needs to spare no effort over the next few years to modernize the air traffic control system. All of this needs to be done right, and be done now, to ensure continued safety and efficiency in the aviation industry.

Reforming the way in which the Federal Aviation Administration does business, and ensuring it is as efficient as possible, is a positive first step. This bill contains provisions, which I worked on with Senator ROCKEFELLER, to move the Federal Aviation Administration in the direction of being a more business-like entity. Positive reforms, not just increased funding, are integral to achieving our goal.

Although these reforms are a positive first step, I will continue to explore other possible options such as corporatization of the air traffic control system as the 2nd session of the 106th Congress continues. I believe we can learn from the work of countries such as Canada, New Zealand, and Australia, which have moved to privately run systems. The concerns of general aviation will be of paramount importance to me as this debate continues, and I welcome the input of all interested parties.

In summary, this agreement will allow both sides to reach our common goal, which is to ensure that we continue to have the safest, most efficient aviation system well into the 21st century.

I would like to take a minute to thank the Senate staff who worked tirelessly on this issue: Aviation subcommittee staff, Ann Choiniere, Mike Reynolds, Sam Whitehorn, and Julia Krauss ably tended the technical provisions of the bill. Wally Burnett with Senator STEVENS, and Cheryle Tucker with Senator DOMENICI were vital in negotiations over budgetary issues.

I also thank Jim Sartucci and Keith Hennessey from Senator LOTT's staff for assisting with the final negotiations.

Last but certainly not least are my own staff members. I thank Jeanne Bumpus for her diligent efforts on the Death on the High Seas Act, and Brett Hale, who is with me today, and who left his name out of these printed remarks. He deserves thanks for the hundreds and hundreds of hours he has put in on this bill from beginning to end.

Finally, as I began, I want to say it has been a great pleasure to me to work with my friend from West Virginia, Senator ROCKEFELLER, whose interest in this subject is very high and whose competence in coming up with correct answers is equally high.

This bill is a true partnership, and I have enjoyed working with him on coming up with these solutions on that score.

I ask unanimous consent a summary of the major issues included in the FAA conference report be printed in the RECORD.

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

SUMMARY OF MAJOR ISSUES INCLUDED IN THE FAA CONFERENCE REPORT

LENGTH OF AUTHORIZATION

4 years (2000–2003) except Research title.

AIP AUTHORIZATION

$2.475 billion in 2000.
$3.2 billion in 2001.
$3.3 billion in 2002.
$3.4 billion in 2003.

F&E AUTHORIZATION

$2.68 billion in 2000.
$2.66 billion in 2001.
$2.799 billion in 2002.
$2.981 billion in 2003.

FAA OPERATIONS

$6.6 billion in 2001.
$6.886 billion in 2002.
$7.357 billion in 2003.

RE&D (3 YEAR AUTHORIZATION)

$224 million in 2000.
$237 million in 2001.
$249 million in 2002.

PASSENGER FACILITY CHARGE (PFC)

House provision, but would allow FAA to approve a PFC only up to $4.50. Basically, it increases PFCs by $1.50. Medium or large hub airports charging the higher PFC must give back 75% of their entitlement.

AIRLINE CUSTOMER SERVICE

Plans to be submitted to DOT which in turn transmits a copy to the authorizing committees. DOTIG to monitor the implementation of each plan, evaluate and report on how each airline is living up to its commitment. DOT IG status report due to Congress on 6/15/00 and final report due 12/31/00. Directs DOT to initiate a rulemaking within 30 days of enactment to increase the domestic baggage liability limit; penalty for violations of aviation consumer laws and regulations are increased from $1100 to $2500 per

violation; GAO directed to study ''hidden city'' and ''back to back'' ticketing. The Conference also added a reference preventing discrimination against the handicapped as one of the responsibilities of the DOT consumer office. The DOTIG final report will also include a comparison of the customer service of airlines that submitted plans to DOT with those that did not submit such plans.

COMMISSION TO ENSURE CONSUMER INFORMATION AND CHOICE IN THE AIRLINE INDUSTRY (TRAVEL AGENTS)

Establishes a commission to study the financial condition of travel agents, especially small travel agents. The Commission should study whether the financial condition of travel agents is declining, what effects this will have on consumers, if any, and what, if anything, should be done about it.

SLOTS IN NEW YORK

*New York specific provisions*

Slot restrictions are eliminated after January 1, 2007.

In the interim, DOT is directed to provide exemptions to any airline flying to the 2 New York airports if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or a non-hub as a replacement for a prop plane.

DOT is directed to grant exemptions to new entrant and limited incumbents for service to New York.

Exemptions are only for Stage 3 aircraft.

*General Provisions*

DOT must act on slot exemption requests within 60 days. Exemptions may not be bought, sold, leased or otherwise transferred. For purposes of determining whether an airline qualifies as a new entrant or limited incumbents for receiving slot exemptions, DOT shall count the slots and slot exemptions of both that airline and any other airline that it has a code-share agreement at that airport. The maximum number of slots or slot exemptions that an airline can have and still qualify as limited incumbent is raised from 12 to 20.

SLOTS AT CHICAGO O'HARE

*Chicago specific provisions*

In addition, slot restrictions at Chicago are eliminated after July 1, 2002.

On July 1, 2001, slot restrictions will apply only between 2:45 pm and 8:14 pm. DOT is directed to provide exemptions from the slot rules to any airline flying to Chicago O'Hare airport if it will use aircraft with 70 seats or less and will (1) provide service to a small hub or non-hub that it did not previously serve, (2) provide additional flights to a small hub or non-hub that it currently serves, or (3) provide service with a regional jet to a small hub or non-hub as a replacement for a prop plane.

DOT is also directed to grant 30 slot exemptions to new entrants and limited incumbents for service to Chicago. These new entrant exemptions must be granted within 45 days.

Slots will not longer be needed in order to provide international service at O'Hare. However, the Secretary may limit access in those cases where the foreign country involved does not provide the same kind of open access for U.S. airlines. DOT is prohibited from withdrawing slots from U.S. airlines in order to give them to foreign airlines. Any slot previously withdrawn from U.S. airlines and given to a foreign airline must be returned to the U.S. airline. Slots held by U.S. airlines to provide international service can be converted to domestic use.

Exemptions are only for Stage 3 aircraft.

*General Provisions*

Same as described above for New York.

SLOTS AND THE PERIMETER RULE AT REAGAN NATIONAL

DOT is directed is grant 12 slot exemptions within the perimeter, and 12 slot exemptions outside the perimeter. These slots could go to more than one airline.

Exemptions must be for flights between 7 a.m. and 10 p.m. There can be no more than 2 additional flights per hour.

Of the flights within the perimeter, 4 must be to small hubs or non-hubs and 8 must be to medium, small or non-hubs. All requests for exemptions must be submitted within 30 days of enactment. 15 days are allowed to comment. After that, 45 days are allowed for DOT to make a decision.

Ten percent of the entitlement money at Reagan National Airport must go to noise abatement. Priority shall be given to applications from the 4 slot-controlled airports for noise set-aside money. DOT shall do a study comparing noise at these 4 airports now as compared to 10 years ago.

The definition of limited incumbent air carrier includes slots and slot exemptions held or operated by that carrier. However, slots that are on a long-term lease for a period of 10 years or more, being used for international service, and that the current holder releases and renounces any right to subject to the terms of the lease shall not be counted as slots either held or operated for the purposes of determining whether the holder is a limited incumbent.

Exemptions are only for Stage 3 aircraft.

MWAA

Extends the deadline for reauthorizing MWAA from 2001 to 2004. Also eliminates the requirement that the additional federal Directors be appointed before MWAA can receive AIP grants or impose a new PFC.

DOHSA

The territorial sea for aviation accidents is extended from 3 nautical miles to 12 nautical miles. The affect of this is that DOHSA will not apply to planes that crash into the ocean within 12 miles from the shore of the U.S. The law governing accidents that occur between a 3 nautical miles and 12 nautical miles from land will be the same as those that now occur less than 3 nautical miles from the land.

For those aviation accidents that occur more than 12 miles form land, the DOHSA will continue to apply. However, in those cases, the Act is modified as in the Senate bill except that there is no $750,000 cap on damages.

UNRULY PASSENGER

Imposes fine of $25,000 on a person who assaults or threatens to assault the crew or another passenger, or poses a threat to the safety of the aircraft or its passengers. Also requires the Justice Department to notify the House and Senate authorizing Committees within 90 days as to whether it plans to set up the program to deputize local law enforcement.

ANIMAL TRANSPORTATION

Modifies the Senate provision to ensure that airlines will continue to be able to carry animals while information is collected to determine whether there is a problem that warrants strong legislative remedies. Toward this end, scheduled airlines will be required to provide monthly reports to DOT describing any incidents involving animals that they carry.

DOT and the Department of Agriculture must enter into a MOU to ensure that DOA receives this information. DOT must publish data on incidents and complaints involving animals in its monthly consumer reports or other similar publications.

In the meantime, DOT is directed to work with the airlines to improve the training of employees so that (1) they will be better able to ensure the safety of animals being flown and (2) they will be better able to explain to passengers the conditions under which their pets are being carried. People should know that their pets might be in a cargo hold that may not be air-conditioned or may differ from the passenger cabin in other respects.

NATIONAL PARKS OVERFLIGHTS

Commercial air tour operators must conduct commercial air tours over national parks or tribal lands in accordance with applicable air tour management plans (ATMP). Before beginning air tours over a National Park or tribal land, a tour operator must apply to the FAA for the authority to conduct tours. No applications shall be approved until an ATMP is developed and implemented. FAA shall make every effort to act on an application within 24 months of receiving it. Priority shall be given to applications from new entrant air tour operators. Air tours may be conducted at a park without an ATMP if the tour operator secures a letter of agreement from the FAA and the park involved and the total number of flights is limited to 5 flights in a 30 day period.

FAA in cooperation with the Park Service shall establish an ATMP for any park at which someone wants to provide commercial air tours. The ATMP shall be developed with public participation. It could ban air tours or establish restrictions on them. It will apply within a half a mile outside the boundary of the park. The plan should include incentives to use quiet aircraft.

Prior to the establishment of the ATMP, the FAA shall grant interim authority to operators that are providing air tours. This interim authority may limit the number of flights. Interim operating authority may also be granted for new entrants if (1) it is needed to ensure competition in the provision of air tours over the park and (2) 24 months have passed since enactment of this Act and no ATMP has been developed for the park involved. Interim operating authority should not be granted to new entrants if it will create a safety or a noise problem.

The above shall not apply to the Grand Canyon, tribal lands abutting the Grand Canyon, or to flights over Lake Mead that are on the way to the Grand Canyon.

FAA shall establish standards for quiet aircraft within 1 year or explain to Congress why it will be unable to do so. Quiet aircraft may get special routes for Grand Canyon air tours and may not be subject to the cap on the number of flights there.

Air tours over the Rocky Mountain National Park are prohibited.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the words of my friend from the State of Washington are not justified except if they are returned to him and to his staff.

The process of working legislation is extraordinary. This has been a very long process, more or less a 2-year process. Working with Senator SLADE GORTON from the State of Washington over the years has been a great privilege for me and continues on this bill, which is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, which is a long title, but we had to give it a long title in order to be able to give it an acronym, which is FAIR–21. FAIR, that is what the bill is.

Wendell Ford, should he be listening, should be very proud.

We have had half a dozen temporary extensions on this bill. It has been 2 years in the making. When Senator GORTON talks about the enormous number of hours spent by Sam Whitehorn of the committee staff, Kerry Ates of my own staff, and members of his own committee and personal staff, he is exactly right. It has been an extraordinary and frustrating process but a successful one.

There are many Members of the Senate and the House to thank. It was one of those situations where you had the authorizing committees, the budget committees, the appropriations committees, in both Houses, coming to an agreement—which is very rare in something of this sort, and all in a fairly short period of time. Frankly, including obviously Senator GORTON, I think I really want to thank the majority leader, Senator TRENT LOTT, for stepping in in a most remarkable way, most forcefully, at a critical time, to bring the parties together and make sure we pushed toward a solution.

In the end, I think we have achieved a bipartisan House-Senate compromise of which I, for one at least, am very proud. We have a final bill that will set us on an entirely new path in terms of the FAA, and in a larger sense for aviation in this country, which has enormous impact. For the aviation community, and those of us who work with them—and I thank them for their help on this bill, also; not all of them being happy about all aspects of it, but that is in the nature of things—hopefully this good economic news, of the passage of this bill, is, however, entirely overshadowed by fear that most of us have about the state of our system as it is now, of our aviation system particularly in regard to air traffic control and other matters in our infrastructure.

At current levels, our system is already so overburdened we are suffocating from congestion and delays. The country suffers through it. Is there a popular uprising? There does not seem to be one. But the fact is, it is a suffocating situation, a dangerous situation. We are increasingly concerned about safety, with every single reason to be, given the doubling of the number of air passengers and many more cargo planes and passenger planes to be built in the future. Whatever you see today, try to double it in your mind and then figure the same number of runways. How on Earth are people going to accept a situation where delays are growing longer and it becomes more dangerous unless we do something about it? This bill does. Delays have increased by 50 percent. Today, one in four flights is delayed more than 15 minutes. That is not what passengers want. That is not what airlines want.

To be very blunt about it, if there is no change in the way we are doing business, we will come to a situation before the year 2015 where there will be, somewhere in this world, a major airplane crash every 7 to 10 days. That is the course. It is a terrible course, a dangerous course, and one which this Congress cannot allow to go on and which this Congress, in fact, with this bill, does a great deal about.

We have fallen behind. Unless we get started immediately in the effort to modernize our air traffic control system, to fix our airports, we stand a very good chance of never being able to catch up, never catching up to the curve, much less getting ahead of it. That is fundamentally what this bill, FAIR–21, is about.

It is about fixing the system. It is about trying to get ahead of the growth curve with our most significant increase ever in airport and air traffic control funding, and some fundamental reforms in the way we do business in our system. It is about improving safety and service for the traveling public and supporting aviation employees under great stress in their challenging jobs. Senator GORTON and I have each seen that on many occasions. These people work under incredible tension all the time. They work with very old equipment.

It is about increasing competition. It is about giving a leg up, finally, to small communities such as I have in my State, as does Senator GORTON, as does every Senator in his or her State—small communities that were left behind when we did airline deregulation 20 years ago.

So, FAIR–21, this bill, will provide $40 billion for the FAA in fiscal year 2001 until fiscal year 2003. It is a 25-percent increase in total aviation funding. The key investments will be fixing aviation infrastructure, to wit, airport funding will increase by 33 percent, and air traffic control modernization funding will increase by 40 percent. That is so desperately needed. FAA funding operations will also increase by approximately 15 percent over the same period. We are beginning to nudge into the area to start fixing our problems.

This bill represents the will of the Congress, hopefully, and the will of the American people, to take a dangerous situation and start to fix it. For the very first time, FAIR–21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers, lo and behold, will be spent on aviation. That seems quite fair to me. That means that $33 billion of the $40 billion will be guaranteed from the trust fund, not taken off-budget, which this Senator would have liked to have seen but was not going to happen; so not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. This was part of the magic of the process that Senator TRENT LOTT, Senator GORTON, and others worked out to make people satisfied.

All told, this represents—and my colleagues should hear this—the biggest total increase in aviation investments ever. I know few problems receive that kind of boost unless the Congress perceives there is a crisis. What we learned over recent years about aviation was that a crisis was coming. I am thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, I want to point out a few of the key aviation law and policy changes contained in this bill which I think are very helpful and good:

Whistle-blower protection for aviation and airline employees who report safety problems;

A $1.50 increase on the cap of the passenger facility charge for airport projects, which is enormously helpful to local airports;

An Air Service Development Program, with grants up to $500,000 each for innovative efforts to improve air service in small communities; in other words, small communities can do something and get a match;

A ban on smoking everywhere, even internationally;

Easing of the slots rule at O'Hare, LaGuardia, and Kennedy Airports. This carries with it some controversy. Compromises were made. Not everybody was happy. But resolution was reached;

New criminal background checks and training for airport security personnel as the pressure on all of that continues to increase;

Increased funding for the essential air service program is enormously important in my State of West Virginia and every single area where there are rural airports. The State of the Presiding Officer has its fair share of those;

Finally, new and increased penalties for airline customer service violations. That goes along with the effort Senator GORTON and I led to have a passenger bill of rights, which the airlines could have first crack at, which seems to be working out very well but, on the other hand, we are watching very closely.

We have had a lot of time to work on this bill and, in my view, it has gotten better and better during the process and reached a crescendo in the last several days. It is a bold conference report designed to protect our future. I hope my colleagues will join me and the Senator from the State of Washington in sending this bill to the President.

So much of the work is done not just by Senators willing to compromise and House Members willing to compromise but, most importantly, by staff who worked through the night often to make sure things came out very well.

When we began the effort to enact meaningful legislation to address the needs of our air transportation system, we knew it would be a difficult process. Even anticipating that, I can tell you that it has been more difficult than any of us could have imagined.

This bill has been more than two years in the making, with nearly a half-dozen temporary extensions in the process. There are many Members in

the Senate and House to thank for all of the hard work and effort it took to bring this to a conclusion. Members on and off the conference committee have really rolled up their sleeves to work out a very difficult compromise. And above all others, the majority leader stepped in during these critical and delicate last few months to push us toward a final solution.

In the end, we've achieved a bipartisan, House-Senate compromise that I am very proud of. We have a final bill that I believe will set us on an entirely new path for the FAA and aviation.

Aviation in this country is at a crossroads. Aviation is a critical engine of economic development at the national and local levels, and it has the potential for unprecedented and incomprehensive growth over the next decade.

The travel and tourism industry employs 1 in 17 Americans.

Air travelers spend over $500 billion each year in the U.S. and generate more than $70 billion in federal, state and local taxes.

Aviation is the only U.S. industry that has consistently enjoyed a positive trade balance.

By 2009, enplanements are projected to increase to 1 billion people, from 650 million in 1999.

In many respects this is good news—it is one of the great success stories of our booming economy. Yet, for the aviation community and those of us who work with them, this good news is entirely overshadowed by fears about the state of our system. At current traffic levels, our system is already so overburdened that we are suffocating from congestion and delays, and we are increasingly concerned about safety.

Almost every week, another red flag goes up about the looming crisis in aviation.

Scheduled flying times have increased 75 percent on the top 200 routes in the nation.

Delays have increased by 50 percent, and today one in four flights is delayed more than 15 minutes, at a cost to the economy of more than $4 billion.

Recent data shows a rise in runway incidents (so-called runway incursions), and we read too often about near-misses in the skies.

If there is no change in the current accident rate before the year 2015, there is expected to be a major airline accident somewhere in the world every 7–10 days.

Yet, from 1998 to 1999, the FAA had to reduce safety inspections by 10 percent and cut 5 percent of its security staff.

All of us—the airlines, the airports, and the Congress—have had a difficult time keeping up with the pace of growth. The result is that, as a nation, we've fallen behind. Unless we get started immediately in the effort to modernize our traffic control system and fix our airports, we may never catch up.

That's fundamentally what this bill, FAIR–21, is all about. It's about fixing the system and trying to get ahead of the growth curve—with our most significant increase ever in airport and air traffic control funding and some fundamental reforms of our system.

And it's about improving safety and service for the traveling public; supporting aviation employees in challenging jobs, increasing competition, and giving a leg up finally to small communities who were left behind in airline deregulation twenty years ago.

FAIR–21 will provide $40 billion for the FAA for FY 2001–2003—a 25 percent increase in total aviation funding. The key investments will be fixing aviation infrastructure—airport funding will increase by 33 percent and air traffic control modernization funding will increase by 40 percent. FAA operations funding also will increase, by approximately 15 percent over the same period.

For the first time, FAIR–21 establishes that all revenues and interest paid into the aviation trust fund by airline passengers will be spent on aviation. That means that $33 billion of the $40 billion bill will be guaranteed from the trust fund—not taken off-budget but protected through points of order and with a strong commitment from the Appropriations Committee to fully fund all accounts. The remaining $6.7 billion would come from the General Fund, subject to appropriations.

For fiscal year 2001, the bill fully meets the President's budget request for FAA operations and air traffic control equipment, and it exceeds the President's budget request for AIP by $1.2 billion.

All told this represents the biggest total increase in aviation investments ever. I know that few programs receive that kind of boost—unless a crisis exists. What we have learned about aviation is that a crisis is coming. And I'm thankful we have the foresight to take action now.

To move beyond the funding issue for a moment, let me also highlight a few of the key aviation law and policy changes contained in this bill that I think are particularly important. I am very pleased that the bill contains: whistleblower protection for airline and aviation employees who report safety problems; a $1.50 increase in the cap on the passenger facility charge for airport projects; an Air Service Development program, with grants of up to $500,000 each for innovative efforts to improve air service in small communities; a ban on smoking on all flights to and from the U.S., including international flights; an easing of the slot rules at O'Hare, LaGuardia and Kennedy Airports; a focus on reducing the number of runway incursions that can result in serious accidents; new criminal background checks and training for airport security personnel; increased funding for the Essential Air Service program; and new and increased penalties for airline's customer service violations.

We have had a lot of time to work on this bill, and in my view it has gotten better and better. It is a bold conference report designed to protect our future, and I hope my colleagues will join me in sending it on to the President for his signature.

Before we end the debate this morning, I want to say a few things. Again, all of the staff from the Commerce Committee, my office, the offices of the other conferees, and the House staff, deserve our thanks. They spent months working on this bill. In fact, this bill was started almost 2 years ago. Countless hours, late nights, lots of missed family events. We owe all of them our thanks.

I also want to thank, and I know Senator HOLLINGS and others share this, Hans Ephramson-Abt. Many of you probably have encountered him. He is a gentleman, first and foremost, who has worked for years to help the families of victims of aviation disasters. The conference report changes the liability laws for accidents offshore, preserving the ability of people like the children of Montoursville, PA, who vanished in the TWA flight 800 tragedy. Hans lost his daughter, Alice, on KAL 007, shot down off of Korea in September 1983. He has done a great service in helping others, and for that we all owe him a debt of gratitude.

Finally, I want to say that we have had a long debate over the last several years about FAA reform. For now, that issue has been resolved. Over the next several years, working with Administrator Garvey, or her successor, we will look at other ways to improve the FAA. Today, the bill before you does many creative things for the FAA—giving it the tools to be more business-like, but retaining its crucial role as safety arbiter. The bill, for example, gives the FAA the ability to enter into long-term leases for satellite communications services, something that will save the FAA money. It establishes a public-private funding mechanism to expedite the installation of air traffic control equipment, with the priorities set by the private sector. It structures the FAA after corporate models, establishing one person to be accountable for air traffic control operations and plans. It establishes a Board to oversee those activities. The FAA, because of actions led by the Commerce Committee and Senator LAUTENBERG, today has procurement and personnel flexibility that no other governmental agency has. We have achieved a lot over the last several years, and with this bill, continue to make progressive changes to the FAA, without compromising safety. I know that there are some in the Administration that are not satisfied, and probably will never be satisfied, but this is a good bill and one that will do a lot for our aviation system. I urge my colleagues to fully support this bill.

I ask unanimous consent that a more complete listing of staff who spent months working on this bill be printed in the RECORD.

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

DEMOCRATIC STAFF

Kevin Kayes, Moses Boyd, Sam Whitehorn, Ellen Doneski, Julia Krauss, Jonathan Oakman, and Carl Bentzel.

REPUBLICAN STAFF

Mike Reynolds, Ann Choiniere, Scott Verstandig, Jim Sartucci, Keith Hennesy, Brett Hale.

BUDGET STAFF

Bill Hoagland, Cheryl Tucker, and Mitch Warren.

APPROPRIATIONS STAFF

Wally Burnett and Peter Rogoff.

HOUSE REPUBLICAN STAFF

Jack Shenendorf, Roger Norber, Sharon Barkaloo, Chris Bertram, Dave Schaeffer, Adam Tsao, Rob Chamberlin and David Balloff.

HOUSE DEMOCRATIC STAFF

Dave Hymsfeld, Ward McCarriger, Stacy Soumbeniotis, Tricia Loveland, Paul Feldman, who left last November, and Collen Corr.

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

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, how much time do the proponents have remaining?

The PRESIDING OFFICER. Twelve and a half minutes.

Mr. GORTON. Mr. President, I yield 5 of those minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, the conference report before us has been a long time in the making. It is a comprehensive bill that successfully addresses many important aviation issues. Not the least of these is the eventual elimination of the so-called slot rules at three of our nation's airports, O'Hare, Kennedy and LaGuardia. It also adds additional slots at Reagan Washington National Airport. I support these measures.

I congratulate Senator MCCAIN, the Senate Commerce Committee Chairman, Senator GORTON, the Aviation Subcommittee Chairman, Senator HOLLINGS, the full committee ranking member, and Senator ROCKEFELLER, the subcommittee ranking member, for their efforts to bring about good public policy. This has not been an easy conference, and all of you have put forth a tremendous effort to see that it was concluded successfully. I wish to also thank their staffs.

I also express my thanks and admiration to my good friend, Senator DOMENICI, our Budget Committee chairman. Of all the issues before the conference, the resolution of the budget issues was the most trying and complex. Senator DOMENICI and his staff worked tirelessly to seek a fair and adequate solution to this problem.

I express my admiration for my friend and colleague, Senator STEVENS, the chairman of the Senate Appropriations Committee. Senator STEVENS has played a key role in reaching an agreement on spending.

The phase-out of the slot rule at O'Hare and LaGuardia will open a new era in aviation. Because it is a phase-out and not an immediate termination, that era should also give smaller airports a better chance for a piece of the economic pie at the national and international levels.

While e-commerce may be all the rage currently, people still need to travel for business purposes. Direct human contact is still the premium way to do business, and air travel is the fastest way to accomplish that over long distances and tight time frames.

This compromise follows the direction which my Iowa colleague, Senator HARKIN, and I set forth early in the debate on the slot rule. We looked at the needs of the airports in Iowa, and came to the conclusion together that it was time for a change if our State was to maintain its economic momentum in the national and international marketplace. Iowa does not have a major hub airport that guarantees low-cost or frequent flights. Like most States, we have smaller airports that are greatly affected by the traffic into and out of the major hub airports. In this case those airports are O'Hare and LaGuardia.

Our solution was to phase out the slot rule. The first step was to immediately give increased access to the hub airports by turboprop aircraft and regional jets. These are the aircraft that primarily serve our smaller airports. Giving them time before the slot rule is lifted for large airport-to-large airport competition should give the smaller airports time to establish the economic and market base needed to justify service. Otherwise, we would only see increased flights between major cities, to the exclusion of smaller airports.

We received the support of a large number of Senators who were also concerned about the future of their small hub and nonhub airports. Together, all of us have been able to accomplish what was unthinkable just several years ago, the eventual elimination of the slot rule at those two airports. I deeply appreciate their faith and support to accomplish this.

I also thank President Clinton for having the foresight and courage to recommend the elimination of the slot rule at these airports. He gave a legitimacy and momentum to the debate that would not have existed otherwise.

The States attorneys general, lead by Iowa Attorney General Tom Miller, also played a significant part and should be thanked.

Not everyone is entirely happy with the compromise solution in this conference report. I look upon that as ratification that it must be a pretty good compromise. I truly feel that the airlines were treated as fairly and equally as possible.

Our Nation's airports will be receiving additional funds for their capital needs under this legislation. I know that these funds are much needed and will be put to good use. Iowa's airports have rehabilitation and expansion plans that will be enhanced by these additional funds. This includes increased disbursements from the Airports and Airways Trust Fund and the increase in the passenger facility charge, PFC. It is important to note that the PFC will not increase at an airport until local authorities have approved an increase. It is entirely within their realm to grant or deny this increase at the local level.

However, I must again warn the Federal Aviation Administration that more money will not cure all of the problems facing the FAA and the aviation industry. Fundamental reform of the way the FAA does business and on a cultural level is necessary if we are to truly make the advances which are needed.

As a budget conferee, I believe the budget compromise is the best we can do at this time. I shall work with Chairman DOMENICI to secure the necessary funds through the budget process.

The biggest disappoint to me is the inclusion of a civil fine against airline employee whistle-blowers. While I am very pleased that whistle-blower protection has been extended to the aviation industry, I feel that it is flawed due to the civil penalty. Such a penalty does not exist in other whistle-blower statutes. I will work to correct this situation.

Whistle-blower protection adds another, much needed, layer of protection for the traveling public using our Nation's air transportation system. I am pleased to have worked with the Association of Flight Attendants AFL-CIO on this important, ground breaking legislation. They have worked tirelessly on this provision, and I know they will continue to work with me to correct this flaw. I call upon the airlines to do the same and seek the help of the public, also.

Mr. President, I urge my colleagues to vote for this conference report.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank my colleagues who have worked so hard to get this bill to this point. It is not fun to oppose something that was reported out of the conference committee with such strong support.

But I have a different responsibility given the fact that I serve both as the ranking member of the Budget Committee and the Transportation Appropriations Subcommittee. In my view, this bill represents a missed opportunity to fully address the financing needs of our Nation's aviation system.

To the degree the bill actually guarantees any real funding increases, it does so in a manner that I consider grossly unbalanced. Mr. President, if

you ask the average Senator if they are willing to fund aviation at the expense of the Coast Guard, I guarantee you they would say no. If you asked each Senator whether they were willing to fund aviation at the expense of Amtrak, I guarantee you most would say no. If you asked the average Senator whether or not they were willing to fund aviation at the expense of our federal highway safety efforts, they would say: Certainly not.

But if this conference agreement becomes law, we run the very real risk of cutting back funds for NHTSA, the National Transportation Safety Board, Amtrak, the Coast Guard, and other areas just to boost funding for two aviation capital accounts by almost $2 billion next year. And those two aviation accounts don't even finance the core operations of the air traffic control system—the area where the FAA is facing its most difficult challenges.

Our national transportation system needs investments in several areas, not just aviation. Look at what is happening with the Coast Guard. All of us salute the Coast Guard. We saw in the papers just yesterday that they do not have enough people to monitor cruise ships that are dumping their waste in the oceans. They do not have enough maintenance funding to keep their aircraft in the air. They do not have enough people to monitor the attempts by illegal immigrants to enter this country. They don't have enough money for pollution control, for fisheries enforcement, and for recruiting. But I don't hear my colleagues on the Commerce Committee, who have jurisdiction over the Coast Guard, advocating for a Coast Guard ''guarantee.''

Mr. President, throughout my entire Senate career, I have led the fight for increased investment in transportation. My support for transportation started when I served as the Commissioner of the Port Authority of New York/New Jersey. At that time, I learned that you can't ignore the needs of one transportation mode in favor of another. Investments need to be made in a balanced way if you are going to avoid gridlock. You can't ignore the rail system or the highways to focus on aviation. You need to keep your eye on safety, not just construction. The requirement to reauthorize our aviation laws presented this Congress with a great opportunity to address the financing of our nation's aviation system in a comprehensive and bipartisan manner. Unfortunately, this bill misses the mark.

This Conference Agreement took so long to produce because so many Members wanted to provide big funding increases for aviation without paying for them. Mr. President, the simple fact is that the revenue stream to the Airport and Airway Trust Fund is not adequate to fund the substantial funding increases for aviation that many members want. Because of that basic fact, the aviation conferees have been haggling for the last year over methods to develop a new mousetrap to produce those funding increases without adequate revenue. Over the last week, the Majority Leader and the majority members of the conference committee reached the agreement that is currently before us. It seeks to guarantee a 64 percent increase in airport grants, and a 30 percent increase in modernization funding. These so-called ''guaranteed'' increases come at a time when the Republican Majority is debating among itself whether to impose a hard freeze on discretionary spending at the current year's level, or provide for a minuscule 2.4 percent increase. The arithmetic is simple. The $1.9 billion or 47 percent increase that this bill seeks to ''guarantee'' for airport grants and modernization will either require cuts in the rest of the Transportation Department or the rest of the discretionary budget.

I understand that the Chairman of the Budget Committee was a party to these negotiations. I am told that he is prepared to state that the Budget Resolution that he will propose fully funds the needs of these so-called aviation guarantees. While I have great respect for the Budget Committee Chairman, I have to say that I would like to know where the funding is coming from if he plans to impose a freeze on discretionary spending. That should be a concern to all Members, whether they care about the Coast Guard, Amtrak, education, health care, veterans benefits, agriculture, or anything else.

Mr. President, one of the areas that will face greater budget austerity as a result of these so-called ''guaranteed'' increases is the operating budget in the FAA. The operating account pays for the operations of the air traffic control system. It pays the salary of every air traffic controller and every aviation inspector. It pays for security at our airports. It pays for the publication of every safety regulation. Three quarters of the operations budget goes just to pay the salaries of the people that keep the system safe every day. This account is where the FAA faces the most severe funding shortfall. So it is absurd that we are now going to pass a bill that will boost capital funding while subjecting the operations budget to even greater austerity. Due to existing shortfalls in its operating budget, the FAA just canceled all training activities except introductory training for air traffic controllers for the remainder of the year. We also have problems with new state-of-the-art equipment sitting in warehouses because the FAA doesn't have the operating funds to install them. There aren't even adequate operating funds to train our air traffic controllers how to use the equipment. FAA has had to delay the certification of new aircraft and new equipment. Those delays are hurting our U.S. aircraft manufacturers. The number of aviation safety inspectors is being allowed to trickle down and FAA can't afford to hire new inspectors to replace them. With that backdrop, the Republican Conferees on this bill produced a conference report that loaded all of the so-called ''guaranteed'' funding increases on capital investment programs and ignored the operations budget. Just two days ago, the FAA released its updated forecast for future aviation traffic. That forecast indicates that domestic airline traffic will increase more than 60 percent through 2011. That increased traffic will also put incredible pressure on the operation budget of the FAA. We will need more safety and security inspectors, not less. We will need better trained controllers and more of them. But the bill before us ignores those needs. This bill is simply lopsided and unbalanced. And in time, Mr. President, I believe the Members championing this bill will realize that they made a mistake. In fact, they may realize it sooner than they think.

I am not sure, in the end, that all of these ''guaranteed'' funding increases will materialize. The point-of-order in the Senate that protects these funding guarantees is a 50-vote point-of-order. It will require 51 votes to waive that point-of-order. We all know that it is impossible to do anything in the Senate without 51 votes. So fiscal reality may require the Senate to revisit these guarantees sooner rather than later. It will only require a simple majority of the Senate to do so.

Maybe that will not happen for a year or two. Maybe it will happen later this Spring. In my capacity as Ranking Member of the Senate Transportation Appropriations subcommittee, I will manage only one more Transportation Appropriations bill. But I promise that I am not going to silently watch the Amtrak budget, the Coast Guard budget, or the FAA's own operations budget get ravaged to pay for the so-called ''guarantees'' provided in this bill. I will see to it that every Member here will have the opportunity to vote on whether we should shut down Amtrak lines, tie up Coast Guard ships, or lay off aviation inspectors, in order to pay for these guarantees.

In summary, Mr. President, this bill represents a missed opportunity. This bill missed the opportunity to provide momentum for funding increases in the FAA across-the-board to address all the agency's shortfalls, including the operations budget. By loading all of the so-called guaranteed funding on the capital accounts, it becomes plain as day, that the Airport and Airway Trust Fund is not adequate to fund all of our aviation needs. It will only be a matter of time before we have to consider a tax increase or new user fees in order to truly meet all of the FAA's needs.

Mr. President, this bill is shortsighted. It was produced in the back room without Minority Members present, and I do not believe it represents a sustainable aviation policy for our nation. The funding provisions in this bill may not even be sustainable for the coming fiscal year. For that reason, I cannot support this bill.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I intend to use my leader time for purposes of making a couple of statements this morning. I would like first to voice my support for the conference report to H.R. 1000, which, as has already been noted, is the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

I hope our former colleague, Senator Wendell Ford, a dear and very special friend of mine who served as chairman and ranking member of the Senate Commerce Committee's Aviation Subcommittee for many years, is watching because this truly is a tribute to his dedication not only to aviation but to his country and to the Senate for a long time. It is a very appropriate designation for this legislation.

The conference report we are considering today will help repair our aviation system for the skyrocketing number of passengers who will travel in the 21st century. It is also a fitting tribute to Senator Ford's vision that he expressed to us on many occasions as he was leading us on this and many other issues.

I thank as well the majority leader, Senator LOTT, for his persistence in providing leadership on this matter and in getting us to this point. I think the credit also must go to our distinguished subcommittee chairman and ranking member. It is clear they have the chemistry and the working relationship it takes to accomplish something of this complexity, and I pay tribute to both of them for their efforts and for their arduous work in getting us to this point. We ought to be celebrating this morning the accomplishments of something that many of us have been hoping to achieve for a long period of time. Were it not for their leadership and support, it would not have happened.

I have been reminded oftentimes of the movie ''Groundhog Day'' with Bill Murray, with the Senate waking up once a year to consider the same FAA reauthorization bill. The Senate first began considering this bill in 1998 and passed S. 2279, the Wendell H. Ford National Air Transportation System Improvement Act, in September of that year. Although there was overwhelming support for that legislation in the Senate, House and Senate negotiators could not agree on a multiyear bill at that time.

Last year, the Senate passed S. 82, the Air Transportation Improvement Act of 1999, in October. As my colleagues have recalled, this legislation was almost identical to the FAA reauthorization bill we approved the year before. Again, there was overwhelming support for the legislation in the Senate. However, House and Senate negotiators could not agree on a multiyear FAA reauthorization bill, just as they were unable to do the year before.

As the Senate has considered and reconsidered the FAA reauthorization bill in recent years, the FAA has been operating for the most part under short-term extensions. I have mentioned on many occasions my view that this is no way to fund such an important Federal agency. Short-term extension after short-term extension disrupts long-term planning at the FAA and airports around the country that rely on Federal funds to improve their facilities and enhance aviation safety. The only thing worse than passing a short-term extension is allowing funding for FAA programs to lapse altogether. Unfortunately, that is exactly what the Congress did when the House again refused to consider the 6-month extension the Senate passed on November 10 of last year. For the last 4 months, funds for airport improvement projects have been tied up because Congress has been unable to forge an agreement on the FAA reauthorization bill.

So today we begin to rectify that mistake and prepare for the increased demand that will be placed on our aviation system in the 21st century. This bill will authorize approximately $40 billion for aviation programs over the next 3 years. In fiscal year 2001, the bill will authorize $12.7 billion, an increase of $2.7 billion over current levels. In the next fiscal year, it will enhance aviation safety by authorizing $3.2 billion for airport improvement projects, $3.3 billion in fiscal year 2002, and $3.4 billion in fiscal year 2003.

It will also allow airports to increase passenger facility charges from $3 to $4.50. This PFC increase is expected to generate $700 million for much-needed construction projects that will improve airports in South Dakota and around the country, in every State.

The conference report to the FAA reauthorization bill also includes a number of provisions that would encourage competition among the airlines and ensure quality air service for communities. For instance, it would authorize funding for a 4-year pilot program to improve commercial air service in small communities that have not benefited from deregulation.

Specifically, the bill calls for the establishment of an Office of Small Community Air Service Development at the Department of Transportation (DOT) to work with local communities, states, airports and air carriers and develop public-private partnerships that bring commercial air service including regional jet service to small communities.

We have often commented on how critical the Essential Air Service Program has been to small communities in South Dakota and around the country in their efforts to retain air service. The Small Community Aviation Development Program would give DOT the authority to provide up to $500,000 per year to as many as 40 communities that participate in the program and agree to pay 25 percent in matching funds. In addition, the legislation would establish an air traffic control service pilot program that would allow up to 20 small communities to share in the cost of building contract control towers.

I am hopeful that South Dakota will have the opportunity to participate in the Small Community Aviation Development Program. I think it is one of the better features of this legislation. I commend my colleagues for their inclusion of it.

Mr. President, I know some of our colleagues may oppose this bill because it would increase the number of flights at the four slot-controlled airports. The proposal to increase the number of flights at Ronald Reagan Washington National Airport has been particularly controversial, and I would again like to commend Senator ROBB for being a strong advocate for his constituents in northern Virginia.

I know some of our colleagues on the Appropriations Subcommittee on Transportation will also oppose this bill because of the budgetary treatment of the aviation trust fund. I understand their concerns and look forward to working with them to ensure that Amtrak, Coast Guard, the National Transportation Safety Board, and FAA operations are adequately funded.

Although there may be different provisions in this bill that each of us may find objectional, I hope my colleagues will join me in supporting H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Spring is just around the corner, and we cannot afford to delay construction on airport improvement projects any longer.

It is unfair to FAA, it is unfair to airports in South Dakota and throughout the country, and it is unfair to passengers who rely on the aviation system for their travel needs.

I encourage my colleagues to support the conference report to the FAA reauthorization bill.

Again, I commend my colleagues, especially the chairman and ranking member, for their work on this bill. I hope we can pass it this afternoon on a bipartisan basis.

## NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mr. DASCHLE. Mr. President, among the constitutional responsibilities entrusted to the Senate, none is more critical to the well-being of our democracy than providing advice and consent on Presidential nominations. Later on today, we take up that solemn responsibility in connection with two very distinguished judicial nominees, Marsha Berzon and Judge Richard Paez.

Let me commend the majority leader for his commitment to the Senate, and to these nominees, that we would take up these nominees for consideration and ultimately for a vote on confirmation before the 15th of March. We

would not be here were it not for the fact that he persisted and that he was willing to hold to the commitment he made to us last year.

Both nominees have waited an extraordinarily long time for this consideration. Marsha Berzon, a nominee for the Ninth Circuit, has been kept waiting for a vote more than 2 years. Judge Paez, another Ninth Circuit nominee, has waited for more than 4 years. That is longer than any Federal court nominee in history—a statistic that should shame the Senate.

Judge Paez and Ms. Berzon are both exceptional legal minds and remarkable people. But before I discuss their qualifications, I wish to say something about the context in which these nominations are being considered. Since the 106th Congress convened in January, the President has nominated 79 men and women to fill the vacancies on the Federal bench. Without exception, these nominees have come to us with the highest marks from their peers. Yet of the 79 nominees, only 34—fewer than half—were confirmed last year, and only 4 have been confirmed so far this year.

Looking at those figures, one might assume we have no pressing need for Federal judges. In fact, just the opposite is true. Today, there are 76 vacancies on the Federal bench. Of those 76 vacancies, 29 have been empty so long they are officially classified as ''judicial emergencies.'' The failure to fill these vacancies is straining our Federal court system and delaying justice for people all across this country.

This cannot continue. As Chief Justice Rehnquist warns, ''Judicial vacancies cannot remain at such high levels indefinitely without eroding the quality of justice.''

The Ninth Circuit court, to which both Judge Paez and Marsha Berzon have been nominated, is also one of our Nation's busiest courts. It has also been hardest hit by our neglect. More than 20 percent of the Ninth Circuit bench is vacant. This is a court that serves almost 20 percent of the United States.

Procter Hug, the Chief Justice of the Ninth Circuit Court of Appeals, was appointed in 1980 when the court had 23 active judges and a caseload of 3,000 appeals. Today, with six vacancies, the Ninth Circuit has 22 active judges to hear more than 9,000 appeals. They have one fewer judge today than they had 20 years ago—with 300 percent more cases.

So I thank my colleagues for finally coming together to address this urgent question. The failure to fill Federal court vacancies harms plaintiffs and defendants alike. Both are forced to wait too long for justice. The failure to fill Federal court vacancies also imposes heavy and unjustifiable burdens on judicial nominees and their families. Can any of us imagine what it would be like to be kept waiting more than 4 years, as Judge Paez has? What would it be like to be unable to make personal or professional plans for 4 years? I have met Judge Paez, and I have to tell you, I am amazed by the dignity and grace he has exhibited during this ordeal. Perhaps that is not surprising, though, from a man lawyers routinely rate as exceptional in both his judicial temperament and his command of legal doctrine.

For a long time, those who opposed Marsha Berzon and Judge Paez would not say why. Now some of them say the problem isn't with the nominees, the problem is with the court itself. The Ninth Circuit, they claim, is a ''rogue'' circuit. They claim the Ninth Circuit's reversal rate by the Supreme Court is too high. They argue, therefore, that we should refuse to confirm anymore Ninth Circuit judges. We should just let the vacancies go unfilled.

The fact is, the Eleventh, Seventh, and Fifth Circuits all have a higher rate of reversal than the Ninth Circuit. The Ninth Circuit is completely within the mainstream of prevailing judicial opinion.

Even if that were not the case, this Senate has no right to attempt to punish the citizens who rely on the Ninth Circuit in this manner. Nor do we have the right to try to influence the independence of the court in this way. That is unconstitutional.

Our responsibility under the Constitution is to vote on whether to confirm judges. It is not our responsibility, and it is not our right, to try to influence or intimidate judges after they are confirmed.

As we consider the nominations of Judge Richard Paez and Marsha Berzon, let us remember that these votes are not a referendum on the Ninth Circuit, or on President Clinton.

And they should not be about partisan politics. These votes are about two people. Two distinguished and inspiring Americans who are eminently qualified for the bench.

Richard Paez has been a judge for 18 years. He is the first Mexican-American ever to serve as a federal district judge in Los Angeles. He was confirmed by this body in 1994; that vote was unanimous.

Judge Paez has received the highest rating the American Bar Association gives for federal judicial nominees. He has worked for the public good throughout his career, working first as a legal aid lawyer, and then, for 13 years, as a Los Angeles Municipal Court judge.

In his current position, as a United States District Judge, Judge Paez has presided over a wide variety of complex civil and criminal cases. For his work, he has garnered bipartisan support, and the support of such law enforcement organizations as the Los Angeles County Police Chiefs' Association and the National Association of Police Organizations.

Time and again, on the bench he has demonstrated the qualities that are essential to a strong and respected judicial system—wisdom, courage, and compassion. We need judges like Richard Paez on the bench. Without public servants like him, this system fails.

Marsha Berzon is equally qualified.

She is a nationally known and extremely well regarded appellate litigator with a highly respected San Francisco law firm. She is also a former clerk for the United States Supreme Court. She has served as a visiting professor at both Cornell Law School and Indiana University Law School. She is a widely recognized expert in the field of employment law—an area of the law that requires the increasing attention of our federal judiciary.

She has argued four cases in the Supreme Court of the United States, and has filed dozens of Supreme Court briefs on complex issues. To quote my friend Senator HATCH, her ''competence as a lawyer is beyond question.''

Ms. Berzon also has the support of the National Association of Police Organizations, business and Republican leaders. She enjoys a reputation among colleagues and opposing counsel for being a fair-minded, well prepared, and principled advocate. I have also met Ms. Berzon, and I find her temperament and seriousness well-suited for the job she has been nominated to fill.

The federal judiciary has been described as ''the thin black line between order and chaos.'' I have faith that Richard Paez and Marsha Berzon, once confirmed, will live up to that challenge.

Mr. President, I yield the floor.

## WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Thank you, Mr. President.

I thank my friend from New Jersey for yielding time.

Mr. President, for the third time in as many years, I am forced to express in this Chamber my strong opposition to a congressional proposal to meddle with Virginia airports. I will have to oppose the FAA conference report, most of which I strongly support and I believe is long overdue because it breaks a promise to the people of Northern Virginia—a promise that Congress would permit us to manage and develop our own airports.

While I will again vote against this bill to protest congressional interference in the operation of Virginia's airports, I would like to make clear that I fully support FAA reauthorization and release of the airport improvement funds. In fact, as someone who has long believed that we need to substantially increase our investments in transportation, I commend the conferees for crafting a conference report which does just that.

Under this bill, annual funding for many airports in Virginia will nearly

double, providing for critical safety improvement and expanding airport capacity. Nonetheless, I will have to vote against the bill.

By forcing additional flights on Ronald Reagan Washington National Airport, this measure breaks the 1986 agreement among the Congress with Virginia and the local governments to leave National Airport alone and to get Congress out of the business of managing airports.

Even at the time of the 1986 agreement, however, there was skepticism that Congress would keep its word. In the words of then-Secretary of Transportation William Coleman, ''National has always been a political football.'' Perhaps he should have said: National will always be a political football. I hope that is not the case. But I am dubious.

While I worked hard to oppose the addition of slots and expanding the perimeter at National, I am not going to engage in any purely dilatory tactics because I believe these issues should be decided on the merits. In this case, I believe the merits are simple and compelling.

Increasing slots at National creates delays for the majority of the people who use the airport and undermines the quality of life in communities that are near the airport.

People have a right to expect their Government to keep its end of the bargain. By injecting the Federal Government into the running of the airports once again, this bill scuttles an agreement we made with this region more than a decade ago and breaks a promise to the people who live here.

Mr. President, I yield any time remaining on the side of those in opposition.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I recognize the leader's time has been utilized and not counted against the time prior to going into morning business.

I ask unanimous consent that when the managers are finished and morning business is taken up, I be allowed 10 minutes to introduce a bill.

I yield for my friend from South Carolina who is seeking recognition.

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

The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished chairman, Senator ROCKEFELLER.

Mr. President, I rise today to discuss the Federal Aviation Administration (FAA) reauthorization bill, appropriately known as the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century, or FAIR–21. This legislation rightfully deserves this title for two basic reasons: it represents a fair compromise and it honors the former Chairman and later ranking Member of the Aviation Subcommittee, Senator Ford.

Before commenting on the substantive provisions of the conference agreement, I think it is essential to commend those who are responsible for achieving the compromise we have before us. However, because of the number of individuals who have been instrumental in forging this agreement, engaging in this exercise is sort of like the Academy Awards shows, where the winner gets to list all of the people he needs to thank in 30 seconds. I believe FEDEX had a commercial a few years ago with a fast talking person, and I shall try to do the same here. First, I wish to commend Chairman SHUSTER, Congressman OBERSTAR, and Senators ROCKEFELLER and GORTON for their unflagging leadership in reaching this agreement. I should note that Senator LOTT left no stones unturned to move this bill. As well, Senators STEVENS and DOMENICI played pivotal roles. All of the Conferees and their staff did their part to accomplish an enormous task. After much hard work and many long hours we have a good, strong bill, which addresses many of the most critical aviation issues facing us today —the proper funding for the modernization of our air traffic control system and airport infrastructure.

Before explaining a little about the bill, I want to address one of the concerns that has been raised. I know that Senator LAUTENBERG has concerns about this bill and what it means for other programs. The reality is that for years we have underfunded the FAA, despite the fact that the Airport and Airways Trust Fund has acummulated an uncommitted surplus, approximating $7–8 billion per year. The surplus is currently at $13 billion. Essentially, we have used those monies to meet other priorities. Today, we end that game, by making sure that all monies in the Trust Fund go to aviation. We also recognize that if more is needed, and it will be, then the general fund will be called upon. Bear in mind that the FAA and its ATC system provide services not only to the commerical and general aviation fleets, but also to our military. The FAA also plays a key role in our national security by keeping our skies and airports safe.

We know that when the Trust Fund was created in 1970, it was intended solely for modernization/capital improvements. The preamble to the statute was as valid then as it is today—it reads ''That the Nation's airport and airways system is inadequate to meet the current and projected growth in aviation. That substantial expansion and improvement of airport and airway system is required to meet the demands of interstate commerce, the postal service and national defense''. In fact, to clarify that it was intended for capital only, Congress in 1971 deleted the phrase ''administrative expenses'' as an eligible item for spending. During the first years of the Trust Fund, with one year's exception, no Trust Fund monies were spent on the general operations of the FAA. In 1977, Congress allowed left over funds to be used for salaries and expenses of the FAA. Today, we are returning to the original intent—monies first for capital needs, with any remaing funds to be used for other expenses. If a general fund is needed, then it will be subject to appropriations.

We have little choice. There is no question we must invest in our future. We must expand the system to keep it safe, and to make it more efficient. There is one other point—modernization of the ATC system involves not only Federal spending, but also a committment from the private sector. As we move to a satellite-based system, the air carriers and general aviation must make an investment in new technology in the cockpit. Finally, it is my understanding that the Transportation function 400 numbers in the Budget resolution will reflect the agreement reached here today, which should quell some of the concerns of my colleague from New Jersey.

Aviation is an integral part of the overall U.S. transportation infrastructure and plays a critical role in our national economy. Each day our air transportation system moves millions of people and billions of dollars of cargo. The U.S. commercial aviation industry recorded its fifth consecutive year of traffic growth, while the general aviation industry enjoyed a banner year in shipments and aircraft activity at FAA air traffic facilities. Continued economic expansion in the U.S. and around the globe will continue to fuel the exponential growth in domestic and international enplanements.

The FAA is forecasting that by 2009, enplanements are expected to grow to more than 1 billion by 2009, compared to 650 million last year. During this time, total International passenger traffic between the United States and the rest of the world is projected to increase 82.6 percent. International passenger traffic carried on U.S. Flag carriers is forecast to increase 94.2 percent. These percentages represent a dramatic increase in the actual number of people using the air system.

More people, more planes, more delays. Those are the headlines we know are coming. We know today that the growth in air travel has placed a strain on the aviation system and our own nerves as we travel. In 1998, 25% of flights by major air carriers were delayed. MITRE, the FAA's federally-funded research and development organization, estimates that just to maintain delays at current levels in 2015, a 60% increase in airport capacity will be needed. As many of you may know, and perhaps have experienced first hand, delays reached an all-time high this summer. These delays are inordinately costly to both the carriers and the traveling public; in fact, according to the Air Transport Association, delays cost the airlines and travelers more than $4 billion per year.

We cannot ignore the numbers. These statistics underscore the necessity of

properly funding our investment—we must modernize our Air Traffic Control system and expand our airport infrastructure. Gridlock in the skies is a certainty unless the Air Traffic Control (ATC) system is modernized. A system-wide delay increase of just a few minutes per flight will bring commercial operations to a halt according to the National Civil Aviation Review Commission and American Airlines. According to a study by the White House Commission on Aviation Security and Safety, dated January 1997, the modernization of the ATC system should be expedited to completion by 2005 instead of 2015.

FAIR 21 would authorize the Facilities and Equipment (ATC equipment) at $2.660 billion, $2.914 billion, and $2.981 billion for FY01–FY03, respectively. This represents a 30% increase in funding. For the first time ever, FAIR 21 links the spending in the Facilities and Equipment account and the Airport Improvement Program to the monies in the Airport and Airway Trust Fund.

As our skies and runways become more crowded than ever, it is crucial that we redouble our commitment to safety. Passengers deserve the most up to date in safety measures. FAIR–21 ensures that there will be money available to pay for new runway incursion devices as well as windshear detection equipment. The bill requires all large cargo airplanes install collision avoidance equipment. In an effort to support the ongoing improvements at civil and cargo airports, FAIR–21 increases funding for the improvement of training for security screeners. We also have provided whistleblower protection to aid in our safety efforts and protect workers willing to expose safety problems.

FAIR 21 will allow airports to increase their passenger facility charges from $3 to $4.50. This is a local choice and it is money which an airport can use to encourage new entry, particularly at the 15 ''fortress hubs'' where one carrier controls more than 50% of the traffic. Logically, the air fares for the communities dependant upon these hubs are much higher than usual. If given a choice, perhaps we would have broken up the hubs. Instead, we have used the power of the dollar and a half to require these hubs to develop ways to allow new carriers to expand as to create the possibility of lower fares to places like Charleston, SC. The extra buck and a half will go to expand gates and terminal areas, as well as runways at these facilities.

Since 1996, we have struggled with how to develop meaningful reform of the FAA. We have met the majority of the suggestions with the exception of the recommendations to establish a fee system and to set up a private corporation to run air traffic control. Instead, we chose a more prudent path. The 1996 reauthorization bill established a 15 member Management Advisory Committee (MAC) appointed by the President with Senate confirmation but no one has yet to be named. Jane Garvey, the FAA Administrator, is doing a wonderful job, but she could have used some help. To avoid this in the future, FAIR–21 establishes a subcommittee of the MAC to oversee air traffic operations with the appointments being made by the Secretary of Transportation rather than the President. The bill also establishes a position for a chief operating officer. Combined with other measures, and the funding levels, we are on the right track.

I wish to say a word about our controllers, technicians and the FAA workforce. I know that the bill as crafted does not guarantee a general fund contribution to pay for the operations of the FAA. However, it should be acknowledged that these folks work hard every day to keep us flying safely. The safety of the nation is in their hands. They deserve our support.

Finally but not least, in terms of Death on the High Seas, after much input from the families of the victims of many of the air tragedies, we have clarified the law and extending the borders of the United States to 12 miles off shore for the purpose of determining claims. In the case of an accident occurring 12 miles or within the shore, the Death on the High Seas Act shall not apply. Rather, it is state, federal, and any other applicable laws which shall apply. Death on the High Seas shall apply only outside of 12 miles off shore.

Mr. President, let me commend Mr. SHUSTER, the chairman on the House side. He stuck to his guns.

It has been a long struggle in the open and in the dark. I only mention that because my colleague from New Jersey said this thing was all agreed to in the dark. We have been in the dark and in the open and everything else for 2 years on this struggle.

Mr. SHUSTER stuck to his guns, whereby those air travelers who obtain the taxes that go into the airport and airways improvement fund are finally being assured that money is going to be spent on the airport and airways improvement.

Right to the point: We owe some $12 billion right this minute for airport taxes that have been used for everything from Kosovo to food stamps, and everything else but airport and airways improvement.

In fact, we now have some $l.95 billion to be expended this fiscal year, 2000. We were unable to get those moneys, although they were in the fund, supposedly—IOU slips, if you will. We are now able to spend those moneys.

I have the same misgivings the ranking member of our subcommittee has about the shortfalls in the operating budget. That is due to so-called ''unrealistic spending caps.'' That is a budget problem—not this bill's problem. There is a problem with unrealistic spending caps.

There is state-of-the-art equipment sitting in warehouses, and that is because we have been playing a sordid game of trying to call a ''deficit'' a ''surplus'' and grabbing any and all moneys we can to play a game to make it look as if we are reducing spending. The fact is the President submits his budget, and we in the Congress—this Republican Congress, if you please—have been increasing spending over and above what President Clinton has asked for during the past 7 or 8 years. We are not willing to pay for it. So we rob Social Security. We rob the retirement of the military and civil service. We robbed the highway funds, up until we finally got that straightened out under the leadership of Mr. SHUSTER. Now we can hold onto our airport moneys and do the job that is required of us.

I want to say to everyone involved that this has been a good 2-year struggle to get us where we are. It is a good bill. It was developed in a bipartisan way, with every consideration given to not only the budget problems and concern the Senator from New Jersey has, but also my concerns about overall air traffic.

We are moving finally in the right direction. I hope everybody will vote in support of the conference report.

I yield back the remainder of our time.

AMTRAK AND COAST GUARD FUNDING

Mr. KERRY. Mr. President, first, I thank the distinguished majority leader for joining me in this important discussion today. I thank him for the vital role he played in shepherding the FAA authorization bill through the conference committee. We have been without an authorization bill for too long and this bill is a critical step in ensuring our skies are absolutely safe and less congested. But, as the majority leader well knows, aviation is not the only important piece of transportation funding this bill may affect. I believe that my friend agrees with me that, as important as aviation is to our country, funding for Amtrak and the Coast Guard are also crucial, and in enacting this bill, we by no means intend to give short-shrift to those parts of our transportation budget. Isn't that right, Mr. Majority Leader?

Mr. LOTT. Mr. President, let me thank my friend from Massachusetts for raising this issue here today. And he is absolutely right. Aviation is not the only transportation account that may be impacted by this bill. And it was certainly not the intention of the conferees to in any way restrict funding for the Coast Guard or Amtrak.

The conference report includes a provision which reserves Airport and Airways Trust Fund revenue and interest spending for aviation programs with a majority point of order. Additionally, under another majority point of order, the provision requires the authorized levels of funding for the Airport Improvement Program and the Facilities and Equipment accounts to be fully funded before the Operations and Research and Development accounts are funded. While this latter provision is

not a statutory guarantee that general revenue will be spend on aviation programs, it is a significant incentive. The bill thus provides a reasonable assurance that aviation appropriations will reach authorized levels, which would result in an approximately $2 billion increase in aviation funding for fiscal year 2001.

My good friend from Massachusetts is concerned that spending for other transportation priorities may be decreased as the appropriations process increases aviation spending. Let me assure my good friend that I expect adequate funding for the Coast Guard and Amtrak, as these transportation priorities are important to the Nation and to my home State of Mississippi. I intend to work with the chairmen of the Budget and Appropriations Committees to ensure the Transportation Appropriations account is increased so that these aviation program increases do not come at the expense of other transportation programs.

Mr. KERRY. Mr. President, I am gratified to hear the majority leader's commitment to Amtrak and the Coast Guard, as well as his intention to work with the chairmen of the Budget and Appropriations Committees to fully fund transportation needs at least for FY 2001, and hopefully beyond. Both Amtrak and the Coast Guard are absolutely necessary to my constituents. I would like to say a few words about the importance of Amtrak nationwide. This country needs to include passenger rail as part of its transportation mix in the 21st century. We have done a good job ensuring our highways and, now, our skyways get the funding and attention they deserve. Amtrak also needs some of that attention. Passenger rail is critical if we are going to reduce congestion on our highways and in the air, as well protect our environment. People need a choice in transportation, and high speed rail especially can be a viable option for many, not only in the Northeast, but along corridors throughout the country.

On January 31, 2000, Amtrak launched Acela Regional—the first electric train in history to serve Boston and New England. This is literally a dream come true for all of us up and down the East Coast who care about jobs, the economy and traffic congestion and the environment. And in its first few weeks of operation, I understand that bookings on Acela Regional are up as much as 45 percent over the Northeast Direct line. This will be extremely helpful in my home state of Massachusetts, as well as in New York, New Jersey, Connecticut, Pennsylvania and Maryland, where airport and highway congestion often reach frustrating levels. The more miles that are traveled on Amtrak, the fewer trips taken on crowded highways and skyways.

Amtrak is not the only transportation priority we need to fully fund. The Coast Guard performs a number of critical missions for our country including search and rescue, environmental protection, marine safety, fisheries enforcement, and drug trafficking. I can't imagine any of our colleagues arguing that any one of these missions is unimportant or should be less than fully funded. Perhaps my good friend will expand upon the importance the Coast Guard's many missions.

Mr. LOTT. Mr. President, I would like to take a few minutes to address the needs of the Coast Guard. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save $2.5 million in property. The Coast Guard's duties have also grown, as there are more commercial and recreational vessels in our waters today than ever before in our Nation's history. International trade has expanded greatly, and with it maritime traffic has increased in our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our country's coastlines as the means to introduce illegal drugs into our Nation. The Coast Guard currently faces a number of readiness shortfalls as it struggles to keep up with the increasing demands placed upon this service. In order to continue this valuable service to our Nation, the Congress must provide the funding to address personnel shortages and to repair or replace the Coast Guard's aging ships and aircraft. I am confident that with an increase in the transportation budget, we can protect the Coast Guard and Amtrak, as well as make the improvements air travel so desperately needs.

Mr. KERRY. Mr. President, I thank the majority leader for his helpful reassurances. We have the same goal, and that is to have a safe, efficient transportation system that includes rail, aviation, and maritime sectors. His intention and willingness to make this happen gives me every confidence that it will happen.

Mr. CONRAD. Mr. President, I am pleased the Senate today will take action on the H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. The Federal Aviation Administration has been without a long-term authorization for some time, and airports in my state need to be able to move forward with construction projects soon.

There are three components of this bill that I strongly support: the increase in funding for the Airport Improvement Program (AIP), the budgetary treatment of the Aviation Trust Fund, and a provision to stabilize essential air service (EAS) in Dickinson, North Dakota.

I am very pleased that this conference report provides for $3.2 billion in 2001 for the AIP program, and that funding will increase by $100 million each year. As air travel continues to increase, it is important that we invest in our nation's airports to ensure the safety of the traveling public and expand capacity for the future. This program provides federal grants for airport development and planning and these dollars are usually spent on capital projects supporting operations such as runways, taxiways, and noise abatement. This substantial increase in funding will go a long way in maintaining the quality of air travel in North Dakota and across the country.

In addition to the increase in funding, the fact that we now have long-term FAA reauthorization instead of the extensions our airports have been operating under is an important improvement. Short-term extensions had the effect of leaving airport managers and community leaders unable to develop and move forward with airport improvement projects. Because in North Dakota the construction season is short, the ability to plan and schedule projects is critical to maintaining our state's aviation system.

Secondly, this conference report contains a very important provision for Dickinson, North Dakota. This legislation will allow this small community to retain essential air service without paying a local share. Currently, Dickinson and Fergus Falls, Minnesota are the only communities with this requirement. EAS is vital to smaller communities, and the difficulties encountered by many of the communities in retaining EAS warrant increased federal attention. The report also requires the Department of Transportation to report on retaining essential air service, focusing that report on North Dakota. This is an extremely serious problem in my state and I believe it needs greater attention. The residents and businesses of small communities, especially in a rural state like North Dakota, depend heavily on this service and we need to find a way to consistently serve these small markets.

Finally, I am pleased that conferees agreed to budgetary guarantees of increased funding for aviation. The conference report provides for a budget point of order against any legislation that fails to spend all of the Airport and Airways Trust Fund (AATF) receipts and interest, and does not appropriate the total authorized levels for capital programs (AIP and Facilities and Equipment). After allocations to the capital programs occur, remaining AATF funds can be used for general operations, and can be augmented by monies from the general fund.

I urge my colleagues to join me in supporting this important and long overdue legislation.

Mr. DURBIN. Mr. President, I rise in support of the FAA/AIP reauthorization conference report, H.R. 1000. I commend Senators HOLLINGS, ROCKEFELLER, GORTON, and MCCAIN for their efforts.

This measure would lift the High Density Rule at several of the nation's slot controlled airports, including Chicago's O'Hare International Airport. I support this conference report with the understanding that it puts safety above

all other issues and keeps a watchful eye on noise levels and the environment around these airports.

This conference report also significantly increases funding for the Essential Air Service and Airport Improvement Programs, ensuring that Illinois airports will be able to complete important infrastructure projects as well as gain greater access to valuable markets.

I fully understand that some opponents are attempting to portray a High Density Rule lift as a safety issue. I agree that safety must be paramount. The FAA is and always should be the final arbiter of safety. And no matter what Congress does today, the FAA will continue to have the authority to regulate air traffic and ensure that passenger and community safety is never at risk.

Last fall, I received a letter from FAA Administrator Garvey, which says in part, ''Let me assure you that if the High Density Rule is lifted at Chicago or any other airport, safety will not be compromised.'' The Administrator goes on to say, ''The FAA does not control aircraft at high density airports any differently than at any other commercial airport. We will continue to operate these airports using all appropriate procedures and traffic management initiatives for the safe and expeditious handling of air traffic. Safety is always our highest priority.''

The National Air Traffic Controllers Association and specifically the Chicago controllers support lifting the slot restrictions at O'Hare. NATCA believes that O'Hare can handle the increased traffic without sacrificing safety. I have had the opportunity to meet with the controllers about this issue, and I believe they bring a unique and important perspective to this debate.

It also should be noted that a 1995 U.S. Department of Transportation (U.S. DoT) study concluded that lifting the High Density Rule would have no impact on safety because air traffic control is implemented independently of the slot restrictions.

Thus, the claim that this would undermine safety is unfounded.

I also take exception to the notion that Congress is getting ahead of the FAA. Federal transportation officials have believed for some time that the High Density Rule is outdated and inefficient and not an appropriate safety mechanism. And our colleagues in the House voted overwhelmingly last year to lift the slot restrictions, with the support of the FAA.

Government reports tell us that O'Hare has been surpassed by Atlanta's Hartsfield International Airport as the world's busiest. This raises the obvious question: if airports such as Atlanta and Dallas/Ft. Worth and LAX in Los Angeles can operate safely and efficiently without slot restrictions, why can't O'Hare?

The High Density Rule or slot restrictions were developed in the late 1960s, to mitigate delays. However, with the dawn of state-of-the-art air traffic control systems and improved flow control procedures, the High Density Rule has outlived its usefulness.

Instead, the High Density Rule artificially limits access to O'Hare and adversely affects smaller communities. In Illinois, three downstate communities have totally lost service to O'Hare—Decatur, Mt. Vernon, and Quincy—and one city, Moline, has already experienced a carrier leaving solely because of the slot restrictions.

In my hometown of Springfield, Capital Airport has been battling for years to attract and retain adequate service to O'Hare. Today, there are more Chicago passengers than seats available.

When we look for this reason, all runways lead to the same place—the High Density Rule. Carriers choose to move commuter operations to Denver and Dallas/Ft. Worth rather than deal with the slot restrictions at O'Hare. Communities pay the price through loss of access to key domestic and international markets, lost jobs, diminished tourism and stagnant economic development.

Bob O'Brien, the Capital Airport Executive Director of Aviation, writes, ''The inability for the Springfield community to adequately access Chicago and connect to other locations in the country or the world impacts the movements of goods and services and, consequently, is a major detriment to the retention and attraction of businesses. The growth and viability of the local Springfield community is at risk. * * * While our country's aviation system is among the best in the world, it is compromised by an artificial 'choke point' known as the High Density Rule.''

I would like to ask, why is it that we should maintain a ''choke point'' at a city which serves as the transportation hub of the nation?

Mark Hanna, Director of Aeronautics at Quincy's Baldwin Field, writes, ''* * * Quincy community leaders believe the removal of the current slot restrictions at O'Hare is critical in continuing this vital service between Quincy and Chicago. * * * With your support of providing relief from the current 'High Density Slot Rule' at O'Hare, we can maintain this valuable air service and increase its marketability.''

Julie Moore, President of the Metro Decatur Chamber of Commerce says, ''That (O'Hare) air service is essential to the economic growth and stability of our area.''

I understand the frustration that passengers have with flight delays. As a frequent flier, going into or through O'Hare twice a week, I experience it often. Will lifting the High Density Rule make the planes run on time? Of course not. But will it worsen the delays? Not necessarily. The FAA is working with its air traffic controllers and the airlines to implement both short-term and long-term ways to reduce delays in the air and on the ground including giving more authority to a nationwide Command Center to control flow of aircraft and attempting to decrease so-called ground-stops.

With regard to noise, according to data reported in U.S. DOT's 1995 study, the increase in population around O'Hare affected by noise due to lifting the High Density Rule is very small when compared to the decrease due to the transition to an all Stage 3 fleet in 2005. After lifting the High Density Rule and shifting to a Stage 3 fleet, the population exposed to very high noise levels should decrease. Elimination of the High Density Rule also will provide scheduling flexibility to the airlines and in so doing could reduce nighttime noise.

At my insistence, the conferees have included several provisions that will study the noise levels at the nation's slot-controlled airports and compare them to pre-Stage 3 aircraft noise levels around these same airports. The Secretary of Transportation also is required to study noise, the environment, access to underserved communities, and competition at O'Hare. Finally, O'Hare and the other slot-controlled airports will receive priority consideration for Airport Improvement Program funds for noise abatement and mitigation. This will help improve and expand soundproofing efforts and noise monitoring.

Both U.S. DoT's 1995 study and a 1999 GAO review found that the High Density Rule creates a barrier to entry and restricts airline competition at the affected airports. According to GAO, fares are higher at airports under the High Density Rule than at unrestricted airports. U.S. DoT concluded that lifting the high density rule would result in lower air fares and more competition.

According to a report conducted by Booz-Allen-Hamilton, allowing O'Hare to fully develop would contribute $26 billion annually to the greater Chicago economy. On the other hand, artificial constraints on O'Hare's capacity could cost the region $7 billion to $8 billion.

Mr. President, the High Density Rule has had more than 30 years to produce results. However, the only tangible results I've experienced are artificial barriers to access and competition. I don't take lightly the arguments raised by opponents of this amendment. In the past, I have supported compromise language that would offer some limited expansion of O'Hare. However, opponents have rejected even the introduction of one new flight at O'Hare. I believe this position is unrealistic and unfair to downstate Illinois communities that desperately need Chicago O'Hare access. I will hold the FAA, the airlines and these airports accountable to improve safety, reduce delays and achieve greater access for underserved markets while striving to protect the environment and limit airport noise.

Mr. DOMENICI. Mr. President, after months of negotiation, we have reached an agreement and completed work on the Aviation Investment and

Reform Act of the 21st Century, the so-called AIR–21.

AIR–21 is a fair bill. It reflects a compromise on many of my concerns about the budgetary treatment of our federal aviation accounts. It also reflects some of my commitments, one of which is to increase investment in aviation programs. I am a strong proponent of safety, and this bill increases funding for safety programs, including funds for air traffic control modernization. In addition, and very important to the State of New Mexico, many of the programs within this bill focus on and support small or rural airports. Finally, each of these accomplishments are realized while budgetary discipline is maintained.

In 2001, a total of $12.7 billion is authorized for aviation programs. This represents an increase in budget resources of $2.7 billion over the 2000 levels. This is extremely generous to the FAA. In fact, it exceeds the President's 2001 budget request by $1.5 billion. Over the 2001 through 2003 time period, AIR–21 authorizes nearly $40 billion.

Before I outline the budgetary compromise, I would like to thank all the Conferees—I especially appreciate the work and support of Senators STEVENS, GORTON, GRASSLEY, BURNS, LOTT, and LAUTENBERG on the budget issue. In addition, I applaud the leadership that Senators GORTON, LOTT, and MCCAIN took on this bill.

One very controversial issue had to do with the correct budgetary treatment for aviation programs. The provision contained in AIR–21 represents a compromise—both sides had to come together for this deal.

Similar to my offer last fall, AIR–21 guarantees annual funding from the Airports and Airways Trust Fund equal to the annual receipts deposited into the Trust Fund plus annual interest credited to the Trust Fund, as estimated in the President's budget.

Based on the President's FY 2001 Budget, $10.5 billion will be appropriated from the Trust Fund in 2001 for aviation programs. In addition, just over $2 billion can be provided from the general fund. For 2001 through 2003, over $33 billion will be guaranteed from the trust fund for aviation programs, and more than $6 billion can be provided from the general fund.

Further, the budget compromise provides that the Trust Funds will first be available to fund the capital accounts—for airport improvement program grants and facilities and equipment, including the air traffic control modernization programs.

Before I finish, let me take one minute to discuss what this bill doesn't do. AIR–21 does not take the Airports and Airways Trust Fund off-budget. AIR–21 does not establish a budgetary firewall between aviation programs and other discretionary programs. Further, it does not lock-down general fund tax receipts for aviation programs. Finally, it does not put FAA funding on autopilot and take the appropriators out of the process.

In this way, budgetary discipline has prevailed and appropriate congressional oversight is maintained. This is good policy for the American people and the flying public.

Finally, this bill contains essentially, for the next three years, a Federal mechanism not entirely unlike what has existed since the Airports and Airways Trust Fund was established in 1972. As we move into this new century, it may be that this funding mechanism and the current government structure is not the most efficient or effective way to provide the investments and services for this industry in the future.

For example, at least 16 countries have taken action to respond to the pressures that increasing enplanements have had on a system already stressed by capacity constraints and increases in and longer delays. These countries realized something that was made clear in a joint Budget and Appropriations Committee hearing on February 3—that increased funding levels will not solve the problems of our outdated air traffic control system and will not make the system efficient.

Recognizing this, these countries have fundamentally reformed and restructured their air traffic control systems. Most recently Canada created a very successful nonprofit, private air traffic control corporation sustained by user fees. Reformed air traffic control systems have been successful. They have brought about major gains in efficiency, reduced flight delays, reductions in operating costs, and progress in technological upgrades. All of this was accomplished without compromising safety.

Although this bill provides funding for FAA for three years, it is my hope that we will continue to seriously evaluate and consider whether services can more effectively and efficiently be delivered with a change in structure—so that the gains realized in Canada, Britain, Germany, Switzerland, and New Zealand can be achieved in the United States.

Mr. LEAHY. Mr. President, I am pleased that the Aircraft Safety Act of 2000 is included in the conference report on the Air Transportation Improvement Act, H.R. 1000. This measure is needed to safeguard United States aircraft, workers and passengers from fraudulent, defective, and counterfeit aircraft parts.

The problem of fraudulent, defective, and counterfeit aircraft parts has grown dramatically in recent years. Since 1993, the Federal Aviation Administration received 1,778 reports of suspected unapproved parts, initiated 298 enforcement actions and issued 143 safety notices regarding suspect parts. Moreover, the aircraft industry has estimated that as much as $2 billion in unapproved parts may be sitting on the shelves of parts distributors, airlines, and repair stations, according to Congressional testimony.

Because a passenger airplane may contain as many as 6 million parts, the growth of bogus aircraft parts raises serious public safety concerns. And even small bogus parts could cause a horrific airplane tragedy. For instance, on September 8, 1989, a charter flight carrying 55 people from Norway to Germany plunged 22,000 feet into the North Sea after a tail section fastened with bogus bolts tore loose.

Given this potential threat to public safety, comprehensive laws are needed to focus directly on the dangers posed by nonconforming, defective, and counterfeit aircraft parts. But no such laws are on the books right now. In fact, prosecutors today are forced to use a variety of general criminal statutes to bring offenders to justice, including prosecution for mail fraud, wire fraud, false statements and conspiracy. These general criminal statutes may work well in some situations in the aircraft industry, but often times they do not.

The Aircraft Safety Act would provide for a single Federal law designed to crack down on the $45 billion fraudulent, defective, and counterfeit aircraft parts industry. The Act focuses on stopping bogus aircraft parts in three ways.

First, our bipartisan bill adds a new section to our criminal laws defining fraud involving aircraft parts in interstate or foreign commerce for the first time. The section sets out three new offenses to outlaw the fraudulent exportation, importation, sale, trade, installation, or introduction of nonconforming, defective, or counterfeit aircraft parts. Under the new statute, it is a crime to falsify or conceal any material fact, to make any fraudulent representation, or to use any materially false documents or electronic communication concerning any aircraft part.

Second, our bipartisan bill strengthens the criminal penalties against aircraft parts pirates. A basic 15-year maximum penalty of imprisonment and $500,000 maximum fine is set for all offenses created by the new section. This is needed to end the light sentences that some aircraft parts counterfeiters have received under the general criminal statutes. In fact, in a 1994 case, a parts broker pleaded guilty to trafficking in counterfeit aircraft parts, but only received a seven-month sentence. Fraud involving aircraft parts is a serious crime that deserves a serious penalty.

Third, our bipartisan bill provides courts with new tools to prevent repeat offenders from re-entering the aircraft parts business and to stop the flow of nonconforming, defective and counterfeit parts in the marketplace. Under the new statute, courts may order unscrupulous individuals to divest themselves of interests in businesses used to perpetuate aircraft fraud. Courts may also, under the new statute, direct the disposal of stockpiles and inventories of defective and counterfeit aircraft parts to prevent their subsequent resale or entry into commerce.

Indeed, Attorney General Reno, Defense Secretary Cohen, Transportation

Secretary Slater, and NASA Administrator Goldin wrote to Senator HATCH and me urging that Congress adopt this legislation. They wrote: ''If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public.'' As a result, the Aircraft Safety Act is endorsed by the Department of Justice, the Federal Bureau of Investigation, the Department of Defense, the Department of Transportation and the National Aeronautics and Space Administration. I ask unanimous consent, that this letter be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1)

Mr. LEAHY. The distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and I offered the Aircraft Safety Act as an amendment during Senate consideration of S. 82, the Senate companion bill. Our amendment was accepted by unanimous consent. I thank Senator MCCAIN, the Chairman of the Senate Commerce Committee, and Senator HOLLINGS, the Ranking Member of the Committee, for holding the Senate position in conference with minor revisions and, thus, including our amendment in the final bill.

I look forward to President Clinton signing the Aircraft Safety Act of 2000 into law as part of the conference report on the Air Transportation Improvement Act, H.R. 1000.

EXHIBIT 1

OFFICE OF THE ATTORNEY GENERAL
*Washington, DC*

Hon. ORRIN G. HATCH,
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed is proposed legislation, ''The Aircraft Safety Act of 1999.'' This is part of the legislation program of the Department of Justice for the first session of the 106th Congress. This legislation would safeguard United States aircraft, space vehicles, passengers, and crewmembers from the dangers posed by the installation of nonconforming, defective, or counterfeit parts in civil, public, and military aircraft. During the 105th Congress, similar legislation earned strong bi-partisan support, as well as the endorsement of the aviation industry.

The problems associated with fraudulent aircraft and spacecraft parts have been explored and discussed for several years. Unfortunately, the problems have increased while the discussions have continued. Since 1993, federal law enforcement agencies have secured approximately 500 criminal indictments for the manufacture, distribution, or installation or nonconforming parts. During the same period, the Federal Aviation Administration (FAA) received 1,778 reports or suspected unapproved parts, initiated 298 enforcement actions, and issued 143 safety notices regarding suspect parts.

To help combat this problem, an interagency Law Enforcement/FAA working group was established in 1997. Members include the Federal Bureau of Investigation (FBI); the Office of the Inspector General, Department of Transportation; the Defense Criminal Investigative Service; the Office of Special Investigations, Department of the Air Force; the Naval Criminal Investigative Service, Department of the Navy; the Customs Service, Department of the Treasury; the National Aeronautics and Space Administration; and the FAA. The working group quickly identified the need for federal legislation that targeted the problem of suspect aircraft and spacecraft parts in a systemic, organized manner. The enclosed bill is the product of the working group's efforts.

Not only does the bill prescribe tough new penalties for trafficking in suspect parts; it also authorizes the Attorney General, in appropriate cases, to seek civil remedies to stop offenders from re-entering the business and to direct the destruction of stockpiles and inventories of suspect parts so that they do not find their way into legitimate commerce. Other features of the bill are described in the enclosed section-by-section analysis.

If enacted, this bill would give law enforcement a potent weapon in the fight to protect the safety of the traveling public. Consequently, we urge that you give the bill favorable consideration.

We would be pleased to answer any questions that you may have and greatly appreciate your continued support for strong law enforcement. The Office of Management and Budget has advised us that, from the perspective of the Administration's program, there is no objection to the submission of this legislation proposal, and that its enactment would be in accord with the problem of the President.

Sincerely,

JANET RENO,
*Attorney General.*
RODNEY E. SLATER,
*Secretary of Transportation.*
WILLIAM S. COHEN,
*Secretary of Defense.*
DANIEL S. GOLDIN,
*Administrator, NASA.*

Mr. HARKIN. Mr. President, I am very pleased with the provisions of the conference report concerning slots that provide for a two-step process for the elimination of airline slots, landing and take off rights at O'Hare, Kennedy, and LaGuardia Airports. Senator GRASSLEY and I proposed a similar method for the elimination of slots at those three airports over a year ago.

I am very pleased that we have been able to work closely with Chairman MCCAIN, Senator ROCKEFELLER, Senator HOLLINGS, and others on the development of this proposal. I am proud of the support that we have received from a majority of the attorneys general led by Iowa's own Attorney General Tom Miller. The U.S. Department of Transportation deserves special praise for its initiative calling for the elimination of the anticompetitive slot rule that was the starting point of our proposal. Chairman SHUSTER and the House also deserve considerable praise for their proposal to eliminate the slot rule at these airports last June.

I want to especially commend Chairman MCCAIN and his staff for working so closely with us on this issue. He held a field hearing in Des Moines on April 30 last year to hear firsthand how the current system effects small and medium-sized cities. He has worked hard to move forward a proposal which I believe will significantly increase competition. That was not an easy task.

I also want to especially thank Senator ROCKEFELLER and his staff for their considerable efforts. Both Senators have shown a keen interest in the problems unique to smaller cities where adequate service is the paramount issue.

The phasing out of the slot requirements at these airports is an important step toward eliminating a major barrier to airline competition. And, by doing so in this two step process mitigates against some of the long-term effects of the government-imposed slot rule. Under current rules, most smaller airlines have, in effect, had a far more difficult time competing, in part because of the slot rule.

The conference report allows small airlines to expanded access to all four slot controlled airports to some degree. Not as much as our original proposal. I would have liked to have seen a longer phase in of the rule at O'Hare and broader provisions for limited incumbent—that is newer and usually smaller airlines to provide additional, often competitive service which will hopefully result in lower fares and improved service in many markets. The final provisions are not as broad as Senator GRASSLEY and I initially proposed. But they are a genuine and substantial improvement. This will help stimulate increased competition and lower ticket prices. Unfortunately, at LaGuardia, smaller airlines will not be able to establish service between their hubs and LaGuardia. The number of flights to O'Hare by newer airlines is limited. But, the measure provides some real opportunities to newer often low cost carriers during the phase in period.

The measure allows a carrier to establish new service to O'Hare without any restriction starting in May so long as the new service is with aircraft with fewer than 70 seats. Cities like Sioux City in Iowa and other small and medium sized cities around O'Hare will hopefully be able to see service to O'Hare, important to many businesses and those cities economy. And, an airline can also increase the frequency of service to smaller cities so long as aircraft with fewer than 70 seats are used. Recently, Burlington IA, was facing the loss of an important round trip to O'Hare purely because of the slot rule. The Quad Cities lost service by American Airlines last year because, in part, a limited number of slots were available. There is some chance that both decisions may be reversed now that slot restrictions will no longer impact those decisions.

Timing of service to smaller cities will be more efficient and carriers will be able to increase their frequency. I am very pleased that the conferees approved a two for one rule, giving an additional slot to airlines that upgrade an existing round trip turbojet service to smaller cities with a regional jet. This provides an incentive to provide improved service to smaller cities when it makes sense to do it.

In the final step, after a shorter period than I would like at O'Hare and a longer period than I think is best at

the New York Airports, the slot rules would be ended at O'Hare, Kennedy, and LaGuardia Airports. In both cases I am hopeful that competitive airlines might get a change to establish a foothold and smaller cities would have established better service that will continue in the long term.

Access to affordable air service is essential to efficient commerce and economic development. Americans have a right to expect it. Airports are paid for by the traveling public through taxes and by fees charged by the Federal Government and local airport authorities.

Unfortunately, when deregulation came along in 1978, there was no effective framework put in place to deal with anticompetitive practices. Many of these practices have become business as usual. The result has been increased air fares and decreased service to mid-size and small communities.

The slot rule, originally put in place because of the limitations of the air traffic control system has been an effective competition. The DOT, improperly, I believe, literally gave the right to land and take off to those who used these airports on January 21, 1986. That effectively locked in the current users of those airports and locked out effective competition. It gave away a public resource. Finally, this bill phases out the slot rule and its anti-competitive effects and its negative effects on smaller communities.

Lastly, I wanted to say a few words about the budget. Our airways system has some very real problems. Capacity is limited. There are many pressure points that create bottlenecks, slowing down traffic. We need more gates, more runways and taxiways. We need better equipment and computers as well as additional flight controllers in order to increase the capacity of the system at a number of points. Long delays at our nations airports decrease the efficiency of our entire economy. This bill does provide for considerable increases in funds.

While many very necessary things are costly, some of the things that can be done with the airways systems do not cost large sums. For example, if pilots received written comments from flight controllers rather than verbal commands, the efficiency of the system would improve and the chance of errors would decrease. But, the culture of the system is slow to change. This step is now moving toward a multiyear test and then a multiyear implementation. Changes like this one should be implemented more quickly.

If we are able to provide the considerable increases in funding the airways system needs and for which this bill provides, we must see reasonable levels of funding for domestic discretionary spending over the coming years or the sums provided in this measure are not likely to occur.

LOS ANGELES TECH DEPARTMENT OF PROFESSIONAL AVIATION

Mr. BREAUX. I wish to enter into a colloquy with the Senator from South Carolina. The Department of Professional Aviation at Louisiana Tech is one of the University's most successful departments. With the expansion of the aviation industry in this nation, the University has been in the process of expanding the physical infrastructure for the Department of professional Aviation.

A new $6 million instructional facility has recently been constructed on the campus and the University will also construct a new flight operations facility at Ruston Regional Airport. While the State of Louisiana and the University have financed the cost of building these new facilities, the University is hopeful that it can receive federal assistance for the purchase of newer and safer equipment, such as new single-engine aircraft, a multiengine training aircraft, and a multiengine turbine simulator.

As we consider this FAA reauthorization bill, I would like to know whether this is something that would be appropriate for receiving financial support from the FAA in the form of competitive grant funding as part of its university research and air safety programs? I hope that grant funding for this project can be obtained from the FAA.

Mr. HOLLINGS. I appreciate the gentleman's comments and want to work with him and the FAA on this project. Let me say to the gentleman that I will work with him to determine what options may be available to Louisiana Tech with respect to this matter.

Mr. BREAUX. I appreciate that clarification.

Mr. BIDEN. Mr. President, I rise today to make a few remarks concerning the FAA reauthorization bill that is currently before the Senate. Although I will vote in support of the bill, I feel compelled to express my reservations concerning the mandatory budgetary provisions that are included in this conference agreement. It should be understood by all here today that these provisions should not be used to reduce funding for other essential transportation programs, most importantly Amtrak.

I realize the importance of passing this legislation that provides necessary funding for aviation programs over the next three years. This bill has been a long time coming and I understand it has been carefully and diligently crafted between the conferees. I believe we need additional funding for the improvement of our airports and to permit us to take advantage of the best technologies to improve passenger safety.

However, I don't believe that other transportation programs such as Amtrak should suffer as a result of the budgetary agreement that has been included in this bill. I have long been a supporter of Amtrak and am dedicated to making sure that the Federal Government lives up to its promise to provide Amtrak with sufficient support to preserve passenger rail service in this country and enable Amtrak to reach operating self-sufficiency. Because of this I want to make it clear that I'm voting for this FAA reauthorization bill with the understanding that the Majority Leader, Senator LOTT, and the Minority Leader, Senator DASCHLE, have made assurances that they will protect Amtrak from budgetary threats that may follow from this legislation.

Mr. BENNETT. Mr. President, I am very supportive of the conference agreement provisions which allow exemptions to the current perimeter rule at Ronald Reagan Washington National Airport. I commend Chairman MCCAIN and leadership on creating a process which I believe fairly balances the interests of Senators from States inside the perimeter and those of us from western States without convenient access to Reagan National.

I have been involved and supportive of the effort to open up Reagan National since the legislation was first introduced. While I would have preferred to eliminate the perimeter rule altogether or have more slots available for improved access to the West, the final agreement includes 12 slots. I want to reiterate that these limited exemptions must benefit citizens throughout the West. Having said that, this same limited number of exemptions must not be awarded solely or disproportionately to one carrier or one airport. I expect that the DOT will ensure that the maximum number of cities benefit from these 12 slots. I am particularly concerned that small and mid-size communities in the West, especially in the northern tier have improved access through hubs like Salt Lake City.

These limited exemptions to the perimeter rule from hubs like Salt Lake City will improve service to the Nation's capital for dozens of western cities beyond the perimeter—while ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small and medium-sized cities.

Throughout this bill, the goal has been to improve air service for communities which have not experienced the benefits of deregulation to the extent of larger markets. The provision relating to improve access to Reagan National Airport is no different. Today, passengers from many communities in the West are forced to double or even triple connect to fly to Reagan National. My goal is to ensure that not just large city point-to-point service will benefit, but that passengers from all points west of the perimeter will have better options to reach Washington, DC, via Ronald Reagan Washington National Airport. This provisions is about using this restricted exemption process to spread improved access throughout the West—not to limit the benefits to a few large cities which already have a variety of options.

Let me be clear, according to the language contained in this provision, if

the Secretary receives more applications for additional slots than the bill allows, DOT must prioritize the applications based on quantifying the domestic network benefits. Therefore, DOT must consider and ward these limited opportunities to western hubs which connect the largest number of cities to the national air transportation network. In a perfect world, we would not have to make these types of choices and could defer to the marketplace. This certainly would be my preference. However, Congress has limited the number of choices thereby requiring the establishment of a process which will ensure that the maximum number of cities benefit from this change in policy.

Again, Mr. President, I would like to commend the chairman and his colleagues for their efforts to open the perimeter rule and improve access and competition to Ronald Reagan Washington National Airport. As a part of my statement I would like to include in the RECORD a letter sent to Chairman MCCAIN on this matter signed by seven western Senators.

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

U.S. SENATE,
*Washington, DC, August 23, 1999.*

Hon. JOHN MCCAIN,
*Chairman, Committee on Commerce, Science, and Transportation,*
*Washington, DC.*

DEAR CHAIRMAN MCCAIN: We are writing to commend you on your efforts to improve access to the western United States from Ronald Reagan Washington National Airport. We support creating a process which fairly balances the interests of states inside the perimeter and those of western states without convenient access to Reagan National.

These limited exemptions to the perimeter rule will improve service to the nation's capital for dozens of western cities beyond the perimeter—while at the same time ensuring that cities inside the perimeter are not adversely impacted by new service. This is a fair balance which is consistent with the overall intent of the bill to improve air service to small- and medium-sized cities.

The most important aspect of your proposal is that the Department of Transportation must award these limited opportunities to western hubs which connect the largest number of cities to the national transportation network. In our view, this standard is the cornerstone of our mutual goal to give the largest number of western cities improved access to the Nation's capital. We trust that the Senate bill and Conference report on FAA reauthorization will reaffirm this objective.

In a perfect world, we would not have to make these types of choices. These decisions would be better left to the marketplace. However, Congress has limited the ability of the marketplace to make these determinations. Therefore, we must have a process which ensures that we spread improved access to Reagan National throughout the West

We look forward to working with you as the House and Senate work to reconcile the differences in the FAA reauthorization bills.

Sincerely,

ORRIN G. HATCH.
ROBERT F. BENNETT.
LARRY E. CRAIG.
CONRAD BURNS.
CRAIG THOMAS.
MIKE CRAPO.
MAX BAUCUS.

Mr. AKAKA. Mr. President, I rise in support of H.R. 1000, the Air Transportation Improvement Act. This measure will enhance the safety and efficiency of our air transportation system, upon which the island state of Hawaii depends upon so much. I am especially supportive of title VIII, the National Parks Air Tour Management Act of 2000.

Mr. President, title VIII of H.R. 1000 establishes a comprehensive regulatory framework for controlling air tour traffic in and near units of the National Park System. This legislation requires the Federal Aviation Administration, in cooperation with the National Park Service and with input from stakeholders, to develop an air tour management plan, known as ATMP's, for parks currently or potentially affected by air tour flights.

The ATMP process evaluates routes, altitudes, time restrictions, limitations on, and other operating parameters to protect sensitive park resources and to enhance the safety of air tour operations. An ATMP could prohibit air tours at a park entirely, regulate air tours within ½ mile of park boundaries, regulate air tour operations that affect tribal lands, and offer incentives for the adoption of quieter air technology.

H.R. 1000 also creates an advisory group comprised of representatives of the FAA, the Park Service, the aviation industry, the environmental community, and tribes to provide advice, information, and recommendations on overflight issues.

Through the ATMP process, this bill treats overflights issues on a park-by-park basis. Rather than a one-size-fits-all approach, the legislation establishes a fair and rational mechanism through which environmental and aviation needs can be addressed in the context of the unique circumstances that exist at individual national parks.

I am pleased that this procedural approach, in addition to requirements for meaningful public consultation and a mechanism for promoting dialog among diverse stakeholders, mirrors key elements of legislation, the National Parks Airspace Management Act, that I sponsored in several previous Congresses.

Mr. President, adoption of this bill is essential if we are to address the detrimental impact of air tour activities on the National Park System effectively. Air tourism has significantly increased in the last decade, nowhere more so than over high profile units such as the Grand Canyon, Great Smoky Mountains, and Haleakala and Hawaii Volcanoes national parks. A 1994 Park Service study indicated that nearly a hundred parks experienced adverse park impacts, and that number has certainly increased since then. Such growth has inevitably conflicted with the qualities and values that many park units were established to promote.

Air tour operators often provide important emergency services while enhancing park access for special populations like the physically challenged and older Americans. Furthermore, air tour operators offer an important source of income for local economies, notably tourism-dependent areas such as Hawaii. However, unregulated overflights have the potential to harm park ecologies, distress wildlife, and impair visitor enjoyment of the park experience. Unrestricted air tour operations also pose a safety hazard to air and ground visitors alike.

It is therefore vital that we develop a clear, consistent national policy on this issue, one that equitably and rationally prioritizes the respective interests of the aviation and environmental communities. Congress and the Administration have struggled to develop such a policy since enactment of the National Parks Overflights Act of 1987, Congress' initial, but limited, attempt to address the overflights issue. Title VIII of H.R. 1000 will finish where the 1987 act left off, providing the FAA and Park Service with the policy guidance and procedural mechanisms that are essential to balance the needs of air tour operators with the imperative to preserve and protect our natural resources.

Mr. President, the overflights provisions of this bill are the product of good faith efforts on the part of many groups and individuals. They include members of the National Parks Overflights Working Group, whose consensus recommendations from the underpinnings of this legislation; representatives of air tour and environmental advocacy organizations such as Helicopter Association International and the National Parks and Conservation Association; and, officials of the FAA and Park Service.

However, title VIII is above all the product of the energy and vision of Senator JOHN MCCAIN. As the author of the 1987 National Parks Overflights Act, Senator MCCAIN was the first to recognize the adverse impacts of air tours on national parks, and the first to call for a national policy to address this problem. Since then, he has employed his moral authority and legislative skills to advance a constructive solution on this subject. For his leadership in writing this bill and for his long advocacy of park overflight issues, Senator MCCAIN deserves our lasting appreciation.

Mr. President, I am honored to have worked closely with Senator MCCAIN over the last few years to formulate an overflights bill that promotes aviation safety, enhances the viability of legitimate air tour operations, and protects national parks from the most egregious visual and noise intrusions by air tour helicopters and other aircraft. Left unchecked, air tour activities can undermine the very qualities and resources

that give value to a park. I believe that the pending measure reasonably and prudently balances these sometimes opposing considerations, and urge my colleagues to support this legislation.

Before I conclude my remarks, Mr. President, I would like to recognize the staff of the Commerce Committee for their hard work in putting this legislation together. Ann Choiniere deserves mention for her day-to-day management of the overflights issue. I would also like to recognize former members of my own staff, Kerry Taylor, Bob Weir, Steve Oppermann, and John Tagami, who made important contributions to this issue. Steve in particular has served as an expert resource whose tireless, and largely unheralded contribution has shaped the overflights debate in a major way.

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

Mr. BAUCUS. Mr. President, I rise today to support the conference report on Federal Aviation Reauthorization. I am pleased that Congressional negotiators have reached an agreement providing needed resources and investment for the federal aviation programs, while maintaining budgetary discipline.

The final agreement maintains the FAA on-budget status but insures that the money in the Trust Fund will be spent only on aviation programs. The agreement provides a strong and enforceable guarantee to ensure that FAA appropriations will be no less than the amounts paid annually into the Trust Fund. The final agreement also permits the use of general funds for aviation programs subject to the normal appropriation process. This combination of Trust Fund and general fund revenue will help to ensure that much needed construction and maintenance are carried out as part of our nation's aviation program.

Part of the agreement reached by the conferees includes a provision which addresses what I believe is a complicated and growing problem—flight delays and cancellations.

The problem is not that delays and cancellations occur. Airlines must maintain a tight schedule and that schedule can be greatly affected by weather or equipment problems.

For travelers, it is a mystery whether these delays and cancellations are caused by weather, equipment problems, or economic convenience. Nobody knows. The airlines don't have to tell you. After you finally reach your destination, there's a good chance that you'll never know why you were stranded thousands of miles from home or why you missed that important business meeting.

But flights also are canceled or delayed for economic reasons, not just mechanical or weather-related problems. And when these economic delays and cancellations occur, it's usually rural America that gets the short end of the stick. For instance, if there are 40 people in Denver waiting for a flight to Billings, MT and another 120 waiting to go to San Francisco but only one plane is available, the flight to Billings will be canceled. For the Airlines, its simple. It costs less to put 30 people up in a hotel and send them on to Billings the next day than it does to send 120 California-bound people to a hotel.

That is wrong. If flights are canceled for economic or other reasons, passengers deserve to know the truth. It will also allow them to shop around for the airline that has the best performance record. When you only have a couple of flights into a town, as is the case with much of rural America, cancellations are not just an inconvenience. There is an economic impact as well.

As my home state of Montana, and our neighbors in North and South Dakota, Wyoming and Idaho can attest, what business is going to relocate to an area where flight service is not reliable?

Right now, Montana's economy needs work. Our state ranks near the bottom of per-capita individual income. Other measures of economic progress are also pretty low. Reliable air service doesn't guarantee economic growth. But without it, workers and employers alike have a difficult burden to bear.

That is why I am pleased that the conference report contains a version of my amendment to require air carriers to more fully disclose the cause of delays. The conference report creates a task force that will modify Airline Service Quality Performance Reports to reflect the reasons for such delays and cancellations, such as snow storms, mechanical difficulties or economic reasons, like the one I just mentioned. This task force will consist of representatives of airline consumers and air carriers.

Currently, the ten largest airlines have to report monthly to the Department of Transportation all flights that are more than 15 minutes late to and from the 29 U.S. airports that make up at least 1 percent of the nation's total domestic scheduled-service passenger enplanements. This statistic includes cancellations. My provision will broaden this reporting so that more passengers will have this information.

I realize that simply reporting the reason will not stop the practice of delaying flights or canceling them for economic reasons. Airlines are a business. An industry. As such, they must make business decisions that will keep their operation in the black.

But, if airlines have to start reporting the reasons for missed connections and disrupted lives, consumers can start making their own choices about which airline to fly. In the end I hope this information will lead to more dependable service around the country, but especially in rural America.

Mr. WARNER. Mr. President, I thank the conferees for their hard work and diligent effort to accommodate the wide range of interests on this long-awaited legislation.

I take this opportunity to make my position on the FAA conference agreement perfectly clear. There are three areas which I want to address. First, I am grateful to the conferees for the inclusion of my amendment delinking federal Airport Improvement Program (AIP) funds to Reagan National and Dulles International Airports to the confirmation of federal appointees to the Metropolitan Washington Airports Authority (MWAA). This provision ensures the release of $144 million to allow for critical safety and modernization plans to go forward. Second, I want to express my regret that the provision raising the Passenger Facility Charges (PFC) was included as part of the conference agreement. Lastly, it was my strong preference that no new additional flights be allowed into and out of Reagan National Airport. Despite my opposition, it was the will of the Congress to increase the number of slots at Reagan National. I will continue to oppose any increase in the number of flights at Reagan National.

I am pleased with the inclusion of my amendment to give Reagan National and Dulles International Airports equitable treatment under Federal law that is enjoyed today by all of the major commercial airports.

As you know, Congress created the MWAA Board of Directors and charged the Senate with the duty of confirming three federal appointments. In addition to the requirement that the Senate confirm the appointees, the statute contains a punitive provision which denies all federal AIP entitlement grants and the imposition of any new passenger facility charges (PFC) to Dulles International and Reagan National if the appointees were not confirmed by October 1, 1997.

As the current law forbids the FAA from approving any AIP entitlement grants for construction at the two airports and from approving any PFC applications, these airports have been denied access to over $144 million.

These are funds that every other airport in the country receives annually and are critical to maintaining a quality level of service and safety at our Nation's airports. Unlike any other airport in the country, the full share of federal funds have been withheld from Dulles and Reagan National for nearly three years.

These critically needed funds have halted important construction projects at both airports. Of the over $144 million that is due, approximately $161 million will fund long-awaited construction projects and $40 million is needed to fund associated financing costs.

I respect the right of the Senate to exercise its constitutional duties to confirm the President's nominees to important federal positions. I do not, however, believe that it is appropriate to link the Senate's confirmation process to vitally needed federal dollars to operate airports.

This amendment would not remove the Congress of the United States, and particularly the Senate, from its advise-and-consent role. It allows the

money, however, which we need for the modernization of these airports, to flow properly to the airports. These funds are critical to the modernization program of restructuring them physically to accommodate somewhat larger traffic patterns, as well as do the necessary modernization to achieve safety-most important, safety-and greater convenience for the passengers using these two airports.

Mr. President, my amendment is aimed at ensuring that necessary safety and service improvements proceed at Reagan National and Dulles and I am pleased with its inclusion.

Secondly, I wanted to express my profound regret that the conference agreement includes any increase in PFC charges.

The current PFC cap is set at $3 per airport and passengers can easily pay a total of $12 in taxes on a round trip flight. Already, airline passengers are subjected to a 7.5% federal excise tax, the $12.40 per passenger excise tax on air passenger arrivals, as well as the 4.3 cents per gallon Aviation Trust Fund tax on aviation jet fuel. Airline passengers can pay as much as 40% of their total ticket cost just in taxes.

Providing better airport facilities is imperative but raising PFCs in order to guarantee a revenue stream for aviation is like flying a jet plane with less than adequate destination fuel. You'll get off the ground but it will come at great cost.

Lastly, the conference agreement includes a provision that will allow for an increase of 12 flights at Reagan National Airport. The original Senate language included an unacceptable and astonishing number of 48 takeoffs and landings. I fought very hard to stem the tide as I had innumerable environmental, clean-air and local control concerns and am appreciative the conferees agreed to scale back the number of additional slots to a less egregious number. In crafting this agreement, I strongly urge my colleagues in the Senate not to open future discussion on this matter without appropriate deference being made to my constituents in Virginia.

Mr. SPECTER. Mr. President, I have sought recognition today to highlight an important provision in the Federal Aviation Administration reauthorization conference report which provides more equitable treatment for families of passengers involved in international aviation disasters.

The devastating crash of Trans World Airlines Flight 800 on July 17, 1996 took the lives of 230 individuals. Perhaps the community hardest hit by this tragedy was Montoursville, PA, which lost 16 students and 5 adult chaperones who were participating in a long-awaited Montoursville High School French Club trip to France.

Last Congress it was brought to my attention by constituents, including parents of the Montoursville children lost on TWA 800, that their ability to seek redress in court was hampered by a 1920 shipping law known as the Death on the High Seas Act, which was originally intended to apply to the widows of seafarers, not the relatives of jumbo-jet passengers who have perished during international air travel.

The Death on the High Seas Act states that where the death of a person is caused by wrongful act, neglect, or default occurring more than one marine league—three miles—from U.S. shores, a personal representative of a decedent can only sue for pecuniary loss sustained by the decedent's wife, child, husband, parent, or dependent relative. Therefore, the families of the victims of aviation accidents, such as TWA 800, Swissair 111 and EgyptAir 990, all of which occurred more than three miles offshore, were precluded from recovering non-pecuniary damages such as loss of society or punitive damages, no matter how great the wrongful act or neglect by an airline or airplane manufacturer.

In the 105th Congress Representative McDade and I introduced legislation to remove the application of the Death on the High Seas Act from aviation incidents. Our legislation was not enacted into law, and in the 106th Congress, Representative SHERWOOD and I again reintroduced this measure. The House bill, H.R. 603, passed by an overwhelming margin and was incorporated into the House FAA reauthorization bill. The Senate version of the FAA bill included a provision allowing victims' families to recover non-pecuniary damages, but with a cap of $750,000, which I opposed.

On October 18, 1999, I was successful in convincing 15 of my colleagues to join me in a letter to Chairman MCCAIN urging the Senate to accept the House provision in conference. Representative SHERWOOD and I also worked closely with Chairman SHUSTER and his staff to press our case before the conferees.

I am very pleased that the final provision agreed upon in the FAA reauthorization conference report accomplishes the primary goal of our free-standing legislation by extending the territorial seas of the United States from three to twelve miles for the purpose of aviation accidents after July 16, 1996. This effectively removes TWA 800—which crashed roughly ten miles offshore—from coverage under the Death on the High Seas Act. In addition, while the Death on the High Seas Act will still apply to other aviation accidents which occurred beyond twelve miles, such as Swissair 111 and EgyptAir 990, non-pecuniary damages will now be recoverable for the first time.

Our success in this matter would not have been possible without the work of many, and I would particularly like to recognize the efforts of Hans Ephraimson-Abt, Frank Carven and Will and Kathy Rogers, all of whom have lost loved ones as a result of tragedy in international air travel. These individuals first brought this issue to my attention and served as able advocates. I would also like to thank Dan Renberg and Mark Carmel of my staff, who worked tirelessly on behalf of all the victims' families. Finally, I would like to thank my colleagues, Chairman SHUSTER, Chairman MCCAIN, Senator HOLLINGS and Senator GORTON for working with Representative SHERWOOD and myself to address this matter.

This issue is not about large damage awards. It is about ensuring access to justice and clarifying the rights of families of victims of plane crashes. While nothing can ever completely take away the pain and grief felt by those who lost loved ones in these tragedies, I am hopeful that the victims' families are comforted with the knowledge that some measure of fairness has been restored and the American civil justice system is now more accessible.

Mr. LOTT. Mr. President, I rise to recognize the importance of today's passage of H.R. 1000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century. Today is a great day for rural America's air passengers. This legislation will bring much needed air service to under served communities throughout the Nation. It will also grant billions of dollars in federal funds to our Nation's airports for upgrades, through the Airport Improvements Program (AIP).

Senator SLADE GORTON, Chairman of the Committee on Commerce, Subcommittee on Aviation, is to be commended for his superb leadership on this complex and contentious measure. My friend and colleague from the State of Washington proved himself pivotal earlier during floor consideration of the Senate bill and during the conference with the other body on this bill. Together with Chairman DOMENICI, Chairman STEVENS, and Senator HOLLINGS, their joint efforts moved this bill to today's passage.

Rural Americans are the biggest winners with the passage of H.R. 1000. Citizens of small and under served communities can look forward to the day when they no longer have to travel hundreds of miles and several hours to board a plane. This legislation provides incentives to domestic air carriers and their affiliates to reach out to these people and serve them conveniently near their homes. Many Americans will be able to travel a reasonable distance to gain access to our Nation's skies and, from there, anywhere they wish to go.

Mr. President, I also applaud the hard work of Senator FRIST of Tennessee, Senator ABRAHAM of Michigan, and Senator ASHCROFT of Missouri, all members of the Senate Commerce Committee. Their dedication to the flying public helped move the FAA conference when agreements on contentious aviation issues were not met. They understand the delays, inconvenience, and headache their constituents must endure when flying—they get it. I firmly believe that without the engagement of these three gentlemen the Senate would not be voting on H.R. 1000

today. The people of Tennessee, Michigan, and Missouri should be extremely proud of their representation in Washington.

The major policy changes in H.R. 1000 led to hard fought, but honest disagreements. I have enormous respect for the efforts of Chairmen DOMENICI, STEVENS, and SHUSTER, as well as House Ranking Member OBERSTAR, as they diligently advocated for their committees' jurisdictions. One thing was abundantly clear during the FAA conference—my colleagues recognized our Nation's aviation needs and made significant commitments to increase aviation funding. This honest debate and willingness to work together to achieve common goals is what makes it exciting to serve in Washington.

Mr. President, I am extremely proud of my colleagues. Since 1995, the Republican majority has made infrastructure a top legislative priority. Two years ago, my friends in the House and Senate successfully led an effort to boost the amount of federal funding for highway construction and improvements. History will reflect that this Congress also deeply cared about our Nation's infrastructure. One of the main components of H.R. 1000 directs the expense of all Airports and Airways Trust Fund revenue and interest on aviation needs. Trust Fund revenue and interest means that America's airports will get the improvements they desperately need to take our aviation infrastructure into the 21st Century.

Mr. President, no legislative initiation is ever possible without the dedicated efforts of staff, and I want to take a moment to identify those who worked hard to get FAA legislation through conference and to the Senate for approval.

From the Senate Committee on Commerce, Science and Transportation: Marti Allbright; Lloyd Ator; Mark Buse; Ann Choiniere; Julia Kraus; Michael Reynolds; Scott Verstandig; and Sam Whitehorn.

From the Senate Committee on the Budget: Beth Felder; Bill Hoagland; Mary Naylor; Barry Strumpf; and Cheryle Tucker.

From the Senate Committee on Appropriations: Wally Burnett; Paul Doerrer; Peter Rogoff; and Mitch Warren.

The following staff also participated on behalf of their Senators: Chrystn Alston; Kerry Ates; Rich Bender; David Broome; Bob Carey; Steve Browning; Jeanne Bumpus; John Conrad; Margaret Cummisky; Brett Hale; Keith Hennessey; Ann Loomis; Randal Popelka; Mitch Rose; Lisa Rosenberg; Greg Rothchild; Jim Sartucci; Lori Sharpe; Brad Van Dam; and Andy Vermilye.

Mr. President, these individuals worked very hard on H.R. 1000, and the Senate owes them a debt of gratitude for their dedicated service to this country.

Mr. President, our Nation's small communities are a step closer to receiving long-sought air service. Also, America's airports will be enhanced. This is good for all Americans.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Washington.

Mr. GORTON. Mr. President, I think we are quite close to the end of this debate. I wish to make only a few remarks, primarily in response to those of the distinguished Senator from New Jersey, who spoke in opposition.

One reason this bill has taken so long to come before the Senate in the final conference report was an objection I shared with the chairman of the Budget Committee, Senator DOMENICI, the chairman of the Appropriations Committee, Senator STEVENS, and the majority leader to creating a new entitlement.

I do not believe, in the ultimate analysis, this bill does create a new entitlement. It does say that all of the money collected by the aviation passenger tax that has long been statutorily earmarked toward aircraft, airport, and airline purposes ought to be spent on that purpose. It does effectively guarantee that trust fund will be spent for the purposes it was created. That, it seems to me, is a good thing rather than a bad thing.

The Senator from New Jersey is correct in saying we will be required in the future, as I think we ought to be, to appropriate general fund money for aircraft purposes in the broadest sense. I suppose one can call that a subsidy to air travel.

The Senator speaks of Amtrak. My figures indicate that the roughly 20 million Amtrak passengers each year are subsidized by the general taxpayer to the extent of $28 per passenger per trip. Even if one assumed this bill would essentially require spending $2.5 million a year on the Federal Aviation Administration in general fund moneys over and above the trust fund, and even if we attributed every one of those dollars directly to the passengers of commercial aircraft, which of course we should not, that would be roughly $4 a passenger, or one-seventh the amount of subsidy to rail passengers.

The bottom line is that the Appropriations Committee still retains authority to shift funds among various capital accounts that are within the trust fund and still allow for a direct appropriation of whatever amount the Senate desires for general fund purposes. It will make it more difficult not to come up to authorized levels, but it does not make it impossible.

We all agree that the needs of our air transportation system are emergent and are large. This bill represents a major step forward to funding an adequate amount and will still allow judgments to be made between various forms of transportation and other needs of the country in an appropriate fashion.

This is a good bill, and I believe it ought to be passed with an overwhelmingly affirmative vote.

Has a rollcall vote been ordered on final passage?

The PRESIDING OFFICER. It has not.

Mr. GORTON. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORTON. I think it appropriate to ask for 2 minutes prior to the vote at 5 p.m. for summary conclusions on the bill, 1 minute on each side.

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

Mr. GORTON. How much time remains?

The PRESIDING OFFICER. The Senator from Washington State has 2 minutes remaining; the Senator from West Virginia has 7½ minutes.

Mr. GORTON. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I only make a couple of comments. I indicated this is the largest increase in aviation spending in history. I did that out of a sense of pride because of the urgency of the situation we face. This is not money which is being spent for the sake of money; it is money being spent so we will not walk into the disaster we are now headed towards.

I remind my colleagues—the delays, the near misses, the pressure, the outdated equipment, the insufficient time for preparation at work, salaries, money for various purposes—we cannot take an air traffic control system or modernize an FAA in the way they want to do it, we cannot pay the many thousands of people who work to keep it safe in this country, without spending money.

It has been said a number of times that the number of people who will be flying in this country will be a billion in less than 10 years. Cargo traffic on a worldwide basis, as well as in our country, will increase exponentially. The number of planes flying in the skies will increase by at least 50 percent in less than 10 years. Think about that. We have the same number of runways; we have 20- to 30-year-old computers trying to figure out what altitudes the planes are flying and figure out how to separate them; we look at all the different tracking systems we have in our aviation system and we would be embarrassed to have that equipment in our own Senate offices. It is a crisis. Therefore, it is a priority. We are talking about the saving of American lives and lives across the world. Money must be spent.

It is not that other transportation is any less important. This Senator benefits enormously from the services of Amtrak. An airplane crash does something to the Nation's psychology. It can take 2 or 3 years for an airline to recover from an instant which costs lives. The economic impact and, most importantly, the human impact and the pressure on people who run the

aviation system to prevent these things from happening, to have safe skies, is absolutely overwhelming. It is something which is not recognized sufficiently by the American people and which we are, happily, recognizing in this bill.

The Secretary of the Department of Transportation is happy with this bill and will recommend to the President that he sign it. Jane Garvey, the FAA Administrator—somebody in whom I have an enormous amount of confidence, who has run Boston's airport by herself and knows the situation cold—is very much in support of this.

After all, we have not taken anything off budget. The aviation trust fund is still on budget. We have not built any firewalls. We have acted in a responsible fashion. However, we have applied more money because this is a particularly special crisis which, thank heavens, after a number of years, Congress has finally recognized.

In my earlier remarks, I failed to mention BUD SHUSTER in the House, the chairman of their committee, and JIM OBERSTAR, dear friends of many years. What they and their colleagues have done is extraordinary. I think we have a superb bill. It is not a perfect bill, but it is, as in all things, the result of compromise. I think, generally speaking, we have a bill of which to be extremely proud. I know the Senator from West Virginia believes that very strongly.

Unless there are others who wish to speak, I hope our colleagues will vote to pass this conference report when the time comes this afternoon.

I yield back the remainder of my time.

Mr. GORTON. Mr. President, I believe that uses the time of all the people who wish to speak on the conference report. I ask unanimous consent debate, other than the 2 minutes at 5 p.m., be concluded.

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

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

Mr. MURKOWSKI. Mr. President, I ask unanimous consent I may speak in morning business for 12 minutes or thereabouts.

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

## MEASURE PLACED ON THE CALENDAR—S. 2184

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

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (S. 2184) to amend chapter 3 of title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits.

Mr. MURKOWSKI. I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Objection having been heard, under the rule, the bill will be placed on the calendar.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2214 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the time allocated to Senator DURBIN.

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

## PRESCRIPTION DRUG AFFORDABILITY

Mr. WYDEN. Mr. President, I have come to the floor repeatedly over the last few months to talk about the importance of prescription drug coverage under Medicare for the Nation's senior citizens. Today I want to focus on how the absence of this coverage essentially undermines our entire health care system.

What we are seeing is that every day, in the United States, senior citizens who are ailing from a variety of health problems end up getting sicker because they are not able to afford their prescription medicine. Very often these seniors end up being hospitalized and needing vastly more expensive medical services that are made available under what is called Part A of the Medicare program.

Today, I want to describe a case I recently learned about in Hillsboro, OR, because it illustrates just how irrational, how extraordinarily illogical, it is to have a health care system for the Nation's senior citizens that does not cover prescription drugs.

An orthopedist from Hillsboro, OR, recently wrote me that he actually had to hospitalize a patient for over 6 weeks because the patient needed antibiotics that they were not covered on an outpatient basis.

Here you had a frail, vulnerable older person. The physician, and all the medical specialists involved, believed that person could be treated on an outpatient basis with antibiotics, but because there was not Medicare coverage available on an outpatient basis—because there was not the kind of coverage Senator DASCHLE has been talking about and Senator SNOWE and I have made available in the Snowe-Wyden bipartisan legislation—because that coverage was not available to the senior citizen in Hillsboro, OR, that older person had to be hospitalized for over 6 weeks.

Here is what the doctor said to me:

This method of treatment [the preferred outpatient method of treatment] is cost effective and is preferred by patients and doctors. In this case, the patient is condemned to spend 6 weeks in the hospital solely to receive intravenous antibiotics. To me, this seems like a tremendous waste of money and resources. The patient would be better at home.

What this case illustrates is exactly why we need, on a bipartisan basis—the Snowe-Wyden legislation is one approach; our colleagues may have other ideas on how to do it—but this is a case study on why it is so important to cover prescription drugs for older people under Medicare.

We are not talking about some abstract academic kind of analysis that comes from one of the think tanks here in Washington, DC. This is a physician in Hillsboro, OR, who had to put a patient, an older person, in a hospital for 6 weeks because they could not afford to get their medicine on an outpatient basis.

A lot of our colleagues are here on the floor who are on the Commerce Committee. We look at technology issues at that Committee. The irony is, we can save money, again, through the use of new technology in health care.

The kind of treatment that would have been best for this older person in Oregon would have been through an electronic delivery system the older person could have used on their belt for a relatively short period of time had Medicare covered that prescription the older person needed. But because that person could not get coverage for the antibiotics and use that electronic delivery system on an outpatient basis, which they could wear on their belt, they had to go into a hospital for 6 weeks.

Colleagues, we are going to hear a lot over this break from senior citizens and families about the importance of this issue. I intend tomorrow, again, to come to the floor and discuss this matter. Senator DASCHLE has made it very clear to me, and talks about it virtually every day, that he wants to have the Senate find the common ground. He wants Senators to come together and deal with this on a bipartisan basis. The Snowe-Wyden legislation is one approach. Our colleagues have other bills.

The point is, let us make sure, in this session of Congress, that in Arkansas, in Washington, and in the State of Nevada, we do not have older people hospitalized unnecessarily for 6 weeks because we have not come together as a Senate to make sure they can get those medicines on an outpatient basis.

Science has given us cost-effective, practical remedies for these people in need, remedies that will reduce suffering and will reduce costs to taxpayers.

Let us come together, on a bipartisan basis, to make sure we do not adjourn without adding this important benefit to the Medicare program.

As I have made clear, I intend to keep coming back to the floor of the Senate until we, on a bipartisan basis, as Senator DASCHLE has suggested, come together and get this important job done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

## ORDER OF PROCEDURE

Mr. GORTON. I ask unanimous consent that I be permitted to speak in morning business for not to exceed 10 minutes.

Mr. BRYAN. Reserving my right to object, and I assure my colleague I will not, I wonder if my colleague would be amenable to a unanimous consent request that following the 10 minutes the Senator is requesting, I be permitted 10 minutes as well. I make that request because unless I do so, at 11:30 I might be precluded.

Mr. GORTON. I am delighted to. I amend my unanimous consent request to include the request of the Senator from Nevada.

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

Mr. GORTON. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 2004, the Pipeline Safety Act of 2000 introduced earlier this year by my colleague from Washington State, Senator MURRAY.

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

## PIPELINE SAFETY

Mr. GORTON. I am here to address the issue of pipeline safety, an issue that people in most communities, cities, and towns do not concern themselves with unless, regretfully, a tragedy occurs, such as the one that took place in Bellingham, WA, last June.

The devastating liquid pipeline explosion that rocked the city of Bellingham and took the lives of three young boys rightfully served as a wakeup call and focused our attention on the need for pipeline safety reform. While pipelines continue to be the safest means of transporting liquid fuels and gas, and though accidents may be infrequent on the more than 2 million miles of mostly invisible pipelines in the United States, Bellingham has shown us that pipelines do pose potential dangers that we ignore at our peril.

In testifying on the Bellingham incident before a House committee last fall, I commented that while Congress had an obligation substantively to revise the Pipeline Safety Act in response to the clarion call for Bellingham, proposals for specific changes to the law seemed premature at that time. State and local officials in Washington State, as well as citizens groups, environmentalists, and various Federal oversight bodies, were just beginning to examine the accident and its causes.

The Commerce Committee, of which I am a member, has primary jurisdiction over this bill in the Senate, and last year I implored the chairman, Senator MCCAIN, and other committee members to make the reauthorization a top priority. Last week, at my request, the Commerce Committee scheduled the first Senate hearing on the topic of pipelines.

The field hearing to address the Bellingham incident and the State's response to it will be held in Bellingham, WA, next Monday, March 13.

I encourage my colleagues from the Senate Commerce Committee to come to Bellingham next Monday to hear firsthand testimony from the families of the victims and from local officials whose lives have been transformed by this tragedy. Theirs is a story which compels us to action. The families and the community will never forget what happened last June 10, nor should we in Congress. It is our duty to take the lessons learned in Bellingham and adopt tougher safety measures that will allow us to prevent future tragedies.

This hearing will, I hope, serve as guide as we debate the reauthorization of the Pipeline Safety Act. And while a number of the studies and operational reviews commissioned after the accident are still incomplete, including those of the National Transportation Safety Board, on the cause of the accident in Bellingham and the report of the General Accounting Office as to the performance of the Office of Pipeline Safety, other reviews are complete.

Primary among these is the report of the Fuel Accident Prevention and Response Team, a task force convened by Governor Gary Locke and charged with reviewing Federal, State and local laws and practices affecting pipeline accident prevention and response. A significant contributor to this report was Mayor Mark Asmundson of Bellingham, whose efforts to learn from, educate others about, and rationally apply the lessons of that tragedy have been commendable.

The Fuel Accident Team recommended changes in law and practice at the Federal, State, and local levels. It revealed that there is a lot that can be done by State and local officials that is not being done, particularly in the area of emergency preparedness, public education, and adoption of appropriate set-back requirements to keep development away from lines. The Fuel Accident Team also found, however, that at least with respect to interstate pipelines, State and local officials are limited by Federal law from regulating many of the safety aspects of these lines, and that only the Federal Government can adopt or enforce requirements for inspection, emergency flow restriction devices, operator training, leak detection, corrosion prevention, maximum pressure, and other safety measures relevant to the safe construction, maintenance, and operation of pipelines.

While there may be good arguments that pipelines should be managed systemically and why inconsistent State standards could erode rather than promote safety, these arguments are fatally undermined by the absence of meaningful Federal standards. To tell State and local governments, as the Pipeline Safety Act effectively does, that they cannot require internal inspections of pipelines passing through their communities, under their schools and homes and senior centers, when a Federal requirement for internal inspections is years overdue, strikes me as the worst kind of Federal conceit.

Amending the Pipeline Safety Act to relax Federal preemption and allow States to exceed minimum Federal safety standards was the first recommendation of Washington's Fuel Accident Team. Despite this recommendation, I understand that the administration's proposal for the reauthorization of the Pipeline Safety Act will move in exactly the opposite direction, that is, it will propose to eliminate even the vague authority under which the Office of Pipeline Safety has appointed four States as its agents for purposes of inspecting interstate liquid pipelines.

The purported reason for further disempowering States is, I understand, OPS's perception that a system of inconsistent standards is unsafe, OPS's perception that a system of inconsistent standards is unsafe, and that States already have their hands full with regulating intrastate pipelines, which are far more extensive than interstate lines. But what if the States disagree with this attitude, which, in the absence of meaningful Federal standards is tantamount to saying that ''no standards are better than anything States can come up with''?

Yes, the interstate nature of some pipelines gives the Federal Government the option of regulating them and preempting States from doing so. If the Federal Government is not going to do its job, however, why should we prevent States from assuming responsibility for something as important as pipeline safety?

To its credit, in response to the Bellingham incident the Office of Pipeline Safety has proposed to complete a rulemaking on ''pipeline integrity'' by the end of this year. This rulemaking, years overdue, is not only supposed to address requirements for internal inspection and the use of emergency flow restriction devices in highly populated and environmentally sensitive areas, but to adopt a systemic approach to pipeline safety that focuses not just on specific tests but on making sure that pipeline operators are accurately assessing risks, collecting and properly analyzing relevant data, and exercising sound judgment. Following the June 10 accident last year, the city of Bellingham conditioned the resumption of operations of a portion of the pipeline on the Olympic Pipe Line Company's adherence to certain process management standards borrowed from OSHA regulations applicable to oil refineries. This emphasis on a process management approach is, I believe, sound and should, I believe, be incorporated into any new Federal safety standards.

Once meaningful Federal standards for pipelines are in place, debate about

whether or not safety is advanced by allowing States to adopt and enforce stricter, but inconsistent standards, can begin. Even then, however, and certainly until then, I support the proposals in the legislation cosponsored in the House and Senate by all of the Washington delegation members to prescribe procedures for States to assume greater authority in the regulation of pipeline safety. Both H.R. 3558 and S. 2004 would permit States to apply for more regulatory authority from the Department of Transportation, which is charged with reviewing the proposals to ensure that states have the necessary resources and that the Balkanization of pipeline regulation will not degrade safety.

I look forward to working with my colleagues from Washington to ensure that the following principles, many of which are reflected in the current S. 2004, are contained in the reauthorization of the Pipeline Safety Act.

First, I support efforts to allow States greater authority to adopt and enforce safety standards for interstate pipelines, particularly is light of the absence of meaningful Federal standards. This increase in authority should be accompanied by an increase in grants to States to carry out pipeline safety activities.

Second, I agree with Senator MURRAY that we need to improve the collection and dissemination of information about pipelines to the public and to local and State officials responsible for preventing and responding to pipeline accidents. We also need to ensure that operators are collecting information necessary accurately to assess risks and to respond. The public should be informed about where pipelines are located, what condition they are in, when they fail—we need to lower the threshold for reporting failures—and why they fail. We should ensure that relevant information is gathered and made available over widely accessible means like the Internet.

Third, in addition to providing an explicit mechanism for States to seek additional regulatory authority over interstate pipelines, Federal legislation should adopt some mechanism for ensuring that meaningful standards for pipeline testing, monitoring, and operation are adopted at the national level. Congress has directed the DOT to do some of this in the past. But as the Inspector General noted, some of the rulemakings are years overdue. To the extent that lack of funding can account for some of the delay we should ensure sufficient appropriations to allow OPS to complete the necessary rulemakings and develop the technology needed to conduct reliable tests of pipelines.

While I am reluctant to have Congress, rather than experts, prescribe specific testing and monitoring requirements, and while I fully appreciate the need for flexible testing regimes that recognize the differences among pipelines facing variable risks as well as the need for dynamic standards that advance with knowledge and technology, I am sympathetic to the position that specific mandates may be necessary in the face of inaction on the part of OPS. Congress has repeatedly asked OPS to conduct rulemakings and been ignored. As a consequence I can understand those who have lost patience and are prepared to put specific testing and operational prescriptions into Federal statute.

In addition to ensuring that OPS complies with years-old statutory mandates, I support the Inspector General's recommendation that OPS act upon, either to reject or accept, the recommendations of the National Transportation Safety Board. I don't pretend to know whether NTSB's recommendations, that have been accumulating for years, will advance safety. It is unacceptable, however, that OPS should simply ignore them.

Fourth, I have heard from citizens' groups who support the creation of a model oversight oil spill advisory panel in Washington State. I see a real value in creating such a body, and empowering it with meaningful authority to comment on and influence State and Federal action or inaction. Such an advisory panel can continue to focus needed attention on the issue of pipeline safety when the painful memory of June 10 begins, for many, at the same time mercifully and regretfully, to fade.

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

## IN SUPPORT OF FAA CONFERENCE REPORT

Mr. BRYAN Mr. President, I rise today in support of the FAA conference report which will be voted upon later on this afternoon and to discuss one particular feature of that report, the so-called perimeter rule. This is a rule that is both arcane and archaic. It is anticompetitive and unnecessary. The so-called perimeter rule is a rule, enacted by Congress in 1986, that precludes any flight originating at Washington National Airport, the region's most popular airline destination for the Nation's Capital, from flying nonstop more than 1,250 miles from the Nation's Capital. That also includes any inbound flights to Washington National from a point that originates more than 1,250 miles from the Nation's Capital.

This perimeter rule was enacted by Congress in 1986. It might have had some historical justification. The origin of the rule is based upon an attempt to force additional air traffic into Washington's Dulles Airport, which is some distance from the Nation's Capital and not as convenient. Whatever the historical rationale may have been, I think anyone who has used Washington's Dulles Airport in recent years, as I do frequently, would testify that it is a fully operational airport with a multibillion-dollar expansion and much traffic.

Today, the so-called perimeter rule is defended on the basis of noise control in Northern Virginia and the surrounding area. That was not its historical justification. Now, the effect of the so-called perimeter rule is to preclude direct flights, nonstop, into Washington's National Airport from most of the country and all of the West.

As a historical insight, the original perimeter rule was 750 miles. Then, when Russell Long became chairman of the Senate Finance Committee, his congressional district was in New Orleans, and the distinguished occupant of the chair will not be surprised to learn that the perimeter rule had some flexibility then, and the length was extended so one could fly nonstop to New Orleans. And later, when, I believe, Jim Wright became the Speaker, his congressional district was the Dallas-Fort Worth area, so it was extended to 1,250 miles, its current length.

My point is, there is nothing sacrosanct about this rule. It makes no sense in terms of safety. The Federal Aviation Administration has concluded there is no safety issue involved, and the GAO has repeatedly asserted that the effect of the rule is anticompetitive and it has the effect of driving prices up.

Now, the debate in this Chamber frequently echoes back and forth about Government interference in the marketplace, meddling, arbitrary rules that restrict entry, rules that make it difficult for the private sector to respond to the market. I can't think of a better example of that than this so-called perimeter rule.

For that reason, I am particularly pleased to support this conference report because one of the features in the conference report modifies the perimeter rule. It doesn't eliminate it in its entirety, but it does permit 12 slots that would be authorized to fly beyond the 1,250-mile perimeter, and that means cities such as Las Vegas and other major metropolitan areas in the West will be able to compete for those routes.

It also contains a provision that specifically recognizes new entrants into the market. Many will recall that the underlying premise of the deregulation of the airline industry assumed there would be a number of new entrants into the market. Unfortunately, by and large, that has not occurred. New entrants have had a particularly difficult time entering into this market. It is a very competitive market, and indeed the survivability of those new entrants has been very limited. So this particular provision repeals, in part, the perimeter rule to permit 12 flights to fly beyond the 1,250 miles and to originate from a distance beyond that, thereby making nonstop service to the West a possibility.

It is my hope that among the communities that would be considered would be Las Vegas, which is rapidly

expanding its air service. The community's lifeblood is dependent upon tourist travel. A great percentage of that is airline service, and a direct, nonstop service flight to one of the largest metropolitan areas in the country, the Washington metropolitan area, would have an enormously powerful potential for new business for our community.

So it is my hope that colleagues will support the conference report. I am not unmindful of the fact that there are controversial provisions in it. But the modification of the perimeter rule is an important step in the right direction. I salute the conferees for following the lead of the Senate Commerce Committee, which specifically included, at the request of myself and others, the modification of the perimeter rule.

I yield the floor.

## EXTENSION OF MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that morning business be extended for 15 minutes.

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

## ELIMINATION OF THE MARRIAGE TAX PENALTY

Mr. BROWNBACK. Mr. President, I rise today to address an issue I have raised several times on the floor. I am hopeful that this year, this body, will get a chance to deal with the marriage penalty tax elimination.

Mr. President, Senators KAY BAILEY HUTCHISON, JOHN ASHCROFT, and I have been pushing for some period of time for the elimination of the marriage penalty tax; and it is truly that—a penalty tax on marriage. This body will have a chance to address this issue shortly. The Finance Committee of the Senate will consider this issue in the near future. They will be marking up the bill to eliminate one area of the Internal Revenue Code where the marriage penalty tax occurs. It will then come before this body, I am told, I believe the leader wants it scheduled before April 15.

There will be Members who will try to block this bill, with issues that are extraneous to the marriage penalty. They will be able to add things to it, or filibuster the marriage penalty tax elimination. I hope they think about what they would be doing in stopping the elimination of the marriage penalty tax. Before they take actions to block this important issue, I hope they just pause and say maybe I will try to amend my issue onto another bill; this one is too important. I don't think we need to be blocking it.

Just in looking at the marriage penalty tax, I hope people recognize the extent of its involvement and intrusion on married couples across the country. I have a chart up here to which I will refer a number of times. It shows the number of married couples affected by the marriage penalty tax across the United States. This is it. The chart represents married couples, and we don't know how many children are in these families who are also effected. We are talking about 25 million American families who are affected across the country by this penalty. In Kansas, we have 259,904 couples who are penalized by this marriage penalty tax.

Again, for those who haven't been following the debate, all our proposal would do is level the playing field. It would say that if you are married, a two-wage-earner family, you will pay the same in taxes as if you were two independent people living together; we are not going to punish you, or fine you, or penalize you for being married.

The average tax these 25 million American couples pay additionally for the privilege of being married is $1,480. That is a lot of money. That is a lot of money to a lot of people. I hope we cut the tax and send that back to the married couples across this country and say we are not going to penalize you anymore. That is what we are seeking for this body to pass.

The House of Representatives has already done good work in this area. The House of Representatives has passed a bill to provide marriage tax penalty relief for America's families in the 15-percent marginal tax bracket and to eliminate the marriage penalty in the standard deduction.

I think the House bill is a good starting point for our discussion of the marriage penalty reduction and elimination. Doubling the standard deduction, increasing the width of the 15-percent bracket, and fixing the earned-income tax credit where the marriage penalty exists will eliminate or reduce the marriage penalty for all families. It still doesn't get rid of it. The Marriage Penalty appears in over 60 different places in the Tax Code.

Down the road I hope we can get to a discussion of sunsetting the entire Tax Code and going to a flatter, fairer, and simpler system. I know the Presiding Officer has led the charge on doing precisely that. It is clearly something we need to do for the country, for the economy, and for the people, so many of whom, labor under this Tax Code in fear they are going to be found to have done something wrong when they are trying to be good, law-abiding citizens. But that is a debate for another day.

Right now we are trying to get at one issue. The National Center for Policy Analysis says the highest proportion of marriage penalties occurred when the higher-earning spouse made between $20,000 and $75,000. Clearly, we need to make marriage penalty elimination a priority for all families, not only a few.

Consider that—making between $20,000 and $75,000. You are looking at a two-wage-earner family, probably with a child, or two or three children, who can't afford to be penalized by this $1,480. They are currently being penalized under the Tax Code.

We see the numbers up here. We know the full extent of this.

I want to read—because I think these are so touching and important—statements of people who are impacted by this. We continue to collect these statements and letters from people because now people are calculating their marriage penalty tax. I hope in the next week or so to have a chart saying: OK. As you are watching this on TV, figure your marriage penalty. Have this as one spouse's income; there is another spouse's income; and here is where it meets. That is your marriage penalty, the tax you pay. The average is $1,480. Some pay more, some less; letting people know this is what they are penalized and this is the tax they are paying.

Listen to some of the stories from people around the country. This is Christopher from Fairfield, OH. This family said:

> One of the biggest shocks my wife and I had when deciding to get married was how much more we would have to give to the government because we decided to be married rather than live together. It does not make sense that I was allowed to keep a larger portion of my pay on a Friday and less of it on a Monday with the only difference being that I was married that weekend.

That is to the point.

This is from Andrew and Connie from Alexandria, VA.

> We grew up together and began dating when we were 18. After dating for three years we decided that the next natural step in our lives together would be to get married. I cannot tell you the joy this has brought us. I must tell you that the tax penalty that was inflicted on us has been the only real source of pain that our marriage has suffered.

I wish all marriages could be like that—that the only source of pain is the Tax Code. Is that a pain we should inflict on them? Is that something we should do to this married couple? They say: We are getting along pretty good. The only real pain is the Federal Tax Code and the tax penalty we are paying.

I don't think that is a good signal to send.

This is Andrew from Greenville, NC, who writes:

> It is unfortunate that the government makes a policy against the noble and sacred institution of marriage. I also feel it is unfortunate that it seems to hit young struggling couples the hardest.

That is probably the biggest point. If you have a combined income with the top wage earner making between $20,000 and $75,000—these are young married couples; they are struggling with a lot of issues, struggling with financial issues—and you lob on top of that a tax penalty, that really hits them, and particularly a lot of couples during the early years with young children.

This is Thomas from Hilliard, OH, who says:

> No person who legitimately supports family values could be against this bill. The marriage penalty is but another example of how in the past 40 years the federal government has enacted policies that have broken down the fundamental institutions that were the strength of this country from the start.

This is Sean from Jefferson City, MO:

I think the marriage penalty is a major cause of the breakdown of the family here in the U.S. . . . [Ending it] would do a lot to cut down on the incidence of cohabitation by unmarried couples and give more children two-parent families where there is a real commitment between the parents.

I don't know if I would go as far as what he said—that this has been the major cause of the breakdown of the family in the United States. I don't think that is the case. But it is the wrong signal for us to send. We send signals all the time across the country of what we think is good and what we think is wrong.

Welfare reform: When we went through that fight—it was a very important fight—we decreased the welfare rolls in the country by 50 percent. We sent a signal that we think it is good to work. That is a good signal.

We should eliminate the marriage penalty tax. That is a statement about what we think is good. People are married and they shouldn't be taxed and penalized for that.

According to a recent Rutgers University study, the institution of marriage is already having problems in the United States and is in a state of decline. From 1960 to 1996, the annual number of marriages per thousand adult women declined by almost 43 percent. That impacts and hurts a lot of children. Not that single parents don't struggle heroically to raise children; they do many times very successfully. But that family can have a bonded relationship. Studies are showing again and again that the most important place we can put that child is in a loving relationship between two married people.

I am going to continue to come down to the floor regularly raising this issue because this body will have a chance to vote on this issue in dealing with the marriage penalty tax. I believe there are Members on both sides of the aisle of goodwill who want to see this marriage penalty tax eliminated. I don't think the penalty makes much sense to many Americans at all.

I hope as we start to engage this debate, in this body, that Members on both sides of the aisle will stand up and say: Yes, this is an important issue. We are not going to load it down with a lot of amendments. We are not going to load it down with a lot of extraneous issues. It passed the House. If it passes this body, we can get it to the President for his signature. It is an important signal to send across the country, and we are not going to block it.

There are a lot of ways in this body that you can block something—that you can put it forward and say you are for it but you are blocking it. I hope this would be one that we could say we are going to pass for the 25 million American married couples.

For those in South Dakota, 75,114 are penalized, and for those in Nevada 146,142 are penalized—I see my colleagues from South Dakota and Nevada—I hope they can say to them: We shouldn't be penalizing you.

We have the wherewithal to change this, and let's change it.

Thank you very much, Mr. President. I hope we will have a vote on a true marriage penalty tax bill before April 15 comes and goes. There will be other of my colleagues on the floor later on to address this issue as well.

I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXPORT ADMINISTRATION ACT OF 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1712, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1712) to provide authority to control exports, and for other purposes.

The Senate proceeded to consider the bill.

Mr. REID. Mr. President, Senator GRAMM is not here. The manager of the bill for the Democrats, Senator JOHNSON, has graciously consented so that I can say a word or two about this legislation.

I rise to speak about an issue that is of particular interest to me and our national economy. The issue I wish to discuss is export controls. As I stated previously, it is critical that the Congress support the engine of our thriving economy while still protecting the integrity of our national security.

Today in America consumer confidence is at a record high. Unemployment is at a 30-year low. New home sales set a record last year. The rate of inflation is less than 2 percent. The stock market has been surging, and corporation profits are better than analysts dreamed.

It was announced last month that we are experiencing a record 107 months of economic expansion. This is all proof that Congress and the administration has done a stellar job in steering the country in the right direction. And yet, thus far, we have been unable to pass legislation to update our export controls. The Bureau of Export Administration and the Defense Department are still conducting business under cold war era regulations. The economic and political world has changed dramatically. That is why I am so pleased that this bill has come to the floor today.

Last year, I met with Senators GRAMM, ENZI, and JOHNSON, in my office, to discuss export controls. They informed me that The majority leader pledged to them that the Export Administration Act would come to the floor before the end of 1999.

Everyone tried, but as happens a lot of times at the end of the session, it was unable to be brought to the floor. That is not because the Senators I visited with—ENZI, GRAMM, and JOHNSON—didn't try. These three Senators, for whom I have the greatest respect, have all worked hard and in good faith to bring all parties to an accommodation.

When this bill passed out of the Banking Committee, it had the full support of the committee and the business community, while still protecting our Nation's national security. I am afraid with the addition of many of the amendments in the so-called managers' package that this bill is losing support both from the business community and the national security interests. I hope we can work something out and not have to adopt the managers' amendment as it is written.

In January of last year, along with the distinguished majority leader, I, Senator DASCHLE, and a group of Senate Democrats, got together to form a high-tech working group. This group came about because we as Democrats realize the importance of high tech to the Nation's economy. Senator JOHN KERRY, through his leadership capacity, has worked very hard in this regard.

We also recognize that Congress can have a large impact on the growth, or potential growth, of this sector of our economy. Our initial goal was to educate our caucus on the high-tech issues. Because of the generation gap between those who run this industry and most Members in the Senate, this took a little time. However, we got to speed very quickly. We toured sites all over the United States, including high-tech sites in Maryland, Virginia, and Silicon Valley.

As with many issues, I often hear that Congress would best serve the public and industry by doing nothing at all. One of the areas most believe we can be of help is in the area of export controls of high-performance computers. There are currently a number of U.S. products that cannot compete with national competitors due to export control limitations, not because of national security interests but because of the slow review process here in Congress.

In June of 1999, and then in January of this year, with the urging of Senator DASCHLE, myself, and other Senators, the administration agreed to ease the level of controls which were referred to as MTOPS—million theoretical operations per second.

We, as well as those in the computer industry, were elated. There is a 6-month congressional review period for raising the level of MTOPS. The Banking Committee bill reduces the review from 180 to 60 days. By the Senate Banking Committee agreeing to the shortened review period of 60 days, the committee recognized a few important things:

No. 1, 180 days is too long for an industry whose success depends on its ability to beat its foreign competition to the marketplace;

No. 2, a shorter time period gives the Congress adequate time to review the national security ramifications of any changes in the U.S. computer export control regime.

While this is a good step in the right direction, I, along with Senators BENNETT, DASCHLE, KERRY, MURRAY, BINGAMAN, KENNEDY, and BOXER, believe that further reduction of this to 30 days makes more sense.

The high-performance computers we are talking about have a 3-month innovation cycle. Therefore, if 60 days are taken up in Congress, on top of the turnaround time for new regulations at the administration, the innovation cycle is long overdue.

There is no precedent for such a long review period. Even the sales of items on the munitions such as tanks, rockets, and high-performance aircraft only require a 30-day review period. The reality of the situation is that by limiting American companies to this degree we are not only losing short-term market share, but we are allowing foreign companies to make more money and, in turn, create better products in the future. This could lead to the eventual loss of our Nation's lead in computer technology, which has propelled the United States to the good economic standing we see today.

This amendment is critical to our Nation's economy and the success of our high-tech industry.

AMENDMENT NO. 2883

(Purpose: To amend the National Defense Authorization Act for Fiscal year 1998 with respect to export controls on high performance computers)

Mr. REID. I send this amendment to the desk for Senators REID of Nevada, BENNETT, DASCHLE, KERRY of Massachusetts, MURRAY, BINGAMAN, KENNEDY, and BOXER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, and Mrs. BOXER, proposes an amendment numbered 2883.

Mr. REID. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 27, beginning on line 6, strike all through line 9 and insert the following:

(2) CONFORMING AMENDMENTS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(A) in the second sentence, by striking ''180'' and inserting ''30''; and

(B) by adding at the end, the following new sentence: ''The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.''.

Mr. REID. I recognize the leader has said there will be no votes on this bill today; therefore, I will ask for the yeas and nays at such time as the leadership determines it is appropriate.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, in the absence of Chairman GRAMM and Chairman ENZI, in order to expedite consideration of this very important legislation, I will go forward with a brief discussion and my view of the Export Administration legislation.

I rise today in support of the Export Administration Act. I have worked closely on export control issues with Senators ENZI, GRAMM, and SARBANES, and I am pleased that we have reached consideration of this important issue by the full Senate. There are several different classifications of exports. Items which can have both civilian and military applications are considered to be dual-use technology, and those goods are governed by the EAA.

There have been numerous attempts to reauthorize the EAA in the years since it expired in 1990. It is unfortunate that this legislation has gone unauthorized for most of this decade, and I strongly urge the Congress to not forgo this opportunity. Reauthorization becomes even more critical as legal challenges to the continued reliance on the expired EAA through emergency powers winds its way through the courts. After ten years of congressional silence, I am fearful that one of these challenges will ultimately succeed, leaving us without any control over sensitive dual use technologies. At that point, even technology which is universally agreed to be dangerous could be freely exported to countries considered to be direct threats to the United States. Reauthorization of the EAA in of itself adds a tremendous component to our national security.

I want to especially thank Chairman ENZI for his work on this issue. Without his hands-on leadership, we frankly would not be at this point today. S. 1712 is a testament to MIKE's hard work and the widespread support this bill enjoys derives from Chairman ENZI's commonsense approach to issues.

I want to note the important roles played by Banking Committee Chairman GRAMM and Ranking Member SARBANES of Maryland. We have had constructive participation across the board, and that bipartisan cooperation has brought us to this point. That spirit contributed to the unanimous 20–0 vote in support of S. 1712 in the Banking Committee.

We had a simple goal when we embarked on this effort: reduce or eliminate controls on items that do not have security implications and tighten controls on items that raise security concerns. While most everyone can agree on these principles, it is much more difficult to draft the language to accomplish that end.

We worked very closely with concerned Senators, the national security establishment, the administration, and the impacted industries. I believe we addressed the major concerns of each entity. We increased the penalties, making violators of export control laws pay a real price. We made the foreign availability and mass market standards a true measure of what items could be accessed regardless of U.S. sanctions, and provided for those items to be decontrolled.

S. 1712 strengthens our national security. For the first time, the Department of Defense will have unilateral appeal rights if it disagrees with an approved export. Penalties move from $10,000 per violation to up to $1 million per violation.

At one of our eight hearings on this bill, we heard from Representatives COX and DICKS on the Cox Report relative to exports to the People's Republic of China. We directly incorporate fifteen of the Cox Report recommendations in our bill to enhance national security. I might add that reauthorization of the EAA is one of the specific recommendations from the Cox Report.

America benefits when our businesses prosper. Exporting technology has long been an American success story. The technology field will lead our economy into the next century. But, new technologies could prove dangerous in the wrong hands, and our national security depends in part on limiting access to certain technologies. That is the balance we seek to strike, and I believe S. 1712 does that.

I look forward to a vigorous debate of these important issues. Passage of this EAA bill will make a significant contribution to our national security and will help bring transparency to our export control system. I encourage my colleagues to join this bipartisan, balanced approach to these critical issues.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

## THE AMERICAN ECONOMY

Mr. DURBIN. Mr. President, the Senate is about to engage in a debate about our Nation's budget for the next fiscal year which begins in October. When one tries to measure the values of politicians and political parties, the first place to look is how they spend money. Speeches are one thing, but the way we spend our money really explains who we are and what we value.

There is a real difference of opinion now between Democrats and Republicans about how we are going to spend our money in the next budget. On the

Democratic side, we happen to believe we have a strong story to tell the American people about the progress that has been made in America under the Clinton-Gore administration for the last 7 years. In fact, a month or so ago, we completed the longest economic expansion in the history of the United States of America.

It is every political party's dream to be able to stand in this Chamber and say what I just said. Under the leadership of President Clinton and Vice President GORE, America is moving in the right direction. We are creating more jobs, and we are solving problems that people thought were intractable and insolvable not that long ago.

Take a look at the record from 1993 to the year 2000. We turned a record deficit of $290 billion in 1992 into a surplus of $176 billion in the year 2000. We have seen a paydown in our national debt. We have had 107 consecutive months of economic growth, and many new jobs and new houses and new businesses have been created.

Take a look at what they said was going to happen. These are the experts who tell us what we can expect. They said in 1993 that we were going to have a debt increase. They projected it at $761 billion over the last 2 years. In other words, more red ink, more need for us to borrow money and pay interest on it.

What happened instead under the leadership of this President? We ended up with a surplus. We actually paid down the debt of this country by $140 billion.

There are a lot of young people who come to Washington, DC, to visit this Capitol and to see their Government in action. I say to these young people, the best thing we can do for you is to continue on this course. Once this debt starts to go away, the need to pay interest on it goes away as well.

We collect $1 billion a day in taxes from families and individuals and businesses just to pay interest on old debt. We are moving in the right direction. America should not change course. We must keep expanding this economy and creating opportunity.

Take a look at what has happened between the end of 1992 and 1999. More Americans owned homes. This is the American dream, and the dream has gotten better for millions of Americans because the economy is strong and interest rates are under control and inflation is in check.

Take a look, as well, at the incomes of Americans across many groups. Those at the lowest income level all the way to those at the highest income level have seen a steady increase in inflation-adjusted income during the period of the Clinton-Gore Presidency. More people are buying homes, and income levels are going up for virtually every group across America.

Take a look at the tax burden, too, because many people on the Republican side will say taxes have gone up. They have not. Take a look at the median income for a four-person family and the percent of taxes they are paying: 16.8 percent in 1992, 15.1 percent in 1999. The tax burden for the typical family in America has gone down.

Of course, it is good news when it comes to employment. We have the lowest unemployment rate in 30 years: 7.5 percent when the President came to office, now down to 4.2 percent.

The problem most American businesses tell me about when I visit them is: We need to find skilled workers; we have job opportunities; we need the workers to fill them.

Now what are we going to do? We are going to debate a budget resolution in the Senate and the House where the Republicans will come forward and say we need to change all this; we need to try a different approach; things are not working as well as they could.

I think we ought to let history be our guide, and it is suggesting to us that we are on the right path, we are in the right direction, and we do not want to change course and go out on a risky venture.

The real question now is whether the Republican leadership in the Senate will come forward with a budget that has a tax cut proposed by their likely candidate for President, George W. Bush from Texas. It is a substantial tax cut and one, from my point of view, which goes too far and threatens the viability of the Social Security trust fund.

Take a look at what the tax cut means. The Bush tax cut which was proposed during the course of his campaign—and I am sure it will be the centerpiece of his campaign from this point forward—says that if you happen to be in the top 1 percent of American earners with an income above $300,000 a year, your cut is $50,000 each year. Not bad. In the 60-percent range, with income below $39,000, the George W. Bush tax cut is worth about $29 a month.

Does it make sense that we would jeopardize the growth of our economy, keeping our debt under control, paying it down, creating jobs, new businesses, and home ownership to give a tax cut of $50,000 a year to the richest people in America? The Chairman of the Federal Reserve Board, Alan Greenspan, said: Don't do it; it doesn't make sense; it is risky; it is dangerous.

I hope we do not. But the Senate and House Republicans will present their budget, and they will tell us whether they stand behind Governor George W. Bush and their tax cut proposal or they want to stand behind the plan that has brought the economic prosperity we enjoy today.

The President has come forward with a responsible budget. It pays down our national debt, it creates targeted tax cuts, and if we are going to take some of our surplus and give it to American families, it provides we do it for things they need: A $3,000 long-term care tax credit for the fastest growing group of Americans, those over the age of 85, to help the sons and daughters of those who are in older age situations to pay for their long-term care; expanded educational opportunity—we need a new college opportunity tax cut. This is going to help people across the board, regardless of income; A deduction of college expenses so that young people can go to school, improve their skills, and add to our economy and their lives.

Marriage penalty relief is something I think should be done on a bipartisan basis. The President proposes it; money for new accounts, retirement, and expanding the earned income tax credit.

This is the bottom line: In a matter of a few hours, the Senate Budget Committee, under the leadership of Senator DOMENICI, will come forward with a budget, and we will be able to see for the first time whether or not the Republicans on Capitol Hill support George W. Bush's call for a tax cut, a tax cut that has been branded unwise by Chairman Greenspan and one that, by any modest projection, is going to invade the Social Security trust fund.

It will be a test to see what the real issue of this campaign will be: Whether the congressional Republicans back Mr. Bush's idea and want to venture out on some risky and perhaps dangerous venture that could jeopardize the growth in our economy or they want to stay the course on a responsible, fiscally disciplined approach that has come forward in the last 7 years.

The American people are going to have a clear choice. If every election is a pocketbook election, we on the Democratic side welcome it. America's pocketbooks are better now than they were 7 years ago. We believe Americans want to continue this progress and move forward, addressing those people in America who have not benefited from this economic expansion, addressing serious challenges such as expanding education and health care, and doing it in a fiscally sensible way so that at the bottom line, on the last day, in the final chapter, we can say to the next generation of Americans: We paid down this debt, we gave you a strong America moving forward, and now it is your chance to take over.

That is the best thing we can do, and we do not want to jeopardize that by giving tax cuts to wealthy people, spending money we do not have, and ignoring the reality of the progress we have made over the last 7 years.

I can recall when President Clinton came forward with his budget proposal in 1993 that started us on this path of economic expansion.

We could not get a single Republican vote to support it—not one in the House or the Senate. In fact, Vice President GORE cast the deciding vote for the President's budget plan. Not a single Republican Senator would support it. Thank goodness the Vice President was there to do it.

When he cast that vote, we not only won on that issue, the American people won. We embarked on a course which has really given America a great opportunity. This is an optimistic and forward-looking Nation now.

This Presidential campaign, and all of those who are candidates in congressional elections, will now put to the test the question as to whether or not we are going to continue this course of moving forward with the progress in our economy.

To the naysayers who claim to have a better idea, I suggest that historically there has never been a period of greater economic expansion in this country. We want it to continue. We will see this Republican budget tomorrow and find out whether the leaders, the congressional leaders on Capitol Hill, want to continue this course that really moves America forward or if they want some risky new venture that includes the Bush tax cut.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I ask unanimous consent to be able to speak for up to 15 minutes as in morning business, after which Senator GRAMM be recognized to go back to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## GAS AND OIL PRICES

Mrs. HUTCHISON. Mr. President, I rise today to speak about the high gasoline prices that every one of our constituents is finding at the gas pump today and about the rise in home heating oil prices my friends from Maine and Vermont were talking about that are hurting their States so much.

In fact, I commend Senator MURKOWSKI for holding a hearing today in the Energy Committee to talk about this issue and what we can do to address it. I was slated to be one of the people testifying at the hearing, but because I was visiting with education leaders from my State, I could not be there and missed the hearing.

I want to speak on this issue because this is a crisis coming down the road. For the people in Maine and Vermont, it is here already. But for our constituents who are going to try to take vacations this summer, it is going to hit them right between the eyes because gasoline prices at the pump are going up, and I see no relief in sight.

The common refrain today is, the United States has no energy policy. That is not really accurate. The United States does have an energy policy, and it is the wrong one. Our policy is to restrict domestic exploration, and in those areas where exploration is permitted, there are punitive taxes and regulations on producers.

The result is that at periods of low prices, such as we had last year—prices on which a small producer cannot break even—those producers leave the business and they do not come back.

The fact is, when it comes to our most precious commodity, we do not control our own destiny. We are seeing our Energy Secretary going hat in hand to foreign countries and saying: Please, produce more oil.

Worse, we had plenty of opportunity to address this crisis. It did not just happen in a vacuum. In 1998 and 1999, crude oil prices hit their lowest point in decades: $9 a barrel, $8 a barrel. Hundreds of thousands of small wells shut down, and thousands of jobs were lost. Of course, it made us more vulnerable because we lost the production. We have ignored this cycle since the oil price shock of the 1970s. Our dependence on oil from foreign countries is now at 55 percent.

Energy-producing and energy-consuming States share two interests: Maintaining a large and reliable source of energy in our own country, and reducing volatility in oil and gas prices.

Unfortunately, the measures proposed by this administration to address the current crisis in home heating oil will not address either of these priorities. There is talk about increased funding for the Energy Department Weatherization Assistance Program, which helps homeowners make their homes more efficient. Others support an increase in the Federal Low-Income Home Energy Assistance Program to provide heating assistance to low-income families. We are discussing a temporary adjustment of EPA sulfur content limits in home heating oil. I have seen requests for additional appropriations for the Coast Guard icebreaking efforts in waterways. We are even considering getting the Federal Government into the price-fixing business by releasing oil from the Strategic Petroleum Reserve.

These are stopgap measures. But the most important thing is, if we enacted all of them, it would not solve the problem. We need a policy that encourages domestic production that is sustainable when prices go below break even.

While the problem is fairly localized now, we are going to see long gas lines this summer or we are going to see people not taking their summer vacations.

Instead, we need the quick fixes—we need to address some of those areas that need fixing right now for low-income families—and we need an energy policy that goes along with it that will sustain domestic production through the busts we have seen in the last 2 years. We need price stability.

The first step toward breaking that cycle is a simple one: Understanding that cold Vermont households and out-of-work Texas wildcatters are two sides of the same coin—our overdependence on foreign energy sources.

At the heart of our growing dependence on overseas sources has been the steady decline in the number of small producers. Wildcatters—small producers—once drilled more than 9,000 wells a year. Last year, there were 778. You wonder why we have an oil shortage? Many of these wells are so small that once they close, they cannot be reopened; it is not financially sound to do so.

What are we talking about? What is a wildcatter? A wildcatter is a person who has a well that produces 15 barrels or fewer a day. There were close to 500,000 such wells across the United States. Together, those wells, at just 15 barrels a day, have the capacity to produce 20 percent of America's energy needs. This is roughly the same amount of oil that is imported from Saudi Arabia. During last year's oil price plummet, more than one-fourth of these small wells closed, most of them for good. We have it within our capacity, in our country, to produce that 20 percent of the oil that is consumed here, which is the same amount we are importing from Saudi Arabia.

The overwhelming majority of producing wells in Texas are these marginal wells. In fact, marginal wells account for 75 percent of all crude production for small independent operators, up to 50 percent for midsized independents and 20 percent for large companies. So even the major companies can make a go of it with the small wells if we do not saddle them with so many costs that it is not financially feasible.

A more sensible energy policy would be to offer tax relief to producers of these smaller wells; that would help them stay in business even when prices fall below break even.

For 2 years I have been working with my great cosponsors—Senators DOMENICI, NICKLES, BREAUX, and LANDRIEU—on legislation that would provide incentives to these small producers. When they can stay in business during these low prices, supply will go up and we will not see that supply shortage causing high price spikes.

I think our legislation provides a quite reasonable tax credit: A $3-a-barrel tax credit for only the first three barrels of daily production in one of these small wells. We offer similar credits for small gas wells.

The marginal oil well credit would be phased out when prices of oil and natural gas actually go up. For oil, it would phase out at $14 to $17 a barrel. We are not talking about having tax credits today when we are paying $30 a barrel for oil; we are talking about tax credits when the price falls below break even. At 14 to 17 barrels a day, a small producer can make it. So when the price goes up, the tax credit goes out. The tax credit is only for the first three barrels in a well. A countercyclical system such as this would keep these producers alive during these record-low prices. They are not grabbing when the price is $20 a barrel; they are trying to stay in business and keep those jobs when the price goes below break even.

There is another benefit to encouraging marginal well production. It has a multiplier effect. In 1997, these low-volume wells generated $314 million in taxes paid to State governments. These revenues were used for State and local schools, highways, and other State-funded projects.

Another part of our plan is to offer incentives to restart inactive wells by

offering producers a tax exemption for the cost of doing so. So going in and trying to reopen a well that has been capped, which is very expensive, could be done with a tax exemption for the expenses of doing it, and that would ensure greater oil availability and increase Federal and State tax revenues. Everyone would win—more jobs, more tax revenue for our States, and, most importantly, more domestic oil.

Actual results have shown that this can work. In my home State of Texas, a program similar to this has met with huge success. Over 6,000 wells have been returned to production, with State tax abatements injecting $1.6 billion into the Texas economy in a year. Think what we could do nationwide.

A recent study by the Interstate Oil and Gas Compact Commission examined State incentive programs and found that the average program attracts $1.1 billion in investment over its lifetime, with over $50 million in net tax collections typically associated with each incentive. That incentive will create 6,000 jobs and $16 billion in impact for the States.

There is more to do. We should look for ways to reduce the cost of excessive regulation on our domestic producers. This was what the fight we had last year over MMS royalty valuation was about. Some said it was a giveaway to big oil. It wasn't. It was about keeping costs low so we don't push more producers out of business. Maybe those paying record prices for home heating oil and gas today have a different perspective on that issue now. The MMS is going to release its new oil royalty valuations tomorrow, and I challenge everyone to see if they raise the price of drilling for oil on public lands. If they do, the President is just saying, yes, we are going to continue that policy to try to keep domestic production down so we can be held by the throat by OPEC countries.

The overlapping regulations that govern exploration and production and refinement add $4 to $5 a barrel to the cost of oil. Compare that with the overall cost of production in Saudi Arabia, including capital and labor, of $2 to $3 a barrel. Is it any wonder that oil companies are drilling in Saudi Arabia instead of in our country, providing jobs for our citizens?

Our fight last year on MMS was over the opposition to adding yet another complicated scheme of rules and further raising the cost of production. When gas prices were low, few Senators were listening. In fact, the major television networks weren't listening either. They were pretty brutal during that debate. Today we are seeing the results of that brutality.

We don't have to be at the whim of market forces. We don't have to be out of control of our own domestic oil production. What we need is to be part of the price setting, not the price taking. We must increase our domestic oil supply.

This is something we can all rally around. I will work with the Northeastern Senators to get quick fixes to their problems. I will work with all of the Senators whose constituents are going to be affected by high gasoline prices. But let us not do a quick fix without also having a longer term fix that would keep our jobs in America, that would keep our oil prices stable, that would keep the revenue coming into our States for schools and highways at a time when prices go below break even. We can have a win for everyone, if we can pass legislation that will provide help for everybody and provide a stable oil supply for our country. We have the opportunity to create a domestic policy for oil and gas in this country that makes sense and will benefit all of our constituents. Let us take that chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

## UNANIMOUS CONSENT AGREEMENT—S. 1712

Mr. GRAMM. Mr. President, I ask unanimous consent that the pending bill, S. 1712, be placed back on the calendar as it existed yesterday before the unanimous consent agreement calling up S. 1712.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I ask that the unanimous consent request that has been suggested be amended to read as follows: Consent that the pending bill, S. 1712, be placed back on the calendar in its present status and that the bill become the pending business again at the discretion of the majority leader with the concurrence of the Democratic leader.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. May I inquire of my colleague exactly what he just suggested, that it be placed on the calendar now and that it be brought back up as pending business at the discretion of the majority leader?

Mr. REID. The two leaders.

The PRESIDING OFFICER. The Chair will sort this out. We have a unanimous consent request on the floor now put forward by the Senator from Texas. We have to deal with that first before we can even go to another phase. Is there objection to the unanimous consent request?

Mr. GRAMM. Mr. President, let me for a moment withdraw the unanimous consent request and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. 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. GRAMM. Mr. President, I ask unanimous consent that the pending bill, S. 1712, be placed back on the calendar in its present status, and that the bill become the pending business again at the discretion of the majority leader with the concurrence of the Democrat leader and the chairman of the Banking Committee.

Mr. REID. Mr. President, reserving the right to object, I, first of all, state how appreciative I am of the work done by Senator JOHNSON and Senator GRAMM, the chairman of the Banking Committee. I feel badly that we are not going to be able to go forward on this legislation.

We are going to agree to the unanimous consent request, but not because this bill shouldn't be considered. We should be legislating on it today. It is important legislation. It is being held up on the other side of the aisle. This is legislation that the high-tech industry feels confident should be passed.

I simply say that the cold war is over, but the high-tech war is just beginning. We need to be the winners of that war.

The minority is reluctantly agreeing to this unanimous consent request. We hope the rest of the day and tomorrow can be used in a constructive fashion. We hope the chairman of the Banking Committee can use his experience—he certainly has experience; he proved that when he was in the House of Representatives, and here—to be able to get the warring parties together and move this legislation forward.

We have no objection.

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

Mr. GRAMM. Mr. President, let me give a word of explanation. First of all, let me make it clear that it is my intention as a person who has concurrence in this decision not to bring the bill back up through this procedure, nor will I support it being done unless there is an agreement among the parties. Obviously, I would have a right to file cloture on the motion to proceed at some point.

Let me explain what has happened. We have for the last 3 weeks been trying to work out concerns about a very tough, very important, and very complicated bill. America has two competing interests. On the one hand, we want to produce and export items that embody high technology because that is the fastest growing industry in the world. We are the world leader in the high-tech industry, and it creates the best paying jobs in America.

We have that as one objective. On the other hand, we want to prevent technology that has defense and security implications from falling into the hands of those who might use that technology against the United States of America and our interests. Between these two interests, there is competition and friction. These are very complicated and very tough issues.

In the last 3 weeks, roughly half a dozen Members of the Senate have been

working to bring to the floor and pass a bill that passed the Banking Committee 20–0 and that would do something we have not done since 1990: to set in place a new permanent law to protect America's access to the high-tech world market and at the same time protect our national security.

We thought yesterday that we had reached an agreement in principle that would allow us to bring the bill to the floor. The problem with reaching agreements in principle is that, as one of my famous constituents once said, the devil is in the details. We found ourselves today thinking we had such an agreement but having great difficulty getting the language to comport to what each individual felt the principle to be. Under those circumstances, I thought good faith required that the bill be pulled down. So we pulled the bill down, and it will not come up under this consent agreement unless an agreement is worked out among the parties that were engaged in this negotiation.

I think we all agree that no one acted in bad faith, but what happened was, on a very complicated and very important matter, agreeing in principle is not agreeing to the details.

We are hopeful that in the next few days we might still work out these details. If we do, then we will go to this unanimous consent agreement and bring the bill back up. If we don't work out those differences, we will not.

Before I yield the floor, because I know the distinguished Senator of the Foreign Relations Committee wants to take the floor, I will make a general point.

We started dealing in export control in 1917 with the Trading With the Enemy Act. We then had the Neutrality Act in 1935, and, with the beginning of the cold war, the Export Control Act became law in 1949. We were in a life and death struggle with the Soviet Union. There was an ''evil empire.'' There was a cold war. We won the cold war, and export control on a multilateral basis played a key role in that victory.

In those days, two things existed which no longer exist. One was that the United States had a virtual monopoly in high technology. Indeed, we were the world's undisputed leader in technology. Virtually, every area in the world had been decimated by World War II, and we stood supreme. So technology was an American monopoly.

Second, in 1949, most of the new technology was driven by defense research. Our legitimate concern, life and death struggle concern, was that this defense research embodied in American industry would end up leaking abroad where it could threaten American national security.

By 1990, our consensus had started to fade on the Export Administration Act, and while for two brief periods—from March 1993 through June 1994, and from July 1994 to August 1994—we had temporary solutions, since 1990 we have had no permanent law to protect American national security.

Today, the world is very different. We have won the cold war. Today, technology is driven by private industry. Today, it is not defense labs that are generating the new technology that drives American business, it is American industry.

We had set out in our export law the number of MTOPS, millions of theoretical operations per second, that a restricted computer could employ, thinking we were protecting what we then called supercomputers. Now, any schoolchild with a computer has the technical capacity, or can get it, and exceed that limit. The number of MTOPS is doubling every 6 months.

So we were faced with a decisive question: Can we pass a law and control this technology? We could pass a law and stop it in the United States, but it would occur elsewhere in the world.

What we ultimately have to decide is: Is our security tied to our being the leader in technology, or is it tied to our ability to hold on to the technology we have and not share it with anybody?

I believe in the end that American security is tied to our leadership in technology. I believe that we have put together a good bill. There is a debate about the details, and there are legitimate differences. As Thomas Jefferson once said: Good men with the same facts are prone to disagree. I have seen nothing in my political career or personal life to convince me that Jefferson was wrong about much of anything, but he was certainly not wrong about this.

We have put together a bill that we believe meets national security concerns. But trying to deal with concerns about Presidential powers and waivers is extremely complicated. Yesterday we reached an agreement in principle. There was the nucleus of the agreement, but getting to the details this morning proved more difficult than we anticipated. To be absolutely certain that everyone's rights are preserved, and to be certain we are dealing in good faith, I concluded—and all of the members of the negotiation agreed—that the bill should be pulled down. As a result, I pulled it down.

I am hopeful that perhaps as early as tomorrow these differences can be worked out. I don't know whether they can or they can't. I believe America would be richer, freer, happier, and more secure if they could. If they are not worked out, it won't be because I didn't make the effort. I want it to be worked out. I hope it can be. Whether it can be or it can't be, I want to be certain that we are dealing in good faith and that we are dealing with each other on that basis.

I think we have preserved that here today. I appreciate my colleagues' help. Someone could have done mischief by objecting; my preference was to go back to the status quo, but we couldn't do that. We have achieved the same result with this agreement, and I thank my colleagues for agreeing to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

## THE RADICAL AGENDA OF CEDAW

Mr. HELMS. Mr. President, earlier this morning I was thinking about 20 years ago when a delightful young lady Senator from Kansas served in this body, Nancy Kassebaum. She was a lady in every respect, and I miss her to this good day.

I was thinking about Nancy because today is International Women's Day. The radical feminists are at it again. They have chosen once again to press their case for Senate ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and that has the acronym of CEDAW.

Let's examine this treaty which women organizations—including some of the more liberal women in Congress—are so eager to have approved by the Congress and reported out, first of all, by the Foreign Affairs Committee, on which I am chairman. They put out a press release yesterday that they were going to picket me. I guess they were going to scream and holler at me as they tried to do not long ago, which suits me all right because I have been screamed and hollered at before by the same crowd.

''This urgently needed'' treaty, as they describe it, has been collecting dust in the Senate archives for 20 years. It was submitted by President Carter to the Senate in 1980. In these years since President Carter sent it to the Senate, the Democratic Party controlled the Senate for 10 of those years and the Democrats never brought it up for a vote.

Indeed, in the first 2 years of the Clinton administration, when the Democrats controlled not only the Senate but the White House, the Democrats never saw fit to bring this radical treaty up for a vote. They were silent in seven languages about it.

Now, suddenly, 20 years later, they demand to be given urgent priority in the recommendation of this treaty, and that it be considered first by the Foreign Relations Committee and then by the Senate.

I say dream on because it is not going to happen. Why has CEDAW, the Convention of Elimination of All Forms of Discrimination Against Women, never been ratified? Because it is a bad treaty; it is a terrible treaty negotiated by radical feminists with the intent of enshrining their radical antifamily agenda into international law. I will have no part of that.

Let me give a few examples of the world in which the authors and proponents of this treaty would have all live. Under this treaty, a ''committee on the elimination of discrimination against women is established with the

task of enforcing compliance with the treaty.''

Mr. President, how about a few excerpts from the reports that the committee has issued? They provide a telling insight into the hearts and minds of the authors who wrote this treaty in the first place.

What do they propose? They propose global legalization of abortion. The treaty has been intended, from the very beginning, to be a vehicle for imposing abortion on countries that still protect the rights of the unborn. For example, this committee has instructed Ireland a country that restricts abortion, to ''facilitate a national dialogue on * * * the restrictive abortion laws'' of Ireland and has declared in another report that under the CEDAW treaty ''it is discriminatory for a [government] to refuse to legally provide for the performance of certain reproductive health services for women''—that is to say, abortion.

Another issue: Legalization of prostitution. In another report issued in February of, 1999, the CEDAW committee declared:

> The committee recommends the decriminalization of prostitution.

They even called for the abolishment of Mother's Day. The CEDAW crowd has come out against Mother's Day—yes, Mother's Day. Earlier this year, the committee solemnly declared to Belarus its ''concern [over] the continuing prevalence of * * * such [stereotypical] symbols as a Mother's Day'' and lectured Armenia on the need to ''combat the traditional stereotype of women in 'the noble role of mother.'''

There are not enough kids in day care, they claim.

The committee informed Slovenia that too many Slovenian mothers were staying home to raise their children. What a bad thing for mothers to do—think of it—staying home with their children. This committee warned that because only 30 percent of children were in day-care centers, the other 70 percent were in grave danger of, now get this, ''miss[ing] out on educational and social opportunities offered in formal day-care institutions.''

Another thing, mandating women in combat. Boy, they are hot to trot on that. In a 1997 report, the CEDAW committee mandated that all countries adopting the treaty must ensure the ''full participation'' of women in the military, meaning that nations would be required to send women into combat even if the military chiefs decided that it was not in the national security interest of, for example, the United States of America.

This is the world that the advocates of this CEDAW treaty want to impose on America. That is why they are picketing my office right now, demanding the Senate Foreign Relations Committee consider this treaty and report it out to the Senate for approval.

I say to these women who are picketing my office: Dream on. If its authors and implementers had their way, the United States, as a signatory to this treaty, would have to legalize prostitution, legalize abortion, eliminate what CEDAW regards as the preferable environment of institutional day care instead of children staying at home.

This treaty is not about opportunities for women. It is about denigrating motherhood and undermining the family. The treaty is designed to impose, by international fiat, a radical definition of ''discrimination against women'' that goes far beyond the protections already enshrined in the laws of the United States of America. That is why this treaty was publicly opposed in years past by, as I said earlier, Nancy Kassebaum and many others, who felt as I did then, and still do, that creating yet another set of unenforceable international standards would dilute, not strengthen, the human rights standards of women around the world.

We need only to look at the conditions of women living in countries that have ratified this treaty, countries such as Iran and Libya, to understand that Nancy Kassebaum was right in her opposition to the Treaty on the Elimination of All Forms of Discrimination Against Women. The fact is, the United States has led the world in advancing opportunities for women during the 20 years this treaty has been collecting dust in the Senate's archives. I suspect that America will continue to lead the way, while the CEDAW crowd and the treaty sits in the dustbin for a few more decades to come. If I have anything to do with it, that is precisely where it is going to remain.

I do not intend to be pushed around by discourteous, demanding women no matter how loud they shout or how much they are willing to violate every trace of civility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

## MORNING BUSINESS

Mr. ENZI. Mr. President, I ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each until 3 p.m. today.

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

Mr. ENZI. Mr. President, several of us have comments that we wish to make on the Export Administration Act. Senator THOMPSON was waiting before I was, so I yield.

The PRESIDING OFFICER. The Senator from Tennessee.

## THE EXPORT ADMINISTRATION ACT

Mr. THOMPSON. Mr. President, I thank Senator ENZI very much. I do wish to make a couple of comments in response to the chairman of the Banking Committee, the Senator from Texas.

First of all, I appreciate his taking the bill down and giving us an opportunity for further discussions and negotiations. Apparently, there are still some items on which some Members are trying to come together. I must say, and have said to my friends, Senator GRAMM and Senator ENZI, that my concern goes deeper than some of the details we are working on right now. Unless some very substantial changes can be made, which I do not anticipate, I could not support the bill. I will not be the one standing in the way of proceeding on the bill, but I reserve all my rights as we proceed and discuss it. It does need full discussion. It is a very serious matter. I am afraid it has not yet gotten the attention it deserves. We will have some amendments, hopefully, to improve the bill as we go along.

I agree with my friend from Texas that it is a different time. We are not in the cold war anymore. No one can put the technological genie back in the bottle. But our export policies have quite adequately taken that into consideration. In fact, many on this side of the aisle, people around the country, have been quite critical of this administration because of the liberality or the looseness of the export controls that we are operating under now, under Executive order. As we know, we have not had a reauthorization of the Export Administration Act since 1994. We have been operating basically on Executive orders. I personally feel the Executive orders we are operating under with regard to our export controls are too loose and need tightening.

We saw what happened with regard to the exporting of our satellite technology and the Hughes and Loral situation that is under investigation by the Justice Department right now, where we got the Chinese to send our satellites up in orbit but apparently in the process gave the Chinese some very sophisticated technology that would assist them with regard to their missile program. So Congress reacted to that.

The Commerce Department had, previous to that, transferred the jurisdiction of satellites from the State Department to Commerce. It was all under Commerce. We took a look at that and said that does not belong in Commerce. Commerce has a legitimate concern about trade and exports for sure, but that is not the only concern. When you are exporting materials that have national security significance, so-called dual-use items that might be militarily significant to countries that you do not want to be helping, then the State Department needs to be concerned, too. So Congress insisted that jurisdiction be brought out from Commerce and given back to the State Department.

We have also seen what the administration has done with regard to high-performance computers. They reassess the situation every 6 months. They are increasing the MTOPS level for the export of high-performance computers to

countries such as China and other third-tier countries at a very brisk rate. The MTOPS level has gone from 2,000 in 1996 to 12,500 for military, as we speak. The anticipation is that the MTOPS level will continue on apace very significantly.

Now we have an amendment this morning, as I understand it, that would cause that review to happen not only every 6 months but every 30 days. The Department of Commerce would be looking at our high-performance computers and whether or not we ought to reassess sending more computers, something that we have had the dominant position on throughout the world, something the Chinese, until recently, had no indigenous capability of developing. We continue to supply them. We take into consideration things such as the abilities of foreign countries.

My point is, the Department of Commerce is hardly being guarded as they establish their policies of exports as far as high-speed computers are concerned. Many people, including myself, are concerned that they go too far and too fast because we do not know what the Chinese, for example, are really doing with them. We are told they have clustered together computers of lower MTOPS levels and have come up with something much, much more significant than what, perhaps, we think they have.

We were told by the Cox commission that the Chinese are using our high-performance computers for their simulations for their nuclear program. We were told that they use our high-performance computers to assist them in their biological and cryptology programs.

The cold war is over, and the last time we reauthorized this act, Jimmy Carter was in the White House. Indeed, the cold war has come and gone, but we have new challenges on the horizon. We do not have the old Soviet Union anymore, but we do have the Chinese who, the Rumsfeld commission tells us and the Cox commission in great detail explains to us, are very aggressively attempting to get their hands on our technology.

We know about the situation in Los Alamos. We know about their endeavors, as far as their commercial enterprises around the country. They tell us, in addition to that, they are feeding off our technology that we are exporting to them to use in the most troublesome manner, as they continue to be one of the world's greatest proliferators of weapons of mass destruction. It is not just what they are doing in China, but it is what they are doing around the world.

We have every reason to be extremely concerned about our export policies in light of these developments. We were warned by the Rumsfeld commission that we are facing a threat such as we have never faced before in this Nation with regard to these rogue nations and their increasing capabilities. We were warned by the Deutch commission. We were warned by the Cox commission. We were warned by at least two recent national security estimates in terms of the capabilities of these rogue nations. They all say they are getting much of their stuff from the Russians and the Chinese.

This is the backdrop against which we are considering reauthorization of the Export Administration Act. My concern is not that we are reauthorizing and taking a look at it, it is that we are looking at it totally from the wrong direction. We should be looking at ways of getting more training for our people who are serving as export licensers. We need to do more on end users. We do not know when we send a high-speed computer or high-performance computer to China what happens to it.

Up until 1998, the Chinese would not even let us check on end users. Out of 600-some computers we have sent over there, we have had one end user check.

According to the Cox commission, in 1998, we got an agreement with the Chinese to check with the end users, but the administration will not release that agreement. The Cox commission says they have seen it—they cannot release it—but it is totally inadequate. This is the backdrop against which we are considering reauthorizing the Export Administration Act.

What do we do with this bill, S. 1712? The bill does some good things, I think. There are some provisions in it that move in the right direction, but they are fairly minimal. In many important respects, it, first of all, further incorporates into law things this administration has been doing by Executive order and then creates new legal categories, all of which liberalize or loosen export controls.

It creates a category with regard to foreign availability. Foreign availability is taken into consideration now by the Department of Commerce in making its decisions as it increases these end-top levels. They take that into consideration. What this bill will do is put it into law and set up a technical group within the Department of Commerce to make a determination if there is foreign availability, and, if so, lickety-split, it does not matter what the end-top level is at Commerce when that happens, it goes out the door.

We have seen from hearings in our committee that there is sometimes great disagreement as to whether or not there is foreign availability with a certain item. It is not just strictly a green-eyeshade matter of physics; it is something that ought to be considered very carefully and should not be left up to the unilateral discretion of Commerce.

This bill gives Commerce more discretion than it has ever had before. We have been very critical of the practices of the Department of Commerce in this administration in times past. I suggest we consider very carefully whether or not we want to give even more authority to the Department of Commerce as we move forward.

Another category is created out of whole cloth: mass marketing. That is not in common practice now; that is not in current Executive orders now. It basically says if it is mass marketed in this country, even if it is not in another country, the assumption is they are eventually going to get it, so let's send it to them, taking into consideration the advantage we might have of at least having a delay as we consider our policies in this Nation, such as the National Missile Defense Program or things of that nature.

We are creating mass marketing. We are creating foreign availability. We are creating embedded components: No matter if a component is controlled, if it is part of a larger component, and it is only so much of the value of that larger component, you look at the value and not the inherent nature of the component itself. That is not right. We ought to look at the component, and if it is controlled, it ought to remain controlled whether it is in a larger item or not. It is another category where we are taking additional items out of control.

Each of these things can be and, I assure you, will be debated in some detail as to whether or not it is good policy, but I think there can be no argument on two points: First, there is greater discretion in many respects in the Department of Commerce and in the Secretary of Commerce. Second, this bill tips the scales in favor of more exports. That is the reason we are doing it.

I personally have not heard any complaints—maybe there are complaints out there; I do not say there are not—from exporters who are not getting things through fast enough. Maybe we need more people. Maybe we need more folks handling the paperwork. Whatever. I do not argue that point.

I do not hear any hue and cry that we are not shipping dual-use possibly militarily significant items out fast enough. But one could look at this bill and assume that is the underlying motivation, that we believe we need to loosen up the export controls a little bit.

It is an honest disagreement. My friends have worked very hard on this. They have tried to be as accommodating as they know how, but we approach this from a fundamentally different vantage point.

I look forward to the discussion when we get on the bill. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as you can tell from the discussions that have gone on today, this is not the simplest bill that has ever come before Congress. There are a lot of complexities. There are still, obviously, a lot of misunderstandings about what is in the bill.

There is increased money for enforcement, increased people for enforcement, a tie-down on how we check on end users. But I do not want to get into

those very stimulating, exciting details right now. I want to make some more general comments so that my colleagues and other people who are interested in this bill have some idea of why we are having the difficulties we are having.

I am one of those people who agrees—and I think Senator THOMPSON agrees—that the system is broke. I thought we were going to have a debate today on how Congress can fix it because Congress is quickly realizing that we are sacrificing national security and impeding export growth at the same time. We have a chance to fix that problem with this bill or to let it remain broken for about 18 months, at a minimum.

If we do not debate this before the budget and appropriations bills come up, which will be the agenda for the rest of this year, we will not be able to debate it until the nominations of a new administration have been completed and those people understand this difficult area.

In January of 1999, I became the chairman of the Banking Subcommittee on International Trade and Finance. Shortly thereafter, this issue was thrust into prominence. It was disclosed that China had access to United States military secrets, and the congressional Cox commission emphasized the problem with the release of their classified report.

I also found out the Export Governing Act had expired in 1994. That was the Export Administration Act of 1979. Our country was operating under emergency Executive orders to keep any semblance of security at all.

I had a briefing on and read the classified Cox report. I was dismayed.

I followed the history of export licensing and found out there had already been 11 attempts to renew the Export Administration Act. All had gone down in flaming defeat. I read the documentation on the failed bills. I am always amazed at how much documentation there is of what has been done in Congress.

Several people who had tried to rescue the failed bills are still around. I visited with them. I made several trips downtown to see how the committee process of export licensing works at the present time. I drafted a bill. I began working with the ranking member of my subcommittee, Senator JOHNSON of South Dakota. Without his cooperation and interest, and without the dedication and involvement of his staff, we would not have gotten to this point today.

We looked at the problem. We searched for the difficulties. We established some goals. We began to meet with anyone and everyone. We met with all the agencies involved. We met with companies. We met with industry groups. We met with any Senator willing to give a few minutes or a long period of time. I was amazed at how many were interested.

This bill has an interesting constituency. There are two main groups. Neither group has the votes to pass the bill, but each of them has the votes to kill the bill.

Of course, everyone knows it is easier to kill a bill than it is to pass a bill. To kill a bill, you only need one negative vote anywhere in an 11-step process, and it is dead. You just have to be able to get a majority confused enough at one point to get a negative vote. But to pass a bill, you have to have a positive vote at each one of those places and get the signature of the President. So it is 11 times easier to kill a bill than it is to pass one.

At just one single step for each of the previous 11 attempts at this bill, there was a perception that each of the previous bills that were attempted was either too strong for national security or too easy for imports. The trick on this bill has been to maintain a balance.

Along the way, I found that most of the provisions are not in conflict—the goals are just different—and the difference has been perceived as a counter to each other's interest. I know we can have a vigorous export economy and protect the national security.

I appreciate the confidence shown by Senator GRAMM. He has given Senator JOHNSON and me a free rein to go after a solution. He has allowed the flexibility to review many unusual solutions. Senator SARBANES has provided a quiet leadership of fatherly questioning and direction. I appreciate the hours my fellow Senators have taken to explore this national problem and review this proposed solution.

Senator SHELBY, the chairman of the Intelligence Committee, and a ranking Banking Committee member, was a big contributor and adviser before the bill even came up in committee. Senators WARNER, THOMPSON, HELMS, and KYL have spent countless hours in the last 3 weeks ironing out difficulties. I have to mention Senator COCHRAN. He is a warrior of past battles, and he has been a tremendous help. Meetings I have been in during the last year were often so educational that I sometimes thought maybe I ought to be paying tuition.

Industry needs reliability and predictability. Industry needs to be able to make it to the marketplace at least at the same time the competitor does; for the sake of the United States, I hope they can make it a little bit ahead of the competitor.

For our national security, we need to be sure items that can be used against this country do not fall into the wrong hands.

We formed a tough love partnership in this bill that achieves both goals. Teamwork in the bill was begun by higher penalties for violations.

I would like to use an example of a conviction that has happened with McDonnell Douglas. They violated the export law. Under the present Executive order, they may be charged as much as $120,000. For a big corporation, they spend more on an ad than that. That is incidental business. Under this bill, they could be fined up to $120 million. That gets the attention of business.

Also, the individuals who are willingly and knowingly involved in this could go to jail. They could go to jail for up to 10 years for each offense. So you can see that if there are enough offenses under this bill, they could have life imprisonment. Those are penalties that have their attention.

There are several other items. I will not go into all of them. But the teamwork is completed by a well-defined system for reliability and predictability, one that relies on prioritizing enforcement assets to catch the bad guys. The United States makes so many products, they cannot all be watched.

I need to make a clarification. While we are talking about national security, we are not talking about guns and missiles. That would be on the munitions list. That isn't under the control of the Export Act. That list, the munitions list, is controlled by the Department of Defense and is much stricter—and has to be. We are not talking about satellites and the technology that goes with that. That technology is controlled by the State Department.

We are referring to products which we have given a fancy name. We call those products dual-use technologies. They were not designed for war. Most were not even intended to be dangerous. Many things are common household items. We call them dual-use technologies because they can be used for more than one use, and we worry about those items that can be used in a way that would be harmful to the United States.

For example, a stick can provide stability when you are walking or it could be a club. A knife can be a dagger or it could be a vegetable peeler. A precision machine can manufacture toys or stealth airplane parts. A computer can teach you math or it can run math models to test nuclear weapons. Everything your senses can sense can be used for good or for evil. Some evil is worse than others.

I think you begin to get a sense for the kind of items this bill could control. I think you can see where the bill could have some validity controlling every single item made or used, except everybody agrees that would not be feasible. If the universe is too great, we cannot afford the enforcement and business will not be able to sell anything. This bill was worked to prioritize logical enforcement.

To have a better idea of how enforcement works, I have had a person on loan to my staff for the last several months who is a law enforcement agent, a very specialized enforcement agent, a person who has worked daily with the enforcement of dual-use exports. That help has been valuable beyond belief.

We and every one of our constituents know the value of hands-on experience. There are some things about a job you can only learn by experience. I am

thankful we have had experience helping us.

Also, during the drafting part of this bill, I sought out a person who had experience actually applying for export licenses. He served as a fellow on my staff for a few months and was also instrumental in drafting the bill.

I would be remiss if I did not thank all the people from the administration who spent hours showing me what they do or explaining how the system works.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator's time has expired.

Mr. ENZI. With the indulgence of the Senator from New Jersey, I ask unanimous consent for some additional time so I can finish this explanation, which I think is critical to the bill.

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

Mr. ENZI. I thank the Senator.

Mr. President, some of the people working for the Federal Government right now have worked in a number of capacities and have seen export licensing from more than one side. I would be especially remiss if I did not mention the dedicated and time-consuming help of Undersecretary of Commerce Bill Reinsch and especially Undersecretary of Defense Dr. John Hamre. At one point, they had visited so much over the telephone about this bill that they caught an ''electronic bug'' and were ill for 24 hours.

On my own staff, I thank Katherine McGuire, my legislative director, who also works with the committee, and Joel Oswald, who is my committee person.

On Senator JOHNSON's staff, I not only have to mention his tremendous work and coordination, but I have to mention Paul Nash, who sat in on hours and months of meetings; on Senator GRAMM's staff, particularly, Wayne Abernathy; on Senator SARBANES' staff, particularly, Marty Gruenberg; the staffs from all of the different committee chairs who have been involved in this.

This bill has a lot of rabbits, and it has taken a lot of people to keep track of all of the rabbits, particularly as they multiply. I would like to tell you the debate we will hear on this bill is going to be fascinating. I would like to tell you that the bill will hold your attention, that you will be sitting on the edge of your seat, but that would be false advertising. If the bill were that thrilling instead of that detailed, it would have passed long ago.

This may be the most important debate we have this year, but I have to warn you, you can't tell the players without a program, and some parts of this debate don't even allow a program. We will ask you to pretend that you are James Bond, but the most exciting mission you will be assigned might make you feel like a proofreader in an atlas factory.

We need to talk about country tiering. That is where all the countries in the world are classified according to the risk to our country. We are going to talk about control lists; that is, the list of items we need to keep an eye on and have special instances in which they might need to be licensed. We are going to talk about a process for getting on the list and getting an item off the list. To really complicate the process, we are going to go back to our country list of risk and vary the risk by each item on the control list. Because that will cause some gray areas, we have this little handbook. This little handbook is a translation, a simplification of the rules that, if you are exporting a single thing, you better be aware of because you could be violating the law if you aren't following all 1,200 pages.

All of those things have to be blended together into something workable for industry and national security. I am prepared to explain any of those concepts, to go into great detail with anyone who needs that. Hopefully, we will not do that on the floor. I have been doing that for groups as small as one or as great as 500 for the last year.

But before you think that is all there is, we threw in two new concepts that have been mentioned before, so I will not go into detail on those except to mention that they are critical. We threw in mass markets and foreign availability. We recognized that if an item is available all over the world, probably the bad guys get that, too. And if a product is mass marketed in the United States, if it is so small and so cheap and sold at enough outlets that it could be legally purchased, easily hidden, and taken out of the country, that if you try to enforce that, you will probably not get anywhere either.

I could go on for a long time about the complexities in this bill—158 pages of detail. We have established a system that is transparent and accountable to Congress, requires recorded votes, has ways of getting things up to the President, and allows for the President to control some things. We recognized the deficiency in the present system of difficulty of objecting to licenses, objecting to things on the list, and we have cleared those up. Now we need to clear up the misunderstandings that there are with the bill.

Industry and national security—each side has the ability to walk away from this bill and cause its demise. It would be the simplest thing in the world. I commend business and the security agencies for their efforts, their teamwork, and their cooperation. They have read the reports that have come out on this. The Cox report has been referred to many times. The Cox report says this needs to be done. Congressman COX appeared before the Banking Committee and testified that this bill needs to be done.

I could go into other examples there. I am asking both sides, industry and security, to stay together, to keep working to stay in the middle so that we can have a system in place that will solve some of the problems of the United States while it increases exports. It can be done.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

## ELECTIONS IN TAIWAN

Mr. TORRICELLI. Mr. President, during this generation we have witnessed the greatest expansion of democratic nations in history. From East Asia to Eastern Europe to Latin America and the islands of the Pacific, the blessings of democratic pluralism have expanded to the very bounds of each continent. It is in the proudest legacies of this Nation that the United States has played an essential role in facilitating the transition of these nations to democracy and their protection at critical moments.

From military defense to economic assistance, it is questionable whether Korea, Poland, Haiti, and scores of other nations would be free if it were not for the leadership of the United States. Now this generation of American leadership has a new challenge. As certainly as our parents and grandparents fought to ensure that these nations would have an opportunity to be free, it is our responsibility to assure that these fledgling democracies have an opportunity to remain free, a challenge that democracy is not a transitional state but a permanent condition of mankind, and the nations that would represent them.

There is one threat developing now before us to this proposition. It involves the people of Taiwan. During the late 1980s and 1990s, Taiwan underwent an extraordinary transformation from an authoritarian regime to a genuine democracy. Taiwan provided an example of peaceful political evolution from a military and authoritarian government to a true pluralist democracy with little violence, no military confrontation, and without a revolution.

After years of justifying tight security control, step by step, year by year, Taiwan created a genuine democracy. In 1986, a formal opposition party, the Democratic Progressive Party, was formed. And in 1987, martial law was ended after more than 40 years. In 1991, President Lee ended the Government's emergency powers to deal with dissent and a new, freely elected legislature chosen by the people was created. In 1996, Taiwan's democracy had matured to the point that a Presidential election was held. Taiwan had fully developed. Democracy had come of age.

Now, in only a few days, on March 18, Taiwan will hold its second democratic Presidential election. The challenge to this democracy and the rights of freedom of press, worship, and assembly so central to maintaining human freedom are no longer under attack from within. The pressure is from Beijing. On the very eve of these elections, the People's Republic of China issued a statement that constitutes a new threat to Taiwanese democracy. China recently

issued its so-called white paper which warned that if Taiwan indefinitely delays negotiations on reunification, China will ''adopt all drastic measures possible, including the use of force.''

This goes beyond China's previous statements that it would take Taiwan by force only if it declares independence or were occupied by a foreign power. The more democratic Taiwan has become, the lower the bar appears to be for military intervention and a hostile settling of the Taiwan issue.

These aggressive statements obviously only serve to increase tension in the region and make a peaceful settlement among the people of Taiwan and the People's Republic of China much more difficult. This belligerent approach obviously has precedent, almost an exact precedent. In 1996, also on the eve of a Presidential election in Taiwan, the People's Republic launched missiles in a crude attempt to intimidate the people of Taiwan as they approached their election.

It now appears that the election of Taiwan's new President will be close. It is critical to the functioning of Taiwan's democracy that they thwart any belief in Beijing that intimidation will solve or contribute to the relationship between these peoples. It is critical that the people of Taiwan stand resolute and that their voters not allow these actions to intimidate them.

There is obviously an American role. The United States must respond to this ultimatum by making it absolutely clear that our position is firm; it is unequivocal. The dispute between Taiwan and Beijing will not be settled by military means, and the United States, in a policy that is not unique to Taiwan, will not idly witness a free people in a democratic nation be invaded or occupied and have their political system altered by armed aggression.

This, I believe, is the cornerstone of American foreign policy in the postwar period. It remains central to who we are as a people and our role as the world's largest and most powerful democracy. Any ambiguity will, on the other hand, only serve to embolden Beijing and can lead to dangerous misinterpretations and miscalculations.

There is, within this Congress, the opportunity to end any possible ambiguity. The House of Representatives has passed, and the Senate has before it, the Taiwan Security Enhancement Act. Senator HELMS and I introduced this legislation last year in the Senate. The House has spoken overwhelmingly in favor of our legislation, as modified. The question is before this Senate.

The legislation Senator HELMS and I have offered is designed to ensure Taiwan's ability to meet its defensive security needs and to resist Chinese intimidation. It imposes no new obligations on the United States. The legislation, as passed by the House, will simply strengthen the process for selling defense articles by requiring an annual report to Congress on Taiwan's defense requests and ensuring that Taiwan has full access to data on defense articles. It mandates the sale of nothing. It requires the transfer of no specific article. It does guarantee that this Congress understand the security situation, Taiwan's requests, and a flow of information. It improves Taiwan's military readiness by supporting Taiwan's participation in U.S. military academies, ensuring that their military personnel are trained, understand American doctrine, and could coordinate if there were a crisis. This is not only good for Taiwan, it is good for the United States, ensuring that if tragically there ever should be a confrontation, our own Armed Forces are in the best position to train people familiar with our doctrine and any mutual obligations.

Finally, it requires that the United States establish secure, direct communications between the American Pacific Command and Taiwan's military. Nothing would be more tragic than to enter into a military confrontation by mistake or misinformation. This ensures reliable, fast, secure information so the situation is available to our own military commanders.

The legislation does not commit the United States to take any specific military actions now, later, or ever. A full range of options are available to the President and to the Congress. It also does not alter or amend our commitments under the Taiwan Relations Act. Rather, it helps us to fulfill those commitments under the act and ensures that Taiwan's security needs are adequately met.

If we pass this legislation, it makes it less likely that we will become engaged in any future conflict because there will be no ambiguity, no chance of miscalculation because of Taiwan's ability to strengthen itself, and because of our mutual ability to assess defensive needs, less chance of a military calculation in the mistaken belief that either Taiwan will not be defended or have the ability to defend itself.

There is an important national interest in integrating the People's Republic of China into the world's economy and in promoting the growth of democracy and human rights in a nation that will play a vital role in the coming century. But our overall relationship cannot possibly develop quickly and positively if China continues to seek a military solution to the question of its relations with the people of Taiwan.

By not making our policy clear, by not assessing the military situation, we do not contribute to the avoidance of military conflict. We enhance the possibility of military conflict. This legislation, I believe, is a strong statement that avoids miscalculation and lessens the chances of conflict. President Clinton made a strong statement last week in support of a peaceful resolution of this issue when he said:

> Issues between Beijing and Taiwan must be resolved peacefully and with the assent of the people of Taiwan.

This formulation's emphasis on the ''assent of the people''—the words used by President Clinton—is new and important.

Together with this Taiwan Enhancement Security Act, I believe it is an important contribution in this current debate on the problems of Taiwan security. It is, most importantly, in accord with the language of the Taiwan Security Enhancement Act as passed by the House, which states, ''Any determination of the ultimate status of Taiwan must have the express consent of the people of Taiwan.''

The Taiwan Enhancement Security Act, therefore, and President Clinton's own statement in response to recent provocations by Beijing, are not only similar, they are identical. I believe the House of Representatives, in changing the Helms-Torricelli approach, has made a valuable contribution. I believe, for the maintenance of the peace and ensuring this Nation's commitment, that those nations which have chosen to be democratic, pluralist nations, governed with the consent of their own people—the commitment of this Nation that those nations will not by force of arms or intervention have their forms of government changed or altered will be enhanced.

Taiwan, today, is the cornerstone of that American commitment. Tomorrow, it could be Africa or Latin America. How we stand now on the eve of these free elections in Taiwan will most assuredly constitute a powerful message in all other places where others would challenge these new and fledgling democracies.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask what the pending business is.

Mr. SANTORUM. We are in morning business.

## THE RISING COST OF FUEL

Mr. LIEBERMAN. Mr. President, I rise this afternoon to speak with my colleagues about the justifiably increasing concern among the American people about the increasing price of gasoline and other fuels.

The fact is that our gas pumps are fast turning into sump pumps for American pocketbooks. Just 2 days ago, the Energy Information Administration pegged the average current retail price for a gallon of gas at $1.54. That is the highest level in a decade for this time of the year.

Unfortunately, this is not the end of it. Prices are expected to soar beyond this height in the months ahead. In fact, the Energy Information Administration is projecting an average price of more than $1.80 a gallon of gas by Memorial Day, the start of the summer driving season.

That is, in and of itself, according to experts on oil pricing to whom I have spoken, an optimistic assessment. It is predicated on the promises of several OPEC nations that they will raise their production of oil after their March 27

meeting and thus lower the price of crude oil.

There are very reputable analysts of oil markets who are saying the average per gallon price of gasoline will go to $2 and in some places as high as $2.50 a gallon this summer. Ouch. That is not only unprecedented but will have a disastrous effect not only on individual businesses and consumers, particularly those of more modest average means, but it will, I am afraid, have a disastrous effect on our economy, setting off a vicious cycle of prolonged oil price increases, an increase in inflation rates, corresponding hikes in interest rates, and a stall in the historic run of economic growth we have had over the last several years.

Another consequence of oil price increases, as we unsettlingly saw yesterday, could be significant declines in the stock markets. I understand the decline yesterday was attributed not just to oil price increases but also to the report from Procter & Gamble that they would be reporting lower quarterly profits than were expected. But oil price increases are part of it.

Not surprisingly, yesterday crude oil trading on the New York Mercantile Exchange rose $1.95 to $34.13 a barrel, which is the highest level increase since November 1990—the highest level increase in a decade.

I trust that my colleagues are hearing from their constituents, both individual and business, as I am, with complaints ever more vociferous about the strain this price spike in gasoline is putting on their family and business budgets. As these energy and transportation costs continue to climb, the cries for help will also increase.

The squeeze is now being felt across the country, but it constitutes for us in the Northeast the second chapter of this current sad story of energy pricing since, as I know you know, Mr. President, the State of Connecticut and the entire Northeast was particularly hard hit by a prolonged price shock in home heating oil, which more than doubled in a space of months the amount people in our region of the country were paying. So this jump now in the price of gasoline represents what might be called a ''double energy pricing whack.''

Last week, on Thursday, several Members of Congress in both parties were invited to the White House for a meeting of the President, Secretary Richardson, Secretary Summers, and others in the administration to discuss these matters. It was a spirited discussion and one that represented a very good exchange.

I say to my neighbors and constituents in the Northeast that the most encouraging part of the discussion to me was the receptivity of the administration to an idea that my colleague from Connecticut, Senator DODD, and I put forward to create a regional home heating oil reserve—not crude oil as in the Strategic Petroleum Reserve we have now but home heating oil which could be used in cases as the one we just experienced in the Northeast when there was what I consider to be an artificial rise in price based on the OPEC cartel limiting supply in what is, after all, a critically necessary commodity—fuel.

It would allow this reserve to immediately put out at times such as this in the future an amount of home heating oil, distillate product—it could go for diesel fuel as well, where price increases have so hurt truckers—to raise supplies so that the price could decline to a more balanced point.

Work goes on and discussion goes on. This idea could be a model in energy shortages in other regions. Some regions dependent on propane, for instance, might create similar reserves that could be used to effect when artificial prices create dramatically increasing prices.

I look forward to continuing those discussions with the administration. At a minimum, if we can do something between now and next winter, it will give people and businesses in the Northeast some comfort—I apologize for the metaphor—but a kind of security blanket, if you will, so that next year, if OPEC again reduces supply, they will have the home heating oil at reasonable prices to heat their homes and businesses.

Let me turn now to the gasoline price increase which is now going across the country and has very significant ramifications for our economy overall.

My apologies to Ernest Hemingway. I ask, For whom does the gas pump toll today? I say the answer is, It tolls for us—not just that we are paying it, but it should remind us once again of the debilitating dangers of our dependence on foreign oil, reminding us that our consumers and our economic security are being held hostage by the decisions of the OPEC producers as they are in this case following their own interests, but it is not in our interest.

No matter how great a country we are—the strongest country in the world, the most successful economy with the greatest standard of living—we have put ourselves in a position where a small group of nations, because they control this commodity—oil—that is so vital to us, can hold us hostage.

So the President has to send the Secretary of Energy and others, basically, pleading with these oil-producing countries that are supposed to be our friends and allies to get reasonable and to increase the supply so that they fill at least the two-million-barrel-per-day gap between supply and demand on world oil prices.

I hope as we face this crisis, though, we will take steps to declare—as we have been saying now for two decades, but to do it hopefully with some meaning, greater meaning—energy independence, and to do so by tapping in more vigorously to the supplies of energy over which we have some control, such as natural gas and oil, where that is possible within our own domestic control.

Mr. President, I think we have to more aggressively try to convert and develop supplies of energy in our control. We have to more aggressively support conservative efforts and development of renewable, cleaner sources of energy. We have to be prepared to invest and continue to support even more aggressively some of the pioneering, pathbreaking work being done in the automobile industry to develop high-fuel-efficiency vehicles.

Very exciting work is being done, and we can help with further support in the development of fuel cells as a renewable clean source of energy. The truth is, no matter how strong, innovative, entrepreneurial, and how great our increases in productivity are in this country, until we invest more into the energy that drives our economy, we are going to be subject to being effectively brought to our knees and having our markets and our bank accounts follow down in that direction.

Another item discussed at the meeting with President Clinton and Secretary Richardson last week, advanced by my colleague and friend from New York, Senator SCHUMER, Senator COLLINS of Maine, and others, was, in this crisis, to be prepared to either swap or draw down the Strategic Petroleum Reserve, in which there is now approximately 580 million barrels of oil owned by the taxpayers of the United States, and put some of that at this critical moment into our economy as a way to fill the gap between supply and demand, and, frankly, as a way to let our friends at OPEC know that, though our resources are limited, they are not meager and that we are prepared to contend with their artificial inflation of oil prices.

I report these developments to my colleagues and say I believe that the President, at least, is keeping the option of using oil from the Strategic Petroleum Reserve on the table. No commitments were made, no decision was made either about that or a final decision made about the strategic heating oil reserve for our region that I discussed earlier. I appreciated the discussion and I appreciated the active and, obviously, concerned interest that was expressed by the President at the meeting last week.

I look forward to continuing those discussions. I hope we can do it in a spirit of reason and balance and not in a spirit of panic because our economy has been stalled and our markets have been essentially attacked and have fallen as a result of this shortage in oil supply, based on the actions of an oil cartel, OPEC, which hurts the United States because of our continuing dependence on foreign oil.

I yield the floor.

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

(The remarks of Mr. CLELAND, Ms. MIKULSKI, and Mr. AKAKA pertaining to

the introduction of S. 2218 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business with Senators permitted to speak for up to 10 minutes.

The Senator may proceed.

## NOMINATION OF RICHARD A. PAEZ

Mr. SESSIONS. Mr. President, I believe I have the responsibility today to write the majority leader to ask that we not proceed to vote on the Paez nomination, and to ask that additional hearings be held on that nomination to determine whether or not he correctly and properly handled the guilty plea and sentencing of John Huang in Los Angeles, CA, that fell before his jurisdiction in the Los Angeles district court.

This is a matter of importance. It is something we have not gotten to the bottom of. It is something my staff has uncovered as we have come up to this final vote. I believe it is important.

Judge Paez is a Federal judge today. He has been controversial because of his activist opinions and background and has been held up longer than any other judge now pending before the Congress. We have only had a few who have had substantial delays, probably fewer than two or three. There are two now who have been delayed. He is still the longest. I do not lightly ask that he be delayed again, but he is a sitting Federal judge; he has a lifetime appointment. It is not as if his law practice is being disrupted and he is being left in limbo about his future. He can continue to work until we get to the bottom of this.

The President seeks to have him confirmed to the Ninth Circuit Court of Appeals, which is the highest appellate court in the United States except for the Supreme Court. It is a high and important position. We ought to make sure we know what really happened out there when John Huang was sentenced.

Basically, that is what happened. The John Huang case was part of the investigation of campaign finance abuses by the Clinton-Gore team in the 1996 election. Mr. Huang is the one who raised $1.6 million, a lot of it from foreign sources, the Riadys in China—those kinds of things. Ultimately, the Democratic National Committee had to refund $1.6 million that they believed they had received wrongfully and illegally. Eventually, the Clinton Department of Justice proceeded with this investigation.

The Judiciary Committee chairman, ORRIN HATCH, and the chairman of the Governmental Affairs Committee, FRED THOMPSON from Tennessee, repeatedly urged the U.S. Attorney General not to investigate that case herself because she held her office at the pleasure of the President of the United States. He could remove her at any time. Even if she did a fair and good job with it, people would have reason to question it. They urged her repeatedly—and I have, others have, and a large number of Senators have—to turn this over to an independent counsel. She did on many other investigations. But this one they would not let go of; they held onto it. The President's own appointees held on to this campaign finance investigation.

I spent 15 years as a Federal prosecutor, 12 as a U.S. attorney, 2½ as an assistant U.S. attorney. I have personally tried hundreds of cases. I have personally participated in, supervised, and directly handled plea bargains. I know something about the sentencing guidelines, which are mandatory Federal sentencing rules saying how much time one should serve.

What happened is that the case did not go before a Federal grand jury for indictment. The prosecutor, a Department of Justice employee, and Mr. Huang and his attorneys met and discussed the case. They reached a plea agreement. That plea agreement called for him to plead guilty to illegal contributions to the mayor's race in Los Angeles for $7,500—maybe another little plea, but I think it was just that $7,500—and he would be given immunity for the $1.6 million or any illegal contributions he may have received for the Clinton-Gore campaign that had to be refunded. He would be given immunity for that. He was supposed to cooperate and testify. That was going to justify the sentence.

After they reached this agreement and Mr. Huang agreed to waive his constitutional rights to be indicted by a grand jury, he said: Don't take me before a grand jury. You make a charge, Mr. Prosecutor, called an information, instead of an indictment, and I will plead guilty to that. So they worked out an agreement. He agreed to plead guilty to that.

Sometimes that is done. It is not in itself wrong, but it is a matter that increases the possibility of an abusive relationship between the prosecutor and the defendant, I must admit.

They say that cases are randomly assigned in Los Angeles. There are 34 judges in Los Angeles. Judge Paez was one of those judges. He got the Huang case. Curiously, he also got the Maria Hsia case. They had a case against Maria Hsia in Los Angeles because she was involved in this, too, and they eventually tried her a few days ago and convicted her in Washington on charges of tax evasion, I believe, arising out of this same matter. She was tried and convicted here on separate charges.

Oddly, this judge, who was a nominee of the President of the United States, somehow got these cases and presided over them. I think there is a real question whether he should have taken the cases.

There is no doubt in my mind, as a professional prosecutor who has been through these cases for many years, that the prosecutor's duty is to make sure the defendant is given credit for cooperating; that is, spilling the beans, admitting he did wrong, asking for mercy in those cases, agreeing to testify about what he knows. When you do that, you are entitled to get less than the sentencing guidelines would cause you to get.

But the critical thing is, Mr. Huang knew high officials in this administration and knew the President. I believe he spent the night in the White House. He has certainly been there for meetings at times. So this was a man who had been involved in not just some inadvertent event but a very large effort to solicit foreign money, some of it connected to the country of China, which is a competitor of the United States. It was a big deal case.

Knowing that the person who had nominated him at that very moment could have been embarrassed or maybe even found to be guilty of wrongdoing if Mr. Huang spilled all the beans, I am not sure he should have taken the case at all out of propriety, but he took it, assuming he did the right thing.

The case then came up for sentencing. Some of the people who defend Judge Paez have told me repeatedly in recent days that they don't believe it was Judge Paez's fault so much as it was the fault of the Department of Justice, that they did not tell him all the truth; they acted improperly; if they had told him all the facts, he may have rendered a more serious sentence than he did under these circumstances.

I have had my staff review the plea agreement. Much of it is not available to us. We did not get the pre-sentence report, which I would love to see. We did not get to see some other matters involving the extent of the cooperation of Mr. Huang. That was not available to us. But we do have a transcript of the guilty plea, what went down and what facts were produced and what facts the judge did know and the judge was told.

It appears to me the judge was not told all the facts by the Department of Justice. That is a very serious thing, if it occurred. It is a failure on their part to fulfill the high ideals of justice in this country.

If we look on the Supreme Court building, right across the street from the Capitol, the words written in big letters on the front of that building are these: Equal justice under law. When charges were brought against President Nixon, the impeachment charges voted

against him were clearly established by the Supreme Court—that the President and no person in this country is above the law.

We are a government of laws and not of men. That is a foundation principle of America. It is in our early debates about establishing the Constitution and the rule of law.

We are a government of laws and not of men. That was raised during the drafting of the impeachment clause. I remember I researched that at the time. That high ideal was discussed by the people who wrote our Constitution. So I say to you that this was a high-profile case of immense national interest. It had been a subject about which TV and news stories, magazines, newspapers, and so forth have written—the Huang case. The American public had every right to expect this case would be handled scrupulously and that there not be the slightest misstep.

A judge with a lifetime appointment ought not to have felt in any way obligated to do anything other than conduct himself according to the fair and just aspects of handling this case. That, to me, was basic. That is why we give the stunning power of a lifetime appointment. But we have to ask that they adhere to high standards in utilizing that power. If they misuse it, we can't vote and say: We don't like the way you are doing your job, judge, we are going to remove you. No. He has a constitutional right to a lifetime appointment, unless he commits an impeachable offense. Bad decisions are not impeachable offenses.

So the judge took this case, and I believe he had a high obligation to conduct himself properly. The whole Nation was watching. Maybe he didn't have all the facts, but we found that he started at a base level of 6. Under our Federal sentencing guidelines—many of you may not know, but this Congress did a great thing a number of years ago. When I was prosecuting cases, they eliminated parole and put a restriction on how a judge could sentence. They said you have to carefully evaluate every case that comes before you, and we have a sentencing commission that goes over the details.

There are guidelines about what you must find. If you find the defendant used a gun, or that he is a previously convicted felon, or that he used corrupt means to organize an entity, all of these factors could increase the time he or she serves in jail. How much money was involved could increase the time in jail; a little bit is less, and more is more. Judges have used all of those guidelines. But there was great concern in the Congress that many judges in Federal court didn't sentence appropriately. You might have an offense in one district that is treated one way, and it might be treated much more lightly in another district. So he got the base level for that.

One of the factors that the judge had awareness of and had the evidence on was that a substantial part of this fraudulent scheme was committed outside the United States. Under the sentencing guidelines, that calls for adding two different levels to this sentence. Judge Paez made no adjustment. He did not increase the level for the fact that in part of this scheme the money came from outside the United States. People who were giving the money were from outside the United States. A substantial part of this involved international activity. That is precisely the motive behind adding to punishment within the level of guidelines. The judge failed to do so. I believe he clearly should have done so under the circumstances.

He also had evidence that at least 24 illegal contributions were spread out over the course of 2 years involving multiple U.S. and overseas corporate entities, which John Huang was responsible for soliciting and reimbursing these illegal contributions. So he was actively involved with these corporations. Under Federal guidelines, ''If an individual is an organizer or a manager that significantly facilitated the commission or concealment of the offense''—that is a direct quote—''under 3(b)1.3, he should be given a 2 to 4 level increase.''

Judge Paez gave him no level increase for those two acts. John Huang also was ''an officer and director of various corporate entities involved and also was a director and vice chairman of a bank.'' What does that mean when you are doing sentencing guidelines? Under the guidelines, if an individual abuses a position of public or private trust, such as using his position as a board director and vice president of a bank in a manner that significantly facilitated the commission or concealment of the offense, then he should have added two additional levels for that. Right there, we are talking about at least six, maybe eight, different additional levels. The judge found no increases for that.

So when he pleaded guilty, Judge Paez found that his level was eight. That is very critical because, I am sad to say, that is the highest level you can have and still get probation and not spend a day in jail. It calls for a sentence of zero to 6 months if you have level 8. If the judge wants to be tough, he can give him 6 months if he falls under level 8. If he wants to be lenient, he can give straight probation, or zero time in jail. Judge Paez gave him probation, the lowest possible sentence. If it would have been level 9, the lowest possible sentence would have been time in the slammer, in the bastille where he belonged.

I am troubled by that. I know there was a lot of pressure to move this case along, get this case out of the way and not have any embarrassment. I am sure there was a lot of tension. But a lifetime-appointed Federal judge should have a commitment to the highest standards of integrity. Even if it involved the President of the United States, the man who appointed him, he should not play with the sentencing guidelines. I assure you that 18-, 19-, and 25-year-old kids, every day, going into Federal court—and I have seen it; I presided over them—are getting 10, 15, 25 years without parole because they are significant drug dealers and they have been selling crack. They are sent off to the slammer and nobody worries about them.

So how is it that John Huang raises $1.6 million that had to be returned, pleads guilty to some token offense on a contribution to the mayor of Los Angeles, and he gets to walk out without 1 day in jail? Well, the prosecutor was at fault, in my opinion. This was an unjustified disposition of this case, in light of the circumstances involved.

I cannot imagine that anybody can ultimately defend the disposition of this case. They may say, well, the judge just followed the prosecutor's recommendation. The judge did follow the prosecutor's recommendation, but he was not required to do so. In that plea bargain, as I noted, it said the judge is not required to follow this plea bargain. If he, Mr. Huang, rejects it, we will withdraw the plea and we will go back to square one and start all over. The judge is not required to accept it. The judge wasn't required to accept the plea, and he should not have accepted this plea.

These are the exact words from the plea agreement:

> This agreement is not binding on the court. The United States and you—

Meaning Mr. Huang, in the contract between the prosecutor and Mr. Huang—

> understand that the court retains complete discretion to accept or reject the agreed upon disposition provided for in this agreement. If the court does not accept this agreement, it will be void, and you will be free to withdraw your plea of guilty. If you do withdraw your plea of guilty, this agreement made in connection with it and the discussions leading up to it shall not be admissible against you in any court.

That is standard language. I have used it many times myself. The judge was obligated to follow the law of the United States. He was obligated to make sure justice occurred, if there was equal justice under the law.

I don't know how judges who send kids to jail for 20 years without parole can sleep at night when they are talking about letting this guy off the hook for this offense.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. SESSIONS. Yes.

Mrs. BOXER. I know my friend doesn't want us to vote on Judge Paez.

Mr. SESSIONS. Let me just say to the Senator that I have asked for an additional hearing to find out if I might be wrong about this and hear both sides of it. But I am not going to support a filibuster on this nomination. If we do that, we will just vote on it, as far as I am concerned.

Mrs. BOXER. I thank my friend very much.

I want to ask him if he read what Senator SPECTER said regarding the two cases we raised, the Maria Hsia case and the Huang case. I ask the Senator to react to this because I think it is important.

When asked if this vote ought to be put off, he said:

> These matters are now ripe for decision by the Senate. There has been some suggestion of a further investigation on this matter, but when Judge Paez's nomination has been pending since 1996, and all of the factors on the record demonstrate it was the Government's failure, the failure of the Department of Justice to bring these matters to the attention of Judge Paez and on the record, he has qualifications to be confirmed.

In other words, what Senator SPECTER is saying is that Judge Paez was following the recommendation of the prosecutor.

I ask my friend: When the prosecutors say this is what we think is the best for the case, is it really that unusual for a judge to say let the prosecution stand? If we want to accuse Judge Paez of something, it ought to be that he was soft on the case, No. 1. I say to my friend: It was randomly selected; he got these two cases; he didn't ask for these cases. No. 2, he followed the prosecution's request, and he is being condemned for it.

My last point is—I know my friend will comment on all of this—my friend was interested in the sentencing issue surrounding Judge Paez. We have the facts on that, and he does as well.

I think it is important to note that if you look at U.S. district court as a whole—

Mr. SESSIONS. I have the floor.

Mrs. BOXER. I will come back to it.

Mr. SESSIONS. I will finish, and the Senator can respond.

Mrs. BOXER. I appreciate my friend yielding. I will wait.

Mr. SESSIONS. I am sorry. I will be happy to enter into a dialogue and come back to it later.

Senator SPECTER was, in fact, a State prosecutor. He is familiar in that boiler room of Philadelphia when judges are sitting up there and prosecutors come forward on burglary cases. The judge is a victim. He has to take the recommendation of the prosecutor and does so routinely. Federal judges try to do that, but it is always recognized that they have ultimate responsibility, as this plea agreement says.

In a case of national importance, which in itself just on the face of it does not pass the smell test, in my view, he should not have accepted it.

Another thing Senator SPECTER has never done is handle the sentencing guidelines. They were not a part of the State courts of Philadelphia or Pennsylvania, but they were a part of the Federal court where Judge Paez was sitting. I don't think Senator SPECTER has ever considered the fact that the evidence is what the judge had, and he did not have all that he should have had. But what he did have indicates that he did not properly apply the guidelines. That is the only thing he can be responsible for, in my view. If evidence was withheld from him, I understand that. But what I have been quoting here is what he did have.

I also note in Roll Call, in the Republican Representative Jay Kim probation case, they said Judge Paez's sentence of Representative Kim was a mere slap on the wrist and makes us think that the Senate Judiciary Committee ought to question whether or not Paez is too soft on criminals to be a Federal judge.

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

Mr. SESSIONS. I thank the Chair.

I hate to ask this to be delayed. But he is a sitting Federal judge. It is not messing up his Federal practice in a couple or three weeks to get to the bottom of this and how the case was assigned, because it didn't come out of an indictment by a grand jury, it came out of the handling by the prosecutor. In my experience, those cases are not randomly assigned. Quite often, they are taken directly by the prosecutor to the judge.

I would like to have somebody under oath explain to me how the Hsia case and the Huang case went to Judge Paez. Out of 34 judges, they went to Judge Paez. That doesn't strike well with me. I would like to know that before we go forward with the vote. If he has a good answer, I am willing to accept it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I ask unanimous consent to be allowed to proceed in morning business for up to 10 minutes and that my remarks be followed by the Senator from California, Mrs. BOXER.

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

Mr. GRAMS. Thank you very much.

## THE INCOME TAX ANNIVERSARY

Mr. GRAMS. Mr. President, 87 years ago today, the Federal Government began collecting income tax. I rise not to celebrate the anniversary, but to condemn the occasion. What began as a simple flat tax on the revenue of a few has turned into a Pandora's box that devastates many. And so I take this opportunity today to strongly urge Congress to begin repealing the process of the constitutional amendment granting the Federal Government the power to tax, abolish the income tax, and replace it with a tax that is fairer, simpler, and friendlier to the taxpayers.

The reasons for abolishing the Federal income tax are compelling. To begin with, the income tax has clearly violated the fundamental principles upon which this great Nation was founded.

Mr. President, our country was born out of a tax revolt—a tax revolt built upon freedom and liberty. To preserve liberty, our Founding Fathers crafted an article in the Constitution unequivocally rejecting all direct income taxes that were not apportioned to each state by its population.

During the following 100 years, this provision brought enormous economic opportunities and prosperity for America. Although Congress attempted to enact income taxes in the late 19th century, the Supreme Court repeatedly declared the income tax unconstitutional. As a result, between 1870 and 1913, before the income tax was levied, the U.S. economy expanded by over 435 percent in real terms. This was an average growth rate of more than 10 percent per year, without inflation.

Congress has passed many ill-advised laws, but nothing has been more disastrous than the passing of the 16th amendment in 1909, which allowed the Federal Government to begin levying and collecting income tax as of March 8, 1913.

This shift in policy represented the efforts of those liberal elements who believes and promoted the ideology that society has a claim on one's capital and labor. They suggested that the redistribution of private income would increase equality among people. Their strategy was simple: they claimed this income tax was to ''soak the rich'' and was not supposed to provide a mechanism for Washington to reach into most Americans' pockets—the argument we still hear again and again on the Senate floor.

Initially, less than 1 percent of all Americans paid income tax. Only 5 percent of Americans paid any income tax as late as 1939. But today, nearly every American is subject to the income tax. The Federal tax burden is at an historic high. A median-income family can expect to give up nearly 40 percent of its income in Federal, State, and local taxes—more than it spends on food, clothing, transportation, and housing combined.

More Americans are working harder and are earning more today. But a large share of the higher incomes of hard-working Americans aren't being spent on family priorities, but are instead being siphoned off by Washington.

They are working harder, but they are taking home less money because the Government is taking a bigger bite out of their paychecks. Then there is ''bracket creep.'' I think everybody knows what that is. It means a large share of revenues goes to taxes as inflation pushes you into another income level, or another tax bracket, so Washington can get a bigger bite out of your paycheck.

Mr. President, is this what our Founding Fathers fought for? Even the sponsor of the 16th amendment, Congressman Sereno E. Payne of New York, later realized his mistake and denounced direct taxation as ''a tax upon the income of honest men and an exemption, to a greater or lesser extent, of the income of rascals.''

T. Coleman Andrews, a former commissioner of the Internal Revenue Service said:

Congress [in implementing the 16th Amendment] went beyond merely enacting an income tax law and repealed Article IV of the Bill of Rights, by empowering the tax collector to do the very things from which that article says we were to be secure. It opened up our homes, our papers and our effects to the prying eyes of government agents and set the stage for searches of our books and vaults and for inquiries into our private affairs whenever the tax men might decide, even though there might not be any justification beyond mere cynical suspicion.

To my colleagues who would brush off that statement as an exaggeration, I remind them of the horror stories we heard from many of our constituents 2 years ago, when the Senate Finance Committee held hearings into abuses carried out by the IRS. Those poor taxpayers whose lives were shattered thanks to the unwarranted excesses of an overeager tax collector were not exaggerating.

The income tax must be abolished because it has become so complicated and inefficient. The Federal Tax Code today stretches on for more than 7 million words, and is made up of 4 huge volumes, another 20 volumes of regulations, and thousands of pages of instructions. Not even tax accountants or lawyers fully understand it. What chance does the average taxpayer have of getting it right?

The government publishes 480 separate tax forms and mails out 8 billion pages of forms and instruction each year. The IRS employs over 10,000 agents to collect taxes, more agents than the FBI and the CIA combined.

The income tax must be abolished because it keeps enlarging the government. In Washington, taxing and spending always go hand in hand. As the income tax rate goes up, government spending explodes. Between 1913 and 1999, inflation-adjusted federal government spending increased by more than 16,000 percent.

The income tax must be abolished because even in an era of budget surplus, it allows the government to continue overcharging Americans as we see today with our surpluses. According to the Congressional Budget Office, working Americans' tax overpayments will be as high as $1.9 trillion in the next 10 years. After the biggest tax increase in history, President Clinton has repeatedly denied working Americans a tax refund and refuses to return tax overpayments to the American people. His last budget again increases taxes instead of cutting them. In a time of surplus, this President is out with a proposal to again increase your taxes.

How is this possible? We would all agree that if a customer is overcharged for a service he receives, the right thing for the merchant to do is to return the extra money—not keep it because the merchant has other things he'd like to spend it on. The same principle holds true for tax overpayments. I strongly believe we should return tax overpayments to their rightful owners—the taxpayers—rather than spend them on new government programs. Not only does this money belong to them, but the American people will spend it far more intelligently than Washington politicians ever could.

Mr. President, on this somber income tax anniversary, I argue that we have no choice but to repeal the income tax and abolish the IRS. I urge my colleagues to join me in a pledge that we will dedicate ourselves to replacing the Tax Code with a better system early next Congress, as we continue to do everything we can to reduce the existing tax burden on the overtaxed American people.

The PRESIDING OFFICER. The Senator from California.

## NOMINATIONS

Mrs. BOXER. Mr. President, as one of the two California Senators, this is a very big day for two Californians who have been nominated for the Ninth Circuit Court: In the case of Richard Paez, more than 4 years ago, the longest time anyone has had to wait for a vote in a 100-year history; and Marsha Berzon, nominated a couple of years ago.

I am grateful we have gotten to this day. I am very hopeful. In fairness, our colleagues from both sides of the aisle will make a statement on this cloture vote, if we have to have a cloture vote, that they do deserve an up-or-down vote.

I will attempt in the next few minutes to put a face on the nominations. I had about 5 minutes to speak yesterday and will take a little bit longer today.

I will introduce Marsha Berzon, who is a stellar attorney. She is shown with her husband and her two children. This is a wonderful woman. The whole family has been so excited about her nomination, but every time we think we will have a vote, we don't seem to get there.

I say to Marsha and her family: We will have a vote and I am optimistic you are going to be seated on this bench.

Marsha Berzon is exquisitely qualified, as is Richard Paez. She is a native of Ohio. She was raised in New York. She now lives in California, is married to Stephen Berzon, shown here. She practices law with her husband and is a mom of two youngsters.

She was first nominated to the U.S. Court of Appeals for the Ninth Circuit in January of 1998, and she testified before the Senate Judiciary Committee in July of 1998. There was no action on her nomination in the 105th Congress, so her nomination was sent back and she testified on June 16, 1999. Then she was favorably reported out of the committee.

We are very hopeful since the committee considered her to be very well qualified that the Senate will agree.

Let me give a few of her qualifications. She is a nationally known and extremely well-regarded appellate litigator. She is a graduate of Harvard/Radcliffe College and Boalt Hall University of Law. She served as a law clerk for the Ninth Circuit Court of Appeals, Judge James Browning, and for U.S. Supreme Court Justice William Brennan. She has argued four cases in the Supreme Court of the United States and filed dozens of briefs in the Court in a wide variety of cases. She is praised broadly not only by those whom she had as clients, but more telling, I think, she is praised by the people she opposed, people on the other side of the case. People of both political parties have praised Marsha.

I could go on with the extensive quotations of the high regard she is held in, but they were printed in the RECORD yesterday.

She is supported by Senator HATCH. He is also supporting Richard Paez. ARLEN SPECTER is very strongly in favor of her. She is supported by former Republican Senator James McClure of Idaho. She has the support of Paul Haerle, Associate Justice of the Court of Appeals, First Appellate District in California, who is the former chair of the California Republican Party and a former point secretary to then-Governor and then-President Ronald Reagan.

She has tremendous support from law enforcement: From the president of the California Correctional Peace Officers Association; from Arthur Reddy, International Union of Police Associations; Robert Scully, the National Association of Police Organizations; from William Sieber, president of the Los Angeles Professional Peace Officers Association. She has a huge amount of support in the business community which I think is important to those on both sides of the aisle.

I ask unanimous consent to have a list of supporters printed in the RECORD.

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

LETTERS OF SUPPORT FOR MARSHA S. BERZON, NOMINEE TO THE NINTH CIRCUIT U.S. COURT OF APPEALS

ELECTED OFFICIALS

Arlen Specter, U.S. Senator (R–PA)
Former Senator James A. McClure (R–ID)

JUDGES

Paul R. Haerle, Associate Justice, Court of Appeal, First Appellate District, California (former chair Cal. Republican Party, former Appointments Secretary to Gov. Ronald Reagan)
Michael M. Johnson, Superior Court Judge, Los Angeles

LAW ENFORCEMENT

Don Novey, President, California Correctional Peace Officers Association, West Sacramento, CA
Arthur J. Reddy, International Vice President, Legislative Liaison, International Union of Police Associations AFL–CIO, Alexandria, VA
Robert T. Scully, Executive Director, National Association of Police Organizations, Inc., Washington, DC
William Sieber, President, Los Angeles County Professional Peace Officers Association, Monterey Park, CA

BUSINESS LEADERS

Lydia Beebe, Chair, Fair Employment and Housing Commission, Corporate Secretary, Chevron Corporation, San Francisco, CA
William F. Boyd, Vice President, Corporate Counsel and Secretary, Coeur d'Alene Mines Corporation, Coeur d'Alene, ID
Dennis C. Cuneo, Vice President, Toyota Motor Manufacturing North America, Inc. Earlanger, KY
John D. Danforth, Vice President and General Counsel for Creative Labs, Inc., Milpitas, CA
William D. Ruckelshaus, Madrona Investment Group, L.L.C., Seattle, WA
Patricia Salas Pineda, Vice President and General Counsel, New United Motor Manufacturing, Fremont, CA
W. I. Usery, Jr., Bill Usery Associates, Inc., Washington, D.C. (former Rep. Secretary of Labor)

LAW SCHOOL PROFESSOR/DEAN

Robert A. Hillman, Associate Dean, Cornell Law School, Ithaca, NY
Theodore J. St. Antoine, Professor of Law, The University of Michigan Law School, Ann Arbor, MI

ATTORNEYS

James N. Adler, Irell & Manella, CA
Fred W. Alvarez, Wilson, Sonsini, Goodrich & Rosati, PC, Palo Alto, CA (former Commissioner of the Equal Employment Opportunity Commission and Former U.S. Assistant Secretary of labor)
Douglas H. Barton, Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, Larkspur, CA
Ronald G. Birch, Birch, Horton, Bittner and Cherot, Washington, D.C.
Henry C. Cashen, II, Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC
Laurence P. Corbett, Point Richmond, CA
David C. Crosby, Wickwire, Greene, Crosby, Brewer & Steward, Juneau, AK
Charles G. Curtis, Jr., Foley & Lardner, Madison, WI
Lynne E. Deitch, Butzel Long, PC, Detroit, MI
Larry C. Drapkin, Mitchell, Silberberg & Knupp, CA
Pamela L. Hermminger, Gibson, Dunn & Crutcher
Robert J. Higgins, Dickstein, Shapiro, Morin & Oshinsky, L.L.P., Washington, DC
Judith Droz Keyes, Corbett & Kane, Emeryville, CA
Edward M. Kovach, Lambos & Junge, San Francisco, CA
Daniel H. Markstein, III, Maynard, Cooper & Gale, PC, Birmingham, AL
Anna Segobia Masters, Crosby, Heafey, Roach & May
John L. Maxey, II, Maxey, Wann & Begley, PLLC, Jackson, MI
J. Dennis McQuaid, McQuaid, Metzler, McCormick & Van Zandt, L.L.P., San Francisco, CA
Steven S. Michaels, Debevoise & Plimptom, New York, NY
Morton H. Orenstein, Schachter, Kristoffr, Orenstein & Berkowitz, San Francisco, CA
Carter G. Phillips, Sidley & Austin, Washington, DC
Patricia Phillips, Morrison & Foerster, Los Angeles, CA
William B. Sailer, Qualcomm
Stacy D. Shartin, Seyfarth, Shaw, Fairweather & Geraldson
Robert A. Siegel, O'Melveny & Myers, Los Angeles, CA
Ronald G. Skipper, San Bernardino, CA
Stephen E. Tallent, Washington, DC
Wendy L. Tice-Wallner, Littler, Mendelson, Fastiff & Tichy, San Francisco, CA

Mrs. BOXER. In there you will see deans of law schools. You will see many attorneys who have come to appreciate Marsha. Again, this is a woman who has tremendous support in the community, Republican and Democrat; a fine family member. She will be an asset to this court and I am very hopeful Marsha will receive the overwhelming vote of this body.

Did my friend have a question? I would say to my friend, he is, I know, waiting to speak. I also had to wait quite a while. I am going to be about another 15 minutes.

So today we have this wonderful opportunity, yes, on Marsha, and we have an opportunity to say yes to another wonderful nominee, Richard Paez. Again, to put a face on it, here is Richard's face. This is a wonderful human being. He is a wonderful judge with many years of experience on the bench. He is a wonderful family man, married to his wife Dianne for quite a while, with two terrific kids. He is very involved with his children's lives, involved in their sports and academic achievements. He is someone most deserving of this honor I hope we are about to bestow upon him.

Yes, Richard has waited for 4 years. This has been very difficult for him. It has been very difficult for his family. But I can only say I am not going to look back. I want to look ahead. We are going to have a vote, and I am very hopeful we will see the tide turn in his favor. Everything I see now leads me to believe that.

Richard has the support of Senators HATCH and SPECTER and he just got the public support of Senator DOMENICI. We have a statement from him, which will take me just a moment to find. I am very pleased about it.

Yesterday, Senator DOMENICI has a statement in the RECORD. He says:

> I rise today to announce I intend to vote to confirm Judge Richard Paez to the Ninth Circuit. He has waited 4 years. I believe the time has come.

He says:

> I have reviewed Judge Paez' record, including some of the issues which appear controversial. I am satisfied he has adequately responded to the concerns.

I will paraphrase. He talks about those concerns. Then he goes on and says:

> Mr. President, Judge Paez has earned bipartisan support from a variety of sources.

He goes through those.

I called Senator DOMENICI this morning—I didn't have a chance to speak to him because he was at a hearing—to thank him profusely for his support. This is a deserving man. I am proud to see Senators from the other side stepping up to the plate and supporting him. I think it is so important.

Richard Anthony Paez was born in Salt Lake City, UT, which happens to be the hometown of our distinguished chairman of the Judiciary Committee. He graduated in 1969 from Brigham Young University and received his law degree from Boalt Hall at the University of California at Berkeley in 1972.

For 13 years, he served as municipal court judge. Then he was nominated to the district court. He has been in that capacity now for about 5½ years. As the first Mexican American on that district bench, he has proven himself to be a role model and a real leader.

He has won the respect of law enforcement and attorneys who practice in his court. They have analyzed his rulings. We have an amazing article that I have already had printed in the RECORD. I wanted to refer my colleagues to it. It is from the Daily Journal, a very open, bipartisan review of Richard Paez. People from the most liberal to the most conservative who looked at Richard's record, Judge Paez's record, essentially said his decisions will stand the test of time. His opinions are praised as being well reasoned. So I think we know Judge Paez will be fair.

He has received the endorsement of the National Association of Police Organizations, the Los Angeles Police Protective League, the Los Angeles County Police Chiefs' Association, the current district attorney, Gil Garcetti, and the late Sheriff Sherman Block of Los Angeles, Republican sheriff in Los Angeles. Listen to what the LA Police Protective League said:

> . . . he has a reputation for integrity, fairness and objectivity, all qualities we believe essential for a member of the Appellate Court.

The lawyers who appear before him have praised his skills. Yesterday, I read comments from some of them. I will repeat some of these comments:

> He is a wonderful judge.
> He's outstanding.
> He rates a 12 or 13 on a scale of 10.

Another one:

> I don't know anyone here who has not been exceedingly impressed by him.

Another:

> I think he has great temperament. He never says or does anything that's off.
> He has a very good demeanor. He's very professional. He doesn't have any quirks.

So it goes on and on. It is a wonderful thing to be supporting Judge Paez because I feel I have so many objective people saying so many good things about him.

A law professor who looked at one of the rulings said:

> The opinion is clear, concise, straightforward, logical—

I think this is important to my colleagues from the other side—

> and provides no indication of the author's personal policy predilections on the issue. . . . [It is] implicitly respectful of the separation of powers among the branches of government.

Again, we have so many Republicans supporting Richard outside of this Chamber and, hopefully, enough inside this Chamber so we can get him through. But let me tell you some of those outside the Chamber.

Sheldon Sloan, a former California judge, former president of the LA County Bar, the former head of Governor Pete Wilson's Judicial Selection

Committee—here is the man who picked the judges for Governor Pete Wilson—wrote a letter to Chairman HATCH, saying that Judge Paez:

. . . has performed his duties with distinction and he is held in great esteem by all who worked with him, be the members of the bench or of the Bar.

He goes on to say:

Richard Paez is a hard-working, experienced, quality Judge. He can be strong without being overbearing and he can be compassionate without being soft. He has been, and he will continue to be, a credit to the judiciary as a whole.

The American Bar Association gave Judge Paez the highest rating possible.

When I hear colleagues come over here, and they had every right in the world to vote no on this nomination; absolutely. I do not want to overstate it, but I would lay down my life for their right to do what they think is right. But the one thing with which I take issue is when the record is distorted. I do not think it is purposely distorted, but Richard has some people who do not want him to be on the bench, and they distorted things. We have heard things on the floor; that there were games being played in the district court when he got certain cases; that Judge Paez is soft on criminals when, in fact, a review that was requested by Senator SESSIONS showed, on the contrary, that Judge Paez is tougher than most.

This shows his downward departures in sentencing—in other words the times he has sentenced less than the guidelines—were far fewer than the average court. He granted downward departures only 6 percent of the time when U.S. district courts granted downward departures 13.6 percent of the time. So he has been tough. He has an excellent record on criminal appeals. He has not been reversed once on a criminal sentence.

I feel he has a strong sentencing record. Then, again, when Senator SESSIONS says he gave too easy a sentence to certain people, as Senator SPECTER put in the RECORD yesterday, he was following what the prosecution asked him to do to the letter. He was following what the prosecution asked him to do. So if there is any gripe about it, it is with the prosecutor. He did what the prosecutor asked.

So, I ask my colleagues—I would love to ask Senator HUTCHINSON how much time he needs on the floor, and Senator SPECTER, because I have another few minutes, but I would like to accommodate them.

Mr. HUTCHINSON. I think morning business is for 10 minutes. That is what I need, 10 minutes.

Mrs. BOXER. And my colleague?

Mr. SPECTER. Mr. President, if I may respond, I spoke in support of Judge Paez yesterday. I would like to speak for about 4 minutes on a matter, if I could squeeze in here?

Mrs. BOXER. May I make a suggestion, and may I ask a question? I am about to wrap up on Judge Paez and put a number of things in the RECORD. I have a question.

Mr. President, would it be in order to propound a unanimous consent request that Senator HUTCHINSON be allowed to speak for 10 minutes, Senator SPECTER for 7 minutes, and I will come back for another 10 minutes so I can give my friends time?

Mr. SPECTER. Reserving the right to object, is that a unanimous consent request?

Mrs. BOXER. Yes, it is.

Mr. SPECTER. Mr. President, can I persuade my colleague to let me have 4 minutes ahead of him?

Mr. HUTCHINSON. Yes.

Mrs. BOXER. Mr. President, I revise the request to ask for 4 minutes for Senator SPECTER, 10 minutes for the good Senator from Arkansas who has been waiting, and 10 minutes for this Senator. This is after I finish my remarks, which will be in a moment.

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

Mrs. BOXER. I thank my friends.

I will conclude about Judge Paez in this fashion. I will have printed in the RECORD the extensive list of his supporters—elected officials, both Republican and Democratic, national law enforcement associations, California State judges and justices, bar leaders, business leaders, community leaders, attorneys, and Hispanic groups. I ask unanimous consent that this list be printed in the RECORD.

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

SUPPORT FOR THE HONORABLE RICHARD A. PAEZ, NOMINEE TO THE NINTH CIRCUIT COURT OF APPEALS

CALIFORNIA ELECTED OFFICIALS

U.S. Representative James E. Rogan, (R–CA 27th)
Speaker of the California State Assembly Antonio R. Villaraigosa
Los Angeles County Sheriff, Sherman Block (deceased)
Los Angeles County District Attorney, Gil Garcetti
Los Angeles City Attorney, James K. Hahn

NATIONAL AND LOCAL LAW ENFORCEMENT ORGANIZATIONS

National Association of Police Organizations, Inc., Executive Director, Robert T. Scully
Los Angeles Police Protective League Board President, Dave Hepburn
Los Angeles County Police Chiefs' Ass'n, Endorsement Comm. Chair, Stephen R. Port
Association for Los Angeles Deputy Sheriffs, Inc., President Pete Brodie
Department of California Highway Patrol Commissioner, D.O. Helmick

CALIFORNIA STATE JUSTICES AND JUDGES

California Court of Appeal Justice H. Walter Croskey
California Court of Appeal Justice Barton C. Gaut
California Court of Appeal Justice Paul Turner
Los Angeles Superior Court Judge Victoria H. Chavez
Los Angeles Superior Court Judge Edward A. Ferns
Los Angeles Superior Court Judge Carolyn B. Kuhl
Los Angeles Superior Court Judge Michael Nash
Los Angeles Superior Court Judge S. James Otero
Los Angeles Municipal Court Judge Elizabeth Allen White

BAR LEADERS/BUSINESS LEADERS/COMMUNITY LEADERS

Former California Judge and Former President of the Los Angeles County Bar Association, Sheldon H. Sloan
Los Angeles County Bar Association President, David J. Pasternak
Los Angeles County Bar Association, Litigation Section Chair, Michael S. Fields
Former California Judge, Lawyer Elwood Lui, Jones Day, Reavis & Pogue, Los Angeles, California
Loyola Law School Associate Dean for Academic Affairs, Laurie L. Levenson, Los Angeles, California
National Council of La Raza President, Raul Yzaguirre
Mexican American Bar Association of Los Angeles County President-Elect, Arnoldo Casillas
Special Counsel to the County of Los Angeles, Consultant to the Los Angeles Police Commission, Merrick J. Bobb
Arizona Hispanic Chamber of Commerce President & CEO, Sandra L. Ferniza
Latina Lawyers Bar Association President, Elsa Leyva

Mrs. BOXER. Mr. President, believe me, this is going to be a very big day for this nominee, for my friend Richard Paez. He is a good man. Before Senator SPECTER begins, once more I thank him. He has been so fair to this nominee and also to Marsha Berzon. I thank him for his strong support of these two nominees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

## REPORT ON INVESTIGATION OF ESPIONAGE ALLEGATIONS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the ''Report on the Investigation of Espionage Allegations against Dr. Wen Ho Lee.'' I have circulated this 65-page report with a Dear Colleague letter today, but I think it important to speak about it on the Senate floor.

The Dear Colleague letter urges Senators to support S. 2089 which is designed to reform the Foreign Intelligence Surveillance Act to avoid the mistakes which were made in the investigation of Dr. Wen Ho Lee.

In the Wen Ho Lee matter, the FBI went to the Attorney General personally to ask for approval for a FISA warrant and was turned down. The Attorney General in August of 1997 assigned the matter to a subordinate who had no experience on FISA matters. The Attorney General did not check on the matter, and the FBI request was, therefore, rejected. The FBI then let the matter languish for some 16 months before taking any investigative action.

At that stage, the Department of Energy meddled in the matter by giving a lie detector test to Dr. Lee, representing he had passed it when, in fact, he failed it, throwing the FBI investigation off course. The FBI then gave another polygraph on February 10

which Dr. Lee failed, but there was no action taken to remove him from the office until March 8, so that he stood with access to this very important information for some 19 months.

This information was so important that, according to the testimony of Dr. Stephen Younger at the bail hearing, it could change the global strategic balance.

The legislation seeks to correct these failures by requiring the Attorney General personally to review the matter when requested in writing by the Director of the FBI, and then, if the FISA application is declined, to state in writing the reasons, which will give a roadmap to the FBI as to what to do, and then for the Director of the FBI to personally supervise the investigation and to centralize the authority of the FBI to keep the meddling of the Department of Energy illustratively out of it.

This report is disagreed with in some manner by the Department of Justice, and there is some disagreement by other Federal agencies and some Senators. But it sets out a narrative, and anybody who has a disagreement will have an opportunity to testify before the oversight subcommittee.

This legislation has been cosponsored by Senator TORRICELLI, Senator GRASSLEY, Senator BIDEN, Senator THURMOND, Senator FEINGOLD, Senator SESSIONS, Senator SCHUMER, Senator HELMS, and Senator LEAHY. There is widespread support for the legislation even though there is some disagreement as to whether the probable cause was adequate for the FISA warrant or some of the other specific statements of fact.

This report has been prepared with the exhaustive work of Mr. Dobie McArthur. It summarizes in detail what happened on the errors of the Wen Ho Lee investigation. I am circulating it, as I say, with a Dear Colleague letter to Senators.

I think it is an important matter. It has been cleared by the Department of Justice and other agencies so that it does not contain any classified information. It can be found at my Senate website: www.Senate.gov/~Specter.

I ask unanimous consent that the Dear Colleague letter and the executive summary be printed in the CONGRESSIONAL RECORD.

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

U.S. SENATE,
*Washington, DC, March 8, 2000.*

DEAR COLLEAGUE: I urge you to support S. 2089 which would reform the Foreign Intelligence Surveillance Act (FISA) to prevent future lapses like the ones which plagued the investigation of Dr. Wen Ho Lee. Had these reforms been in effect, a FISA warrant would doubtless have been issued and major risks to U.S. national security could have been avoided.

The seriousness of Dr. Lee's downloading classified codes onto an unclassified computer was summarized at his bail hearing on December 13, 1999 when Dr. Stephen Younger, Assistant Laboratory Director for Nuclear Weapons at Los Alamos, testified:

''These codes and their associated data bases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, *change the global strategic balance*.'' (Emphasis added)

While the overall investigation of Dr. Lee from 1982 through 1999 contained substantial errors and omissions by the Department of Energy and the Department of Justice, including the FBI, the failure of DoJ to authorize the FISA warrant in August 1997 and the failure of the FBI to pursue prompt follow-up investigation gave Dr. Lee a critical opportunity to download highly classified information.

The Attorney General was personally requested by ranking FBI officials to approve the FISA warrant. She did not check on the matter after assigning it to a DoJ subordinate who applied the wrong standard and admitted it was the first time he had worked on a FISA request. After DoJ declined to approve the FISA warrant request, the FBI investigation languished for 16 months (August 1997 to December 1998) with the Department of Energy permitting Dr. Lee to continue on the job with access to extremely sensitive information from August 1997 until March 1999.

Senator Torricelli summed up the situation in his February 24th floor statement supporting S. 2089:

''There was a startling, almost unbelievable failure of coordination and communication between the Department of Justice, the FBI, and the Department of Energy in dealing with this matter, and only through that lack of coordination with this matter, and only through that lack of coordination was an allegation of possible espionage able to lead to 17 years of continued access and the possibility that this information was compromised.'' (Congressional Record S801)

This bill would require the Attorney General to personally decide whether a FISA warrant should be approved by DoJ when personally requested in writing by the FBI Director, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence. If the Attorney General declines, the reasons must be set forth in writing.

This bill would further require the FBI Director to personally supervise the follow-up investigation to secure additional evidence/information to obtain the FISA warrant. The bill further provides that the individual need not be ''presently engaged'' in the particular activity since espionage frequently spans years or decades and improves the coordination of counter intelligence activities among Federal agencies.

I am enclosing for your review: (1) a copy of S. 2089; (2) a sixty-five page Report on the Investigation of Espionage Allegations against Dr. Wen Ho Lee, including a five-page Executive Summary. Circulation of this Report has been delayed until the Department of Justice including the FBI, the CIA and the Department of Energy agreed that the Report does not contain classified information.

While the Department of Justice and some Senators disagree with some of the conclusions in this Report, there has been general agreement that legislation is warranted. To date S. 2089 has been co-sponsored by Senators Torricelli, Grassley, Biden, Thurmond, Feingold, Sessions, Schumer, Helms and Leahy.

If you are interested in co-sponsoring, please contact me at 224–9011 or have your staff contact Dobie McArthur at 224–4259.

Sincerely,

ARLEN SPECTER.

REPORT ON THE INVESTIGATION OF ESPIONAGE ALLEGATIONS AGAINST DR. WEN HO LEE, MARCH 8, 2000

SUMMARY

While the full impact of the errors and omissions by the Department of Energy and the Department of Justice, including the FBI, on the investigation of Dr. Wen Ho Lee requires reading the full report, this summary covers some of the highlights.

The importance of Dr. Lee's case was articulated at his bail hearing on December 13, 1999 when Dr. Stephen Younger, Assistant Laboratory Director for Nuclear Weapons at Los Alamos, testified:

''These codes and their associated data bases and the input file, combined with someone that knew how to use them, could, in my opinion, in the wrong hands, *change the global strategic balance*.'' (Emphasis added)

As Dr. Younger further noted about the codes Dr. Lee mishandled:

''They enable the possessor to design the only objects that could result in the *military defeat of America's conventional forces* . . . They represent the *gravest possible security risk to . . . the supreme national interest*.'' (Emphasis added)

It would be hard, realistically impossible, to pose more severe risks to U.S. national security.

Although the FBI knew Dr. Lee had access to highly classified information, had repeated contacts with the PRC scientists and lied about his activities, the FBI investigation was inept. In December 1982, Dr. Lee called a former employee of Lawrence Livermore National Laboratory who was suspected of passing classified information to the PRC. Notwithstanding the facts that Dr. Lee denied (lied) about calling that person, admitted to sending documents to Taiwan marked ''no foreign dissemination'' and made other misrepresentations to the FBI in 1983 and 1984, the FBI closed its investigation in March 1984.

A new investigation was initiated in 1994 by the FBI after Dr. Lee failed in his obligation to report a meeting with a high ranking PRC nuclear scientist who said that Dr. Lee had been helpful to China's nuclear program. This contact occurred at a time when the PRC had computerized codes to which Dr. Lee had unique access. Notwithstanding good cause to actively pursue this investigation, the FBI deferred its inquiry from November 2, 1995 to May 30, 1996 because of a Department of Energy Administrative Inquiry, which was developed by a DoE counterintelligence expert in concert with a seasoned FBI agent who had been assigned to the DOE for the purposes of the inquiry.

In the 1993–1994 time frame, DoE was incredibly lax in failing to pursue obvious evidence that Dr. Lee was downloading large quantities of classified information to an unclassified system. According to Dr. Stephen Younger, it was access to that information which would eventually enable the ''possessor'' to ''defeat America's conventional forces''. DoE's ineptitude had disastrous consequences when the FBI asked DoE's counter-intelligence team leader for access to Dr. Lee's computer and the team leader did not know Dr. Lee had signed a consent-to-monitor waiver.

The most serious mistake in this sequence of events occurred when DoJ did not forward the FBI request for a Foreign Intelligence Surveillance Act (FISA) warrant to the FISA court where:

(1) The FBI presented ample, if not overwhelming, information to justify the warrant;

(2) The Attorney General assigned the matter to a DoJ subordinate who applied the

wrong standard and admitted it was the first time he had worked on a FISA request;

(3) Notwithstanding Assistant FBI Director John Lewis's request to the Attorney General for the FISA warrant, the Attorney General did not check on the matter after assigning it to her inexperienced subordinate.

After DoJ's decision not to forward the FBI's request for a FISA warrant, which could have been reversed with the submission of further evidence, the FBI investigation languished for 16 months with DoE permitting Dr. Lee to continue on the job with access to classified information.

On the eve of the release of the Cox Committee Report that was expected to be highly critical of DoE, DoE arranged with Wackenhut, a security firm with which the DoE had a contract, to polygraph Dr. Lee on December 23, 1998 upon his return from Taiwan. According to FBI protocol, Dr. Lee would have been questioned as part of the post-travel interview. However, the case agents were inexplicably unprepared to conduct such an interview. Ultimately, the polygraph decision was coordinated between DoE and the FBI's National Security Division. The selection of Wackenhut to conduct this polygraph was questioned by the President's Foreign Intelligence Advisory Board and criticized as ''irresponsible'' by the FBI agent working Dr. Lee's case.

The FBI's investigation was thrown off course when they were told Dr. Lee had passed the December 23, 1998 polygraph which the Secretary of DoE announced on national TV in March 1999.

A review of the Wackenhut polygraph records by late January contradicted the Department of Energy's claims that Dr. Lee had passed the December 1998 polygraph; and a February 10, 1999 FBI polygraph of Dr. Lee confirmed his failure. In the interim from mid-January, Dr. Lee began a sequence of massive file deletions which continued on February 10, 11, 12 and 17 after he failed the February 10, 1999 polygraph.

It was not until three weeks after the February 10, 1999 polygraph that the FBI asked for and received permission to search Dr. Lee's computer which led to his firing on March 8, 1999. A search warrant for his home was not obtained until April 9, 1999. Those delays are inexplicable in a matter of this importance.

The investigation of Dr. Lee demonstrates the need for remedial legislation to:

1. Require that upon the personal request of the Director of the FBI, the Secretary of State, the Secretary of Defense or the Director of Central Intelligence, the Attorney General will personally review a FISA application submitted by the requesting official.

2. Where the Attorney General declines a FISA application, the declination must be communicated in writing to the requesting official, with specific recommendations regarding additional investigative steps that should be taken to establish the requisite probable cause.

3. The official making a request for Attorney General review must personally supervise the implementation of the Attorney General's recommendations.

4. Explicitly eliminate any requirement that the suspect be ''presently engaged'' in the suspect activity.

5. Require disclosure of any relevant relationship between a suspect and a federal law enforcement or intelligence agency.

6. Require that when the FBI desires, for investigative reasons, to leave in place a suspect who has access to classified information, that decision must be communicated in writing to the head of the affected agency, along with a plan to minimize the potential harm to the national security. National security concerns will take precedence over investigative concerns.

7. The affected agency head must likewise respond in writing, and any disagreements over the proper course of action will be referred to the National Counterintelligence Policy Board.

Mr. SPECTER. Mr. President, how much time do I have that I am yielding back?

The PRESIDING OFFICER. The Senator has 3 minutes of his 7 minutes.

Mr. SPECTER. I only asked for 4, but I yield back the remainder of my time. I thank my distinguished colleague, Senator HUTCHINSON from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

## EXTENSION OF MORNING BUSINESS

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that subsequent to the UC of the Senator from California, the morning business period be extended until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. HUTCHINSON. I thank the Chair.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of S. 2215 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## TIMBER AND AGRICULTURE ENVIRONMENTAL FAIRNESS ACT

Mr. HUTCHINSON. Mr. President, I have heard from hundreds of private landowners, forest owners, and farmers in Arkansas who are greatly concerned about the Environmental Protection Agency's attempt to rewrite portions of the Clean Water Act.

I know the Senator from Idaho has been very much involved in this issue, has had hearings on this, and has been a leader in determining exactly what the EPA intends to do.

In August of last year, as the occupant of the chair knows, the EPA proposed a regulation which requires States to renew their efforts to fully implement a so-called voluntary total maximum daily load, or TMDL, program.

The States, in conjunction with the EPA, would establish TMDLs for water bodies statewide. If States fail to meet those TMDL guidelines, the EPA would then have the authority to enforce the new water quality standards. I believe that is what this agency had in mind all along.

Should the EPA be successful in carrying out their plans, this regulation will have a direct impact on two of my State's most important industries: agriculture and timber. Agriculture and forestry activity, which the EPA currently treats as potential ''non-point source'' polluters, could be regulated as point source pollution.

A regulation requiring foresters, private landowners and farmers to obtain discharge permits for traditional forestry and agriculture activities is costly, overly burdensome and unnecessary.

I believe this is yet another deliberate attempt to circumvent the Clean Water Act and legislate through regulation. Rewriting TMDL requirements and redefining point source pollution should be addressed when Congress, the elected representatives of the people, reauthorizes the Clean Water Act.

Arkansas has put forth a tremendous effort to implement statewide Best Management Practices and other water quality regulations.

If my State is required to establish and enforce expanded federal, one-size-fits-all TMDL standards, it must redirect already limited funds and resources away from successful State implementation programs and hand them over to bureaucratic EPA procedures and oversight.

These are some of the reasons why landowners in Arkansas are so upset. In early January I spoke at a meeting in El Dorado, AR, where 1,500 people attended to voice their concerns.

A few weeks later, 3,000 people attended a similar meeting in Texarkana, AR. Although the public comment period for this proposed regulation is over, a third meeting scheduled for later this month is expected to draw similar crowds.

The thousands of people who attend these meetings have families, busy schedules, and many other responsibilities, but they are willing to sacrifice their time to learn more about this proposed regulation and how it will affect their livelihood.

One of the core issues motivating Arkansans to attend public meetings by the thousand is *trust*. Ultimately, the people of my State do not trust the EPA. In other words, the EPA has not earned the trust of my constituents.

Clearly, the EPA has done an incredibly poor job communicating their proposal to those whom it will affect the most. During my time in public service, I have never seen this kind of public outcry to anything the EPA has done.

In response to the reaction from foresters, private landowners and farmers, private landowners and farmers in Arkansas, I have introduced S. 2139, the Timber and Agriculture Fairness Act.

My bill consists of two simple parts: First, it exempts silviculture operations and agriculture stormwater discharges from EPA's National Pollutant Discharge Elimination System permitting requirements; and, second, it defines nonpoint source pollution relating to both agriculture stormwater discharges and silviculture operations.

This two-prong approach, I believe, is the sensible way to winning back the trust of Arkansans and the American people.

We must remind ourselves that we have a Government ''of the people, by

the people, and for the people.'' By passing this legislation, we will give the Government back to its original owners.

Mr. President, I ask my colleagues to support S. 2139.

I express my appreciation to the Senator from California for fitting me in between her comments.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Idaho.

Mr. CRAPO. I ask unanimous consent to speak for up to 10 minutes in morning business.

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

Mr. CRAPO. I thank the Senator from California for allowing me to take a few moments to address the Senate.

## TRIBUTE TO DONALD E. DIXON

Mr. CRAPO. Mr. President, I would like to make a statement in recognition of one of my very close friends out in Idaho who has just had a wonderful accomplishment in his life. He is a neighbor, a friend, and a member of my staff from Idaho, Don Dixon.

On March 24, Don will be given the distinct honor of induction into the Eastern Idaho Agriculture Hall of Fame. The honor reflects his commitment to farming in Idaho and the respect and esteem in which he is held in our community. I know you join eastern Idaho and myself in extending to Don congratulations on this achievement.

Don is a lifelong farmer and resident of Idaho Falls, ID. He owns and tends the farm his grandfather purchased in 1900 and, thereafter, was owned by his father. Apparently, the farming bug hit Don hard because he took over the Dixon operation with his brother soon after college and his military service. A measure of his success is reflected by his continued expansion of the farm and livestock and the handover of a solid operation to his son.

For years, Don's work has produced some of the region's best potatoes, in a State that has the world's finest spuds, cattle, hay, and grain. In this time of agriculture distress and low prices, Don has demonstrated himself to be a model farmer by taking steps to protect the environment by undertaking the best management practices and water conservation through improved irrigation techniques. We can all be proud of his work to be a productive member of the agriculture community and a good steward of the land.

Although his induction into the Hall of Fame is a special accomplishment, Don has long been chosen as a representative of his community. He has been an active member of eastern Idaho's business and agriculture organizations for as long as I can remember. Don has served on the board of the Eastern Idaho State Fair and, for 6 years, served on the Idaho Potato Commission, a post nominated by our Governor. His recognition at the national level is evident from Don's successes as Director of the National Potato Promotion Board.

In 1995, Don joined my staff and served with distinction through the balance of my House tenure, working on agriculture and natural resources issues. He was instrumental in my work with farmers and ranchers throughout the State during the debate on the 1996 farm bill. When I was elected to the Senate in 1998, Don agreed to continue our partnership by becoming my State Director of Agriculture, a position he has fulfilled with distinction and widely-held respect.

Don has served the people of Idaho above and beyond the call of duty, meeting more farmers and community leaders than any of his peers and probably has logged enough miles on his pickup truck to circumnavigate the world several times. The patience and understanding of his wife Georgia, his four children, and extended family for his work is a testament to Don's commitment to service and leadership in eastern Idaho's agriculture community.

Don's generosity and good-natured approach to life and work is also reflected in his induction into the Eastern Idaho Agriculture Hall of Fame. He is a valued counselor and friend of my entire family. I salute him on the accomplishment of this high honor. I know you and my colleagues in the Senate join me in offering our congratulations to Don Dixon.

I yield the floor.

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

Mrs. BOXER. Mr. President, I thank my colleagues who were able to work out time back and forth on various issues.

## NOMINATIONS OF MARSHA BERZON AND RICHARD PAEZ

Mrs. BOXER. Mr. President, I had the privilege to address the Senate for about 15 minutes on the quality of two wonderful Ninth Circuit court nominees who are coming up for cloture votes today at 5 o'clock. I am very hopeful we can, in fact, shut off debate on this and get to the votes themselves tomorrow.

These are two excellent people, wonderful human beings, wonderful family members. Their families and they have gone through a difficult time because they have been kind of twisting in the wind—for 2 years, in Marsha's case; in Richard's case, for 4 years—while awaiting this moment. I hope if they are watching today, they feel as optimistic as do I that hopefully it is going to have a happy ending.

## CEDAW

Mrs. BOXER. Mr. President, today is International Women's Day. To all you women out there, and men who care about women, happy International Women's Day.

I think it is very fitting on International Women's Day to discuss a treaty this Senate should ratify, but has not ratified in over 20 years. This treaty, signed by President Carter, almost made it to the Senate floor some 6 years ago when it was voted favorably out of the Foreign Relations Committee. Unfortunately, it was never brought up. The treaty is called CEDAW. It stands for the Convention on the Elimination of all Forms of Discrimination Against Women.

This is a treaty that has been nicknamed the Magna Carta for women because it essentially gives basic human rights to women all over the world. That is why 165 nations, all of our allies and friends in the world, have in fact ratified it. But we haven't ratified it. One might say, well, who hasn't ratified it? I am sorry to say, we are standing with such stalwarts of democracy as Iran, North Korea, Sudan, and Somalia. We don't belong in that company. This country is, in fact, a leader of human rights. It is really an embarrassment that we have not brought that treaty to the Senate floor.

I wrote a resolution that calls on the Senate to ask the Foreign Relations Committee to hold a hearing on CEDAW. It now has 25 cosponsors, including Republicans. It is very simple. It expresses the sense of the Senate that the U.S. Senate Committee on Foreign Relations—that is a committee on which I serve—should hold hearings, and the Senate should act on CEDAW, should take action on this convention to eliminate all forms of discrimination against women. The resolution goes through why this treaty is so important. It talks about how important it is that CEDAW be enacted: because it would help give women equal rights, equal opportunity, equal education; it would help them get protection against violence. We know that happens all over the world where women don't have equal rights. And it would give us the clout, if you will, the portfolio to be stronger as a world leader.

The bottom line of this is that today I asked the Democratic leadership to ask unanimous consent to bring this resolution that I wrote to the floor. The resolution doesn't say ratify this convention. It simply says to the Foreign Relations Committee, please hold hearings.

It was objected to by the other side of the aisle because they don't want to have this hearing. I will discuss that because it is with great respect that I bring up these differences between the two sides of the aisle. The chairman of the Foreign Relations Committee, with whom I have a wonderful relationship, a very good working relationship, took to the floor of the Senate today. He unequivocally stated—and when he wants to be unequivocal, he can—that he will not hold hearings on the Convention to Eliminate all Forms of Discrimination Against Women. And he explained why. I totally respect his right to have this

view, but I will paraphrase the reasons he gave as to why he doesn't want to hold hearings on this. I will offer another view.

First, he said he wasn't going to hold hearings because there are radical groups behind this treaty.

I ask unanimous consent to print in the RECORD a list of the organizations that have endorsed the women's convention.

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

ORGANIZATIONS THAT HAVE ENDORSED THE WOMEN'S CONVENTION (PARTIAL LIST)

Action for Development
*American Association of Retired Persons
*American Association of University Women
*American Bar Association
American College of Nurse-Midwives
American Council for the United Nations University
American Federation of Teachers
*American Friends Service Committee
*American Jewish Committee
*American Nurses Association
American Veterans Committee
Americans for Democratic Action, Inc.
*Amnesty International USA
Association for Women in Development
Association for Women in Psychology
Anti-Defamation League of B'nai B'rith
*Baha'ıs of the United States
Black Women's Agenda
*B'nai B'rith International
Bread for the World
*Business and Professional Women/USA
BVM Network for Women's Issues
Catholics for A Free Choice
Center for Advancement of Public Policy
Center for Policy Alternatives
Center for Reproductive Law and Policy
Center for Women's Global Leadership
Center of Concern
Chicago Catholic Women
Church of the Brethren, Washington Office
*Church Women United
Coalition on Religion & Ecology
Coalition for Women in International Development
Columban Fathers' Justice & Peace Office
Commission on the Advancement of Women/InterAction
D.C. Statehood Solidarity Committee
Earthcommunity Center
Eighth Day Center for Justice
Episcopal Church
*Evangelical Lutheran Church of America
*Feminist Majority Foundation
Francois Xavier Bagnoud Center for Health and Human Rights
Friends of the U.N.
*Friends Committee on National Legislation
*General Federation of Women's Clubs
Global Commission to Fund the UN
Gray Panthers
Guatemala Human Rights Commission
Hadassah, The Women's Zionist Organization of America
Health & Development Policy Project
Human Rights Advocates
Human Rights Watch/Women's Rights Division
The Humane Society
International Center for Research on Women
International Gay and Lesbian Human Rights Commission
International Human Rights Law Group
International Women's Health Coalition
International Women's Human Rights Law Clinic
International Women Judges Foundation
The J. Blaustein Institute for the Advancement of Human Rights
Jewish Council for Public Affairs
*Jewish Women International
Lambda Legal Defense and Education Fund, Inc.
Lawyers Committee for Human Rights
*Leadership Conference of Women Religious
*League of Women Voters of the United States
Louisville Women-Church
Maryknoll Mission Association of the Faithful
Maryknoll Office of Global Concerns
Massachusetts Women-Church
Na'amat USA
*National Association of Commissions for Women
National Association of Social Workers
National Association of Women Lawyers
National Audubon Society
National Coalition Against Domestic Violence
National Coalition of American Nuns
*National Council of Negro Women
National Council of the Churches of Christ in the USA
National Council of Women of the USA
*National Council of Women's Organizations
*National Education Association
National Jewish Community Relations Advisory Council
National Women's Conference Committee
*NOW Legal Defense & Education Fund
NETWORK—A National Catholic Social Justice Lobby
Older Women's League
Oxfam America
Planned Parenthood Federation of America
*Presbyterian Church (U.S.A.), Washington Office
Psychologists for Social Responsibility
Robert F. Kennedy Memorial Center for Human Rights
San Francisco Bay Area Women's Ordination Conference
*Sierra Club
Sisterhood is Global Institute
Sisters of St. Joseph of Peace
Soka Gakkai International—USA
Society for International Development/Women in Development
*Soroptimist International of the Americas
Union of American Hebrew Congregations
*Unitarian Universalist Association, Washington Office
Unitarian Universalist Service Committee
United Church of Christ Office for Church and Society
*United Methodist Church
*United Nations Association of the United States of America
United States Committee for UNICEF
United States Committee for UNIFEM
Washington Office on Africa
Winrock International
Woman's National Democratic Club
Women Empowering Women of Indian Nations (WEWIN)
Women of Reform Judaism
Women for International Peace and Arbitration
Women for Meaningful Summits
Women Law and Development International
*Women's Action for New Directions/Women Legislators Lobby
Women's Environment and Development Organization
Women's Institute for Freedom of The Press
*Women's International League for Peace and Freedom
Women's Legal Defense Fund
Women's Ordination Conference
World Citizen Foundation
*World Federalist Association
*YWCA of the U.S.A.

*Active National Membership Organizations.

Mrs. BOXER. With the Chair's indulgence, I will read to the Senate just a few of these organizations. I want the Senate to decide if these organizations are radical or in any way not in the mainstream of thought. These are just some of the organizations that say, yes, the United States should ratify this treaty to end all forms of discrimination against women: the American Association of Retired Persons; the American Association of University Women; the American Jewish Committee; Amnesty International USA; the Bahais of the United States; the Black Women's Agenda; the B'nai B'rith International; Business and Professional Women USA; Chicago Catholic Women; Church of the Brethren, Washington Office; Church Women United; Episcopal Church; the Evangelical Lutheran Church of America; Hadassah; Human Rights Watch; The Humane Society; Lawyers Committee for Human Rights; Leadership Conference of Women Religious; National Association of Commission for Women; National Coalition Against Domestic Violence; the National Coalition of American Nuns; the National Council of Churches of Christ in the USA; the National Council of Women's Organizations; the Presbyterian Church, Washington Office; the Soroptimist International of the Americas; the Union of American Hebrew Congregations; the Unitarian Universalist Association, Washington Office; the United Methodist Church; the Women's Legal Defense Fund; and the YWCA of the United States of America.

I don't mind debating an issue on its merits, its demerits, its flaws, its problems. But to come to the Senate floor and say the people behind this convention to eliminate all forms of discrimination against women are radicals is simply not a fact in evidence, unless you think Hadassah is radical or the nuns are radical or all these churches and organizations are radical. They are far from radical. They are mainstream America. Mainstream America supports this, and we can't get a hearing because our chairman believes these groups are radical.

I understand some tactics have been used to get the chairman's attention to hold this hearing that he does not appreciate. And that is his right. But I beg my chairman to look past that and understand that these groups are in the mainstream of America. America should be in the leadership and out front on this issue. So the first point he made, I do not agree with, that radicals are behind this treaty.

Secondly, his other argument was that signing this international treaty would interfere with our sovereignty; in other words, it would interfere with us as lawmakers to do our job, would interfere with our laws. Nothing could be further from the truth. We have thousands of international treaties of which we are a part. They are all in this book. I won't put this in the RECORD because it would cost too much to print, but it is page after page with almost every civilized country. We

have treaties with them on all kinds of things—on science, on military aid, on human rights.

I will give you a couple that we signed on human rights. We are a party to a number of human rights treaties. One in particular is the U.N. Convention Against Torture, and other cruel, inhumane, and degrading treatment or punishment. We ratified that in 1990. The International Covenant on Civil and Political Rights was ratified in 1992. The Convention on the Elimination of All Forms of Racial Discrimination, ratified in 1994.

So to say that these treaties will interfere with us just doesn't make any sense. Again, it is just not a fact in evidence.

The third reason my chairman says he doesn't want to hold a hearing is that he believes the whole purpose of this convention is to grant women the right to choose. In other words, in his opinion, this whole thing is about abortion rights. I want to say again how off the mark I think that suggestion is. When the committee voted this convention out for ratification 6 years ago, there was a big debate on this matter. What the committee did—by the way, I will support it overwhelmingly—it said this treaty and this convention is abortion neutral. It specifically said it ''does not create or reflect an international right to abortion or sanction abortion as a means of family planning.'' It goes on, ''We don't endorse it as a means of family planning,'' et cetera. The understanding states that ''nothing in the convention reflects or creates a right to abortion'' and that ''in no case should abortion be promoted as a method of family planning.''

So these issues that the chairman of the committee has raised, in my opinion, are straw men, or straw people, or straw women. They are not fact. The fact is, when we voted out this convention 6 years ago, we specifically stated it had nothing to do with abortion. The fact is that 165 nations have passed this, and we are standing with the most retrograde, rogue states in our opposition to it. There are thousands and thousands of treaties that do not interfere with our rights of sovereignty. The fact is that it has nothing to do with abortion. The most mainstream groups—and I have read some of them to you, and they are all that way—are behind this treaty and are working very hard to get it done.

Now, 21 years ago, the U.N. General Assembly adopted a treaty. Twenty years ago, President Carter signed the treaty. So it is really long overdue. I don't want to stand with Iran, Sudan, Somalia, and North Korea, as the rare nations who have not ratified this. I think it is a disgrace that we are not a party to this treaty. We know since 1981, when it entered into force, it has had a positive impact on the countries that have signed it. One such example is constitutional reform in Brazil, which brought significant guarantees of women's human rights, and CEDAW provides the framework for articulating these rights.

There are many other wonderful things that have happened worldwide as a result of this treaty. Other nations have copied word for word from the treaty the kinds of rights they are going to give women in their nations. We have an important book, ''Bringing Equality Home,'' which shows how many good things have happened because of that.

You might say, Senator BOXER, why does America have to act if these good things are happening? The fact is, we have to act because we should be proud that all of the things in this treaty we already do in our country. So we should be a leader, not a follower, on this. And we need that portfolio because when there is a case of a country that is not doing right by its women—and let me give you a case in point. There was a case in Kuwait where women were struggling to get the right to vote. It was a big brouhaha, and everybody thought, my goodness, we came to their assistance in the gulf war, they are going to follow suit and women will get the right to vote. Guess what happened. They did not. We were pressing them so hard, but I bet they turned to our negotiator and said, ''Wait a minute, why should we listen to you, you aren't even a party to the CEDAW treaty.'' It takes away our ability to lead for equal rights for women because we have not yet ratified.

I am very hopeful that Senator HELMS will have a change of heart on this, although I believe he does hold strong views. But today I learned that Congressman Gilman, who is the Republican chair of the committee called the House International Relations Committee, has agreed to hold hearings on this treaty.

The fact is, it is our business, our work, our job. We are the ones who should be doing it. Although I am very pleased that the House is going to have the hearing—and I hope I can get over there and testify. But I think we should have our own hearings. After all, we have 25 Members of the Senate who were on this. I will read you the list of Senators who have gone on this, asking for hearings on this: Senators MURRAY, MIKULSKI, COLLINS, SNOWE, ROBB, WELLSTONE, BIDEN, LAUTENBERG, KENNEDY, SARBANES, CLELAND, Bob GRAHAM, Jack REED, LINCOLN, FEINSTEIN, LANDRIEU, FEINGOLD, DURBIN, DASCHLE, LEAHY, DODD, BINGAMAN, TORRICELLI, KERRY, and SPECTER.

We have many Republicans and many Democrats. I honestly think that if everyone knows about this resolution—and I will work hard on that—we will get some more. We now have a quarter of the Senate on record asking for hearings on CEDAW. My view is, since it was voted out favorably 6 years ago by the committee on a bipartisan vote of 13–5, we ought to do it again and get it moving and bring it down here for debate.

Women deserve equal rights, voting rights, human rights. They deserve to be protected from violence, either in their own homes or walking down the street. They should be protected against institutional violence. We have seen things that go on in Africa with operations that are forced upon women. It is very important that for us to lead in the world, we must be a leader on this treaty.

Again, I say to my friends on the other side who oppose this, I respect your right to oppose it. But, my goodness, what about having a hearing on it so we can listen to both sides? I think women in this country are waking up to this fact. There are so many issues we deal with every day. The women in my State are dealing with making it home in time to greet their children coming home from school or who are in day care. Their husbands are also working and putting dinner on the table and planning all the things they plan for their families. They are balancing their lives with their jobs. Do you know what? They care about this.

I have had meetings with many women who care about this because we are on this Earth right now and we have to try to make it a better world. We can't stop every evil, that is for sure; we know that. But we can stand for equal rights and human rights for people all over the world. We can stand up and say in certain countries women are treated like second-class citizens and, in some cases, not even third-, fourth-, or fifth-class citizens; they are treated like property. They have no respect. I just believe this great Nation of ours has come a long way to have the equality we have. Sometimes I look at the young women here and I think: Do you really know what it was like before women had equality?

Do you know what it was like when I went to get a job on Wall Street after graduating from college and was told: Women don't work here? The most shocking thing about it was that I said OK. And I packed up my bag and left. I didn't even argue with them. It was a given. There were only certain jobs for women.

I had to study to pass my test as a stockbroker on my own without the benefit of anyone. Once I got my licensing back, I said: Now, can I please be a stockbroker, and bring commission to this brokerage house, by the way? Well, all right, but just do it quietly. We want to make it look like you are a secretary. Those were tough days. It wasn't that long ago. I know I am old, but I am not that old. We faced that kind of discrimination.

Women could not vote until 1920. People look around here and say: Why aren't there more women? Believe me. I say that every day. But the bottom line is we didn't get to vote until 1920. We weren't used to power—not even the power to vote until the 1920s. We are learning how to deal with it now. But it takes time. Why shouldn't the world learn from our experience? What

we know to be a fact and evident is that women are equal. By the way, it doesn't mean we are better. We are equal. We are equally good in some cases and equally bad in some cases—not better. But we know that and we respect that in this country, although I would still like to see the equal rights amendment be part of the Constitution. But basically we know that. We should take that knowledge and that commitment, and make sure the women of the world have a chance at life. I think we can do it through this treaty. I would think we would be proud to do it across the party line.

I think this is going to become an issue in this election because there is no reason why we shouldn't at least hold a hearing and debate these issues.

The chairman of the Foreign Relations Committee was down here today. He was eloquent in his opposition. Now I am on the floor and he is not here. I hope I have been a little eloquent on why we should pass the treaty. Why not bring that debate inside the Foreign Relations Committee where it belongs? Why not hear from Senators on both sides who care about this one way or the other? Why not vote it out? Why not come to the floor and have a good debate on these issues, and perhaps elevate the Senate? We get into our petty quarrels. Sometimes we take up issues that are, frankly, not as important as others. This one would be one that I think would make us all proud, wherever we come out on this matter and on this question. But in terms of the arguments against it, I hope I have put the other side out on the table.

Good people are behind this treaty—good, mainstream American groups. The treaty is a Magna Carta for women. We ought to be proud of it. We ought to stand with the countries in the world that are civilized, that give their women equal rights and fair rights. We ought to stand with them. It is time we do it.

It is International Women's Day. I will end where I started with happy International Women's Day. I hope when we think about this perhaps in the next few days and weeks and months, we will factor in a very important treaty—the Convention to Eliminate All Forms of Discrimination Against Women—on the floor of the Senate for a high-level debate and a vote.

Thank you very much Mr. President.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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. MURRAY. Mr. President, I ask unanimous consent to speak as if in morning business.

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

## CEDAW HEARING

Mrs. MURRAY. Mr. President, let me thank the Senator from California, Mrs. BOXER, for raising the issue that today is International Women's Day—it is a very important day for women around the world and their rights—and to thank her for her work on the resolution asking the Foreign Relations Committee to hold a hearing on CEDAW, which is a very important resolution. It is time that we as a Senate hear what is involved and have a chance to get testimony and to possibly move forward on it. It would be a great step forward.

## PIPELINE SAFETY

Mrs. MURRAY. Mr. President, I have come to the floor this afternoon to publicly thank my colleague from the State of Washington, Mr. GORTON, for endorsing my bill, S. 2004, the Pipeline Safety Act of 2000. I am delighted Senator GORTON joined with me on this very important public safety issue. Senator GORTON has the respect of many in the Senate leadership, and I expect he will be a great help in helping us pass this pipeline safety bill. I look forward to working with him to make sure that the tragedies he talked about today—such as the one that occurred in Bellingham, WA—don't happen again.

I also wish to take a moment to recognize the efforts of many, many people in my home State of Washington—especially the mayor of Bellingham, Mark Asmundson, who has done more than anyone I know to raise public awareness about pipeline dangers and to call for stronger safety measures.

I encourage my colleagues, many of whom I have met personally over the last several months on this issue, to take this opportunity now to join Senator GORTON and me in helping to ensure the safety of the pipelines that transport natural gas, oil, and other hazardous liquids throughout our communities.

Since 1986, there have been more than 5,700 pipeline accidents nationwide. These accidents have killed 325 people and injured another 1,500. Three of those people died in Bellingham, WA, last June. We want to make sure we take steps this year to ensure that does not happen again to any other community. It is time to act. It is time to prevent another disaster.

My bill, S. 2004, would expand State authority. It would improve inspection practices, a move that is drastically needed. It would expand the public's right to know.

For any of you who may suffer from a disaster in the future, you will quickly find that your communities and cities won't have the ability to ask pipeline companies whether pipelines have been inspected, and what problems there are, or actions they have taken to solve those problems, unless we pass the public's ''right-to-know provision.'' It will improve the quality of pipeline operators, and it will increase funding to improve safety.

I look forward to working with the rest of the Washington State delegation to put the lessons that we learned all too tragically in Bellingham, WA, into law.

I ask my colleagues, many with whom I have met, to again take a look at this legislation and join us in sponsoring it, and for this Senate and Congress to move on this very important piece of safety legislation.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## THE FAA CONFERENCE REPORT

Mr. STEVENS. Mr. President, I would like to take a few minutes at this time to congratulate the majority leader, Chairman JOHN MCCAIN, Senator SLADE GORTON, Representative BUD SHUSTER, and everyone in Congress who has worked so hard to produce a conference report on the FAA. Many of my colleagues have discussed the importance of this bill to our national aviation infrastructure, so I will not repeat now their comments. It is my purpose to remark to the Senate how important this bill is to my State of Alaska.

Mr. President, 75 percent of Alaska's communities are accessible only by air. We have enormous needs and, frankly, those needs have often taken a back seat to major metropolitan areas of the lower 48. It is my hope this bill will address some of those inequities, and I congratulate my Congressman, DON YOUNG, for his hard work on this bill.

We have 71 unlighted airports in Alaska. In an area where we spend half of our year in darkness, those airports are unlighted. One hundred and fifty airports in my State are less than 3,300 feet in length. More than half of our rural airports are without minimal passenger shelters. You reach the airport, get off the airplane, and there is literally nothing there. One hundred and seventy-six public use airports do not have basic instrument approach capability, and 194 locations in Alaska lack adequate communication, navigation, and surveillance.

This bill does not address all of those needs, and I hope to work with the Members of the House and Senate on the Appropriations Committee to fill a few of those gaps. This is a classic case in which some congressional earmarking is appropriate because the national administration too often has

written off Alaska as a priority in matters relating to aviation.

I am pleased my colleagues agreed with my proposal to increase the percentage of airport improvement program funds that flow to airports engaged in cargo operations. This modification will bring additional moneys, almost $6 million, to the Anchorage International Airport, which is now the busiest cargo airport in this Nation—Anchorage, AK.

It is also encouraging to see the committee once again included my language to allow the Administrator of the FAA to modify regulations to take into account special circumstances in Alaska. Sometimes rules that appear to make sense in the lower 48 simply do not work in our north country. That is why the conference agreed to exempt Alaska from provisions that bar new landfills within 6 miles of an airport. This provision is literally unworkable in Alaska where most of our remote villages are surrounded by Federal refuges and, despite repeated efforts, we are not even allowed to build a road a mile long because of intervention of an alphabet soup type of Federal agency domination.

That may sound strong, but it is literally true.

Many of you may have heard I was concerned about a provision in the budget treatment section of the final compromise package on the FAA. That is true, and I would like to briefly discuss it.

The practical effect of the provision that the House ultimately agreed to delete from this bill would have been to bar any Senate bill or conference report or budget resolution from being considered that did not slavishly adhere to the legislative structure or levels of funding in this bill. Such a provision amounted to an ultimatum to the Senate that presented an unwarranted intrusion into the legislative process. The provision would have given a small number of House Members the ability to completely derail an appropriations conference report, agreed to by the House and the Senate, on completely procedural grounds.

This provision could have had severe and damaging unintended consequences. For example, the House insistence on the across-the-board cuts in last year's wrapup bill would have triggered that provision, and the omnibus bill would not have been in order on the floor of the House.

The minority party in the House could have used this provision to oppose a transportation appropriations conference report, a supplemental conference report, or an omnibus bill if the guaranteed levels or program structures were modified in any fashion, pursuant to the waiver provisions contained in the law, even if such modification were made at the request of the leadership or of the authorization committees.

The bottom line when considering this particular provision is that it is hard to predict the future. Budget constraints, shifting congressional priorities, administration priorities, and other aviation issues that emerge after enactment of a reauthorization bill often require modification of other legislative provisions. The (C)(3) provision that has been deleted failed to provide for such exigencies, and I am pleased the conferees have deleted it. I hope we will not face that proposal again.

Beyond that, the budget treatment in the FAA reauthorization bill is challenging for the Appropriations and Budget Committees, but it is manageable. It will necessitate that the Senate and the House make some choices between discretionary priorities, transportation, and other priorities during the consideration of the budget and the funding bills for the year 2001. Above all, it will require the House and the Senate to agree to a budget at levels that will enable us to keep the mandates of the FAA reauthorization bill.

This bill adds between $2.1 and $2.7 billion in aviation spending above the fiscal year 2000 levels. I support that. I support spending as much on aviation as we can afford. I am not unmindful of the pressure that this and other guaranteed spending will place on the budget, the Budget Committee, and the appropriations bills. We will have to all work together on these matters.

Once again, I thank the members of the conference and my staff, including Steve Cortese, Wally Burnett, Paul Doerrer, Mitch Rose, and my legislative fellow Dan Elwell, for all of their work on this measure over the past year.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I ask unanimous consent to speak approximately 12 minutes on the Paez nomination. I don't know whether there is any agreement on that. Otherwise, I will do it in morning business.

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

## THE PAEZ NOMINATION

Mr. SESSIONS. Mr. President, I remain very troubled by this nomination. I know it has been pending for a long time because of the controversy surrounding the activism of the Ninth Circuit Court of Appeals to which Judge Paez has been nominated and by Judge Paez's own personal history of activism and his philosophy of judging that indicates to me he is quite clearly right along with the leftward group in tilt and movement of that circuit. We need to remove that circuit to the mainstream, not continue it out in left field, not having it be reversed 17 times, unanimously, by the U.S. Supreme Court in 1 year, a record that has never been met and probably never will be surpassed by any circuit in history. We need to get that circuit in the mainstream of law. Judge Paez will keep it out of the mainstream.

But we have had recent developments. We have been looking into Judge Paez's handling and acceptance of the guilty plea of John Huang, in Los Angeles, where he is a sitting district judge, Federal court judge. I believe there are a number of factors that indicate to me that that was not handled properly, not handled according to the highest standards of justice and, in fact, the plea bargain and sentence he approved was not justified under the law, and that he violated Federal guidelines in order to approve a plea bargain that was unacceptable, in my view, as to what should have occurred in the disposition of that case.

So I believe, and I have asked, and I have written the majority leader and asked that he pull this nomination off the floor and we be allowed to go back to committee and have live witnesses, under oath, to find out how it was, out of 34 judges who could have heard the Huang case in Los Angeles, that this case got to Judge Paez, the one who was already being nominated by the President for a court of appeals that is one step below the U.S. Supreme Court. How did it go to him?

Also, we had the Maria Hsia case that was recently tried here in Washington, and she was convicted. I believe there was a mistrial in California, but he had that case, too. How did this judge, out of 34, get both those cases that had great potential to embarrass the President, because this was the key part of the campaign finance corruption scandal? John Huang is the guy who raised $1.6 million in illegal funds from foreign sources that the Democratic National Committee had to return because they were illegally obtained.

Then he comes in and the Department of Justice, which was urged by the chairman of the Judiciary Committee of the Senate and the House, Members of this body—we urged the Department of Justice to send a special prosecutor to handle this case, and she did, in a number of cases; Attorney General Janet Reno did make special appointments.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SESSIONS. I will be glad to yield.

Mrs. BOXER. I hope my friend understands that in the Maria Hsia case there were two trials. The campaign trial he is talking about did not go to Judge Paez. The trial he had with her had to do with a tax evasion case where there was a jury that deadlocked. My friend keeps bringing up these cases injecting politics into this. My friend knows all these cases are taken on a random basis. My friend knows there are rated—

Mr. SESSIONS. Mr. President, I reclaim the floor. I appreciate the question.

Mrs. BOXER. I want my friend to comment on it.

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

Mr. SESSIONS. Maria Hsia was indicted in California and charged here. She had a hung jury there and was convicted here. That was a critical case to the Clinton-Gore administration. It was important to them. She had the potential to cooperate and talk.

At any rate, it still remains odd to me that in these high-profile cases about which much has been written in recent weeks, one of which was tried here in Washington, Judge Paez got both of them.

I submit to my colleagues that perhaps that circuit is assigning those cases randomly, but this case of John Huang did not come off an indictment; it came off a plea bargain. I have a copy of the plea bargain which is part of the public record in California. It was signed by John Huang, his attorneys, and the prosecutor, a Department of Justice employee of Janet Reno who holds her job in Washington at the pleasure of the President of the United States, whose campaign was involved in this illegality. That is who was making the decision on the prosecutorial end.

To me, the question is whether or not the judge handled himself correctly. Some say the judge did not know of all this material and it was not his fault; it was the prosecutor's fault. I do believe the prosecutors failed in advocating effectively the interests of the people of the United States and the rule of law in this case.

In California, young people every day are getting sent to jail for 15 years, 20 years, without parole, for dealing in crack cocaine and other violations. A guy raises $1.6 million from the Chinese Government and launders it into the Democratic National Committee, and what does he walk out with? Total probation, not a day in jail. That is wrong.

This is how they did it. This is a plea agreement. First and foremost, a judge is not bound to accept the plea agreement. He does not have to accept it. I am going to read the language in this agreement that talks about that. This is Huang and his attorneys and the U.S. attorney prosecutor. They signed this agreement. It says:

> This agreement is not binding on the Court.

And the court in this case is Judge Paez.

> The United States and you—

Huang—

> understand that the Court retains complete discretion to accept or reject the agreed-upon disposition provided for in Paragraph 15(f) of this Agreement.

They had an agreement, but the judge had every right not to accept it. It goes on to say:

> In addition, should the Court reject the Agreement and should you thereafter withdraw your guilty plea—

They said if the judge did not follow this recommendation of probation, John Huang could withdraw his plea and go to trial and declare his innocence and they would not use anything he said against him.

It goes on to say:

> . . . without prejudice . . . to indictment—

In your defense.

It goes on in detail about it. That is normally done. I was a Federal prosecutor. I am aware of that.

They had the deal arranged. They took it to him. He was not given all of the facts in the case, but he was given enough facts in the case and he was aware of enough facts to reject this plea.

I want to go over with my colleagues a couple of the items. I mentioned them earlier, but this is so critical. This is why we need to take some time to pause before we confirm this man for a lifetime appointment to a court one step below the U.S. Supreme Court. We waited and fought for 4 years as to whether or not he should be confirmed. Now we have these new charges pending, and I do not see why in the world we cannot be given 3 weeks—just 3 weeks—to inquire into it and make a decision.

This is what he was given. He was given evidence that a substantial part of the fraudulent scheme was committed outside the United States because this was foreign money. If that is true, the judge was required to add two levels to the sentencing. He added no levels to the sentencing for that.

He was told there were 24 illegal contributions spread out over a course of 2 years involving multiple overseas corporate entities of which June Huang was responsible for soliciting the money and reimbursing the contributions. That should have added two to four new levels.

He was an officer and a director in a bank, and as an officer and a director, he should have had two levels added for abusing a position of public or private trust.

These are not requests. These are matters at which the judge is supposed to look. They are mandates of law. He ignored all of those, and that is how the judge came out with a sentence level of 8 and not maybe 14 because if it had been a level 9, one more level up, and this sentence would have required John Huang to go to jail at least some time.

The Department of Justice did not want him to go to jail. They wanted him to have a deal. He spent not one day in jail and pled to a contribution to the mayor's race of the city of Los Angeles and did not plea to any criminal charge relating to the 1996 Presidential campaign and, in fact, I want to note what this plea agreement said. It grants him immunity on all of those charges. This is what the agreement said, America. Listen to this. This is serious business.

It said: Judge, if you accept this plea, the prosecutors of the United States will not prosecute you, John Huang, for any other violations of law other than those laws relating to national security or espionage occurring before the date of this agreement signed by you.

He could have been found to commit murder. Giving blind immunity is a very dangerous commitment to make. He could have committed embezzlement. He could have committed bribery. He could never be prosecuted. He got his probation deal, he walked out of court, and he received no time in jail.

There was no evidence presented in court about the $1.6 million he spent in this campaign for the Democratic National Committee, which was illegal and had to be returned. None of that came out. It was not a plea bargain; it was a wrong plea bargain. He should have looked those lawyers in the eye and said: Gentlemen, I have the right to reject this plea and I do. This is a matter of national importance. It is a matter that goes to the core of justice and our commitment in this country to equal justice under law.

He did not do so. He actually went along with a procedure in which he accepted guideline levels that he could not justify and that were wrong. He was affirmatively wrong. He maybe should have had more evidence, but he had enough to reject this agreement.

I know my time is up, Mr. President. I believe strongly in this. We ought not to be doing this. We ought not to be shoving this through. This man ought not to be on the bench until we know precisely how he got this case and why, and have him stand up under oath and explain why he did not follow the plain guidelines of the law of the United States of America. I believe strongly in it. I have voted for an overwhelming number of Federal judges put forth by this administration. This Congress has rejected only 1 out of over 300-something. This one has been controversial from the beginning, and he ought not go forward.

Mr. President, my time is up, and I yield the floor.

Mr. HATCH. Mr. President, I support the nominations of Ms. Berzon and Judge Paez, and spoke yesterday urging my colleagues to do the same.

I would hope my remarks prove persuasive. But if they do not, my colleagues of course are free to reasonably disagree with my view and to cast a vote against these candidates.

It is quite another story, however, for members of this body to frustrate a majority vote on these nominees by forcing a super-majority cloture vote.

I have reached this conclusion after having been part of this process for over 20 years now, and having served as Chairman of the Judiciary Committee for more than half a decade.

There are times when legislators must, to be effective, demonstrate their mastery of politics. But there are also times when politics—though available—must be foresworn.

I am reminded of the great quote of Disraeli, which I will now paraphrase—''next to knowing when to seize an opportunity, the most important thing is knowing when to forego an advantage.'' I hope my colleagues will forego the perceived advantage of a filibuster.

Simply put, there are certain areas that must be designated as off-limits from political activity. Statesmanship demands as much. The Senate's solemn role in confirming lifetime-appointed Article III judges—and the underlying principle that the Senate performs that role through the majority vote of its members—are such issues. Nothing less depends on the recognition of these principles than the continued, untarnished respect in which we hold our third branch of Government.

On the basis of this principle, I have always tried to be fair, no matter the President of the United States or the nominees. Even when I have opposed a nominee of the current President, I have voted for cloture to stop a filibuster of that nominee. That was the case with the nomination of Lee Sarokin.

To be sure, this body has on occasion engaged in the dubious practice of filibusters of judicial nominees. But such episodes have been infrequent and, I shall add, unfortunate.

During a number of occasions in the Reagan and Bush Administrations, my colleagues on the other side engaged in filibusters of judicial nominees. Frequently, they backed off, ostensibly realizing there were enough votes to stop a filibuster.

And just last year, I watched with sadness as the minority made history by filibustering one of its own party's nominees. Forcing a cloture vote on Clinton nominee Ted Stewart—who is now acquitting himself superbly as a district judge in Utah—reflected nothing more than a political gambit to force action on other judicial nominees. Fortunately, the effects of that filibuster were short-lived, as the minority recognized the errors of its ways.

These unfortunate episodes do not a precedent make. The fact that these actions precede us does not establish a roadmap for the Senate's handling of future nominations.

Moreover, these filibusters were limited in number. During some of the Reagan and Bush years, I thought our colleagues on the other side did some reprehensible things in regard to Reagan and Bush judges. But by and large, the vast majority of them were put through without any real fuss or bother, even though my colleagues on the other side, had they been President, would not have appointed very many of those judges. We have to show the same good faith on our side, it seems to me.

My message against filibusters of judicial nominees is one I hope to make abundantly clear to my colleagues in the majority. This is so because, to the extent our majority party gives repeated credence to the practice of filibustering judicial nominees, we can expect the favor to be returned when the President is one of our own. We hope in earnest that the next President will hail from our party. And if we are gratified in that hope, how short-sighted it will have been that we gave a fresh precedent to the minority party in this body to defeat—by requiring not 51 but a full 60 votes—that Republican President's judicial nominees.

It is important to remember another reason against filibustering judicial nominees. Most of the fight over a nomination has occurred well before a nominee arrives at the Senate floor. Proverbial battles are fought between people in the White House and members of the Judiciary Committee.

As a general matter, when nominees get this far, most of them should be approved. Though there are some that we will continue to have problems with, it is our job to look at them in the Judiciary Committee. That is our job—to look into their background. It is our job to screen these candidates.

In the case of both Ms. Berzon and Judge Paez, each was reported favorably to the floor. And now we have the unusual situation of a Democrat President, the Republican and Democrat Senate Leaders, and Republican and Democrat Chairman and Ranking Member of the Judiciary Committee, all agreeing that votes on the nominees should go forward. But certain Senators who oppose these nominees have nonetheless elected to thwart such votes.

At bottom, it is a travesty if we establish a routine of filibustering judges. We should not play politics with them.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate is finally going to act on the nomination of Marsha Berzon to be a judge on the Ninth Circuit Court of Appeals. The history of her nomination is one of the most disappointing episodes in the Senate's recent shameful treatment of judicial nominees. One of America's most qualified appellate litigators has been held hostage by opponents who raise complaints without substance or merit to impede her confirmation. Today I hope to dispel some of the myths that opponents of her confirmation have used to block Marsha Berzon's nomination. I urge the Senate to confirm her, and put a highly qualified lawyer on the bench where she belongs.

What kind of nominee do we have before us today in the person of Marsha Berzon? We have a woman who has distinguished herself at all levels, from clerkship through successful private appellate practice. We have a woman who has already argued before the Supreme Court four times and has repeatedly appeared before Circuit courts around the country.

Thirty years ago Ms. Berzon received the honor of being picked as U.S. Supreme Court Justice William Brennan's first female law clerk. Her opponents have seized on this honor as suggesting that Ms. Berzon possesses a liberal and activist judicial philosophy. I say to those who believe serving as a Supreme Court clerk is emblematic of one's political beliefs that they are wrong to believe a clerk adopts her Justice's philosophy for life. First, to be chosen by any Justice of the Supreme Court as a clerk is a rare and noteworthy honor, reserved for the most promising legal minds from the finest law schools. So the most important thing to be gathered from Ms. Berzon's service as a Supreme Court clerk is that her promise as a lawyer and future judge was already apparent thirty years ago just as she was beginning her career.

Second, it is demonstrably untrue that you can tell the philosophy of an individual by the belief of his or her former boss. I'm sure we all know examples of people who have worked for us in the Senate who don't share our views on every issue. But perhaps the best example of the unfairness of assuming that Marsha Berzon believes everything that Justice Brennan did is another former Brennan clerk, Judge Richard Posner of the 7th Circuit Court of Appeals. Many consider Judge Posner the most creative legal mind of his generation, and no one who is familiar with his law and economics philosophy would call him a liberal.

So let's put that fallacious line of argument to rest.

Listen to the praise our Judiciary Committee Chairman, my friend Sen. HATCH, heaped upon Marsha Berzon when the Committee considered her nomination before forwarding it to the full Senate. Chairman HATCH called Berzon ''one of the best lawyers I've ever seen.'' He noted in a letter supporting her nomination that her ''competence as a lawyer is beyond question'' and that she has the ''sound temperament that will serve her well as a federal judge.'' At the time Chairman HATCH also noted that Marsha Berzon had attracted ''both Republican and Democratic support.'' I am pleased that the Chairman continues to support her nomination on the floor.

Opponents of Marsha Berzon have questioned her credentials unfairly. Despite graduating with honors from Harvard/Radcliffe college and teaching law school courses at both Cornell and Indiana University Law schools, her scholarship has been attacked.

Some who have opposed Berzon's nomination have even called her a labor zealot. But Mr. President, there are a number of people in this room who were attorneys before joining the Senate. They know, as do I, that the code of professional responsibility requires zealous advocacy on a client's behalf. So to mention her zeal for her practice is simply to highlight one of those qualities which makes her such a fine candidate for the 9th Circuit. It shows that she has taken her practice of law to the highest and most professional level.

And lest her opponents complain about professionalism and infer unfairly that a former labor lawyer cannot be fair to management, listen to what numerous management-side attorneys who have litigated against her say about Marsha Berzon. Let's take the case of W.I. Usery, Jr., a former Republican Secretary of Labor:

Usery said Ms. Berzon ''has all the qualifications needed, as well as the honesty and integrity that we need and deserve in our court system today. . . I know she will be dedicated to the principles of fairness and impartiality in all her judicial activities.''

Or perhaps, we should listen to Fred Alvarez, President Ronald Reagan's former EEOC Commissioner and Assistant Secretary of Labor. Alvarez says:

Someone with the intellect and integrity, which Ms. Berzon has demonstrated, understands the difference between advocacy and the solemn responsibilities undertaken as a federal appellate court judge . . . I can think of no other union-side lawyer who would command so strong and so compelling a consensus from management lawyers on her suitability for such an important position on the 9th Circuit Court of Appeals.

So there you have it Mr. President. Top Republican officials—who we can be sure favor management positions by personal philosophy—endorse Berzon and her professionalism without reservation.

So let's put the foolish argument that Marsha Berzon can't be fair concerning labor issues to rest.

Let's review. We've shown that arguments that Berzon is some liberal by her association with Justice Brennan are fallacious. We've shown that arguments that she is a zealous advocate and should be rejected as an ideologue in fact highlight her mastery of the practice of law and make her highly qualified for this position. We've exploded the myth that she is anti-management and incapable of impartiality in hearing cases pitting management versus labor, and found that she works towards reaching consensus. So one has to wonder Mr. President, what is really going on here?

I'm concerned about the appearance that Marsha Berzon has had such a long, hard road to confirmation because she is a woman. And I don't blame the public for taking that message from this delay when a highly qualified appellate attorney is held up for years and the arguments against her confirmation are so thin.

At the end of 1999, the entire federal judiciary included only 158 women—that's a scant and embarrassing 20% of sitting judges. Rather than attempting to address that disparity, this Senate has chosen to continue the policies of limiting the upward elevation of talented and capable women attorneys and judges. We've repeatedly delayed action on a host of female candidates. What's the impact? If fewer women get confirmed, there are fewer lower court judges to elevate to the nation's appellate courts. And if the judiciary remains a male bastion, as far as we've come in this country in recognizing equal rights for women, we risk creating the perception that gender biases will continue to plague our judicial system well into the 21st century.

I believe Ms. Berzon is highly qualified to sit on the 9th Circuit, and her confirmation should wait no longer. I enthusiastically support her and I urge my colleagues to do the same.

I yield the floor.

Mr. BUNNING. Mr. President, I rise in opposition to the nominations of Richard Paez and Marsha Berzon to sit on the 9th Circuit Court of Appeals.

There are serious problems with the 9th Circuit. It has become a renegade Circuit, far out of the mainstream of modern American jurisprudence, and I am afraid that if these nominees are confirmed, they will only make a bad situation worse.

Over the past six years, the 9th Circuit has been overturned 86% of the time by the U.S. Supreme Court, a terrible record. During this period, the Supreme Court has reviewed 99 decisions from the 9th Circuit, and overturned 85 of those decisions. During the current session, the 9th Circuit has been overturned in all of the 7 cases reviewed by the Supreme Court, and in one term—1996–97—27 of 28 decisions were overturned, including 17 by unanimous votes.

This is the worst record of any circuit, and is especially troubling given the size and influence of the 9th Circuit. It covers almost 40% of the country, and 50 million Americans—20 million more than any other circuit. The fact that the 9th Circuit has been slipping toward judicial extremism is no laughing matter, and directly affects a large part of our nation and almost one-fifth of our citizens.

The main reason for the judicial imbalance on the 9th Circuit is that Democratic appointees currently comprise 15 of the 22 positions on the 9th Circuit, 10 of whom were appointed by President Clinton. I do not begrudge President Clinton his appointees; he is the President, and has the constitutional right and responsibility to fill the federal bench. But the 9th Circuit has become lopsided with activist judges that has helped push it far out of the judicial mainstream. The circuit cries out for balance.

Confirming Richard Paez and Marsha Berzon to the 9th Circuit would only exacerbate its problems. Mr. President, I do not know the nominees and I have nothing against them. Their records show that they have long legal backgrounds, and deserve a final vote on their nominations. But, the record also shows that they both tilt far too left in their judicial views and would not help to restore balance or judicial sensibilities to the 9th Circuit.

Ms. Berzon has worked as the general counsel of the AFL–CIO for over a decade, and was long active with the ACLU. At least one conservative group has described her as the ''worst judicial nomination President Clinton has ever made.'' Mr. President, Ms. Berzon is entitled to her views and I am not going to criticize her for her personal beliefs. But looking at her past and the causes which she has pushed show that, if confirmed, she is not going to help steer the 9th Circuit toward the judicial mainstream.

As for Judge Paez, he currently sits on the federal district court in the 9th Circuit, and his nomination is opposed by over 300 grassroots conservative organizations that are troubled by his judicial activism. The U.S. Chamber of Commerce, and the Hispanic Chamber of Commerce, have even taken the unusual step of opposing his nomination because of their concerns over some of his past decisions, arguing that he has pursued an agenda that ''has the potential to cause significant disruption in U.S. and world markets.'' Mr. President, business groups usually do not become involved in judicial nominations, and when they do it should make us wonder.

Even the Washington Post editorial page, no friend of conservative causes, has cautioned that opposition to Judge Paez ''is not entirely frivolous'', and points to past public remarks by Judge Paez that show how ''sympathetic'' he is to activist, judicial thinking.

Mr. President, since coming to the Senate I have voted for some of President Clinton's judicial nominees, and I have opposed several. Yesterday, in fact, I voted to confirm Julio Fuente to sit on the Third Circuit. But confirming Richard Paez and Marsha Berzon to sit on the 9th Circuit would be a mistake, and would directly affect 50 million Americans. The 9th Circuit has serious problems, and confirming these nominations are not going to fix those problems. Consequently, I am going to oppose them.

Mr. FEINGOLD. Mr. President, I rise to speak today in strong support of the nomination of Richard Paez to be a judge on the Court of Appeals for the 9th Circuit. By finally moving on the nominations of Judge Paez and Ms. Marsha Berzon this week, the Senate will take long-delayed steps towards returning the 9th Circuit dockets to a manageable level. Action on these nominees is long overdue. I believe their nominations should be confirmed, and I hope, after all this delay, there will be strong bipartisan votes in favor of them.

Four years, 1 month, and 11 days. Just over forty-nine months. One thousand, four hundred and ninety-nine days. That's right. 1499 days, two short of 1500. That is how long Judge Richard Paez has been waiting for the Senate to act on his nomination. In the same amount of time, a young adult could enter and complete a full college degree program. Let me repeat that. Judge Paez has waited for the Senate to grant him the simple grace of voting his nomination up or down for longer than it takes a young American to complete an entire college education. A President or Governor could be inaugurated, serve his or her entire term

and be re-inaugurated during that same four year time period. While I'm sure Judge Paez is a patient man, possessed of the proper judicial temperament that makes him an excellent candidate to sit on the 9th Circuit, I know that even his patience must have long-ago worn thin waiting for the Senate to act on his nomination.

First nominated to fill a 9th Circuit vacancy on January 26, 1996, Judge Paez has been subject to delay after delay after delay, and yet his opponents have not been able to give a convincing reason why we shouldn't confirm his nomination. Even with his 13 year record as a LA Municipal Court Judge and nearly 6 years as a U.S. District Court Judge for the Central District of California, those who don't want him on the bench can't build a case against his elevation to the 9th Circuit. They charge that he is an ''activist judge,'' but the record simply doesn't support this allegation.

Judge Paez now bears the dubious distinction of suffering through the longest pendency of a nomination to the federal bench in the history of the United States.

All Judge Paez, has ever asked for was this opportunity: an up or down vote on his confirmation. Yet for years, the Senate has denied him that simple courtesy.

I find it ironic that Judge Paez, the same judge who diligently worked to reduce the length of delays in resolving civil matters in Los Angeles and throughout California's court system through his design and implementation of a civil trial delay reduction project, should himself be subjected to such egregious delay in getting his ''day in court'' before the full Senate. Particularly when the Senate confirmed his nomination for a District Court judgeship in July 1994 by unanimous consent. Now I recognize that control of this body has changed since 1994, but his nomination to the District Court was confirmed without objection. And his record on that court has been exemplary.

This delay has not simply been unfair to Judge Paez and his family. It has affected the administration of justice. Listen to the concerns of Procter Hug, Jr., Chief Judge of the 9th Circuit. Chief Judge Hug has responsibility for overseeing the functioning and managing the caseloads of the entire Circuit. Currently, of the 28 spots on the 9th Circuit, 6 stand vacant. Chief Judge Hug explained in a letter this past week to the Judiciary Committee that during his term as Chief Judge, the Senate has left him with up to 10 vacancies on the court at any one time. He has responded to this judicial emergency by begging his colleagues to redouble efforts to resolve cases and then increased their dockets to prevent even longer delays in resolution of cases. Hug argues forcefully for the confirmation of Judge Paez and Ms. Berzon and asks this body to swiftly fill the other 4 vacancies on the court.

Now Mr. President, let me address the argument made by the Majority Leader and others that the pending 9th Circuit nominations should be rejected because that circuit has a supposedly high level of reversals when its decisions are reviewed by the Supreme Court. This argument simply doesn't hold water.

First, if we assume that this argument is not meant to be critical of the views or qualifications Judge Paez or any other nominee personally, it makes no sense at all. Even if we disagree with the direction of that court, why would we deny the 9th Circuit adequate resources, thereby depriving the litigants in that circuit of efficient administration of justice? It just makes no sense.

More importantly, arguing that the Ninth Circuit is out of step with the Supreme Court and needs to be reined in doesn't get opponents over the hurdle that they have not yet been able to satisfy—to show that Judge Paez is unsuitable for the appellate bench. He is obviously not responsible for past decisions of the 9th Circuit. So the argument has to be that his elevation will continue the Circuit on its supposedly misguided course. The evidence of Judge Paez being unable to follow Supreme Court precedent is thin indeed, if not non-existent.

But more fundamentally, it is simply not factually correct that the 9th Circuit is out of step with the Supreme Court and other circuit courts. Chief Judge Hug in his letter convincingly refutes the argument that his circuit is reversed more often than others. In fact, its clear from the numbers that even in 1996–1997, when the 9th Circuit's reversal rate was at its highest level of recent years, it was reversed less frequently than 5 other circuits—the 5th, 2nd, 7th, D.C. and Federal—each of which were reversed 100% of the time that year by the Supreme Court. In more recent years, the statistics show even more clearly that the 9th Circuit is not a runaway train that somehow needs to be slowed down, but many in the Senate would like it to become a more conservative circuit, perhaps to be broken into two conservative circuits. And they are willing to hold up Judge Paez and others to achieve that political objective.

Furthermore, I have to point out that reversal rates are a very poor criteria for judging a court's work. The Supreme Court is not required to review every appellate decision. It picks which cases to review. So it is hardly surprising that when it does take a case, it reverses a lower court. Chief Judge Hug quite rightly points out that the 9th Circuit decides about 4,500 cases on the merits each year. 4,500. So the fact that 10 or 20 cases per year are reversed really should not trouble us. It is just not a plausible argument against a nominee for this Circuit that its decisions are out of the mainstream.

We ought to congratulate the women and men currently serving on the 9th Circuit for so successfully fulfilling their judicial roles at the same time vacancies are greatly increasing their dockets and stretching their time thin. The pressure to carefully make the proper judicial decisions is great, and these Judges are responding with professionalism. I thank them for that, but I cannot help but think that we are putting an unconscionable burden on them.

So what is the point of raising meritless arguments against this nominee? Why the long delay? Let me suggest two possibilities, neither of which reflect well on the Senate. First, Senators delaying these nominations may be trying to run out the clock until President Clinton leaves office. Confirmations always slow down in a presidential election year. In 10 months, we will have a new President. Perhaps a different President will put forward a different nominee. But Judge Paez was actually nominated a year before the President's 2nd inaugural. So holding up this particular nomination for purely political reasons is most unfair. In some ways, this nomination should get special treatment. We had an intervening election after the nomination was first made, and President Clinton won. It is indefensible to hold a nomination hostage for his entire second term. It defies the clear constitutional prerogatives of the duly elected President to choose nominees to the bench and the duty of the Senate to say yes or no.

Some Senators may also object to moving the nomination of Judge Paez because of a perceived judicial philosophy. Some opponents of his nomination look to his long and distinguished service in legal aid and attempt to tar him with the epithet of ''liberal,'' forgetting that his exemplary judicial career has been filled with distinction at all levels. A close look at his record as a U.S. District Court judge since the Senate confirmed his nomination in 1994 debunks attempts to label his opinions as conservative or liberal, reactionary or progressive.

The Los Angeles Daily Journal, which is a newspaper devoted to covering the courts and the legal profession in Los Angeles commissioned 15 legal experts to examine Judge Paez's decisions in seven different cases. Each case was reviewed by at least 2 experts. The results were clear. Thirteen of the legal scholars and practitioners found Paez's opinions ''well-reasoned and well-written.'' Two others were mildly critical. And, in the one decision in which the experts were critical of Judge Paez's decision not to dismiss claims that Unocal Corporation was liable for human rights abuses in Burma, a third expert countered the criticism of Judge Paez's decision, saying ''I would give Judge Paez very good marks on his ruling.'' What's the point here? In a variety of decisions, the commentators praised the work of Judge Paez. Here are some of their comments:

I carefully read Judge Paez's opinion and found that it was excellent in every respect.

His writing was clear and his expression was good. He did not show any ideological or personal bias.

Judge Paez's injunction—in a case against anti-abortion demonstrators—was entirely consistent with the reasoning and result in conservative jurisdictions.

The result is that claims that the Judge's record is activist, or liberally slanted are simply wrong. Claims that he is anti-business are simply not borne out by the facts. Paez also ruled in favor of Philip Morris on a second-hand smoke suit and for Isuzu against Consumers Union. Senators opposing this nominee because they claim he's anti-business are missing the point. Paez rules on each case on the merits—yes, on the merits—and shows no favoritism for or against business. So again, Mr. President, I'm just baffled by these claims of activism or anti-business philosophy being leveled against Richard Paez.

Now if his record as a judge doesn't support these charges of ''judicial activism'' where did Judge Paez's opponents get the idea that he must be stopped. Opponents aren't saying it openly but it could be that they are worried that a judge who formerly worked in a legal aid capacity must be a liberal, and incapable of making balanced decisions. Having failed to find any hint of bias or lack of judicial temperament in 20 years of judicial decisions, what other reason for opposition could there be other than a belief that if you are an attorney who agrees to work on behalf of those unable to access the legal system because they are poor or under-educated, as Judge Paez did for nine years early in his career, you must be a liberal, right?

Wrong. Dead wrong. The organized Bar in every single state requires public service of attorneys. Every major law firm has dedicated efforts to reach under-served populations needing legal advice. That's part of the profession, a noble part of the profession, and those who would complain about Judge Paez's service to those in need would do well to remember their own reasons for choosing to serve the public. For my part, I applaud the decision of Judge Paez and others like him to serve the poor, and I cannot imagine how his unique perspective from working one on one with these populations for nine years would not be desirable and an advantage to parties before the 9th Circuit. His perspective is badly needed in a circuit which serves 20% of the nation's population, many of whom are people who needed legal aid when he was working with them during the 70s.

If opponents of Judge Paez want to fill the court only with seemingly conservative judges, they mistake their role in the constitutional scheme in my opinion. Let's not kid ourselves. Partisan politics shouldn't play a part in the confirmation of judges, but they do. But to hold up a well-qualified judge for a President's entire term on the basis of unsupported allegations of ''judicial activism'' is shameful, it takes the impact of politics on this process to an extreme that we have not seen before, and I hope we never see again.

Mr. President, regardless of the reason for delays in acting on Judge Paez's nomination, the effects of delay are damaging and unmistakable. I believe they are twofold. First, as I discussed before, justice is put on hold in the 9th Circuit because of crowded dockets. Second, this Senate sends a subtle, but unmistakable signal to Hispanic Americans, or recent immigrants about opportunities in America.

It's an old adage but a true one. Justice delayed is justice denied. Parties take their disputes to court to reach a resolution. Longer dockets mean delays for families and businesses seeking to settle legal conflicts and move forward. Holding up qualified nominees like Judge Paez and leaving huge holes to fill on appellate benches literally delays justice.

And the subtle, even subconscious message sent to Hispanic Americans when they examine who hears their disputes in a court of law is that Circuit court judgeships are not open to them. Young Hispanic Americans hearing about Judge Paez will unfortunately learn the message without it ever being said out loud that there are limitations to their advancement in careers of public service. The signals sent by Senators' failure to vote for Paez's confirmation lead to diminished expectations and a view of limited, not limitless opportunities for millions of Hispanic Americans. The Washington Post reported on Monday that only 9 Hispanic American judges currently sit on appellate courts in this country out of a total of 170 appellate judges. And only 31 out of 655 District Judges, including Judge Paez, are Hispanic Americans. That's a shameful record as we begin the 21st century.

Here's the message sent if Judge Paez is not confirmed. You can go to law school at UC Berkeley's Boalt Hall School of Law, work tirelessly with under-served and under-represented populations needing legal assistance, be a successful and well-respected judge on the local bench and the federal District Court, get the highest rating from the American Bar Association, receive endorsements from law enforcement organizations, bar leaders, business leaders, and community leaders, and yet be needlessly and unfairly delayed and prevented from being elevated to the prestigious 9th Circuit Court of Appeals based on unsubstantiated and vague concerns that you are a ''judicial activist'' or a ''liberal.'' There is only one nominee in this position, whose nomination has been held up for over 4 years. That is Richard Paez, who is a Hispanic American. That's the wrong message from this Senate to millions of Americans, and we should not send it.

I strongly support Judge Paez's confirmation, and urge my colleagues to join me in quickly filling this and other vacancies on the 9th Circuit. This long delayed confirmation vote for Richard Paez is an important test for the Senate. I hope we pass it.

I yield the floor.

## WENDELL H. FORD AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, the Senate will now vote on adoption of the conference report accompanying H.R. 1000.

There are 2 minutes equally divided for debate. The Senator from Washington.

Mr. GORTON. Mr. President, this bill provides a generous contribution to the future of aviation in the 21st century. It significantly reforms the operations of the Federal Aviation Administration. It represents the collective wisdom of the chairman and the ranking minority member of the Commerce Committee, the chairman and the ranking minority member of the Subcommittee on Aviation, and the majority and minority leaders of this Senate. We do not have many bills such as this. I commend it to my colleagues for passage.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. We have known a long time we have been underfunding our aviation system as a whole, particularly our air traffic control system, reforming the FAA—all the rest of it—building airports.

Overall, aviation funding is increased by 25 percent in this bill. It is a start. FAA operations funding is increased. Airport money is increased by 33 percent; air traffic control modernization is increased by 40 percent.

This is the first shot we have at making the airways safe for the American people. I urge my colleagues to support the bill.

Mr. President, I note Senator LAUTENBERG wanted to have 1 minute in opposition, but I do not see him on the floor. I do not know what to add further to that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, we are about to vote on a bill that purportedly takes care of the problems of the FAA. I have to say, this bill guarantees funding increases in a manner that is grossly imbalanced. It threatens to cut funding from Amtrak, from the Coast Guard, from highway safety, and the NTSB in order to provide an aviation entitlement.

Investments in aviation do have to be made, but it has to be in a balanced way if we are going to avoid gridlock. You cannot ignore the rail system or highway safety and only focus on aviation.

The agreement seeks to guarantee a 64-percent increase in airport grants and a 37-percent increase in modernization funding. Tight budget caps mean either cuts in transportation appropriations—including the Coast Guard or Amtrak—or cuts to other discretionary programs, such as education, health care, veterans' benefits, or agriculture.

Further, it does not provide for the kinds of funding that operations will need to put on more controllers to man this larger system. It does not provide money for the continued training of new controllers.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report to accompany H.R. 1000. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

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

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

The result was announced—yeas 82, nays 17, as follows:

{Rollcall Vote No. 35 Leg.}

YEAS—82

| | | |
|---|---|---|
| Abraham | Enzi | Mack |
| Akaka | Feingold | McConnell |
| Allard | Feinstein | Mikulski |
| Ashcroft | Gorton | Murkowski |
| Baucus | Graham | Murray |
| Bennett | Grassley | Reed |
| Biden | Hagel | Reid |
| Bingaman | Harkin | Roberts |
| Bond | Hatch | Rockefeller |
| Boxer | Helms | Roth |
| Breaux | Hollings | Santorum |
| Brownback | Hutchinson | Sarbanes |
| Bryan | Hutchison | Schumer |
| Bunning | Inhofe | Shelby |
| Byrd | Inouye | Smith (NH) |
| Campbell | Jeffords | Smith (OR) |
| Chafee, L. | Johnson | Snowe |
| Cleland | Kennedy | Specter |
| Cochran | Kerrey | Stevens |
| Collins | Kerry | Thomas |
| Conrad | Kohl | Thompson |
| Coverdell | Landrieu | Thurmond |
| Daschle | Leahy | Torricelli |
| DeWine | Levin | Warner |
| Dodd | Lieberman | Wellstone |
| Domenici | Lincoln | Wyden |
| Dorgan | Lott | |
| Durbin | Lugar | |

NAYS—17

| | | |
|---|---|---|
| Bayh | Frist | Moynihan |
| Burns | Gramm | Nickles |
| Craig | Grams | Robb |
| Crapo | Gregg | Sessions |
| Edwards | Kyl | Voinovich |
| Fitzgerald | Lautenberg | |

NOT VOTING—1

McCain

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

## ORDER OF PROCEDURE

Mr. GORTON. Mr. President, I ask unanimous consent that the next vote in this series be limited to 10 minutes in length.

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

## EXECUTIVE SESSION

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## NOMINATION OF MARSHA L. BERZON TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

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## NOMINATION OF RICHARD A. PAEZ, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT

### CLOTURE MOTIONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 159, the nomination of Marsha L. Berzon, to be United States Circuit Judge for the Ninth Circuit:

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, James M. Jeffords, Robert F. Bennett, Richard G. Lugar, Chuck Hagel, Conrad Burns, John W. Warner, Patrick J. Leahy, Harry Reid of Nevada, Charles E. Schumer, and Tom A. Daschle.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Marsha L. Berzon to be United States Circuit Judge for the Ninth Circuit shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 86, nays 13, as follows:

[Rollcall Vote No. 36 Ex.]

YEAS—86

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

NAYS—13

| | | |
|---|---|---|
| Allard | Enzi | Murkowski |
| Brownback | Gramm | Shelby |
| Bunning | Helms | Smith (NH) |
| Craig | Hutchinson | |
| DeWine | Inhofe | |

NOT VOTING—1

McCain

The PRESIDING OFFICER. On this vote, the yeas are 86, the nays are 13. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. VOINOVICH. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion on the nomination, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 208, the nomination of Richard A. Paez, to be United States Circuit Judge for the Ninth Circuit.

Trent Lott, Orrin G. Hatch, Susan M. Collins, Arlen Specter, Ted Stevens, Thad Cochran, Robert F. Bennett, Harry Reid, Richard G. Lugar, Chuck Hagel, Conrad Burns, John Warner, Patrick Leahy, Charles E. Schumer, Thomas A. Daschle, and Barbara Boxer.

The PRESIDING OFFICER. By unanimous consent, the quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the nomination of Richard A. Paez, of California, to be United States Circuit Judge for the Ninth Circuit, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The yeas and nays resulted—yeas 85, nays 14, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—85

| | | |
|---|---|---|
| Abraham | Biden | Burns |
| Akaka | Bingaman | Byrd |
| Ashcroft | Bond | Campbell |
| Baucus | Boxer | Chafee, L. |
| Bayh | Breaux | Cleland |
| Bennett | Bryan | Cochran |

| | | |
|---|---|---|
| Collins | Inouye | Reid |
| Conrad | Jeffords | Robb |
| Coverdell | Johnson | Roberts |
| Crapo | Kennedy | Rockefeller |
| Daschle | Kerrey | Roth |
| Dodd | Kerry | Santorum |
| Domenici | Kohl | Sarbanes |
| Dorgan | Kyl | Schumer |
| Durbin | Landrieu | Sessions |
| Edwards | Lautenberg | Smith (OR) |
| Feingold | Leahy | Snowe |
| Feinstein | Levin | Specter |
| Fitzgerald | Lieberman | Stevens |
| Gorton | Lincoln | Thomas |
| Graham | Lott | Thompson |
| Grams | Lugar | Thurmond |
| Grassley | Mack | Torricelli |
| Gregg | McConnell | Voinovich |
| Hagel | Mikulski | Warner |
| Harkin | Moynihan | Wellstone |
| Hatch | Murray | Wyden |
| Hollings | Nickles | |
| Hutchison | Reed | |

NAYS—14

| | | |
|---|---|---|
| Allard | Enzi | Inhofe |
| Brownback | Frist | Murkowski |
| Bunning | Gramm | Shelby |
| Craig | Helms | Smith (NH) |
| DeWine | Hutchinson | |

NOT VOTING—1

McCain

The PRESIDING OFFICER (Mr. SMITH of Oregon). On this vote, the yeas are 85, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEAHY. Mr. President, is the Senator from Vermont correct that we have now voted cloture on both the nominations before the Senate?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Then what is the parliamentary situation, as regarding the two nominations?

The PRESIDING OFFICER. There are 30 hours, evenly divided.

Mr. LEAHY. 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.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I have a unanimous consent request and closing script.

As you know, cloture was just invoked on two Ninth Circuit judges. I still hope we have not set a precedent. I don't believe we have because it was such an overwhelming vote to invoke cloture and stop the filibuster. We should not be having filibusters on judicial nominations and having to move to cloture. But we had to, and it was an overwhelming vote of 86–13 on the first one, and I guess that was the vote on the second one, too. I intend to offer a time agreement between the proponents and opponents regarding postcloture debate.

Mr. President, I ask unanimous consent that Senator SMITH of New Hampshire be in control of up to 3 hours of total debate on both nominations, and that Senator LEAHY, or his designee, be in control of up to 1 hour 30 minutes of total debate on both nominations; that following the conclusion or yielding back of the time, the Senate lay the nominations aside until 2 p.m., at which time the Senate would proceed to back-to-back votes on or in relation to the confirmations of Berzon and Paez. That would be at 2 p.m. tomorrow.

Mr. LEAHY. Reserving the right to object, and I will not, I tell the distinguished leader I was struck by the comments of the distinguished leader in saying we should not have the precedents of filibusters and requiring cloture. I commend him for supporting the cloture motion and moving this forward so we would not have that precedent. I am concerned, though, because I have heard rumors that one of these votes may be on a motion to indefinitely postpone a vote on these nominees. I understand that while such a vote might be in order, there is no precedent for such a vote on a judicial nominee; am I correct on that? I mean in my lifetime, and I was born in 1940.

The PRESIDING OFFICER. There is a precedent that a motion to postpone is in order after cloture is invoked.

Mr. LEAHY. That was not my question, Mr. President. My question was very specific. In fact, I stated that I understand motions to postpone indefinitely, I believe, are always in order, as are filibusters. But as the distinguished leader said, we would not want to set a precedent of filibusters on judicial nominations. Am I correct that we have not used motions to postpone indefinitely on judicial nominations following cloture?

The PRESIDING OFFICER. The precedent does not state what the item of cloture is on.

Mr. LEAHY. Mr. President, if I understand, we have never had this circumstance. Certainly, I have not in my 25 years in the Senate. I do not believe ever having a circumstance where we have had cloture on two judicial nominations and then had a motion to postpone, in effect, killing the nominations.

Mr. LOTT. Will the Senator yield?

Mr. LEAHY. Yes.

Mr. LOTT. I believe, traditionally, it is in order postcloture to have a motion to table or a motion to postpone indefinitely. I don't know the precedents in terms of that actually having been used. I am certainly not advocating it. But under the rules of the Senate, I am under the impression that it would be in order. I thought maybe I could answer it succinctly without getting into the precedents.

Mr. President, has the request been——

Mrs. BOXER. Reserving the right to object, and I will not object, I say, first, to the majority leader that I appreciate very much his effort to bring the nominations forward, and voting for cloture, because without that we would not be where we are. I want that understood.

I state on the RECORD today that this Senator believes if there is going to be a motion made—which there very well may be because that is the rumor that I hear—to indefinitely postpone a vote on one of these nominees, then I believe that kind of a motion is denying that nominee an up-or-down vote. You can argue that it is really like an up-or-down vote, but after we have gotten over 80 votes, with the help of the majority leader and Senator HATCH, in a bipartisan way—and Senator LEAHY worked on that—you would think we could vote up or down. There is no precedent that I have gotten from the Parliamentarian up to this point where he has been able to show me this was done with a judicial nomination after cloture was invoked. I wish to make that point because I don't like to ever blindside my colleagues on anything.

I think that if we go this route, it will be interpreted as a way to deny a vote on the nominee, and I hope this will not be the case. Surely, I hope, if it is offered, we will defeat it. But it seems to me a bad precedent. I hope we won't see this go in that fashion. I thank the Chair. I shall not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Then the votes will occur back to back at 2 p.m. on Thursday. In light of this agreement, there will be no further votes this evening. I believe our staffs have probably put everybody on notice of that.

## LEGISLATIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

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

## MORNING BUSINESS

Mr. LOTT. 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.

## NUCLEAR WEAPONS

Mr. KERREY. Mr. President, the question of how to write Federal laws and consider treaties that enable our armed forces and diplomats to protect and defend the people of the United States is both important and difficult for Members of Congress to answer. To write laws that keep America safe, we must evaluate today's threats and tomorrow's threats, we must consider the plans presented by our military to meet those threats, and we must be vigilant against the understandable tendency to want to withdraw from the world. We must remember those moments in our past when lack of preparation and planning resulted in terrible loss and then prepare to defend against threats we face.

We must also remember that freedom is not free, and that the price paid by

those men and women who choose to serve us in active, reserve, and National Guard duty is considerable. They serve the nation. They are not just in the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard; they are in the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, and the United States Coast Guard. This is a real distinction with a real difference.

The difference is that United States forces do not just defend American shores. They defend liberty around the world. In the confused aftermath of the cold war, one thing should be abundantly clear: The fight for freedom is worth the price. From the end of the Vietnam War in 1975 to the collapse of the Berlin Wall in 1989 there was an active debate about the value and importance of this fight. However, the sight of tens of millions of men and women celebrating the end of a political system that denied them freedom thrilled even those grown cynical about the value of cold war expenditures. The intellectual debate about the value of communism ended when we saw and examined the destruction that was done by political tyranny. The human spirit was reduced and squandered. The air, the water, and the health of the people were sacrificed. Even the development of economic standards of living—long thought to be comparable to America's—were shockingly inferior.

Four times in my Senate career I have heard world leaders speak to joint sessions of the Congress to praise the price paid by America for their freedom. Duly elected as Presidents of newly freed people, each stood before us and spoke. Lech Walesa thanked us on behalf of the people of Poland. Nelson Mandela thanked us on behalf of the people of South Africa. Vaclav Havel thanked us on behalf of the people of Czechoslovakia. And Kim Dae Jung thanked us on behalf of the people of South Korea. Their message was simple: If the United States had not taken their side in the struggle for freedom, they would not have succeeded.

Certainly we have made mistakes. Our actions have not been free of treachery, deceit, and failure. Sometimes our actions have brought shame and disgrace. Yet, we should allow ourselves to learn and be guided by these failures. We cannot permit them to discourage us from continuing the work of writing laws that enable us to hold the ground we have won and to continue, most of all, the effort on behalf of others held captive by the world's remaining dictators or those who choose to terrorize us with their unlawful actions.

This rather long opening leads me to a simple discussion of just one of the questions we need to answer before we write the laws and negotiate the treaties that determine the nature, size, and shape of our defenses. The question is this: What nuclear force structure is needed to provide a minimal level of safety to the people of the United States? My intent in beginning this way is to make certain that I approach this question with the requisite seriousness to ensure that my answer will defend America rather than defending an ideology.

The person who has been given the authority to command our strategic nuclear forces lives at Offut Air Force Base adjacent to Bellevue, NE. As Commander in Chief of Strategic Forces—or STRATCOM—his responsibility is to carry out the orders and instructions given to him by the President through his Joint Chiefs of Staff. I have had the pleasure and honor of visiting STRATCOM on many occasions. On each of those occasions I have been briefed on the plans and mission of our strategic nuclear forces. On each of these occasions, I have left with pride and enthusiasm for the patriotism, energy, and talent of the men and women who serve at STRATCOM. On every occasion I have left with the impression that Americans are getting their money's worth from this effort. With this in mind, I think it is important to describe for the American people what STRATCOM is and what it does.

The mission of STRATCOM is simple, but it is also deadly serious. Their mission is to ''deter major military attack, and if deterrence fails, employ forces.'' In this effort, Adm. Richard Mies, the Commander of STRATCOM, controls the most effective and lethal set of armaments ever assembled by human beings: The strategic nuclear force of the United States of America. Yet, nearly a decade after the end of the cold war, many Americans no longer have an appreciation for the size and power of this force. I would like to take this opportunity to describe the force Admiral Mies controls.

First, America's strategic nuclear weapons are based on a triad of delivery systems: Land-based, sea-based, and strategic bombers. The U.S. relies on this triad to ensure credibility and survivability. Because our forces are diversified in this way, a potential enemy must recognize that, regardless of any hostile action, the United States would be able to retaliate with overwhelming force.

Currently, the U.S. has about 500 Minutemen III and 50 Peacekeeper missiles in the land-based arsenal. While some of the Minuteman III missiles are being modified to accept single warheads, the bulk of these missiles are armed with three warheads. These warheads have a yield ranging from 170 to 335 kilotons. The 50 Peacekeeper missiles are each armed with 10 individually targetable warheads with a yield of 300 kilotons. In other words, our current land-based force alone can, upon an order and instruction from the President of the United States, deliver approximately 2,000 warheads to 2,000 targets on over 500 delivery vehicles with a total yield of about 550 megatons.

In itself, this is an awesome force. But it is only the beginning of what is available to U.S. military planners. At sea, we have 18 Ohio-class submarines. These are the ultimate in survivability, able to stay undetected at sea for long periods of time. As such, our submarine force must give pause to any potential aggressor. Eight of these boats carries 24 C–4 missiles. Each of these missiles are loaded with eight warheads with 100 kilotons of yield. The other 10 subs carry 24 of the updated D–5 missiles. These missiles are also equipped with eight warheads with varying degrees of yield from 100 to 475 kilotons.

This is close to 1,500 additional targets that we are able to hit accurately and rapidly, if the President of the United States merely gives the order—an awesome force, again, all by itself to be able to deter individuals or nation states from taking action against the United States.

The third leg of the triad, the strategic bomber force, includes both the B–2 and the B–52 bomber. These bombers have the capacity to carry 1,700 warheads via nuclear bombs and air-launched cruiser missiles.

Talking about this force, I use—and others do as well—words such as ''yield'' and ''kilotons'' or ''megatons.'' Unfortunately, most of these words to a lot of us have very little meaning. On previous occasions, I have come to the floor to describe what a single 100-kiloton weapon would do to one American city, the kind of destruction not just to that American city but to the American economy, as well as to the psyche of the American people who would, to put it mildly, be terrorized as a consequence of this single action. I don't want to recount that narrative today, but I do think it is important for us to try to put the power of these weapons in perspective. Oftentimes we don't. The numbers are so large and the weapons systems so numerous that we get dulled in our recognition of what they can do.

Let me use one example. On August 6, 1945, the Enola Gay dropped the first atomic bomb on the Japanese city of Hiroshima. That and the subsequent bombing of Nagasaki ended World War II. Little Boy was the name of the bomb that was dropped on Hiroshima. It destroyed 90 percent of the city. Instantly, 45,000 of this city's 250,000 inhabitants were killed. Within days, another 19,000 had died from the aftereffects of the bomb. This bomb had a yield of 15 kilotons. A 300-kiloton warhead such as can be found on top of our Peacekeeper missile is 20 times as powerful. We don't have in our strategic arsenal a weapon that is under 100 kilotons. Each of the 50 Peacekeeper missiles in our arsenal carries 10 of these 300-kiloton weapons. In all, Admiral Mies, under orders from the President of the United States, can deliver 6,000 strategic nuclear warheads with an approximate yield of over 1,800 megatons.

Mr. President, I think it is very important, as we debate what our nuclear weapons system needs to be, that we understand this concept and that we sort of take a map and use some common sense and try to evaluate what 6,000 nuclear weapons with over 100 kilotons of yield each could do to targets inside of our principal reason for deterrence, maintaining that arsenal, and that is Russia today.

I think common sense would cause us to pause and wonder whether or not we are keeping a level of weapons beyond what is necessary.

The purpose of this description is to give my colleagues a sense of this force and what this force could do if brought to bear by order of our Commander in Chief. I think it is fair for the American people to ask, first, what is the purpose of this force. According to the 2000 edition of the Secretary of Defense's Annual Report to the President and to Congress:

> Nuclear forces remain a critical element of the U.S. policy of deterrence.

Simply put, the United States maintains its nuclear arsenal to guard against an attack from any potential weapons of mass destruction threat. I think it is important for us as well to examine these potential threats and ask if our current nuclear forces are structured to adequately address them.

As I see it, there are three main sources of threat for which we must maintain a nuclear deterrent. The first is the threat from rogue nations like Iraq, Iran, and North Korea. While the United States must remain vigilant in the effort to confront the weapons of mass destruction programs of these nations, there is no evidence that any of these countries currently possess nuclear weapons. Furthermore, it would be hard to justify the expenditure of approximately $25 billion a year to maintain an arsenal of over 6,000 warheads to defend against the threat posed by rogue nations.

If not rogue nations, what about China? While the threat from China has gotten a lot of attention lately, press accounts indicate the Chinese have no more than 20 land-based nuclear missiles capable of reaching the United States. Also according to the media, Chinese nuclear weapons are not kept on continual alert. Rather, nuclear warheads and liquid fuel tanks are stored separate from their missiles. It would take time for the Chinese to fuel, arm, and launch these weapons. Now, just one of these weapons would cause immense pain and devastation, but the likelihood of their use, accidental or intentional, is low. Once again, the maintenance of over 6,000 warheads is hardly justified by China's 20 missiles.

The only other threat that can justify our nuclear force levels is the Russian nuclear arsenal. But what is the current state of the Russian nuclear arsenal?

The Russian military relies on the same triad of delivery systems as we do. In their land-based arsenal, the Russians have approximately:

180 SS–18 missiles with 10 warheads at 550 kiloton yields each,

They have 160 SS–19 missiles with six warheads at 550 kiloton yields each.

They have 86 SS–24 missiles with 10 warheads at 550 kilotons yields each.

They have 360 SS–25 missiles with a single warhead each at 550 kiloton yield, and they have

10 SS–27 Topol M missiles with a single warhead at 550 kiloton yield.

This is obviously an impressive force. Any one of these weapons could devastate an American city or cities. But the Russians are finding that many of these missiles are nearing the end of the service-lives. And budgetary constraints have slowed the pace of acquisition of their latest land-based missile, the Topol M, to the point at which they are having trouble maintaining the numbers of weapons that will be allowed under the START treaties.

The collapse of the Russian economy, and the resulting strain on the Russian military budget, has also had disastrous consequences for the Russian Navy. Russia now has less than 30 operational nuclear-armed submarines. In fact, the slow op tempo of Russian submarines has meant that at certain times none of these boats are at sea. Regardless, reports indicate these subs maintain almost 350 nuclear delivery vehicles with more than 1,500 available warheads.

The Russian Air Force has also suffered. At the end of 1998, Russia had about 70 strategic bombers, but not all of these were operational. Estimates are Russian strategic bombers have about 800 warheads on both nuclear bombs and air launched cruise missiles.

Mr. President, the overall picture of the Russian arsenal force is that it is deadly, but it is decaying as well at an extremely rapid rate. Russian generals have said that they see a time in the near future when the Russian strategic arsenal will be measured not in thousands but in hundreds of weapons. It is this decay in the Russian arsenal which I believe poses the greatest threat to the United States and should encourage us to do more to find ways in which to achieve significant parallel nuclear reductions.

Some will argue that we have in the process already a way to achieve those reductions and it is called START. Yet even if START II is ratified by the Russian Duma, the United States and Russia would still have 3,500 nuclear warheads on each side at the end of 2007. We can't afford to wait over 7 years to make reductions that leave the Russians with still more weapons than they can control.

In response, some argue not to worry, START II is going to be quickly followed by START III. In discussions with the Russians on a possible START III treaty, the United States has told Russia that we are not willing to go below the 2,000- to 2,500-warhead threshold. This number is based on a 1997 study on U.S. minimum deterrence needs completed by the then-Chairman of the Joint Chiefs of Staff, General Shalikashvili.

While I have no doubt that this report was professionally prepared and evaluated on criteria available at the time, I believe strongly it is time to redo this study. The current size of the United States and Russian nuclear arsenals is not based on any rational assessment of need; rather, it is a relic of the cold war. As the former commander of STRATCOM, Gen. Eugene Habiger, has said, ''The cold war was a unique war. And when the war ended, the loser really didn't lose. We still had this massive military might on both sides staring each other in the face.''

As I have described the accuracy, diversity, and power of our nuclear arsenal, I find it difficult to argue that the men and women at STRATCOM will be able to accomplish their objective of deterring attack with far fewer weapons. I don't know what the magic number is for minimum deterrence, but given our cooperative relationship with Russia, given the fact Russia is about to hold its third democratic election for President, and given our conventional and intelligence capabilities, I am confident we can deter any aggressor with less than 6,000, or 3,500, or even 2,000 warheads. It is time we begin the process to come up with a realistic estimate of our deterrence needs.

As long as nuclear weapons remain a reality in this world, the men and women at STRATCOM will have a job to do in defending our Nation. Their contribution to our safety cannot be underestimated. But just as they have a responsibility, we have a responsibility to act in a way that will decrease the danger of nuclear weapons and increase the safety and security of the American people.

Mr. President, I yield the floor.

## NOMINATION OF JUDGE FUENTES

Mrs. FEINSTEIN. Mr. President, I did not have the opportunity to vote on rollcall vote No. 34, the nomination of Julio M. Fuentes to be U.S. circuit judge, for the third circuit. Judge Fuentes is a very highly regarded judge, and had I been present on the floor, I would have voted ''yea.''

## INTERNATIONAL WOMEN'S DAY

Mr. FEINGOLD. Mr. President, I rise today to join a number of our colleagues in marking the 25th annual observance of International Women's Day.

Today, March 8, 2000, is a day on which people around the world will celebrate the myriad contributions and accomplishments of women.

Women in the United States and around the world have made tremendous progress toward full equality since this observance was initiated by the United Nations in 1975, the International Year of the Woman.

Sadly, that progress has been tempered by the continued prevalence—and in some places the troubling acceptance and even encouragement—of gender-based discrimination, harassment, and violence.

No one disputes that women in the United States have come a long way in the quarter century since the first International Women's Day was observed. Women are making significant contributions at every level of our society and in every level of government, from local school boards to the President's Cabinet.

But we must do more. Quality, affordable child care must be more accessible. Women should not have to choose between taking care of their children and the job that they need to provide the basic necessities of food, clothing, and shelter for their families.

The glass ceiling, while perhaps a bit cracked, still blocks the progress of many women who work outside the home. And women who work outside of the home deserve equal pay for equal work. We must do all we can to close the wage gap between women and their male counterparts.

In the United States, March is National Women's History Month. This month we celebrate the contributions of women such as Carrie Chapman Catt, a native of Ripon, Wisconsin, who served as the last president of the National American Women Suffrage Association, and was the founder and first president of the National League of Women Voters. Her influence on the direction and success of the suffrage movement is legendary, and her legacy in grassroots organizing is equally significant. She led a tireless lobbying campaign in Congress, sent letters and telegrams, and eventually met directly with the President—using all the tools of direct action with which political organizers are now so familiar today.

Catt's crusade for suffrage saw a home front victory on June 10, 1919, when Wisconsin became the first state to deliver ratification of the constitutional amendment granting women the right to vote before it was adopted as the Nineteenth Amendment in August of 1920.

Carrie Chapman Catt's legacy is alive and well today as women around the globe become more active in their communities and in the political process.

As Ranking Member of the Subcommittee on African Affairs of the Committee on Foreign Relations, I had the opportunity late last year to travel to ten African nations. During my trip, I saw first-hand the important role that women play in every aspect of society in sub-Saharan Africa.

In Rwanda, I was struck by the generosity and far-sightedness of a woman I met just outside the capital city of Kigali. She had donated land to refugees from different ethnic backgrounds and was helping them to build a new, integrated community on that property. It is this kind of selfless act that will help to build the bridges that are necessary to heal the wounds left by the ethnic violence in that country.

While in Uganda, I had the opportunity to meet with female legislators and the Minister of Ethics and Integrity, who happens to be female. Africa can only benefit from the women who are taking an active role in governing.

Women's voices also need to be heard in ongoing peace negotiations around the globe. For example, it is crucial that women be included in the inter-Congolese dialogue, and that they be allowed to participate fully in Rwanda's justice system.

On a more somber note, the HIV/AIDS epidemic has ravaged the countries of sub-Saharan Africa. This disease affects women at a significantly higher rate than men. We need to be vigilant in preventing mother-to-child transmission and in promoting programs at home and abroad that educate women about reproductive choices and the prevention of sexually transmitted diseases, including HIV.

I would also like to take this opportunity, as we honor all women and girls worldwide, to again call for prompt hearings in the Senate Committee on Foreign Relations, of which I am a member, on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). CEDAW marked its 20th anniversary last year and still has not been ratified by one of its chief architects—the United States. The Senate should fulfill its constitutional responsibility to offer its advice and consent on this treaty.

Mr. President, as the father of two daughters, I believe we must do all we can to improve the status of women in the United States and around the world. Respect for basic human rights—regardless of gender, race, ethnicity, religion, national origin, or sexual orientation—is a fundamental value that we must pass on to our children and grandchildren.

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

Mr. KERRY. Mr. President, in honor of International Women's Day, I respectfully call upon my friend, the Chairman of the Senate Foreign Relations Committee, to hold hearings on an international treaty to fight discrimination against women around the world.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was adopted by the United Nations in 1979 and signed by President Carter in 1980. It is a comprehensive and detailed international agreement to promote the equality of women and men. It legally defines discrimination against women for the first time and establishes rights for women in areas not previously covered by international law. More than 160 countries have ratified CEDAW, including all of our European allies and most of our important trading partners. It is well past high-time that the United States Senate take up and ratify this important international agreement.

In 1988, I convened field hearings on CEDAW in Massachusetts to highlight the importance of this treaty to American women. In the years that followed, I was pleased to support the efforts of former Senator Claiborne Pell, then-chairman of the Foreign Relations Committee, to develop a resolution of ratification of CEDAW. In 1994, thanks to Senator Pell's leadership, the Foreign Relations Committee voted 13 to 5 to report the Convention favorably with a resolution of ratification to the Senate for its advice and consent. Despite support for ratification from Members of Congress on both sides of the aisle, many state legislatures, the Clinton administration, and from the American public, opponents of this treaty blocked its consideration by the full Senate.

The resolution of ratification for CEDAW could be taken up tomorrow, if there was the political will in the Senate to do so. Ratification of CEDAW will strengthen our continuing efforts to ensure that women around the world are treated fairly and have the opportunity to realize their full potential. It will send a clear signal of our commitment to eliminating all forms of discrimination against women and it will underscore the importance we assign to international efforts to promote the rights of women. By allowing us to participate in the UN Committee on the Elimination of Discrimination Against Women, ratification will give us a bigger voice in shaping international policies that affect women.

Our failure to ratify has encouraged criticism from allies who cannot understand our refusal to uphold rights that are already found within the provisions of our own Constitution. It has put us in the same category with a small and very undistinguished minority of countries who have not ratified CEDAW, including Afghanistan, North Korea, Iran and Sudan. It is difficult for the United States to criticize the terrible treatment of women in these and other nations when we have not yet recognized those rights as international legal standards.

CEDAW is an important human rights document that is largely consistent with the existing state and federal laws of the United States. Senate advice and consent to this Convention will demonstrate U.S. leadership in the fight for women around the world.

Mrs. FEINSTEIN. Mr. President, today is a very special day for millions of women around the world. Today is a day that celebrates the promise of a better future. Today is a day that offers the hope that injustices inflicted on too many women in too many societies will disappear from the earth forever. Today, March 8, 2000, is International Women's Day

I rise today to recognize this day's importance to the women of today and to the generations of women to come. I rise to cry shame for our failures in fulfilling this day's promise. And, I rise to direct our attention to three critical

issues: the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, international family planning, and the international trafficking of women and girls. These are issues in which the United States, and especially this body, are honor-bound to spare no effort in leading the international community to improve the status of women around the world.

In 1948, the United Nations dramatically focused world attention on the international human rights agenda when it adopted the Universal Declaration of Human Rights. This historic event aimed at increasing public awareness of the need to better the human condition in many places throughout the globe. The Universal Declaration of Human Rights represented a milestone in human history. Regrettably, it glossed over the needs of over half the world's population—women.

Women's rights remained unrecognized as a legitimate concern until the Convention to Eliminate all Forms of Discrimination Against Women, CEDAW, was drafted to redress this oversight. CEDAW organized all existing international standards regarding discrimination on the basis of gender, and established rights for women in areas not previously subject to international standards. The United States actively participated in drafting of the Convention; President Carter signed it on July 17, 1980.

Then the U.S. did nothing. For fourteen years, the United States scrutinized CEDAW with an intense scrutiny normally reserved for judging the merits of a technically demanding international agreement, not a document seeking to establish the fundamental human rights of over half the world's population. CEDAW was not sent to the Senate until September, 1994.

In 1994, the Foreign Relations Committee recommended by bipartisan vote that CEDAW be approved with qualifications, but acted too late in the session for the Convention to be considered by the full Senate.

Now, almost six years later, the Convention continues to languish in the Senate, locked up in the Committee on Foreign Relations. A bi-partisan group of women Senators, among whom I am proud to be counted, has sponsored Senate Resolution 237 which expresses the sense of the Senate that the Senate Foreign Relations Committee should hold hearings on CEDAW and that the full Senate should act on CEDAW by March 8, 2000.

Today is March 8, 2000. The date has come, and will go, and this body has yet to take substantive action on CEDAW, even though this Convention contains no provisions in conflict with American law.

The Convention has been ratified by 161 countries. Of the world's democracies, only the United States has yet to ratify this fundamental document. Indeed, even countries we regularly censure for human rights abuses—China, the People's Republic of Laos, Iraq—have either signed or agreed in principle. In our failure to ratify CEDAW, we now keep company with a select few—Iran, North Korea, Sudan and Afghanistan among them. Remember, as the old saying goes, we are judged by the company we keep. Is this how we want to be known when it comes to defending the human rights of those unable to defend themselves?

In failing to sign on to this Convention, we risk losing our moral right to lead on human rights. By ratifying CEDAW, we will demonstrate our commitment to promoting equality and to protecting women's rights throughout the world. By ratifying CEDAW, we will send a strong message to the international community that the U.S. understands the challenges faced by discrimination against women, and we will not abide by it. By ratifying CEDAW, we reestablish our credentials as a leader on human rights and women's rights.

Today, as we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify CEDAW.

The second issue I would like to touch on today is one which has seen much congressional attention in recent years: U.S. support for international family planning and reproductive health.

The world now has more than 6 billion people. The United Nations estimates this figure could be 12 billion by the year 2050. Almost all of this growth will occur in the places least able to bear up under the pressures of massive population increases. The brunt will be in developing countries lacking the resources needed to provide basic health or education services. If women are to be able to better their own lives and the lives of their families, they must have access to the educational and medical resources needed to control their reproductive destinies and their health.

International family planning programs reduce poverty, improve health and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

Under the leadership of both Democratic and Republican Presidents, and under Congresses controlled by Democrats and Republicans alike, the United States has established a long and distinguished record of world leadership on international family planning and reproductive health issues.

Unfortunately, in recent years these programs have come under increasing partisan attack, despite the fact that no U.S. international family planning funds are spent on international abortion.

The Fiscal Year 2000 omnibus appropriations bill contained ''Mexico City'' restrictions that prohibit U.S. grants to private foreign non-governmental organizations that perform abortions or lobby to change abortion laws in foreign countries. House leaders insisted on these provisions in exchange for acceptance of arrear payments to the United Nations.

I was disappointed that the bill included this language. I voted in favor of the legislation because I thought it critical that we pay our back dues to the United Nations, and because it contained a provision granting Presidential authority—which President Clinton later exercised—to waive the restrictions through the end of Fiscal Year 2000. I am pleased the President took this action and that he announced that he would oppose any attempt to renew the ''Mexico City'' restrictions when they expire on September 30, 2000.

International family planning programs have experienced significant cuts in funding in recent years. President Clinton's foreign aid budget for Fiscal Year 2001 calls for $542 million for international family planning programs, restoring funding to Fiscal Year 1995 levels.

Today, as we mark International Women's Day, I urge my colleagues to recommit themselves to U.S. leadership in international family planning and support the President's request.

Lastly, I would like to focus attention on a vicious, and growing problem for women the world over—forced or coerced trafficking of girls and women for the purpose of sexual exploitation.

This is a rapidly growing, highly lucrative international business. The United Nations estimates that every year millions of women fall victims to this international trafficking in human life. Criminal organizations make an estimated $7 billion a year on the trafficking and prostitution of approximately 4 million women and girls. They do some by preying on the fears and economic insecurity created by the grinding poverty, rising unemployment and disintegrating social networks common to many poorer societies, today.

The traffickers target women from Eastern Europe and East Asia, women who agree to work as waitresses, models or dancers in the industrialized world to escape the grip of poverty in their native lands. But, once they arrive, their passports are seized, they are beaten, held captive and forced into prostitution. Traffickers and pimps hold these women in bondage, forcing them to work uncompensated as repayment for exaggerated room, board, and travel expenses.

These victims have little or no legal protection; they travel on falsified documents or enter by means of inappropriate visas provided by traffickers. When and if discovered by the police, these women are usually treated as illegal aliens and deported. Even worse, laws against traffickers who engage in forced prostitution, rape, kidnaping, and assault and battery are rarely enforced. The women will not testify against traffickers out of fear of retribution, the threat of deportation, and humiliation for their actions.

We, as a nation, cannot sit idly and allow this vicious exploitation of women to continue unchecked. We must effectively enforce current laws and implement new laws to protect victims and prosecute traffickers. I am proud to be a co-sponsor of Senator WELLSTONE's International Trafficking of Women and Children Victim Protection of 1999 which provides more information on trafficking and toughens law dealing with the illegal trade of women.

I urge all of my colleagues to support this vital piece of legislation.

The issues I have laid before you today are not just women's issues, they are humanity's issues. As First Lady Hillary Clinton has said, 'Women's rights are human rights and human rights are women's rights.' They merit attention throughout the year, not just on one day.

We must debate and ratify the Convention on the Elimination of All Forms of Discrimination Against Women. We must rededicate ourselves and our resources to international family planning programs. And we must enact tough anti-trafficking legislation.

## NOMINATION OF JAMES DUFFY TO THE NINTH CIRCUIT COURT OF APPEALS

Mr. INOUYE. Mr. President, I am fully aware that this is a busy year, the year we elect a new President. I also realize that one-third of our colleagues will be up for reelection or will be involved in the election for the seat from which they are retiring. As a result, all of us are striving to close this shop as soon as possible and go home. However, we do have important unfinished business with the Judiciary.

The Judiciary is the critical third branch of our government. Just as it is important that we hold an election this year, it is important that we fill the vacancies in our court system. I can not speak of vacancies in other districts or other circuits, but I believe I can speak of vacancies in the Ninth Circuit. Hawaii is part of the Ninth Circuit. Since the retirement of Judge Choy in 1984, Hawaii has not been represented on that bench by a full-time Circuit Judge. The law of the United States requires that at least one member of the bench of each state be represented on the Circuit Court, that there be a judge from Hawaii on the Ninth Circuit.

The Hawaii delegation has submitted the name of James Duffy. I have no idea whether Mr. Duffy is a Democrat or Republican. I have not asked him. However, his reputation as a skilled lawyer is well-established in our islands. Mr. Duffy was born and raised in Saint Paul, Minnesota. He earned a Bachelor of Arts degree from the College of Saint Thomas and earned his Juris Doctorate from Marquette University Law School in 1968 where he served on the Board of Editors of the Law Review. Upon graduation, he came to Hawaii to begin his career. He has spent his legal career in private litigation practice, doing both plaintiff and defense representation, for more than 31 years. He has served the Circuit Courts of the State of Hawaii as a court-appointed Special Master in Probate, Guardianship, and Family Court Proceedings, as a Special Master for Discovery Rulings in civil cases, and as a Mediator. Mr. Duffy has also served in leadership roles in legal organizations, educational organizations, and even as a judge in the Hawaii High School Rodeo Association. In his spare time, he and his wife, Jeanne, breed and sell quarter horses and Brahma cattle. Mr. Duffy is a vital part of the Hawaii legal and civic community.

Jim Duffy was nominated by the President for a position on the Ninth Circuit Court of Appeals on June 17, 1999. I have been advised that the American Bar Association has finished reviewing his credentials. Mr. Duffy was unanimously given the ABA's highest grade of ''well-qualified.'' The Board of Directors of the Hawaii State Bar Association also unanimously reported that Mr. Duffy was well-qualified. In fact, in a letter to the Chairperson of the ABA's Standing Committee on the Federal Judiciary, the HSBA President wrote, ''[f]or what it's worth, my Board expressed dismay that there wasn't a category called 'the very best.' We consider Jim to be the best of the best.''

Both Democrats and Republicans in my state, regard Jim Duffy as one of Hawaii's best lawyers. I do hope the Judiciary Committee will give Mr. Duffy a hearing and expedite the consideration of his nomination. This will provide its members the opportunity to meet him and review his credentials and skills. I am convinced the members will be impressed by him. I am equally convinced that Mr. Duffy will be a good judge.

## THE PRESIDENT'S VISIT TO PAKISTAN

Mr. JOHNSON. Mr. President, I am pleased that President Clinton announced yesterday his decision to visit Pakistan during his upcoming trip to South Asia. During my recent visit to Pakistan, I met at length with General Musharraf and discussed a number of critically important issues including the prompt restoration of democracy in Pakistan, nuclear arms restraint by both India and Pakistan, and the need to fight global terrorism. The President's upcoming trip will provide an opportunity to continue this dialogue with both Pakistan and India in a manner that can, hopefully, bring lasting peace and economic stability to the region. The fact that both Pakistan and India have nuclear weapons makes it imperative for the United States to facilitate a resolution of a major problem in South Asia—the Kashmir dispute.

## BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through March 6, 2000. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2000 Concurrent Resolution on the Budget (H. Con. Res. 68). The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks.

The estimates show that current level spending is above the budget resolution by $10.3 billion in budget authority and below the budget resolution by $2.3 billion in outlays. Current level is $17.8 billion above the revenue floor in 2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $20.6 billion, which is $5.7 billion below the maximum deficit amount for 2000 of $26.3 billion.

Since my last report, dated February 1, 2000, the Congress has cleared for the President's signature the Omnibus Parks Technical Corrections Act of 1999 (H.R. 149). This action has changed the current level of budget authority and outlays.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, March 7, 2000.*

Hon. PETE V. DOMENICI,
*Chairman, Committee on the Budget,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report for fiscal year 2000 shows the effects of Congressional action on the 2000 budget and is current through March 6, 2000. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 68, the Concurrent Resolution on the Budget for Fiscal Year 2000. The budget resolution figures incorporate revisions submitted to the Senate to reflect funding for emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks. These revisions are required by section 314 of the Congressional Budget Act, as amended.

Since my last report, dated January 27, 2000, the Congress has cleared for the President's signature the Omnibus Parks Technical Corrections Act of 1999 (H.R. 149). This action has changed the current level of budget authority and outlays.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosures.

TABLE 1.—FISCAL YEAR 2000 SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MARCH 6, 2000

[In billions of dollars]

| | Budget resolution | Current level [1] | Current level over/under resolution |
|---|---|---|---|
| ON-BUDGET | | | |
| Budget Authority | 1,455.0 | 1,465.2 | 10.3 |
| Outlays | 1,434.4 | 1,432.2 | · 2.3 |
| Revenues: | | | |
| 2000 | 1,393.7 | 1,411.5 | 17.8 |
| 2000–2009 | 16,139.1 | 16,914.0 | 774.9 |
| Deficit b[2] | 26.3 | 20.6 | · 5.7 |
| Debt Subject to Limit | 5,628.4 | 5,686.9 | 58.5 |
| OFF-BUDGET | | | |
| Social Security Outlays: | | | |
| 2000 | 327.3 | 327.2 | ([3]) |
| 2000–2009 | 3,866.9 | 3,866.6 | · 0.3 |
| Social Security Revenues: | | | |
| 2000 | 468.0 | 467.8 | · 0.2 |
| 2000–2009 | 5,681.9 | 5,681.8 | · 0.1 |

[1] Current level is the estimated revenue and direct spending effects of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest information from the U.S. Treasury.

[2] Section 314 of the Congressional Budget Act of 1974, as amended, requires the deficit in the budget resolution to be changed to reflect increases in outlays as the result of funding for specific actions (emergency requirements, disability reviews, adoption assistance, the earned income tax credit initiative, and arrearages for international organizations, peacekeeping, and multilateral banks). Sec. 211 of the Concurrent Resolution on the Budget for Fiscal Year 2000 (H. Con. Res. 68) allows for a decrease in revenues by an amount equal to the on-budget surplus on July 1, 1999, as estimated by CBO, but does not allow an equal adjustment to the deficit. Therefore, the deficit number for the budget resolution shown above reflects only the outlay increases made to the budget resolution between May 19, 1999, and November 1, 1999.

[3] Less than $50 million.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE FISCAL YEAR 2000 ON-BUDGET SENATE CURRENT LEVEL REPORT, AS OF CLOSE OF BUSINESS, MARCH 6, 2000

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| ENACTED IN PREVIOUS SESSIONS | | | |
| Revenues | ..... | ..... | 1,411,523 |
| Permanents and other spending legislation | 913,627 | 875,350 | ..... |
| Appropriation legislation | 839,675 | 846,651 | ..... |
| Offsetting receipts | · 296,430 | · 296,430 | ..... |
| Total, enacted in previous sessions | 1,456,872 | 1,425,571 | 1,411,523 |
| Passed pending signature: | | | |
| Omnibus Parks Technical Corrections Act of 1999 (H.R. 149) | 7 | 3 | ..... |
| Entitlements and mandatories: | | | |
| Adjustments to appropriated mandatories to reflect baseline estimates | 8,362 | 6,580 | ..... |
| Total Current Level | 1,465,241 | 1,432,154 | 1,411,523 |
| Total Budget Resolution | 1,454,952 | 1,434,420 | 1,393,684 |
| Current Level Over Budget Resolution | 10,289 | ..... | 17,839 |
| Current Level Under Budget Resolution | ..... | 2,266 | ..... |
| MEMORANDUM | | | |
| Emergency designations | 31,309 | 27,279 | ..... |

Source: Congressional Budget Office.

## NATIONAL WOMEN'S HISTORY MONTH

Mr. DURBIN. Mr. President, today, as we celebrate National Women's History Month, I rise to pay tribute to the extraordinary women, past and present, who have broken down barriers and continue to shape our nation's future.

First, I would like to thank my distinguished colleague, Senator BARBARA MIKULSKI, who herself has succeeded in redefining the role of women in politics by becoming the most senior woman in the Senate today. Twenty years ago, when Senator MIKULSKI was in the House, she and another one of my notable colleagues, Senator ORRIN HATCH, co-sponsored the first Joint Congressional Resolution declaring National Women's History Week, now a month long celebration acknowledging the accomplishments of women. I applaud my colleagues for their leadership in bringing forth this important celebration of women.

This year's national theme is ''An Extraordinary Century for Women—Now, Imagine the Future!'' Given the extraordinary accomplishments of women this last century and the bright future of women in this new millennium, a more appropriate theme for this month's celebration of women could not have been chosen.

This month, we pay tribute to the founders of the first Women's Rights Convention 150 years ago. Elizabeth Cady Stanton, Lucretia Mott, and Susan B. Anthony were visionaries who championed women's rights. We also celebrate the historic achievements of Amelia Earhart, Ida B. Wells, Eleanor Roosevelt, Jacqueline Kennedy, Sally Ride, and other legendaries who redefined the role of women and are role models, not only for today's young women, but for all.

My home state of Illinois is filled with such legendary women. Jane Addams was a socially conscious community leader who founded Hull House, a neighborhood center for immigrants in Chicago and was awarded the Nobel Peace Prize in 1931. Minnie Saltzman-Stevens was an internationally known Wagnerian soprano who received her first voice training from the O.R. Skinner Music School in Illinois. Content Johnson was an artist who gained considerable reputation as a portrait and still life painter in oils. Elizabeth Irons Folsom was an author and winner of the 1923 O'Henry Prize for short stories. Margaret Illington, born Maud Light, was a renowned actress who so loved Bloomington, Illinois, that she changed her name to Illington, forever bearing the proof of her love. These women paved the way for today's talented female Illinoisans.

Today's prominent Illinoisans include my friend and former colleague Carol Moseley-Braun, the first African American elected to the Senate and now the US Ambassador to New Zealand; Karen Nussbaum, Director of the Women's Bureau in the US Department of Labor; Marlee Matlin, the only hearing impaired person ever to win an Academy Award for Best Actress; Hillary Rodham Clinton, American first lady, attorney, and leader on education and children's issues; and Caribel Washington, an 86 year old civil rights activist who continues to use her strength and fortitude to inspire all people.

The struggles and triumphs of these women will guide those who follow. One such follower is Winifred Alves, who I had the pleasure of meeting the other day. Winifred is this year's recipient of the Girl Scout Gold Award.

Winifred's future is as bright as her Gold Award.

Despite opposition, many of us in this Congress are fighting to ensure fair pay for women and close the wage gap. We are working to open the doors of college to all Americans by providing quality education at the elementary and secondary level and college tuition assistance to make higher education more affordable. We are working to improve our nation's health by bringing the issues of affordable prescription drugs and a Patient's Bill of Rights to the forefront.

Although Winifred's future is bright, the lives of many of our children remain in jeopardy until we pass tougher gun laws. Last week, six year old Kayla Rolland was tragically shot to death by her fellow kindergarten classmate with a stolen gun. Kayla never had an opportunity to become a Girl Scout. She died senselessly because another six year old child was able to gain access to an illegal firearm. How many more of our children must die before we, as a Congress, band together on a bipartisan basis to pass comprehensive gun legislation?

In this month of March, let us not only pay tribute to those women who have pioneered and inspired all of us, let us remember the young lives we have failed to protect by failing to pass commonsense gun control legislation. Let us also remember, their mothers, teachers, neighbors and friends, who helped shape these young lives but will never know the full potential of their joyous labor. And let us also remember our own mothers, sisters, and aunts who, although unknown to most, continue to shape our lives and our nation's future.

## CONVENTION TO ELIMINATE ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Mr. KENNEDY. Mr. President, I commend my colleague, Senator BOXER, for bringing this important treaty before the Senate. I am proud to be a sponsor of Senate Resolution 237, which expresses the sense of the Senate that hearings should be held by the Foreign Relations Committee on the Convention to Eliminate All Forms of Discrimination Against Women.

The treaty establishes international standards and definitions to protect women against discrimination. The treaty also calls for action in the areas of education, health care, and domestic relations, and creates a process to monitor the status of women and their progress toward equity. The standards are fully consistent with existing U.S. protections against discrimination. In countries that do not have such protections, this treaty is an effective tool to combat violence against women, reform unfair inheritance and property rights, and strengthen women's access to fair employment and economic opportunity.

165 countries have not ratified the treaty. As the country that consistently leads the way in the battle for human rights and human dignity, and that took an active role in drafting the treaty, it is past time for the United States to ratify it as well.

U.S. support for women's equality at home and abroad requires that we promptly consider and ratify this treaty. I urge the Senate to pass this resolution and to do all we can to expedite the ratification of this important treaty.

To move our country in that direction, the Foreign Relations Committee should hold a hearing.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, March 7, 2000, the Federal debt stood at $5,747,932,431,376.73 (Five trillion, seven hundred forty-seven billion, nine hundred thirty-two million, four hundred thirty-one thousand, three hundred seventy-six dollars and seventy-three cents).

Five years ago, March 7, 1995, the Federal debt stood at $4,851,012,000,000 (Four trillion, eight hundred fifty-one billion, twelve million).

Ten years ago, March 7, 1990, the Federal debt stood at $3,027,086,000,000 (Three trillion, twenty-seven billion, eighty-six million).

Fifteen years ago, March 7, 1985, the Federal debt stood at $1,708,698,000,000 (One trillion, seven hundred eight billion, six hundred ninety-eight million).

Twenty-five years ago, March 7, 1975, the Federal debt stood at $499,218,000,000 (Four hundred ninety-nine billion, two hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,248,714,431,376.73 (Five trillion, two hundred forty-eight billion, seven hundred fourteen million, four hundred thirty-one thousand, three hundred seventy-six dollars and seventy-three cents) during the past 25 years.

# ADDITIONAL STATEMENTS

## RECOGNIZING THE IMPORTANCE TO THE COMMUNITY OF JEWISH FAMILY AND CHILDREN'S SERVICES ON THEIR 150TH ANNIVERSARY

• Mrs. FEINSTEIN. Mr. President, I rise today to recognize the great service that Jewish Family and Children's Services has provided the people of San Francisco and the Bay Area for 150 years.

Since its founding in 1850, Jewish Family and Children's Services has been dedicated to alleviating suffering and helping people realize their potential. It has grown into one of the region's largest social service organizations, with more than 2,100 volunteers helping more than 40,000 people a year.

Jewish Family and Children's Services provides a wide range of services from adoption services and child mentoring programs, to programs aimed at helping seniors. They also have many programs designed to help people with special needs such as AIDS counseling and care management, and alcohol and substance abuse programs.

Over the past 150 years, Jewish Family and Children's Services has improved the quality of life for thousands of people. Please join me in honoring this outstanding organization.•

## TRIBUTE TO WOMENS RURAL ENTREPRENEURIAL NETWORK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor the Womens Rural Entrepreneurial Network (WREN) of Bethlehem for receiving the Home Loan Bank of Boston's 1999 Community Development Award. The award recognizes the top project in the state undertaken by a nonprofit community group and a local bank. WREN's hard work has made a real difference in the lives of the women of Northern New Hampshire, and the accomplishments of its members are to be commended.

With the assistance of Passumpsic Bank, WREN developed a program to help women in Northern New Hampshire start their own businesses. The program initially offered training in areas such as business plan development, marketing, financial management and computer literacy, but quickly expanded to include other crucial skills such as networking and technology training. As a result of the success of those programs, WREN is currently developing a community center that will house a retail store to sell the products of the program's participants, a community art studio and an expanded meeting and teaching space. The sky is the limit for this program, and its future certainly looks bright.

The achievements of the program are remarkable, and they serve as a shining example of what can be accomplished when local banks and community-oriented groups work together. It is truly an honor to serve such a hard-working organization in the United States Senate.•

## WOMEN'S HISTORY MONTH: TRIBUTE TO ALICE WALKER

• Mr. CLELAND. Mr. President, 20 years ago, my friends and colleagues Senator BARBARA MIKULSKI of Maryland and Senator ORRIN HATCH from Utah joined to create a National Women's History Week. Since that time, the commemoration has expanded into an entire month of celebration and recognition of the many contributions and accomplishments of American women. I am proud to use this occasion to highlight the many accomplishments of one of Georgia's own, author and teacher Alice Walker.

Alice Walker has become one of the leading voices among African-American writers. She has published poetry, novels, short stories, essays, and criticism, the most famous probably being ''The Color Purple'', for which she was awarded the Pulitzer Prize in 1983. Her portrayal of the struggle of African-Americans throughout history, especially the experiences of black women in the American South, has earned her praise around the world. Ms. Walker's insightful and riveting portraits of poor, rural life display human resourcefulness, strength and endurance in confronting oppression.

Alice Walker was born on February 9, 1944, in Eatonton, Georgia, the eighth and last child of Willie Lee and Minnie Lou Grant Walker, who were sharecroppers. When she was eight years old, she lost sight in one eye during an accident with one of her brothers' BB guns. This incident proved to be a turning point in Walker's life. Walker has said that it was from this point that she ''really began to see people and things, really to notice relationships and to learn to be patient enough to see how they turned out * * *''

In high school, Alice Walker was valedictorian of her class. That achievement, coupled with a ''rehabilitation scholarship,'' made it possible for her to go to Spelman College, a historically black women's college in Atlanta, Georgia. After spending two years at Spelman, she transferred to Sarah Lawrence College in New York, traveling to Africa as an exchange student during her junior year. She received her bachelor of arts degree from Sarah Lawrence College in 1965.

After graduation, Alice Walker spent the summer in Liberty County, Georgia where she helped to draw attention to the plight of poor people in South Georgia. She went door to door registering voters in the African-American community. Her work with the neediest citizens in the state helped her to see the debilitating impact of poverty on the relationships between men and women in the community. She moved to New York City shortly thereafter where she worked for the city's welfare department. It was then that she was awarded her first writing grant in 1966.

Ms. Walker had originally wanted to go to Africa to write, but decided against it and instead traveled to Tougaloo, Mississippi. It was there where she met her future husband, civil rights attorney Melvyn Leventhal. He was supportive of her writing and admired her love for nature. They married in 1967 and became the first legally married interracial couple in the state of Mississippi. While her husband fought school desegregation in the courts, Alice worked as a history consultant for the Friends of the Children, Mississippi's Head Start Program.

Since there was still a great deal of racial tension in the state, and because her husband was working adamantly in the courts to dismantle the laws barring desegregation, animosity against the couple was strong. While the couple lived in Mississippi, Alice and her husband slept with a gun under their bed at night for protection. Their only daughter, Rebecca, was born in 1969.

Alice Walker became active in the Civil Rights Movement of the 1960's, and remains an involved and vocal activist for many causes today. She has spoken out in support for the women's equality movement, has been involved in South Africa's anti-apartheid campaign, and has worked toward global nuclear arms reduction. One of her most pronounced involvements has been her tireless work against female genital mutilation, the gruesome practice of female circumcision that remains prevalent in many African societies.

Among her numerous awards and honors for her writing are the Lillian Smith Award from the National Endowment for the Arts, the Rosenthal Award from the National Institute of Arts & Letters, a nomination for the National Book Award, a Radcliffe Institute Fellowship, a Merrill Fellowship, a Guggenheim Fellowship, and the Front Page Award for Best Magazine Criticism from the Newswoman's Club of New York. She has also received the Townsend Prize and a Lyndhurst Prize.

In 1984, Ms. Walker started her own publishing company, Wild Trees Press. She has authored more than 20 books over the years. Divorced from her husband, she currently resides in Northern California with her dog, Marley where she continues to write. Her most recent book, ''By the Light of My Father's Smile'', was released in 1998. I am honored to recognize this remarkable woman, a daughter of Georgia and mother of the fight for equality.•

## TRIBUTE TO CHESTER M. LEE

• Mr. WARNER. Mr. President, I rise today to pay tribute to a truly incredible American and resident of McLean, Virginia for the past 35 years, who has passed from this world.

Chester M. Lee—known as ''Chet'' to family and friends—was born on April 6, 1919. After graduating from the U.S. Naval Academy Class of 1942, Chet Lee went directly into service in World War II. Chet was involved in a number of battle engagements during World War II and survived a Japanese kamikaze attack on his ship, the USS Drexler, off the coast of Okinawa in 1945. Chet Lee spent 24 years in the U.S. Navy, serving his country with great honor both in and out of battle. Chet helped pioneer the Navy's use of ship radar, was instrumental in development and testing of the POLARIS missile program, and commanded two Navy destroyers and an entire destroyer division. Chet Lee moved to Northern Virginia in 1964 to serve the Secretary of Defense at the Pentagon and achieved the rank of Captain before retiring from the Navy in 1965. He continued to be affectionately referred to by Navy and non-Navy colleagues as ''Captain Lee,'' and remained an avid Navy football fan throughout his life!

In 1965, Captain Lee requested to be retired from active duty in order to answer the call at the National Aeronautics and Space Agency, which was deeply involved in the Cold War space race. At NASA, Chet spent 23 years providing instrumental leadership during our nation's most exciting and pivotal space years. Captain Lee served as Assistant Mission Director for Apollo Missions 1 to 11 and then Mission Director for Apollo Moon Missions 12 to 17. He was Director for the Apollo/Soyuz space-docking mission, perhaps one of the most significant precursor events to the melting of Cold War barriers between the U.S. and then-Soviet Union. Captain Lee's impressive NASA career continued as he played an integral role in the development, operation and payload management for the U.S. Space Shuttle program.

In 1987, Chet Lee continued advancing U.S. aerospace leadership in the private sector, joining SPACEHAB Inc., a company dedicated to pioneering U.S. space commerce. He ascended to the position of President and Chief Operating Officer in 1996. Chet was instrumental in guiding the company's participation in the joint U.S.-Russian Shuttle-Mir program, and his tenure at SPACEHAB included 13 Space Shuttle missions, including the mission that returned Senator John Glenn to space. Captain Lee became Chairman of SPACEHAB's Astrotech commercial satellite processing subsidiary in 1998 and served on SPACEHAB's Board of Directors. At the age of 80, Chet Lee continued to work full-time on SPACEHAB and Astrotech projects up to his last days here on Earth.

Chet Lee was a tireless public servant, a devoted husband, father and grandfather and mentor to countless in the aerospace community. I am proud to have had Chet as a constituent, and my blessings go out to his family and friends during this time of mourning. I ask my colleagues to pay tribute today to Captain Lee's memory and to honor him for his contributions to this great country.•

## TRIBUTE TO JUDY JARVIS

• Mr. LIEBERMAN. Mr President, I rise today to pay tribute to a woman who has sent her reasoned voice across the radio airwaves of America. A strong willed and strong minded woman who is not only a friend, but I'm fortunate to say is also a constituent, Judy Jarvis. Yesterday, this great radio talk show host, Judy Jarvis, my friend, lost her battle with cancer.

She fought hard to the bitter end. She fought by informing her audience, by not keeping them in the dark about the cancer that was invading her body. She shared her fears, her hopes and her dreams with her weekday broadcasts and in interviews when the table was turned and she became the subject of the interview. Mr President I would like to submit two articles for the RECORD about her battle with cancer. A June 1999 article from Talkers Magazine and a November 29, 1999 article from People Magazine. Her listeners became an extended family, and when she wasn't well enough to continue broadcasting the entire show everyday, they warmly welcomed her cohost, her son, Jason Jarvis. As the only nationally syndicated Mother/Son radio team in America, Judy and Jason were a great team. They enjoyed each other's company and brought a wonderful mixture of generations and views to their show.

Judy Jarvis will be missed by those of us in this chamber who embrace talk radio, by all of us, Democrats and Republicans who have been privileged to be regular guests on her show. She was a woman of intellect and humor, a broadcaster who did her own research and never went for the cheap shot. She was opinionated and provocative, but never nasty. Judy dug deep for the questions that would generate answers to best inform her audience. Judy Jarvis earned a special place in the history of talk radio and left us with a strong human legacy—her husband, Wal, her sons Jason and Clayton and her granddaughter Alexandra.

I wouldn't be surprised if Judy has not already set up interviews, up there in Heaven. Her audience now is global and out of this world. Judy Jarvis, you will be missed by those of us fortunate and blessed enough to call you friend.

Mr. President, I ask that articles from Talkers magazine and from People magazine be printed in the RECORD.

The articles follows:

[From Talkers Magazine, June/July 1999]

JUDY JARVIS—PROFILE IN COURAGE

(By Michael Harrison)

HARTFORD.—Everything was rolling along just fine for nationally syndicated talk show host Judy Jarvis. Her independently produced and syndicated midday talk show which has been on the air since April of 1993 had recently achieved what she describes as a ''second tier breakthrough'' and was solidly implanted on more than 50 highly respectable affiliates across America. The longstanding live hours of noon to 3 pm ET had just been expanded an extra couple of hours per day to re-feed several prestigious new stations picking up the show. Judy was appearing as a regular guest on the cable TV news talk channels and her commentaries were being published in important daily newspapers. She was again on the annual TALKERS magazine heavy hundred list for the fifth year in a row and generally admired throughout the industry as a talented talk show host on the rise. Plus, on the business side of things she had attained recognition and respect as the head of a successful, family-run radio network operation complete with a in-house staff of nine and the beneficiary of professional sales and affiliate representation from one of New York's finest national firms, WinStar.

The show had even built its own state-of-the-art two-room studio in Farmington Connecticut at the well-known Connecticut School of Broadcasting.

Yes, things was going great guns until this past Fall of 1998—shortly after the NAB Radio Show in Seattle—when upon feeling unusually fatigued and having developed a cough that would not go away; Judy Jarvis checked into Beth Israel hospital in Boston

and didn't check out for six weeks. Tests indicated that Judy had developed lung cancer . . . a particularly vicious type that had already impacted her blood and was causing clotting problems.

''It was absolutely a shock,'' Judy tells TALKERS magazine. ''It was like being the victim of a drive-by shooting.''

Judy has never even been a smoker and, until this terrifying revelation, had enjoyed very good health.

''I was a moose!'' she says, with the good humor that typifies her positive approach to the great challenge that had fallen upon her shoulders.

Instantly committed to beating the disease, she was also determined to preserve the radio show that she and her family had worked so long and hard to build. As it is turning out, the family connection plays a key role in the rescue of the Judy Jarvis Show and Hartford-based Jarvis Productions.

Five years ago, her son, Jason, then 25, left his job at the Washington, DC political journal Hotline and became his mom's producer. He quickly developed a favorable reputation within the business as both an excellent behind the scenes broadcaster and an extremely personable individual. Her husband, Wal Jarvis—a successful businessman outside the radio industry—also serves on the company's executive board to which he brings his considerable experience and expertise. Judy simply describes Wal and the way he has supported her career and now her personal trial as ''the best ever!''

So when disaster struck . . . as an immediate stop-gap measure, ''We ran tape for a few weeks to keep the show on the air,'' Judy recounts. ''That worked well for a while,'' she says, but with her initial stay in the hospital and newly-diagnosed illness extending beyond the program's ability to keep playing reruns and maintain a viable network, her son Jason—who had never been a radio personality—stepped up to the microphone and went on the air. He told the audience about his mother's situation and began to do a radio talk show.

His natural ability and honesty were enough to hold the fort for another couple of months while Judy began an aggressive round of treatments to begin fighting the disease.

The affiliates were individually informed of the plight by WinStar reps backed up by Jarvis Productions in-house business manager Deb Shillo. Just about all the affiliates were extremely cooperative . . . especially since Jason Jarvis turned out to be a surprisingly talented talker, enhanced, of course, by the extremely dramatic circumstances in which he was immersed. American talk radio was not about to abandon this sturdy ship caught in a storm.

When discussing Jason's pinch-hitting effort, Judy tries to hold back the tears. ''He never wanted to do this,'' she says in a burst of emotion that shakes the calm restraint that had marked the conversation to this point.

''It was an amazing act of courage and love. He wanted to save it (the show) in case I would get better.''

Judy Jarvis' form of lung cancer hits 20,000 people per year and kills more women than breast cancer. But she optimistically points out that modern medicine has come a long way and ''it is not quite as grim as it might have been'' had this happened several years ago.

Judy completed the first round of treatments and returned to the show on January 4, 1999 with nearly 100% of her affiliates (and listeners) intact, waiting for her return. However, now, it had become a two-person show. Jason earned himself a place on the program as co-host and a unique mother-son talk team modestly emerged on the talk radio airwaves of America, largely unheralded by the media at large and void of the hype that usually marks the beginning of something that can lay claim to being a first.

But the challenges facing Judy Jarvis and her family were far from over. As the Winter of 1999 wore on, so did the pain in Judy's left leg, due to circulation complications arising from the illness. The bleak diagnosis indicated an irreversible condition in which the only remedy was amputation. In March, Judy Jarvis' left leg was removed below the knee.

More treatment, more recovery, more courage . . . and finally back to work, on the air again with Jason.

After a period of several weeks in a wheelchair, Judy has been successfully outfitted with a prosthesis and now is able to walk again. She has risen to the challenge with the same positive attitude that she brings to the air. Life is tough enough in the competitive world of day-to-day syndicated talk radio. Judy now does it while going through the discomfort of chemotherapy and adjusting to the trauma of losing a limb.

''The work is conducive to my recovery,'' she says, ''it helps me focus on something positive.'' And the program remains positive. Although Judy's situation has been presented quite honestly to the audience, adding an increased dramatic dimension to the culture of the show, the Judy Jarvis Show remains upbeat and issues-oriented. It continues to reflect the niche she has carved out on the talk radio landscape as a fiercely independent moderate who covers the big political issues, but also talks about day-to-day life and the endless controversies, crisis, joys and sorrows that make up real life for real human beings. Her credentials speak for themselves and give her immense credibility to really communicate with her listeners.

In terms of her status in the talk radio industry: She is a giant of strength, will and talent. Staying on the air and running her company as effectively and as dedicatedly as she has done under the conditions she has faced is the kind of inspirational heroism that brings out the best in talk radio as both a business and a cultural phenomenon.

Judy Jarvis can be reached via Deb Shillo at Jarvis Productions, 860–242–7276.

[From People, Nov. 29, 1999]

LIFE SUPPORT

CANCER-STRICKEN, TALK RADIO'S JUDY JARVIS SEES THE SHOW SHE LOVES KEPT ALIVE AS SON JASON STEPS TO THE MIKE

The topic today on The Judy Jarvis Show, out of Farmington, Conn., is overprotective parents. Jarvis listens as her son Jason ranges through a serious of examples in the news, then talks herself about a town that removed see-saws from its playgrounds because children were jumping off and sending kids on the other end crashing down. ''I don't understand it,'' says Jarvis. ''In schools they won't give kids failing grades; they won't let them play sports where the scores are too unbalanced. I learn everything I know from failure! Should parents be there all the time to make sure nothing bad happens?''

Obviously she things not. It is also clear from the way the phones light up that the 54-year-old national-radio talk show host is still, in her words, the same ''independent-minded broad'' she has always been. Thankfully, Jarvis is back—back on the air and, more important, back from cancer. It's not that she has been cured. One of 22,000 people stricken with the disease each year without ever having smoked, she still suffers from lung cancer. But for now she seems as feisty as ever. ''You know when everybody tells you to 'live in the moment'?'' asks Jarvis.

''I pretty much have done that my whole life. And now we'll just deal with whatever comes.''

The possibility of relapse notwithstanding, this moment is a good one for Jarvis. The show, broadcast by about 50 stations from Boston to Seattle, is thriving. Plus, she gets to work with her older son Jason. In fact, she has Jason to thank for her show's very survival. At the beginning of Jarvis's illness, stations stood behind her, broadcasting reruns of her show in the hope she would return. But after six weeks they were worried. That's when Jason, 30, moved behind the mike and saved the day. ''It was either we give up or I step in,'' says Jason, who had been his mother's producer.

At first, Jason merely meant to bridge the gap until Judy's return. But the two worked so well together that Jason stayed on as cohost, and they have become the only mother-son team with a nationally syndicated radio show. Jason's new role ''makes it more of a warm, supportive atmosphere,'' says Tracy Marin, operations manager at affiliate KHTL in Albuquerque. ''She was kind of hard-edged before. I think it makes it a lot softer.''

It was in October 1998, at a meeting of the National Association of Broadcasters in Seattle, that Jarvis first experienced shortness of breath and a nasty little cough. She didn't pay much attention because she was far more concerned with the convention, which she saw as a stepping-stone toward her goal of becoming a recognized name like Imus or Limbaugh. In spite of her fatigue, Jarvis broadcast live each day from Seattle, waking at 4 a.m. to go through the papers for discussion topics. ''By the end of the trip I thought I had a bug of some sort,'' she says. ''I felt just awful.'' Her husband, Wal, 54, who heads a company that makes parts for the aerospace and surgical industries, assumed that the trip had simply exhausted her.

But back in Connecticut a few days later, Jarvis became short of breath and nearly collapsed in the studio parking lot. Wal drove her to her Boston internist, who, he says, ''did a chest X-ray and didn't like the way it looked.'' Further testing showed fluid in her chest, and on Nov. 5 she was admitted to Beth Israel Deaconess Medical Center. There a lung biopsy revealed cancer.•

## TRIBUTE TO MAYOR RAYMOND J. WIECZOREK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Mayor Raymond J. Wieczorek upon the occasion of his leaving office. Mayor Wieczorek faithfully served the City of Manchester, New Hampshire, and its citizens for the past 10 years. A truly gifted leader, he inspired those who were fortunate enough to work with him, and created a legacy that will triumphantly carry Manchester into the 21st century.

Mayor Wieczorek has played an important role in the economic development of the City of Manchester. Through his hard work and diligence, he has been able to develop a positive working relationship with many community leaders and guide them through the process of expansion and development in the city. He has been the driving force behind the Riverwalk project, restoring and bringing businesses to the Historic Mill District and bringing business leaders back to the inner city. He oversaw the expansion of

both the Mall of New Hampshire and the Manchester Airport, as well as the preliminary plans for the Manchester Civic Center. Thoroughout his many years as a dedicated public servant, Mayor Wieczorek has cultivated a vast knowledge of information and resources that has constantly been vital in the operation of my New Hampshire offices.

An individual who truly knew how to connect with those around him, Mayor Wieczorek's door was always open to the citizens of Manchester. Whether through a word of advice, a birthday greeting or negotiations on an expansion and development project, the Mayor treated each of the individuals who approached him with care and concern, and always remembered them with a smile and a quick anecdote upon a second meeting.

I wish Mayor Wieczorek much happiness as he embarks on this new journey in life. His leadership and perseverance will be sorely missed as his decade of public service comes to an end. I want to leave him with a poem by Robert Frost, as I know that he has many more miles to travel and endeavors to conquer.

The woods are lovely, dark and deep.
But I have promises to keep,
And miles to go before I sleep.
And miles to go before I sleep.

Mayor, it has been a pleasure to represent you in the United States Senate. I wish you the best of luck in your future endeavors. May you always continue to inspire those around you.•

## THE TENTH ANNUAL NATIONAL SPORTSMANSHIP DAY

• Mr. L. CHAFEE. Mr. President, yesterday was the tenth annual National Sportsmanship Day—a day designated to promote ethics, integrity, and character in athletics. I am pleased to say that National Sportsmanship Day was a creation of Mr. Daniel E. Doyle, Jr., Executive Director of the Institute for International Sport at the University of Rhode Island. This year, over 12,000 schools in all 50 states and more than 100 countries participated in National Sportsmanship Day. This is remarkable, since ten years ago this program only existed in Rhode Island Elementary Schools!

Yesterday, the Institute held a daylong live internet chat room in which athletes, coaches, journalists, students, and educators engaged in discussions of sportsmanship issues, such as trash-talking, ''winning at all costs,'' professional athletes as role models, and behavior of fans. I believe that the Institute's work in addressing the issues of character and sportsmanship, and its ability to foster good dialogue among our young people is significant.

As part of the Day's celebration, the Institute selected Sports Ethics Fellows who have demonstrated ''highly ethical behavior in athletics and society.'' Past recipients have included: Kirby Puckett, former Minnesota Twins outfielder and 10-time All Star; Joan Benoit Samuelson, gold medalist in the first women's Olympic marathon in 1984; and Joe Paterno, longtime head football coach at Penn State University. This year, the Institute honored 10 individuals including Grant Hill, five-time All-Star with the Detroit Pistons, and former All-American at Duke; Jennifer Rizzotti, head women's basketball coach, University of Hartford, and member of the WNBA Houston Comets; Jerry Sandusky, former defensive coordinator/linebackers coach, Penn State University, PA; and Mark Newlen, former member of the University of Virginia basketball team (1973–77) and presently physical education teacher and coach at the Collegiate School, Richmond, VA.

This year, the Institute has found another avenue to promote understanding and good character for youngsters. A new program called ''The No Swear Zone'' has been instituted to curb the use of profanity in elementary, middle and high school sports, as well as at the college level. In order for a school's athletic team to become a member of ''The No Swear Zone,'' it must pledge to stop the use of profanity in practice and in games.

I am very proud that National Sportsmanship Day was initiated in Rhode Island, and I applaud the students and teachers who participated in this inspiring day. Likewise, I congratulate all of those at the University of Rhode Island's Institute for International Sport, whose hard work and dedication over the last ten years have made this program so successful.

Mr. President, I ask that the winning essays from this year's contest be printed in the RECORD.

The essays follow:

### ALWAYS TRY YOUR HARDEST, BE ENCOURAGING

(By Katie McGwin, a fifth grader at Quidnesset Elementary School North Kingstown, RI)

To be a good sport means to be kind to others, play fairly, never cheat, try your hardest and be responsible. You can be kind to others by saying encouraging words such as ''You can do it!'' and ''You tried your hardest! Maybe next time.''

These simple words can convince people that they really can do it and they tried their hardest and next time they will do it well. You can play fairly by following the rules and never cheating.

You can try your hardest by being the best you can be. You can be responsible by keeping track of your things, doing chores, cleaning up after yourself, taking care of your pets, bringing your homework into school and many other things.

I try my hardest in my dance class. I do well, but I think I could try harder. I show my responsibility by keeping track of my things, doing chores and bringing my homework into school. I sometimes encourage people. I always play fairly and I never cheat. I am showing that I am a good sport. I do well in school and I do well at home.

Some people do not show sportsmanship. Those are the people who do not care about the rules of the game. They do not show responsibility. Those are the people who are not kind to others. They do not cheer people on. They think that they are the winners and the other team is just there to lose.

Losing can be tough. I've been there, too. Don't get too discouraged. The truth might be that your team will win next time. So keep trying.

You may have different ways of being a good sport. It doesn't matter what you do to be a good sport; it matters that you are a good sport. Remember this: Always keep trying!

### CHILDREN LEARN GOOD AND BAD FROM MODELS

(By Patrick Kolsky, a 10th grader at Novato (Calif.) High School)

In the modern era, sports have been rising in popularity without opposition. Sports in the beginning were first seen as something that could help someone relieve pressure, help cope with stress, join families and communities together and to expose oneself to a little friendly competition.

Most of all, however, sports were mainly seen as a creative outlet to relieve one's extra energy and recycle it into something that was fun for everyone. In more recent years, sports have escalated into something more.

Professional sports focus on winning and salary, while the original intentions of sports take a back seat. Younger children are extremely influenced by professional athletes and are well known to try and imitate their favorite player.

Most athletes today don't really care whether they had fun while playing a sport, but only if they won or lost. and why should they? It is not their job to have fun or to set good examples—their job is to win. But when the millions of onlookers observe what ''real'' athletes perceive of sports, it is almost inevitable that they themselves will follow the lead of their role models.

These unsportsmanlike ethics that people pick up on lead to an unhealthy imbalance and lack of scruples in non-professional and non-profit-oriented sports today.

I feel very strongly that sports for children should not be a main focal point of their lives. Children's sports should focus on team play, listening and respecting an opponent.

It is unhealthy for children to be so focused on winning at a young age that it will influence other aspects of their lives. The majority of children do not become overly competitive by themselves, but rather from examination of an outside source. It is this outside source that is the most crucial to any child's path to becoming a good sportsman.

Children find role models at a young age; and whether that role model is a professional basketball player or a weatherman, they always end up being influenced by the person that they admire. When these children grow up, they usually carry with them the perception of what was ''said'' to be acceptable and then apply that to other areas of life, not just sports.

This is exactly the reason why it is imperative that good sportsmanship be stressed in children's sports as well as higher-level sports. It does no good to a child when good sportsmanship is stressed by one source, yet they look at another source and see exactly the opposite.

It is not uncommon in today's sports for the players as well as the fans to become unsportsmanlike. It is OK for people to become competitive as long as they understand the real meaning behind sports and not get too caught up in winning.

Unfortunately, many people overlook this issue entirely. Players trash-talk their opponents without remorse, and fans will become overly excited and unruly in the stands. Of course, there are consequences for all of

their actions, but to the people who only care about winning, consequences are just consequences, and nothing more. They will continue to do whatever they can if they feel it will help them win.

Some people are so focused on instant gratification that they don't care what the effects of their actions will be. This is an extremely lethal setback to young onlookers that see this kind of behavior. If their own role models do not believe that they are doing anything wrong, why should they? Every action has a consequence, but not every consequence has the effect it should on the perpetrator.

Sports is a huge industry, and there are so many fans, young and old, who hold sports in high regard and are influenced deeply by almost every aspect of the games. Some people become blind to the fact that some of the idealism that they are picking up from sports may not be in their best interest. Winning at all costs is a poor example of how some role models are supposed to behave in front of the people that idolize them. Our children are watching—and they are picking up every thing that comes their way.

PARENTS HAVE AN OBLIGATION TO BE GOOD SPORTS, TOO

(By Aroha Fanning, a senior at Jacksonville (Fla.) University)

Sports are probably one of the most popular pastimes of today's society, whether you are an athlete, a spectator or a sponsor or whether you are pro or amateur, young or old, disabled or physically fit. Athletics caters to everyone.

But the people who benefit most from sports today are not the professional basketball players or football players who sign contracts of up to $30 million a year or more. They are the little rugrats you can see running around a soccer field on a Saturday morning, or the 3-foot-nothing munchkins who take to the ice for little league ice hockey each season.

Getting children involved in sports not only keeps them active and away from the TV screen or computer monitor, it also teaches them how to be a team player and how to interact socially with other children. But what kind of sportsmanship is being modeled to our children when parents are standing on the sidelines yelling at referees and coaches and getting into fights with parents of the opposing team?

Whatever happened to phrases such as ''It's not whether you win or lose, but how you play the game'' and ''Just go out there and do your best?''

All over the country, parents are being asked to shape up or ship out of the ballpark, stadium or playing grounds. In Jupiter, Fla., parents are now required to take a good sportsmanship class before their children are allowed to play a sport. Parents in Los Angeles are asked to sign a ''promise of good behavior'' form.

Perhaps so many parents push their children into participating in athletics in hope that they will be able to get a scholarship to college and will go on to the major leagues and sign one of those $30 million contracts. Maybe others push their kids into athletics just so they can brag to their friends and family about how little Johnny is the star of his soccer team. Perhaps parental expectations come from unfulfilled childhood dreams of playing college football, baseball, basketball or whatever the sport of choice might have been.

However you look at it, or whatever the motive for pushing children into athletics, encouraging them to run onto a field while yelling at them for making a mistake or losing isn't going to make them love the sport. It is not going to get them that college scholarship. It is not going to make them the best on the team. And it is not going to fulfill the lost dream of being a college athlete.

The only thing that pushing your child beyond the true purpose of the game—to have fun—accomplishes is to push the child further away from the sport and, eventually, the parent.•

## TRIBUTE TO PUBLISHERS SETH AND LUCILLE HEYWOOD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to a newspaper that has provided the town of Merrimack, New Hampshire, with information and insight for the past twenty-one years. The Village Crier is a paper for which many of the town residents of Merrimack have waited in anticipation each week. It certainly has greatly impacted the community as a whole.

The Village Crier has been on the front lines of every political battle in Merrimack, and the opinions and advice that they brought to the tale will be greatly missed. Both Seth and Lucille have put countless hours into the production of the Crier, and have gained the respect and admiration of not only their staff, but of the entire community.

It is with sincere regret and deep sadness that I bid farewell to the Village Crier. I wish both Seth and Lucille the best as they continue with their future endeavors. The Village Crier will be greatly missed, and it is an honor to represent both Seth and Lucille Heywood in the United States Senate.•

## TRIBUTE TO ALEX GIANG

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Alex Giang for receiving the Merrimack Chamber of Commerce Presidential Award. A member of the chamber for several years, Alex has risen to prominence with his continuous displays of passion and perseverence. His personality endears him to all, and he is well known for his gregarious nature. Alex is a kind-hearted leader, and Mary Jo and I applaud him for his hard work and dedication to the Merrimack Chamber of Commerce.

Alex Giang inspires others to achieve the same ends by using the leadership qualities for which he has been honored. Alex has taken it upon himself to attempt to increase the membership of the chamber. He is a man determined to have others give of themselves as he has given. He has been a key figure in the creation of the chamber fund raiser, ''A Taste of Merrimack,'' where the time and effort that was spent on his part exemplified his dedication to the chamber. In addition to all of this, Alex is a purveyor of fine cuisine in the town of Merrimack.

Alex is a leader in the truest sense. He is a gregarious individual who puts forth enormous effort for worthy causes. His enthusiasm for both life and the Merrimack chamber is contagious. Alex, it is a pleasure to represent you in the United States Senate. I wish you the best of luck in the future. May you always continue to inspire those around you.•

## NORMAL TRADE RELATIONS TREATMENT FOR THE PEOPLE'S REPUBLIC OF CHINA—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Congress of the United States:*

Last November, after years of negotiation, we completed a bilateral agreement on accession to the World Trade Organization (WTO) with the People's Republic of China (Agreement). The Agreement will dramatically cut import barriers currently imposed on American products and services. It is enforceable and will lock in and expand access to virtually all sectors of China's economy. The Agreement meets the high standards we set in all areas, from creating export opportunities for our businesses, farmers, and working people, to strengthening our guarantees of fair trade. It is clearly in our economic interest. China is concluding agreements with other countries to accede to the WTO. The issue is whether Americans get the full benefit of the strong agreement we negotiated. To do that, we need to enact permanent Normal Trade Relations (NTR) for China.

We give up nothing with this Agreement. As China enters the WTO, the United States makes no changes in our current market access policies. We preserve our right to withdraw market access for China in the event of a national security emergency. We make no changes in laws controlling the export of sensitive technology. We amend none of our trade laws. In fact, our protections against unfair trade practices and potential import surges are stronger with the Agreement than without it.

Our choice is clear. We must enact permanent NTR for China or risk losing the full benefits of the Agreement we negotiated, including broad market access, special import protections, and rights to enforce China's commitment through WTO dispute settlement. All WTO members, including the United States, pledge to grant one another permanent NTR to enjoy the full benefits in one another's markets. If the Congress were to fail to pass permanent NTR for China, our Asian, Latin American, Canadian, and European competitors would reap these benefits, but American farmers and other workers and our businesses might well be left behind.

We are firmly committed to vigorous monitoring and enforcement of China's commitments, and will work closely with the Congress on this. We will maximize use of the WTO's review

mechanisms, strengthen U.S. monitoring and enforcement capabilities, ensure regular reporting to the Congress on China's compliance, and enforce the strong China-specific import surge protections we negotiated. I have requested significant new funding for China trade compliance.

We must also continue our efforts to make the WTO itself more open, transparent, and participatory, and to elevate consideration of labor and the environment in trade. We must recognize the value that the WTO serves today in fostering a global, rules-based system of international trade—one that has fostered global growth and prosperity over the past half century. Bringing China into that rules-based system advances the right kind of reform in China.

The Agreement is in the fundamental interest of American security and reform in China. By integrating China more fully into the Pacific and global economies, it will strengthen China's stake in peace and stability. Within China, it will help to develop the rule of law; strengthen the role of market forces; and increase the contacts China's citizens have with each other and the outside world. While we will continue to have strong disagreements with China over issues ranging from human rights to religious tolerance to foreign policy, we believe that bringing China into the WTO pushes China in the right direction in all of these areas.

I, therefore, with this letter transmit to the Congress legislation authorizing the President to terminate application of Title IV of the Trade Act of 1974 to the People's Republic of China and extend permanent Normal Trade Relations treatment to products from China. The legislation specifies that the President's determination becomes effective only when China becomes a member of the WTO, and only after a certification that the terms and conditions of China's accession to the WTO are at least equivalent to those agreed to between the United States and China in our November 15, 1999, Agreement. I urge that the Congress consider this legislation as soon as possible.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

## THE NATIONAL MONEY LAUNDERING STRATEGY FOR 2000—MESSAGE FROM THE PRESIDENT—PM 91

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

*To the Congress of the United States:*

As required by the provisions of section 2(a) of Public Law 105–310 (18 U.S.C. 5341(a)(2)), I transmit herewith the National Money Laundering Strategy for 2000.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 8, 2000.*

## MEASURE PLACED ON THE CALENDAR

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

S. 2184. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial circuit of the United States into two circuits, and for other purposes.

## 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–7907. A communication from the Director, Operational Test and Evaluation, and the Deputy Under Secretary, Science and Technology, Department of Defense transmitting, pursuant to law, a report relative to laboratories and centers selected for a pilot program; to the Committee on Armed Services.

EC–7908. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–7909. A communication from the Deputy Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances transmitting, pursuant to law, the 1999 report on conditional pesticide registrations; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7910. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Criteria for Approving Flight Courses for Educational Assistance Programs'' (RIN2900–AI76), received March 7, 2000; to the Committee on Veterans' Affairs.

EC–7911. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the Office of Thrift Supervision's 2000 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–7912. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–7913. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Fees for Consular Services; Finance and Accounting; Passports and Visas'', received March 7, 2000; to the Committee on Foreign Relations.

EC–7914. 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 March 7, 2000; to the Committee on Governmental Affairs.

EC–7915. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–7916. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: NAC–MPC Addition'', received March 7, 2000; to the Committee on Environment and Public Works.

EC–7917. A communication from the General Counsel, National Science Foundation transmitting, pursuant to law, the report of a rule entitled ''Revision of National Science Foundation Freedom of Information Act and Privacy Act Regulations and Implementation of Electronic Freedom of Information Act Amendments of 1996'' (RIN3145–AA31) (RIN3145–AA32), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7918. A communication from the Associate Administrator, Procurement, National Aeronautics and Space Administration transmitting, pursuant to law , the report of a rule entitled ''Miscellaneous Administrative Revisions to the NASA FAR Supplement'', received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7919. 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 ''Extension of Import Restrictions Imposed on Certain Categories of Archaeological Material from the Prehistoric Cultures of the Republic of El Salvador'' (RIN1515–AC61), received March 7, 2000; to the Committee on Finance.

EC–7920. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Melons Grown in South Texas; Increased Assessment Rate'' (Docket Number FV00–979–I FR), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7921. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research and Information Order; Referendum Procedures'' (Docket Number FV–99–702–FR), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7922. A communication from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a rule entitled ''Pork Promotion and Research'' (Docket Number LS–98–007), received March 7, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80C2; Docket No. 99–NE–24 [2–29/3–6]'' (RIN2120–AA64) (2000–0129), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes; Correction; Docket No. 99–NM–336 [3–2/3–6]'' (RIN2120–AA64) (2000–0128), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas MD–11 Series Airplanes; Request for Comments; Docket No. 2000–NM–61

[3–3/3–6]'' (RIN2120–AA64) (2000–0127), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–111 and –300 Airplanes; Request for Comments; Docket No. 2000–NM–59 [3–7/3–6]'' (RIN2120–AA64) (2000–0126), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada Model 407 Helicopters; Docket No. 98–SW–64 [3–1/3–6]'' (RIN2120–AA64) (2000–0130), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Alexander Schleicher Segelflugzeubau Models ASH 25M and ASH 26E Sailplanes; Request for Comments; Docket No. 99–CE–78 [3–1/3–6]'' (RIN2120–AA64) (2000–0131), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc., Model MD600N Helicopters; Docket No. 99–SW–54 [3–1/3–6]'' (RIN2120–AA64) (2000–0132), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Big Bear City, CA; Docket No. 99–AWP–26 [3–7/3–6]'' (RIN2120–AA66) (2000–0065), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7931. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; Henderson Harbor, NY (CGD09–99–081]'' (RIN2115–AA98) (2000–0003), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–7932. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Traffic Separation Scheme in the Approaches to Delaware Bay (CGD97–004]'' (RIN2115–AF42) (2000–0001), received March 7, 2000; to the Committee on Commerce, Science, and Transportation.

## 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–429. A resolution adopted by the Miami, FL City Commission relative to the Nicaraguan and Central American Relief Act; to the Committee on the Judiciary.

RESOLUTION NO. 100

Whereas, on 1997, the Senate and House of Representatives of the United States enacted legislation, known as the Nicaraguan and Central American Relief Act (''NACARA''), to provide nationals from Nicaragua and certain Central American countries relief from removal and deportation from the United States; and

Whereas, the deadline to submit and complete NACARA applications with supporting documents and motions expired November, 1999; and

Whereas, the City Commission wishes that the same privileges and rights bestowed to Nicaraguan and Central American nationals be extended to Haitian immigrants; now, therefore, be it

*Resolved by the Commission of the city of Miami, Florida:*

SECTION 1. The recitals and findings contained in the Preamble to this Resolution are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section.

SECTION 2. The Federal Government is hereby urged to extend the deadline for a period of six months for those individuals eligible to file applications and motions to gain lawful immigration status under the Nicaraguan and Central American Relief Act (''NACARA'').

SECTION 3. The Federal Government is hereby further urged to enact and implement legislation to extend the same rights and privileges granted under NACARA to Haitian immigrants.

SECTION 4. The City Clerk is hereby directed to transmit a copy of this Resolution to President William J. Clinton, Vice-President Albert Gore, Jr., Speaker of the House of Representatives J. Dennis Hastert, Attorney General Janet Reno, United States Immigration and Naturalization Service Commissioner Doris Meissner, Senators Connie Mack and Bob Graham, and all the members of the United States House of Representatives for Miami-Dade County.

SECTION 5. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.

Passed and adopted this 27th day of January, 2000.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GRAMM for the Committee on Banking, Housing, and Urban Affairs.

Jay Johnson, of Wisconsin, to be Director of the Mint for a term of five years.

Kathryn Shaw, of Pennsylvania, to be a Member of the Council of Economic Advisers.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. MCCONNELL for the Committee on Rules and Administration.

Danny Lee McDonald, of Oklahoma, to be a Member of the Federal Election Commission for a term expiring April 30, 2005. (Reappointment)

Bradley A. Smith, of Ohio, to be a Member of the Federal Election Commission for a term expiring April 30, 2005.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SHELBY, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. ABRAHAM, and Mr. HAGEL):

S. 2214. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUTCHINSON:

S. 2215. A bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

By Mr. CAMPBELL:

S. 2216. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that products used in the project be produced in the United States; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. LOTT):

S. 2217. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CLELAND (for himself, Ms. MIKULSKI, Mr. GRASSLEY, Mr. AKAKA, Mr. WARNER, Mr. SARBANES, and Mr. ROBB):

S. 2218. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 2219. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for community learning and successful schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLARD:

S. 2220. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. SCHUMER, and Mr. SANTORUM):

S. 2221. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TORRICELLI:

S. 2222. A bill to provide for the liquidation or reliquidation of certain color television receiver entries to correct an error that was made in connection with the original liquidation; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2223. A bill to establish a fund for the restoration of ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, and Mr. LEAHY):

S. 2224. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. WARNER:

S. Con. Res. 92. A concurrent resolution applauding the individuals who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions during the period beginning before World War II and continuing through the end of the Cold War, supporting efforts by the Office of Naval Research to honor those individuals, and expressing appreciation for the ongoing efforts of the Office of Naval Research; to the Committee on Armed Services.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself, Mr. AKAKA, Mr. BENNETT, Mr. BOND, Mr. BUNNING, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Mr. COVERDELL, Mr. CRAIG, Mr. CRAPO, Mr. DOMENICI, Mr. ENZI, Mr. GRAMM, Mr. GRASSLEY, Mr. HATCH, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INOUYE, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SHELBY, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, Mr. VOINOVICH, Mr. WARNER, Mr. ABRAHAM, Mr. HAGEL):

S. 2214. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Energy and Natural Resources.

### LEGISLATION TO ESTABLISH AND IMPLEMENT A COMPETITIVE OIL AND GAS LEASING PROGRAM

Mr. MURKOWSKI. Mr. President, let me advise you, yesterday at the close of business, the posted price of oil was $34.13 a barrel. The Dow was down 374 points. The share price of one company, Procter & Gamble, plunged 30 percent as a consequence of their third quarter profits falling off because of the high cost of oil.

We have a crisis in this country. Today, I rise to introduce legislation on behalf of myself and 33 other Members that I believe, and they believe with me, offers the United States its best chance to reduce our dependence on foreign oil; that is, by producing more oil domestically.

We have seen the oil price rise in the last year from roughly $10 to over $30 a barrel. That is a pretty dramatic increase. There is an inflation factor associated with this. While we have not really addressed it, it is fair to say that for every $10 increase in the price of a barrel of oil, there is an inflation factor of about a half of 1 percent. Alan Greenspan has been quoted as saying, ''I have never seen a price spike on oil that I have ever ignored.''

So we are now in a situation where we have seen heating oil prices in the Northeast reach historic highs this winter, nearly $2 a gallon. We are seeing a surcharge on our airline tickets of $20. You do not see it at the counter where you buy your ticket; of course not. You do not know what the price of a ticket generally is because they have so many prices between point A and point B. But it is there. It is $20. The American public ought to be questioning that. They at least ought to be aware of it, if they do not question it.

Regarding diesel prices, we saw the truckers come to Washington, DC. Diesel prices are the highest since the Department of Energy began tracking.

We are in a crisis. We have to do something about it. There are many factors that contribute to the price structure of each particular fuel, but underlying all of these, without a doubt, is our reliance on imported crude oil. We are 56-percent dependent on foreign crude oil. The current reserves indicate we are consuming twice as much crude in the U.S., as we are able to produce domestically.

I had the professional staff of the Energy and Natural Resources Committee trying to do a forecast, with the Department of Energy—we have a net decline because we are using more crude reserves than we are bringing in—about what time the bear goes through the buckwheat; that is, when perhaps we are looking at $2 a gallon, $2.50 a gallon for gasoline. Relief is not in sight as yet.

The worst part of it is this did not come without some warning. Those of us from oil-producing States, my State of Alaska, the overthrust belt—Louisiana Senators, Texas, Mississippi, other areas, Colorado, Oklahoma, Utah, Wyoming—have been predicting the dangers of increased dependence on imported oil. The administration, Department of Energy, has forecast by the years 2015 to 2020 we will be approaching 65-percent dependence on imported oil. The problem with that is it looks now as if that is a goal rather than a forecast. They are not taking any steps to relieve us of that dependency.

The facts, I think, are staggering. If you look at what is happening in this country, domestic production has decreased 17 percent since 1990. That is a fact. Consumption, however, has increased 14 percent. I have a chart to show this. It shows, I think very clearly, what is happening in this country.

We are seeing the demand, and that is the black line here, going, in 1990, from 16 million to 19 million barrels per day. So what is happening is we see a constant demand going up. Then what happens on the offset? Where is the crude production? The crude production is declining, from 7.4 to a domestic production of 5.9.

This reflects the reality of what has been happening. This should not come as a great surprise to the Department of Energy, the Clinton administration, or the Congress of the United States. This has been coming for some time.

In one year, total petroleum net imports rose 7.6 percent. So, as we look for relief, we look towards imports. Now we are 56-percent dependent. What does it mean? It means we do not learn from history. We do not learn much. In 1973, when we had the Arab oil embargo—some people remember the gasoline lines around the block—at that time, we were 37-percent dependent on imported oil. We said it would never happen again. We said we would create a Strategic Petroleum Reserve to ensure we were not held hostage.

What did other countries do? Different things. The French, for example, said they would never be held hostage by the Mideast again, and they departed on a nuclear program so that today the French are over 90-percent dependent on nuclear energy. We do not have that situation in the United States. I simply point that out to direct attention to what some countries have done with their energy policy vis-a-vis others. What we have done is very little.

We fought a war over in the Mideast, didn't we? We fought that war, Desert Storm, to keep Saddam Hussein from invading Kuwait and taking over those oil fields. During Desert Storm, we were 46-percent dependent. Today we are held hostage to aggressive OPEC pricing policies. What has our response been?

Secretary of Energy Richardson went to the Mideast. Some suggest it was the greatest hostage recovery effort since the Carter administration sent the military to Tehran. He went there and said: We have an emergency in the United States. We have a crisis. We need you to produce more oil.

Do you know what they told him? They looked him in the eye and they said: We are going to have a meeting March 27 and we will address our policies then.

That is hardly responding to an emergency, particularly at a time when he reminded them of how quickly

we responded to the emergency when Saddam Hussein was about to invade Kuwait. Nevertheless, that is reality, that is business, that is the attitude of OPEC. This time the hostage is our country, our energy security—and the rescue mission is flawed.

We can look to the non-OPEC countries for relief. We can look to Venezuela. We can look to Mexico.

I happened to have a little feedback from Mexico. We went down to Mexico. The Secretary met with them and said we need you to produce more oil. There was a message, and that message that came back from Mexico is: Where was the United States when the Mexican economy was in the tank? When oil was selling at $11 a barrel, were you, the United States, doing anything to help out Mexico and its economy? Clearly, we were not. We were very happy to get $11, $12 oil.

So somebody said: If the shoe fits, wear it.

We have been stiffed. We have been poked in the eye because OPEC is saying: Ho, ho, the United States—do you know what the United States could do, if they wanted to do a favor for the consumer? They can waive all their taxes, waive all the highway taxes, waive all the State taxes. That will bring the price down.

It is an interesting suggestion. Obviously, it is unacceptable to us and an indignity, but I think it is sobering to recognize that is their proposed answer.

The irony that Iraq has emerged as the fastest growing source of U.S. oil imports is something beyond comprehension. We need to question where we are placing the Nation's energy security. Are we placing it with Saddam Hussein? That is where our imported oil is coming.

Our own Government agencies question this policy. Isn't that interesting? They question the policy they make.

Here is the statement on a chart. This is at a time when the administration is suppressing domestic production. This is from the Minerals Management Service:

> Much of the imported oil that the United States depends on comes from areas of the world that may be hostile to the interest of the United States and where political instability is a concern.

That speaks for itself. The Mideast is unstable. We see our friends in Libya, Iran, Iraq, and now the relationship between Iran and Iraq seems to be closer than it ever was. We are caught in the middle.

In the meantime, What has happened to our domestic industry? It is interesting. We have seen in the oil industry a 28-percent decline in jobs, a 77-percent decline in oil rigs that are used in exploration, and we have seen a 7-percent decline in reserves. That is the largest decline in 53 years.

This is what we are doing, particularly under this administration, relative to encouraging domestic exploration and drilling: Rigs drilling for oil are down from 657 in 1990 to roughly 153 in 2000.

What has our energy policy been under the Clinton-Gore administration? Coal: Highly dependent on coal. But EPA filed a lawsuit against eight electric utilities with coal-fired powerplants. The lawsuit says these plants have been allowed to extend beyond their lifespan, and the management says they are trying to maintain these plants according to the permitting process and not necessarily extending their life.

One gets a different point of view, but clearly there is going to be employment for a lot of attorneys.

Hydro: Secretary Babbitt wants to be the first Secretary to tear down dams. It is estimated by my colleagues from the Pacific Northwest that if the dams go down, we are going to see roughly 2,000 trucks per day on the highways to replace the barge service, particularly in Oregon, and the environmental air quality and congestion issues will be significant.

Nuclear power: The administration opposes this. They do not want to address what they are going to do with nuclear waste on their watch.

Natural gas: It is the fuel of the future, but they have closed so much of the public lands; 60 percent of the overthrust belt is off limits in the Rocky Mountain area, which is Colorado, Wyoming, Montana, Utah, New Mexico, North Dakota, and South Dakota. They estimate there is 137 trillion cubic feet of gas out there. And as a consequence, but they have put 60 percent of the area off limits.

Let's look at one more thing. If we look at our reliance on natural gas and oil, we recognize that we are not going to change over the next 20 or 25 years, as much as we would like to have greater dependence on alternative energy sources. The realization is the technology is not there. We have to continue to encourage them. The real answer is long-term and short-term relief. There is some short-term potential relief in repealing the Clinton-Gore gas tax hike. With prices at the pump steadily rising, one thing we can do is suspend the 4.3 cent-per-gallon Clinton-Gore gas tax. That came in 1993. The Democratic Congress, without a single Republican vote, adopted the Clinton-Gore gas tax as part of one of the largest tax increases in history.

That tax has cost the American motorist $43 billion over the last 6 years. We can suspend this tax until the end of the year when prices may be stabilized, and we can make sure the highway trust fund is reimbursed for any lost revenue so we can ensure all highway construction authorized will be constructed.

It is interesting to note that when Clinton-Gore passed this tax, it was not used for highway construction; it was used for Government spending, until Republicans took over Congress and authorized the tax to be restored for highway construction.

Long-term fixes: We need to stimulate the domestic oil and gas industry. We need to get in the overthrust belt. We need the Department of Interior to open up these areas, and we need a long-term fix. It involves legislation that I am introducing to authorize the opening of the Coastal Plain.

I will show my colleagues what I am talking about. This is an area that lies in the northeast corner of Alaska, north of the Arctic Circle, 1,300 miles south of the North Pole. The pipeline of Prudhoe Bay over the last 30 years has produced 25 percent of the total crude oil produced in this country.

I will show another chart because we have to put this area in perspective, otherwise you lose it.

The Arctic National Wildlife Refuge consists of 19 million acres in its entirety. We have set aside in wilderness permanently 8 million acres. We set another 9.5 million acres in refuge, permanently—no drilling, nothing in those two areas. But Congress set aside what they call the 1002 area, the Coastal Plain, for a determination of whether or not to open it for competitive oil and gas bids. The Eskimo people of Kaktovik, a little village there, support exploration in this area. The geologists say it is the most likely area for a significant find.

We propose a competitive lease sale. We propose only exploration in the wintertime, that way we will make no footprint on the ground. There is roughly 1.5 million acres on the Coastal Plain. The industry says if they are allowed to develop it with the technology they have, they will use less than 2,000 acres in the entirety of the 1.5 million acres. That is the kind of footprint the technology gives us.

As we look at national energy security, we have to look at some long-term solutions because Prudhoe Bay, as can be seen on this chart, shows a good degree of compatibility with abundant wildlife. This shows Prudhoe Bay field and the caribou wandering around. This is the pipeline that goes 800 miles to Valdez. If the oil is where we think it is, we simply extend the pipeline over to Prudhoe Bay and produce it.

This chart shows what frequently happens on the pipeline. Here are some bears going for a little walk on the pipeline enjoying the afternoon. They get away from bugs and flies, and it is easier walking on the pipeline than it is in the heavy snow. They know what they are doing.

I conclude by recognizing in October our Vice President made a statement that he is going to do everything in his power to make sure there is no new drilling off our coastal areas relative to OCS lease sales. I think that statement is going to come back and haunt the administration and certainly haunt the Vice President because if we do not go for OCS activities, we are not going to go anywhere.

I ask unanimous consent that a letter from the Sierra Club soliciting visitations to Washington to lobby Members of Congress be printed in the RECORD. The Sierra Club pays for all the meals, all the transportation, and all the lodging for these recruits it is simply reflective of the other point of view and that they are attempting to influence us on this issue. It is a good issue for revenue, for their membership.

I also ask unanimous consent to have printed in the RECORD a copy of the proposed lease sale by the Gwich'in people of Venetie for their lands on the North Slope that they hold, which is about 1.8 million acres. It is necessary that you understand the opposition. This will give you a point of view that, indeed, the opposition was prepared to lease their land. The only unfortunate problem was, there was no oil on it.

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

[From SC—Action Vol. II, January 6, 2000]

THE ARCTIC REFUGE NEEDS YOUR HELP:

This February 5–9, the Sierra Club, together with the Alaska Wilderness League, the Wilderness Society and the National Audubon Society, is hosting another National Arctic Wilderness Week in Washington, DC. Support from the grassroots is the key to protecting the Arctic National Wildlife Refuge and its fragile coastal plain—and this gathering will help arm you with the skills and knowledge you need be build support in your own community.

HANDS-ON TRAINING

Arctic Wilderness Week is your introduction to the campaign to protect the Arctic Refuge and its vast array of wildlife—polar bears, grizzlies, caribou, and thousands of migratory birds—from the ravages of oil and gas development. If you can make it on Friday night, the training begins with a potluck dinner and a chance to meet other like-minded wilderness and environmental activists. Saturday and Sunday offer two full days of intensive skills training, including message development, media communications and legislative advocacy. All of it will be tied together with hands-on role playing and campaign planning exercises.

If you can stay longer, on Monday and Wednesday we'll brush up your lobbying skills. You'll be pounding the marble halls of Congress, meeting with your own Congressional Representatives and Senators or their staffs. It's your chance to make your voice heard!

WE'VE GOT YOU COVERED

We know your time is valuabel—so we don't ask you to cover all of your expenses for the trip. You pay a $40 registration fee (some scholarships available), and we'll pay for your travel to D.C., your hotel (two per room), a continental breakfast each morning, and several dinners. Unfortunately, space is limited. And we are making it a priority to bring in activists from a number of targeted states and media markets—where our public education efforts are most critical. To find out if you're eligible, contact Dana Wolfe of the Sierra Club at (202) 675–6690. We'll send you a packet of information about the battle to save the Arctic Refuge and a tentation agenda for the wilderness training.

Please join us in Washington and be a hero for America's great Arctic wilderness!

NATIVE VILLAGE OF VENETIE,
*March 21, 1984.*

*To Whom It May Concern:*

This letter is authorization for Donald R. Wright, as our consultant, to negotiate with any interested persons or company for the purpose of oil or gas exploration and production on the Venetie Indian Reservation, Alaska; subject to final approval by the Native village of Venetie Tribal Government Council.

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NATIVE VILLAGE OF VENETIE

REQUEST FOR PROPOSALS FOR OIL & GAS LEASES

The Native Village of Venetie Tribal Government hereby gives formal notice of intention to offer lands for competitive oil and gas lease. This request for proposals involves any or all of the lands and waters of the Venetie Indian Reservation, U.S. Survey No. 5220, Alaska, which aggregates 1,799,927.65 acres, more or less, and is located in the Barrow and Fairbanks Recording Districts, State of Alaska. These lands are bordered by the Yukon River to the South, the Christian River to the East, the Chandalar River to the West and are approximately 100 miles west of the Canadian border on the southern slope of the Brooks Range and about 140 miles East of the Trans-Alaska Pipeline. Communities in the vicinity of the proposed sale include Arctic Village, Christian and Venetie. Bidders awarded leases at this sale will acquire the right to explore for, develop and produce the oil and gas that may be discovered within the leased area upon specific terms and provisions established by negotiation, which terms and provisions will conform to the current Federal oil and gas lease where applicable.

*Bidding method*

The bidding method will be cash bonus bidding for a minimum parcel size of one-quarter of a township, or nine (9) sections, which is 5,760 acres, more or less, and a minimum annual rent of $2.00 per acre. There shall be a minimum fixed royalty of twenty percentum (20%).

*Length of lease*

All leases will have an initial primary term of five (5) years.

*Other terms of sale*

Any bidder who obtains a lease from the Native Village of Venetie Tribal Government as a result of this sale will be responsible for the construction of access roads and capital improvements as may be required. All operations on leased lands will be subject to prior approval by the Native Village of Venetie Tribal Government as required by the lease. Surface entry will be restricted only as necessary to protect the holders of surface interests or as necessary to protect identified surface-resource values.

Prior to the commencement of lease operations, an oil and gas lease bond for a minimum amount of $10,000.00 per operation is required. This bonding provision does not affect the Tribal Government's authority to require such additional unusual risk bonds as may be necessary.

*Bidding procedure*

Proposals must be received by 12:00 p.m. sixty (60) days from the date of this Request for Proposals, at the office of the Native Village of Venetie Tribal Government, Attention, Mr. Don Wright, S. R. Box 10402, 1314 Heldiver Way, Fairbanks, Alaska 99701, telephone (907) 479–4271.

*Additional information*

A more detailed map of reservation lands and additional information on the proposed leases are available to the bidders and the public by contacting Mr. Don Wright at the office identified above.

DATED this 2nd day of April, 1984.

Native Village of Venetie Tribal Government, Allen Tritt, Second Chief.

DONALD R. WRIGHT,
*Authorized Consultant.*

Mr. MURKOWSKI. I encourage my colleagues to look at this legislation and recognize that we have to decrease our dependence on imported oil. The best way to do that is to stimulate domestic production here at home. The Coastal Plain of ANWR is one way to do it.

I thank the Chair and wish everybody a good day.

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By Mr. HUTCHINSON:

S. 2215. A bill to clarify the treatment of nonprofit entities as noncommercial educational or public broadcast stations under the Communications Act of 1934; to the Committee on Commerce, Science, and Transportation.

NONCOMMERCIAL BROADCASTING ELIGIBILITY ACT OF 2000

Mr. HUTCHINSON. Mr. President, in late-December 1999, the Federal Communications Commission took the unusual and aggressive step to restrict the programming of noncommercial television stations by not allowing certain types of religious programming.

Within the context of a license transfer involving a noncommercial television station in Pittsburgh, PA, the FCC attempted to establish guidelines for what they felt were ''acceptable'' educational religious programming.

The commission states in the Additional Guidance section of their decision document that, ''. . . programming primarily devoted to religious exhortation, proselytizing, or statements of personally-held religious views or beliefs generally would not qualify as 'general educational' programming.''

As a former religious broadcaster, this type of misguided agenda coming from a nonelected agency of the federal government is very disturbing. My office was flooded with letters and phone calls from Arkansans who were worried that the Federal Government had finally made an overt attempt to restrict what religious programming we watch on television or listen to on the radio.

Surprisingly, the national media remained strangely quiet despite the serious free speech implications and first amendment violation by the commission's ruling.

Soon after the FCC's controversial decision, I sent a letter to Chairman Kennard, along with Senators NICKLES, HELMS, ENZI, and INHOFE, criticizing the commission's actions. Congressman OXLEY introduced legislation in the House to address this issue.

Although I am a cosponsor of Senator BROWNBACK's companion bill to Congressman OXLEY's bill, I do not believe this legislation to prevent future attempts by the FCC to restrict religious programming goes far enough.

That is why I am introducing S. 2215, the ''Noncommercial Broadcasting Eligibility Act of 2000.''

Simply put, my bill would effectively deny the FCC the ability to create new rules defining what is appropriate and eligible programming for noncommercial television and radio stations, while creating a ''clear and simple test'' and guidance as to what programming noncommercial television and radio broadcasters may broadcast.

This ''clear and simple test'' is based on the well-established guidelines from section 501(c)(3) and 513 (a) and (c) of the Internal Revenue Code of 1986.

By requiring the FCC to look to the well-established guidance used by the Internal Revenue Service and the courts in defining what is ''substantially related'' programming, my legislation gives noncommercial broadcasters the ability to broadcast programming that is ''substantially related'' to their tax-exempt purpose, whether it be educational, religious, or charitable.

It is clear that the FCC intended to restrict religious programming and may be inclined to do so in the future. The commission should not be allowed to circumvent the United States Constitution and pursue its own political agenda.

Again, the Noncommercial Broadcasting Eligibility Act of 2000 will help prevent future misguided attempts by the FCC to limit our rights which are protected by the first amendment to the United States Constitution.

I ask that my colleagues join me by cosponsoring this bill and making it clear that the Senate will not stand idly by as the FCC attempts to unilaterally decide what religious programming is in the public's best interest.

I think it is outrageous for a nonelected agency to decide that a church service is not educational or that certain choral presentations do not fit their accepted definition of religious education. It is time that we draw the line. This legislation will do that. I ask my colleagues to join me in it.

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By Mr. CAMPBELL:

S. 2216. A bill to direct the Director of the Federal Emergency Management Agency to require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that products used in the project be produced in the United States; to the Committee on Environment and Public Works.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY BUY AMERICAN COMPLIANCE ACT

Mr. CAMPBELL. Mr. President, today I am introducing the Federal Emergency Management Agency Buy American Compliance Act, legislation which would apply the requirements of the Buy American Act to non-emergency Federal Emergency Management Agency (FEMA) assistance payments.

The Buy American Act was designed to provide a preference to American businesses in the federal procurement process. Currently, when FEMA awards grants for non-emergency projects, the agency itself adheres to the requirements of the Buy American Act. However, when FEMA awards taxpayer money to state or local entities in the form grants, those entities are not similarly required to comply with the Buy American Act's standards. This disparity needs to be changed.

Mr. President, the Buy American Act's requirements should be applied to all FEMA non-emergency grants. It should not make a difference whether FEMA is directly spending federal tax dollars or passing those same federal tax dollars on to states or local governments for them to spend. The Buy American Act's standards should apply to all federal dollars distributed by FEMA for non-emergency situations, no matter who is spending it. It is only right that we ensure that the American people's federal tax dollars are spent according to the Buy American Act.

The Buy American Act is necessary to protect American firms from unfair competition from foreign corporations. Many of the nations we trade with have significantly lower labor costs than the United States. Without the safeguard provided by the Buy American Act foreign companies are able to underbid American companies on U.S. government contracts.

It is important to understand the Buy American Act's criteria for determining whether a product is foreign or domestic. The nation where the corporation is headquartered is irrelevant—the Buy American Act is focused upon the origin of the materials used in the construction project. In order to be considered an American product, the product in question has to fulfill the following two criteria; first; the product must be manufactured in the United States, and second; the cost of the components manufactured in the United States must constitute over 50 percent of the cost of all the components used in the item.

My proposed legislation would stipulate that federal funds distributed by FEMA as financial assistance could only be used for projects in which the manufactured products are American made, according to the criteria established by the Buy American Act. The House version of this legislation has been recently introduced by Congressman MICHAEL COLLINS of Georgia.

Mr. President, it does not make sense that the American people's hard earned tax dollars should be allowed to slip through a loophole that makes it possible for some entities to avoid the Buy American Act. The Buy American Act should apply to all who spend FEMA non-emergency funds. When these federal funds are passed down from FEMA to another government agency, those other government agencies should also be required to abide by the Buy America Act.

Mr. President, I introduce this legislation in order to ensure there is consistency in the law, with regard to FEMA and the provisions of the Buy American Act. I hope my colleagues will join me in supporting passage of this pro-American measure.

I ask unanimous consent that the bill I am introducing today be printed in the RECORD.

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

S. 2216

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Emergency Management Agency Buy American Compliance Act''.

**SEC. 2. APPLICABILITY OF BUY AMERICAN REQUIREMENTS TO FEMA ASSISTANCE.**

(a) DEFINITIONS.—In this Act:

(1) AGENCY.—The term ''Agency'' means the Federal Emergency Management Agency.

(2) AGREEMENT.—The term ''Agreement'' has the meaning given the term in section 308 of the Trade Agreements Act of 1979 (19 U.S.C. 2518).

(3) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency.

(4) DOMESTIC PRODUCT.—The term ''domestic product'' means a product that is mined, produced, or manufactured in the United States.

(5) PRODUCT.—The term ''product'' means—

(A) steel;

(B) iron; and

(C) any other article, material, or supply.

(b) REQUIREMENT TO USE DOMESTIC PRODUCTS.—Except as provided in subsection (c), the Director shall require, as a condition of any financial assistance provided by the Agency on a nonemergency basis for a construction project, that the construction project use only domestic products.

(c) WAIVERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the requirements of subsection (b) shall not apply in any case in which the Director determines that—

(A) the use of a domestic product would be inconsistent with the public interest;

(B) a domestic product—

(i) is not produced in a sufficient and reasonably available quantity; or

(ii) is not of a satisfactory quality; or

(C) the use of a domestic product would increase the overall cost of the construction project by more than 25 percent.

(2) LIMITATION ON APPLICABILITY OF WAIVERS WITH RESPECT TO PRODUCTS PRODUCED IN CERTAIN FOREIGN COUNTRIES.—A product of a foreign country shall not be used in a construction project under a waiver granted under paragraph (1) if the Director, in consultation with the United States Trade Representative, determines that—

(A) the foreign country is a signatory country to the Agreement under which the head of an agency of the United States waived the requirements of this section; and

(B) the signatory country violated the Agreement under section 305(f)(3)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2515(f)(3)(A)) by discriminating against a domestic product that is covered by the Agreement.

(d) CALCULATION OF COSTS.—For the purposes of subsection (c)(1)(C), any labor cost involved in the final assembly of a domestic product shall not be included in the calculation of the cost of the domestic product.

(e) STATE REQUIREMENTS.—The Director shall not impose any limitation or condition on assistance provided by the Agency that restricts—

(1) any State from imposing more stringent requirements than this section on the use of articles, materials, and supplies

mined, produced, or manufactured in foreign countries in construction projects carried out with Agency assistance; or

(2) any recipient of Agency assistance from complying with a State requirement described in paragraph (1).

(f) REPORT ON WAIVERS.—The Director shall annually submit to Congress a report on the purchases from countries other than the United States that are waived under subsection (c)(1) (including the dollar values of items for which waivers are granted under subsection (c)(1)).

(g) INTENTIONAL VIOLATIONS.—

(1) IN GENERAL.—A person described in paragraph (2) shall be ineligible to enter into any contract or subcontract carried out with financial assistance made available by the Agency in accordance with the debarment, suspension, and ineligibility procedures of subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations (or any successor regulation).

(2) PERSONS INELIGIBLE TO RECEIVE CONTRACT OR SUBCONTRACT.—A person referred to in paragraph (1) is any person that a court of the United States or a Federal agency determines—

(A) has affixed a label bearing a ''Made in America'' inscription (or any inscription with the same meaning) to any product that is not a domestic product that—

(i) was used in a construction project to which this section applies; or

(ii) was sold in or shipped to the United States; or

(B) has represented that a product that is not a domestic product, that was sold in or shipped to the United States, and that was used in a construction project to which this section applies, was produced in the United States.

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By Mr. CAMPBELL (for himself, Mr. INOUYE, and Mr. LOTT):

S. 2217. A bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

NATIONAL MUSEUM OF THE AMERICAN INDIAN COMMEMORATIVE COIN ACT OF 2000

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

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

S. 2217

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''National Museum of the American Indian Commemorative Coin Act of 2000'', or the ''American Buffalo Coin Commemorative Coin Act of 2000''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Smithsonian Institution was established in 1846, with funds bequeathed to the United States by James Smithson for the ''increase and diffusion of knowledge'';

(2) once established, the Smithsonian Institution became an important part of the process of developing the United States' national identity, an ongoing role which continues today;

(3) the Smithsonian Institution, which is now the world's largest museum complex, including 16 museums, 4 research centers, and the National Zoo, is visited by millions of Americans and people from all over the world each year;

(4) the National Museum of the American Indian of the Smithsonian Institution (referred to in this section as the ''NMAI'') was established by an Act of Congress in 1989, in Public Law 101–185;

(5) the purpose of the NMAI, as established by Congress, is to—

(A) advance the study of Native Americans, including the study of language, literature, history, art, anthropology, and life;

(B) collect, preserve, and exhibit Native American objects of artistic, historical, literary, anthropological, and scientific interest; and

(C) provide for Native American research and study programs;

(6) the NMAI works in cooperation with Native Americans and oversees a collection that spans more than 10,000 years of American history;

(7) it is fitting that the NMAI will be located in a place of honor near the United States Capitol, and on the National Mall;

(8) thousands of Americans, including many American Indians, came from all over the Nation to witness the groundbreaking ceremony for the NMAI on September 28, 1999;

(9) the NMAI is scheduled to open in the summer of 2002;

(10) the original 5-cent buffalo nickel, as designed by James Earle Fraser and minted from 1913 through 1938, which portrays a profile representation of a Native American on the obverse side and a representation of an American buffalo on the reverse side, is a distinctive and appropriate model for a coin to commemorate the NMAI; and

(11) the surcharge proceeds from the sale of a commemorative coin, which would have no net cost to the taxpayers, would raise valuable funding for the opening of the NMAI and help to supplement the endowment and educational outreach funds of the NMAI.

**SEC. 3. COIN SPECIFICATIONS.**

(a) $1 SILVER COINS.—In commemoration of the opening of the Museum of the American Indian of the Smithsonian Institution, the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall mint and issue not more than 500,000 $1 coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

**SEC. 4. SOURCES OF BULLION.**

The Secretary may obtain silver for minting coins under this Act from any available source, including stockpiles established under the Strategic and Critical Materials Stock Piling Act.

**SEC. 5. DESIGN OF COINS.**

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the $1 coins minted under this Act shall be based on the original 5-cent buffalo nickel designed by James Earle Fraser and minted from 1913 through 1938. Each coin shall have on the obverse side a profile representation of a Native American, and on the reverse side, a representation of an American buffalo (also known as a bison).

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year ''2001''; and

(C) inscriptions of the words ''Liberty'', ''In God We Trust'', ''United States of America'', and ''E Pluribus Unum''.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

**SEC. 6. ISSUANCE OF COINS.**

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—

(1) IN GENERAL.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(2) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Mint facility in Denver, Colorado should strike the coins authorized by this Act, unless the Secretary determines that such action would be technically or cost-prohibitive.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning on January 1, 2001.

(d) TERMINATION OF MINTING.—No coins may be minted under this Act after December 31, 2001.

**SEC. 7. SALE OF COINS.**

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge required by subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales of coins minted under this Act shall include a surcharge of $10 per coin.

**SEC. 8. DISTRIBUTION OF SURCHARGES.**

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, the proceeds from the surcharges received by the Secretary from the sale of coins issued under this Act shall be paid promptly by the Secretary to the National Museum of the American Indian of the Smithsonian Institution for the purposes of—

(1) commemorating the opening of the National Museum of the American Indian; and

(2) supplementing the endowment and educational outreach funds of the Museum of the American Indian.

(b) AUDITS.—The National Museum of the American Indian shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received by the museum under subsection (a).

**SEC. 9. FINANCIAL ASSURANCES.**

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured

by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

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By Mr. CLELAND (for himself, Ms. MIKULSKI, Mr. GRASSLEY, Mr. AKAKA, Mr. WARNER, Mr. SARBANES, and Mr. ROBB):

S. 2218. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES AND UNIFORMED SERVICES GROUP LONG-TERM CARE INSURANCE ACT OF 2000

Mr. CLELAND. Mr. President, and Members of the Senate, I am very pleased to join with my distinguished colleagues, Senators BARBARA MIKULSKI and CHARLES GRASSLEY, to introduce our proposal for the largest employer-based long-term care insurance program in American history. Today, we are introducing the Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.

At age 25, I returned from Vietnam facing the potential need for long-term care. I did not have the opportunity to plan for those needs and I was fortunate to avoid that outcome through the support of my family and the wonderful military health care system and VA system I encountered. Our legislation will provide federal employees, members of the Uniformed Services, including Reservists and the National Guard, retirees, spouses, parents and parents-in-law with the opportunity to plan for assistive care needs that become a necessity for all of us at some time in our lives.

Currently there are several measures pending in the Senate which offer different approaches to providing long-term care insurance to federal and military employees and their families. Our bill represents a carefully considered compromise between these competing approaches.

The Cleland-Mikulski-Grassley bill combines the features of our original proposals, S. 894, S. 57 and S. 36, as well as additional provisions to produce the most comprehensive proposal for an employer-based long-term care insurance program. Our legislation will:

One, allow federal employees, members of the Uniformed Services and Foreign Service, Reservists and retirees, spouses, parents, and parent-in-laws to purchase long-term care insurance at group rates.

Second, have premiums based on age (premiums are expected to be 10%–20% less than on the open market).

Third, provide individuals with options, including cash reimbursements for family caregivers, tax exemptions under the Health Insurance Portability and Accountability Act (HIPAA), and portability of benefits.

The current forecast for the cost of meeting long-term care needs of our aging population is staggering in terms of personal and national resources. Average nursing home costs are projected to increase from $40,000 per person per year today to $97,000 by 2030. Medicare and regular health insurance programs do not cover most long-term care needs. Medicaid can offer some long-term care support, but generally requires ''spend-down'' of income and assets to qualify. Additionally, very few employers offer a long-term care insurance benefit to their employees. We hope that our legislation will be a model that other employers will use in providing long-term care insurance for their employees and will lessen the financial burden on the Medicare and Medicaid programs.

Working families are too often being forced to choose between sending a child to college and paying for a nursing home for a parent. Families desperately need the tools to help themselves and to meet their family responsibilities.

Consider these astounding statistics:

Almost 6 million Americans aged 65 or older currently need long-term care.

As many as six out of 10 Americans have experienced a long-term care need either for themselves or a family member.

41% of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law.

80% of all long-term care services are provided by family and friends.

The need for this legislation is clear. By working together in a bipartisan cooperative spirit my fellow sponsors and I have bridged some significant differences in approach to craft a proposal which should have widespread support in the Senate. I hope and expect that we will take up and pass this bill this year. Those who have served, and are now serving, our nation deserve nothing less.

I ask unanimous consent that the Section-by-Section Analysis of this bill be printed in the RECORD.

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

FEDERAL EMPLOYEES AND UNIFORMED SERVICES GROUP LONG-TERM CARE INSURANCE ACT—SECTION-BY-SECTION ANALYSIS

(To amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes)

Section 1 of the bill titles the bill as the ''Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.''

Section 2 of the bill amends title 5, United States Code, to provide for the establishment and operation of the Program by adding a new chapter 90.

New section 9001 provides the definitions used in the administration of the Program. Included are the following:

''Activities of daily living'' includes eating, toileting, transferring, bathing, dressing, and continence.

''Annuitant'' has the meaning such term would have under section 8901(3), if for purposes of such paragraph, the term ''employee'' were considered to have the meaning of ''employee'' in (5) of this section.

''Appropriate Secretary'' means, except as otherwise provided, the Secretary of Defense; with respect to the United States Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation; with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce; and with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services.

''Eligible individual'' means (A) an annuitant, employee, member of the uniformed services, or retired member of the uniformed services, or (B) a qualified relative of an individual described in (A).

''Employee'' means an employee as defined under section 8901(1)(A) through (D) and (F) through (I), but does not include an employee excluded by regulation of the Office under section 9010, and an individual described under section 2105(e).

''Member of the uniformed services'' means a person who (A) is a member of the uniformed services on active duty for a period of more than 30 days; or is a member of the Selected Reserve as defined under section 10143 of title 10, including members on (1) full-time National Guard duty as defined under section 101(d)(5) of title 10; or (2) active Guard and Reserve duty as defined under section 101(d)(6) of title 10; and (B) satisfies such eligibility requirements as the Office prescribes under section 9010.

''Office'' means the Office of Personnel Management.

''Qualified carrier'' means a company or consortium licensed and approved to issue group long-term care insurance in all States and to do business in each of the States.

''Qualified relative'' as used with respect to an eligible individual in this section means the spouse of such individual; a parent or parent-in-law of such individual; and any other person bearing a relationship to such individual specified by the Office in regulations.

''Retired member of the uniformed services'' means a member of the uniformed services entitled to retired or retainer pay (other than chapter 1223 of title 10) who satisfies such eligibility requirements as the Office prescribes under section 9010.

''State'' means a State of the United States, and includes the District of Columbia.

New section 9002 provides that any eligible individual may obtain coverage under this chapter; that a qualified relative must provide documentation to demonstrate the relationship as prescribed by the Office, and; an individual is not eligible for coverage if the individual would be immediately eligible to receive benefits upon obtaining coverage.

New section 9003 provides the contracting authority for the Office to use in establishing and operating the Program.

Paragraph 1 of subsection (a) of this section provides that the Office is authorized to contract with carriers for a policy or policies of group long-term care insurance for benefits specified in this chapter, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other statute requiring competitive bidding.

Paragraph (2) of this subsection states that the Office shall contract with a primary carrier for the assumption of risk; no less than 2 qualified carriers to act as reinsurers; and; as many qualified carriers as necessary to administer this chapter, which shall also act as reinsurers. The Office will ensure that each contract is awarded on the basis of contractor qualifications, price, and reasonable competition to the extent practicable. This

provision ensures that at least 3 companies or consortia will participate in the Program.

Subsection (b) gives the Office the authority to design a benefits package or packages and negotiate final offerings with qualified carriers.

Subsection (c) provides that each contract shall contain a detailed statement of the benefits offered, including any limitations or exclusions, the rates charged, and other terms and conditions as may be agreed upon by the Office and the carrier involved can be consistent with the provisions of this chapter.

Subsection (d) provides that premium rates shall reasonably reflect the cost of the benefits provided under a contract, as determined by the Office.

Subsection (e) provides that the coverage and benefits under this section shall be guaranteed renewable and may not be canceled except for nonpayment of premium.

Subsection (f) gives the Office the authority to withdraw an offering based on open season participation rates, the composition of the risk pool, or both.

Subsection (g) requires each contract to provide insurance, payment, or benefits to an individual if the Office, or a designated party, determines the individual is entitled to such under the contract. The subsection also requires reinsurers under (a)(2)(A)(ii) to participate in administrative procedures to effect an expeditious resolution of disputes arising under such contract, and where appropriate, one or more means of dispute resolution.

Subsection (h) provides in paragraph (1) that each contract shall be for a term of five years, unless terminated earlier by the Office. The rights and responsibilities of the enrolled individual, the insurer, and the Office (or a duly designated third party) under any contract shall continue until the termination of coverage of the individual.

Paragraph (2) of subsection (h) specifies that the termination of coverage shall occur upon the occurrence of death, the exhaustion of benefits, or nonpayment of premium as specified in subsection (e).

Paragraph (3) of subsection (h) provides that each contract under this section shall be consistent with regulations of the Office under section 9010 to (1) preserve all parties' rights and responsibilities under such contracts, notwithstanding the termination of such contract and (2) ensure that once an individual is enrolled, the coverage will not terminate due to any change in status, such as separation from Government service or the uniformed services, or ceasing to be a qualified relative.

Subsection (i) specifies that nothing in this chapter shall be construed to grant authority to the Office or a third party to change the rules under which the contract operates for disputed claims purposes.

New Section 9004 specifies the long-term care benefits to be provided under this chapter.

Subsection (a) states that benefits under this chapter will be long-term care insurance under qualified long-term care insurance contracts within the meaning of section 7702B of the Internal Revenue Code. Additionally, as determined appropriate by the Office, the benefits under such contracts will be consistent with the more stringent of the most recent standards of the National Association of Insurance Commissioners or such standards as recommended in 1993.

Subsection (b) of this requires each contract under this chapter to provide for: (1) adequate consumer protections; (2) adequate protections in the event of carrier bankruptcy; (3) the availability of benefits upon certification as to the individual's inability to perform at least 2 activities of daily living for a period of at least 90 days or substantial supervision of the individual to protect such individual from threats to health and safety due to severe cognitive impairment; (4) choice of service benefits; (5) availability of inflation protection; (6) portability of benefits; (7) length-of-benefit options; (8) options relating to flexible long-term care benefit options regarding care modalities, such as nursing home care, assisted living care, home care, and care by family members; (9) options relating to elimination periods; and (10) options relating to nonforfeiture benefits.

New section 9005 addresses the financing of the Program and makes clear that each individual enrolled for coverage must pay 100 percent of the charges for such coverage. Subsections (b) through (d) of this section provide for the withholding of premium from the pay of an employee or member of the uniformed services or the annuity of an annuitant or retired member of the uniformed services. Withholdings for a qualified relative, may at the discretion of the individual related to the relative, be withheld from pay as if the enrollment were for the qualified relative. An enrollee whose pay, annuity, or retired or retainer pay is insufficient to cover the withholding is required to remit the full amount of premiums directly to the carrier.

Subsection (e) of this section requires each carrier to account for all funds under this chapter separate and apart from funds unrelated to this chapter.

Subsection (f) of this section specifies that a contract under this chapter must include provisions under which the carrier must reimburse the Office or other administering agency for administrative costs incurred by the Office or other agency, including implementation costs. These costs are considered allocable to the carrier. Reimbursements under this section, except for the initial costs of implementation, must be deposited in the Employees Health Benefits Fund and held in a separate Long-Term Care Insurance Account. This account is available without limitation to the Office for purposes of this chapter.

New section 9006 provides that this chapter shall supersede and preempt any State or local law, or law of a territory or possession, which is inconsistent with the provisions of this chapter or, after consultation with the National Association of Insurance Commissioners, the efficient provision of a nationwide long-term care insurance Program for Federal employees. An exception applies to any financial requirement by a State or District of Columbia that is more stringent than the requirements of 9004(b)(1).

New section 9007 provides that each qualified carrier entering into a contract with this Office shall provide such reasonable reports as the Office determines necessary to carry out its functions and permit the Office and the General Accounting Office to examine the records of the carrier. It also requires Federal agencies to keep records and certifications, and furnish the Office, the carrier, or both with information the Office may require.

New section 9008 addresses claims for benefits under this chapter.

Subsection (a) of this section requires that claims be filed within 4 years after the date on which the reimbursable cost was incurred or the service was provided.

Subsection (b)(1) provides that benefits payable under this chapter are secondary to any other benefit payable for such cost or service, e.g., workers' compensation, no-fault insurance. It also provides that no benefit is payable where no legal obligation exists to pay.

Paragraph (2) of subsection (b) specifies the exceptions to the policy in paragraph (1) such that benefits payable under the medical assistance program of title XIX of the Social Security Act and any other Federal or State program that the Office may specify in regulations that provide health coverage designated to be secondary to other insurance coverage are secondary to benefits paid under this chapter.

New section 9009 specifies that a claimant may file suit against a carrier of the long-term insurance policy covering such claimant in the district courts of the United States, after exhausting all available administrative remedies.

New section 9010 requires the Office, in subsection (a), to prescribe regulations to carry out the requirements of this chapter.

Subsection (b) of this section that the Office shall prescribe the time at which and manner and conditions under which an individual can obtain or continue long-term care insurance, including the length of time for the first opportunity to enroll, the minimum period of coverage required for portability, and provisions for periodic coordinated enrollment.

Subsection (c) provides that the Office cannot exclude an employee or group of employees solely on the basis of the hazardous nature of employment or part-time employment.

Subsection (d) specifies that any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual or qualified relative shall be prescribed by the Office in consultation with the appropriate Secretary.

The Technical and Conforming Amendment amends the table of chapters for part III of title 5, United States Code, by inserting, after the item relating to chapter 89, the new reference to chapter 90, Long-Term Care Insurance.

Section 3 of the bill authorizes the appropriations of such sums as may be necessary to pay for costs incurred by the Office in the implementation of chapter 90, title 5, United States Code, from enactment of this Act to the date on which long-term care insurance coverage first becomes effective. Any reimbursements of such costs by carriers under 9005(f) of title 5, United States Code, are to be deposited in the General Fund.

Section 4 provides that the amendments made by this Act will be effective on the date of enactment. However, this section also provides that coverage will be effective under this Act not later than the first day of the first fiscal year beginning more than 2 years after the date of enactment. This time frame is necessary to negotiate contracts, preparation of materials, and the large task of educating the millions of potential enrollees about this Program.

• Ms. MIKULSKI. Mr. President, I rise today as a proud cosponsor of the ''Federal Employees and Uniformed Services Group Long-Term Care Insurance Act of 2000.'' This important piece of legislation represents a carefully considered compromise between several bills currently pending in the Senate.

I would like to thank Senator CLELAND and Senator GRASSLEY for all of their hard work in coming to a consensus on how best to provide federal and military employees, retirees, and their families with the opportunity to purchase long-term care insurance.

Since my first days in Congress, I have been fighting to help people afford the burdens of long-term care. Ten years ago, I introduced legislation to change the cruel rules that forced elderly couples to go bankrupt before

they could get any help in paying for nursing home care. Because of my legislation, AARP tells me that we've kept over six hundred thousand people out of poverty and stopped liens on family farms.

I also fought for higher quality standards for nursing homes. Through the Older Americans Act, seniors have easier access to information and referrals they need to make good choices about long-term care. I am also working hard to create a National Family Caregivers Program, so that families can access comprehensive information when faced with the dizzying array of choices in addressing the long-term care needs of a family member.

These are important steps. But unfortunately, we haven't made much progress in the last few years. We've been stymied by partisan bickering, shutdowns, and inaction. The long-term care crisis needs a long-term care solution. I am pleased to say that this new bipartisan legislation puts an important down payment on this solution.

Despite past disagreements on approaches to financing long-term care, everyone agrees that the crisis is growing. Nursing home costs are projected to increase from $40,000 today to $97,000 by 2030. This will only get worse since the number of senior citizens will double over the next thirty years. Families are being forced to choose between sending a child to college or paying for a nursing home for a parent, or a parent-in-law. I think that is wrong.

Consider these sobering statistics:

At least 5.8 million Americans aged 65 or older currently need long-term care

As many as six out of 10 Americans have experienced a long-term care need

41 percent of women in caregiver roles quit their jobs or take family medical leave to care for a frail older parent or parent-in-law

80 percent of all long-term care services are provided by family and friends

Families desperately need the tools to help themselves and meet their family responsibilities. This bill is the first step in helping all Americans do just that. Let me tell you what our new legislation will do:

It will enable federal and military workers, retirees and their families to purchase long-term care insurance

It will provide help to those who practice self-help by offering employees the option to better prepare for their retirement and the potential need for long-term care

It will enable federal employees to buy long-term care insurance at group rates—they are projected to be 10%–20% below open market rates.

Participants will pay the entire premium but because of the lower premium this is a good deal for federal workers—and for taxpayers

I'm starting with federal employees for two reasons. First, as our nation's largest employer, the federal government can be a model for employers around the country. By offering long-term care insurance to its employees, the federal government can set the example for other employers whose workforce will be facing the same long-term care needs. Starting with the nation's largest employer also raises awareness and education about long-term care options.

I have a second reason for starting with our federal employees. I am a strong supporter of our federal employees. I am proud that so many of them live, work, and retire in Maryland. They work hard in the service of our country. And I work hard for them. Whether it's fighting for fair COLAs, lower health care premiums, or to prevent unwise schemes to privatize important services our federal workforce provide, they can count on me.

One of my principles is ''promises made should be promises kept.'' Federal retirees made a commitment to devote their careers to public service. In return, our government made certain promises to them. One important promise made was the promise of health insurance. The lack of long-term care for federal workers has been a big gap in this important promise to our federal workers. This legislation will close that gap and provide our federal workers and retirees with comprehensive health insurance.

Mr. President, I reiterate my commitment to finding long-term solutions to the long-term care problem. I am proud that this bipartisan bill takes an important step forward in helping all Americans to prepare for the challenges facing our aging population.•

Mr. AKAKA. Mr. President, it is with great pleasure that I cosponsor the Federal Employees and Uniformed Services Long-Term Care Group Insurance Act of 2000, introduced by the Senator from Georgia [Mr. CLELAND], the ranking minority member of the HELP Aging Subcommittee [Ms. MIKULSKI], and the chairman of the Special Committee on Aging [Mr. GRASSLEY]. This bipartisan legislation is testament to what can be accomplished when members from both sides of the aisle have a common goal. I salute the months-long effort undertaken by my colleagues and their staffs to bring this compromise bill to fruition.

As the ranking minority member of the Subcommittee on International Security, Proliferation, and Federal Services, with direct jurisdiction over this measure, I am mindful that there are several long-term care bills pending before the Subcommittee. However, I would like to point out that the three pending bills, S. 894, S. 57, and S. 36, are original proposals introduced by the Senators from Georgia, Maryland, and Iowa, who have combined features from each of their bills to craft a measure that will address the long-term care insurance needs of federal and military personnel and their families.

Many Americans mistakenly believe that Medicare and their regular health insurance programs will pay for long-term care. They do not. Although Medicaid provides some long-term care support, an individual generally must ''spend-down,'' his or her income and assets to qualify for coverage.

More and more Americans are requiring long-term care. About 5.8 million Americans aged 65 or older require long-term, care due to illness or disability. An approximately equal number of children and adults under the age of 65 also require long-term care because of health conditions from birth or a chronic illness developed later in life.

The need for long-term care is great. By the year 2030, the number of Americans age 65 years or older will double, from 34.3 to 69.4 million. The cost of nursing home care now exceeds $40,000 per year in many parts of the country, and home care visits for nursing or physical therapy runs about $100 per visit. In 1996, over $107 billion was spent on nursing homes and home health care. However, this figure does not take into account that fully 80 percent of all long-term care services are provided by family and friends.

In my own state of Hawaii, 13.2 percent of the population is persons 65 and older. Although Hawaii enjoys one of the highest life expectancies—79 years, compared to a national average of 75 years—the state's rapidly aging population will greatly impact available resources for long-term care, both institutional and from non-institutional sources. Hawaii's long-term care facilities are operating at full capacity. According to the Hawaii State Department of Health, the average occupancy rate peaked at 97.8 percent in 1994. But occupancy remains high. By 1997, the average occupancy dropped to 90 percent.

These statistics point to the overriding need to help American families provide dignified and appropriate care to their parents and relatives. We know that the demand for long-term care will increase with each passing year, and that federal, state, and local resources cannot cover the expected costs. Nursing home costs are expected to reach $97,000 by the year 2030.

What Congress can do, however, is make long-term care insurance available to a broad segment of the population and offer a model for the private sector. The bill introduced today will provide quality group long-term care insurance to the nation's federal employees, including postal workers, members of the Foreign Service, and Uniformed Services. Retirees of these agencies and their spouses, parents, and parents-in-law will be eligible to participate, and employees in a ''deferred annuitant status'' can enroll when retirement benefits are activated. The bill has broad-based support, including endorsement by the National Treasury Employees Union and the National Association of Retired Federal Employees, two federal employee unions, as well as the Military Consortium, an organization of the major military groups.

The proposal parallels portions of the President's four-part initiative designed to address long-term health, including having the federal government

serve as a model employer by offering quality private long-term care insurance to federal employees. The bill introduced today allows the Office of Personnel Management to use its market leverage to offer enrollee-paid quality private long-term care insurance to federal employees, military personnel, retirees, and their families at group rates. Participants would pay the full premium, whose costs are expected to be 10–20 percent lower than open market rates. There would be options, including cash reimbursement for family care givers, tax exemptions under the Health Insurance Portability and Accountability Act (HIPAA), and portability benefits—features that will provide enrollees the ability to tailor policies to individual needs.

Mr. President, I am pleased to be an original cosponsor of this bill, which will offer federal employees, uniformed service personnel, retirees, and their families an opportunity to plan for future long-term care needs in a responsible manner. I foresee this proposal as serving as a model for the private sector and state and local governments, and I again thank my colleagues for their diligence in crafting this compromise measure.

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By Mr. ALLARD:

S. 2220. A bill to protect Social Security and provide for repayment of the Federal debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977.

THE AMERICAN SOCIAL SECURITY PROTECTION AND DEBT REPAYMENT ACT

Mr. ALLARD. Mr. President, I rise today to join my colleagues in this important discussion about the federal budget, the budget surplus, and the American government's economic future. When I first came to Congress in 1992 the discussion was radically different. The concept of a budget surplus, let alone long term projections for a surplus, was foreign. The notion that a national debt measured in trillions could ever be paid off was practically science fiction. While 1992 was only eight years ago, we stand on the floor of the Senate today a million miles away from the bleak fiscal outlook of those times. But we must be careful. While our present fiscal condition may be rose colored, fiscal irresponsibility and a refusal to wisely use the budget surplus can not only lead us back to our deficit spending ways of the past, but it will threaten the fiscal health of our nation for yet another generation of Americans. I am here today to urge my colleagues to address the responsibility that comes with a five-point-seven trillion dollar debt.

During the 105th Congress I introduced the American Debt Repayment Act. This legislation provided an amortization schedule for the repayment of the national debt. The largest purchase an average American family will ever make is the purchase of a home. This expenditure is made possible through the use of a mortgage, a set schedule of payment. When I was crafting the American Debt Repayment Act I studied this traditional form of payment and applied it to the enormous federal debt. Two short years later the outlook has somewhat changed as the federal government has run, and is estimated to continue to run, an on-budget surplus. During the previous two budget cycles we have witnessed an eagerness to spend more and more money. On-budget surplus dollars have become lumped in to the appropriations process to allow for increased spending. We have seen the results yielded by our time of prosperity as surplus money has been used to raise the discretionary spending level, allowing Congress to shy away from making some hard choices. The willingness to spend surplus dollars is so strong, in fact, that when Congress adjourned last fall there was no real certainty as to whether we spent all of the on-budget surplus and then dipped into Social Security Trust Fund dollars. This, quite simply, is no way to run any enterprise. Flowing surplus money back into discretionary spending to the extent that Social Security money would be jeopardized is bad policy.

Today I rise to offer legislation that offers not only an opportunity to control the impulse to spend surplus dollars, but would eliminate the entire three-point-six trillion dollar debt owed to the public, save over three trillion dollars in interest, and protect the Social Security program from annual discretionary appropriations raids. It is simple legislation in the model of the American Debt Repayment act, providing dedicated debt repayment over a twenty year period.

Beginning with the fiscal year 2001 and for every year thereafter my legislation requires that the federal government maintain a balanced budget. As most families and business owners know, you must live within your means. It is fair and equitable that the federal government live under the same parameters. I believe that this is the first and most essential step in federal budget accountability and debt repayment.

My legislation further provides that Congress must budget for a surplus that will be dedicated to the repayment of the publicly held portion of the debt. Specifically, in fiscal year 2001 Congress must use fifteen billion dollars of on-budget surplus receipts to pay down the debt. Every succeeding year the amount of debt payment must increase by fifteen billion dollars, so the amount Congress must budget for and pay toward the debt in fiscal year 2002 will be thirty billion dollars, forty-five billion in fiscal year 2004, and so on. If Congress can remain within the framework of a spending freeze at fiscal year 2000 levels the entire amount of annual payment will fit within the projected amount of federal on-budget surplus.

If this system is adopted, by the year 2021 the entire debt owed to the public will be zero.

We must have a plan to repay the debt. When we have a plan and a repayment schedule, just like you have on your home mortgage, we will have the ability to cut taxes. A plan provides certainty and structure. I believe that anyone concerned with the national debt or tax cuts will understand the need for a responsible repayment schedule.

In addition to the on-budget surplus payment required by this legislation, I have added language to require that until such time as serious Social Security reform is implemented Social Security surplus dollars must also be dedicated to the repayment of debt owed to the public. Every Member of this body is aware of the enormous obligation this country has made to present and future Social Security recipients. Policy makers must address the future solvency of Social Security. I am not here today, and my legislation is not drafted, to address this vital issue. What my legislation will do, however, is dedicate surplus Social Security dollars to debt repayment until the Congress can generate an appropriate, long term fix to the obstacles that stand in the way of this program.

In recent weeks the distinguished Speaker of the House and the President have talked a great deal publicly about seizing the unprecedented opportunity that lies before us—to pay down this nation's debt. Testifying before the Senate Banking Committee in January, Federal Reserve Chairman Alan Greenspan strongly urged Congress to use surplus dollars to pay down the debt. Chairman Greenspan stated that his, quote, first priority would be to allow as much of the surplus to flow through into a reduction in debt to the public, unquote. This dialogue has been tremendously helpful in further drawing the attention of the public and elected officials to the importance of debt repayment. As many of my colleagues can attest, and as I have experienced in my numerous town meetings around my home state of Colorado, this is an issue the public understands. It is an issue basis common sense, equity and responsibility.

This legislation is a call to action and accountability. It demands that this country and this Congress recognize the debt it has created. It structures a disciplined, fiscally responsible schedule for the repayment of our debt. In the process it is my hope that this legislation will serve to generate greater fiscal responsibility with every appropriations cycle, prevent future deficit spending, and save the taxpayer more than three trillion dollars in interest payments. That is three trillion dollars that would be far better spent on necessary expenditures, the strengthening of Social Security, and tax cuts.

Mr. President, I ask unanimous consent that the text of the bill, the American Social Security Protection and

Debt Repayment Act, be printed in the RECORD.

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

S. 2220

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''American Social Security Protection and Debt Repayment Act''.

**SEC. 2. BALANCED BUDGET REQUIREMENT.**

Beginning with fiscal year 2001 and for every fiscal year thereafter, budgeted outlays shall not exceed budgeted revenues.

**SEC. 3. REDUCTION OF NATIONAL DEBT.**

(a) IN GENERAL.—Beginning with fiscal year 2001 and for every fiscal year thereafter, actual revenues shall exceed actual outlays in order to provide for the reduction of the Federal debt held by the public as provided in subsections (b) and (c).

(b) AMOUNT.—The on budget surplus shall be large enough so that debt held by the public will be reduced each year beginning in fiscal year 2001. The amount of reduction required by this subsection shall be $15,000,000,000 in fiscal year 2001 and shall increase by an additional $15,000,000,000 every fiscal year until the entire debt owed to the public has been paid.

(c) SOCIAL SECURITY SURPLUS AND DEBT REPAYMENT.—

(1) IN GENERAL.—Until such time as Congress enacts major social security reform legislation, the surplus funds each year in the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall be used to reduce the debt owed to the public. This section shall not apply beginning on the fiscal year after social security reform legislation is enacted by Congress.

(2) DEFINITION.—In this subsection, the term ''social security reform legislation'' means legislation that—

(A) insures the long-term financial solvency of the social security system; and

(B) includes an option for private investment of social security funds by beneficiaries.

**SEC. 4. POINT OF ORDER AND WAIVER.**

(a) POINT OF ORDER.—It shall not be in order to consider any concurrent resolution on the budget that does not comply with this Act.

(b) WAIVER.—Congress may waive the provisions of this Act for any fiscal year in which a declaration of war is in effect.

**SEC. 5. MAJORITY REQUIREMENT FOR REVENUE INCREASE.**

No bill to increase revenues shall be deemed to have passed the House of Representatives or the Senate unless approved by a majority of the total membership of each House of Congress by a rollcall vote.

**SEC. 6. REVIEW OF REVENUES.**

Congress shall review actual revenues on a quarterly basis and adjust outlays to assure compliance with this Act.

**SEC. 7. DEFINITIONS.**

In this Act:

(1) OUTLAYS.—The term ''outlays'' shall include all outlays of the United States excluding repayment of debt principal.

(2) REVENUES.—The term ''revenues'' shall include all revenues of the United States excluding borrowing.

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By Mr. KOHL (for himself, Mr. FEINGOLD, Mr. WELLSTONE, Mr. SCHUMER, and Mr. SANTORUM):

S. 2221. A bill to continue for 2000 the Department of Agriculture program to provide emergency assistance to dairy producers; to the Committee on Agriculture, Nutrition, and Forestry.

FINANCIAL RELIEF FOR DAIRY FARMERS

Mr. KOHL. Mr. President, I rise to introduce legislation to help relieve the financial crisis in the dairy industry.

Last fall, milk prices took their steepest dive in history and fell to their lowest level in more than two decades.

This is particularly devastating for farmers in Wisconsin who milk on average only about 55 cows. These farmers have particularly tight margins and are less able to withstand low milk prices that USDA forecasts will continue through the year.

Dairy farmers continue to call my office in despair. Some farmers can't meet their feed bills, even though feed prices remain relatively low. Meanwhile, other input costs, like fuel and interest rates, are rising. Auctions in the countryside return little to farmers who have made the difficult decision to quit dairying; their neighbors can't afford even the insanely discounted prices for equipment.

Are the trials facing farmers markedly different than the difficult conditions that other producers have faced over the last several years? No. But what is different is the level of assistance that dairy farmers have received from the federal government relative to other commodities.

The dairy price support program costs only about $150 million per year. That stands in contrast to the more than $14 billion spent in AMTA payments and Loan Deficiency Payments provided to other producers last year.

Anticipating a price decline in dairy, Congress provided $325 million for dairy market loss payments. Compare that to the $15 billion provided to crop producers over the last two years. While milk producers are happy for the extra help, most have told me that it simply is not enough given. Milk prices fell far lower than anticipated. And now we must do more.

On top of this injustice, Midwest dairy farmers, where much of the nation's milk supply is produced, also suffer from lower income resulting from the discriminatory pricing under the Federal Milk Marketing Order system. Last year, Secretary Glickman attempted to restore some fairness to that system by making some modest reforms. But this Congress unjustly overturned those reforms while simultaneously extending the Northeast Interstate Dairy Compact—a milk price cartel which protects producers in the Northeast at the expense of consumers and producers outside the cartel.

I am going to work to repeal the Northeast Dairy Compact and to restore some common sense to federal milk pricing. I also will work with my colleagues to develop a meaningful and lasting safety net for dairy producers.

But, Mr. President, that will take time. And right now, dairy farmers in Wisconsin don't have time. They need relief.

So, today I am introducing a bill to provide $500 million in direct income relief payments to dairy farmers throughout the nation. The money is targeted to small scale farms—those least able to withstand these wild price fluctuations. I am pleased to be joined by Senators FEINGOLD, SPECTER, GRAMS, SANTORUM, and SCHUMER on this legislation. Mr. President, I hope to include this funding in the upcoming supplemental appropriations bill.

This will put money in the pockets of dairy farmers now, when they most need it. Not a year from now when many of them will have already sold their cows.

Let me emphasize that this is a national solution to a national problem. It is not a regional fix. It does not exclude any dairy farmer from participation. And it does not help some at the expense of others. It helps all dairy farmers.

But it is, like last year's funding, merely a bandage to stop the bleeding. Dairy farmers everywhere need a meaningful safety net, not regional milk cartels. I urge my colleagues who have sought regional solutions to depressed dairy farm income to join me in my efforts to fight for a new, national dairy policy that will provide both an adequate safety net and hope to dairy farmers across the nation.

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By Mr. KERRY (for himself, Mr. HOLLINGS, and Mr. INOUYE):

S. 2223. A bill to establish a fund for the restoration of ocean and coastal resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COASTAL STEWARDSHIP ACT

• Mr. KERRY. Mr. President, I rise to introduce an amended version of the Coastal Stewardship Act, which I offer along with Senators HOLLINGS and INOUYE. The purpose of introducing this amended version is to provide a blueprint for how we believe the Senate should address coastal and marine issues in larger proposals that allocate revenues from oil and gas exploration in the Outer Continental Shelf (OCS) to the States for conservation. This amended version creates the Ocean and Coast Conservation Fund with $375,000,000 to address urgent needs in our coastal and marine environment, including wetlands, non-point pollution, fisheries research and management, coral reefs and enforcement.

The bill allocates $100,000,000 to Cooperative Fisheries Research and Management. We have a great need to improve our understanding of fisheries and the fishing industry. The National Marine Fisheries Service, regional fisheries councils, states, the commercial and recreational fishing industries and conservationists rely on fishery data to make difficult management and investment decisions. Given the importance of having sound information, Congress requested the National Oceanic and Atmospheric Administration to assess the

quality of our fisheries data. NOAA concluded that, ''Despite some regional successes, it is clear that the current overall approach to collecting and managing fisheries information needs to be re-thought, revised, and reworked. The quality and completeness of fishery data are often inadequate. Data are often on inaccessible in an appropriate form or timely manner. Methods for data collection and management are frequently burdensome and inefficient. These drawbacks result in the inability to answer some of the most basic question regarding the state of the Nation's fisheries . . .'' NOAA added, ''Simply put, to manage fisheries at local, state, regional, or national levels requires a much better fisheries information system than the one in place.'' I have heard a similar refrain from almost every person and group involved in our fisheries, whether their interest is fisheries management, commercial or recreational harvest or fisheries conservation. With this legislation, the Governor of any State represented by an Interstate Maine Fishery Commission may make an application to the Secretary of Commerce for funding to support projects that address this critical need. We will establish comprehensive programs to improve the quality and quantity of information available to evaluate stocks, design control measures, develop more environmentally-sound gear and include the fishing community in the process.

The Cooperative Enforcement provision allocates $25,000,000 for the Secretary of Commerce to enter joint agreements with coastal states to enhance our coastal and marine enforcement. As with all our laws, our natural resources laws are only effective if they are enforced. These joint ventures allow states and local governments to tailor enforcement procedures to fit local needs and available resources, and allow for collaboration between state and local enforcement agencies and federal agencies, including the Coast Guard. The proposal authorizes the Secretary of Commerce to delegate its living marine resource enforcement authorities to a state marine law enforcement entity and to pay state enforcement costs pursuant to the individual agreements crafted with each participating state. State enforcement under these agreements would extend to requirements of federal or regional fisheries management plans, including those of interjurisdictional fishery management commissions. When first introduced, this proposal was endorsed by the National Association of Conservation Law Enforcement Chiefs, the Gulf States Marine Fisheries Commission, the Northeast Conservation Law Enforcement Chiefs Association and others.

A total of $250,000,000 is dedicated to Coastal Stewardship. This flexible program allocates funds to states based on coastline, population and need for projects that restore and preserve coastal and marine habitat. Projects must be consistent with the Coastal Zone Management Act, National Estuary Program, National Marine Sanctuary Act, the National Estuarine Research Reserve program and other laws governing conservation and restoration of coastal or marine habitat. In this program, states set priorities and decide how and when projects proceed within broad national goals. The benefits will be enormous. We will preserve and restore wetlands, reduce non-point source pollution, remove abandoned vessels causing environmental damage, address watershed protection, and undertake a range of other projects, all aimed at coastal conservation.

Finally, $25,000,000 is set targeted at Coral Reef Restoration and Conservation. We must recognize the importance of maintaining the health and stability of coral reefs which possess enormous environmental and economic value. With this legislation we will fund cooperative projects with States to preserve and restore our coral reefs.

A portion of these authorizations is set aside for the Department of Commerce to enhance its National Marine Sanctuaries, coral programs and other critically important conservation efforts.

I want to thank Senator HOLLINGS and INOUYE for joining as cosponsors. I look forward to working with Senator BINGAMAN, the Commerce Committee, and Senator LANDRIEU and others who are working to pass comprehensive legislation to dedicate revenues from Outer Continental Shelf exploration to the conservation of our coastal and marine environment.•

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By Mr. JEFFORDS (for himself, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, and Mr. LEAHY):

S. 2224. A bill to amend the Energy Policy and Conservation Act to encourage summer fill and fuel budgeting programs for propane, kerosene, and heating oil; to the Committee on Energy and Natural Resources.

THE SUMMER FILL AND FUEL BUDGETING ACT OF 2000

Mr. JEFFORDS. Mr. President, I rise today to introduce the Summer Fill and Fuel Budgeting Act of 2000.

This winter's fuel crisis will be etched on the memories of New Englanders for many years to come. Price spikes and low inventories have hit Vermonters hard. Schools closed down, oil dealers were driven out of business, and many low income families were forced to choose between heating their homes and purchasing necessary food and prescription medications. The region's Senators have focused with a single-mindedness on the seriousness of the situation and the dire need to ensure that it is never repeated.

There have been many letters written, emergency funds released, meetings held, and legislative initiatives discussed. Today after weeks of diligent research and careful analysis, I am introducing the Summer Fill and Fuel Budgeting Act of 2000. Senators JOE LIEBERMAN, JOHN KERRY, TED KENNEDY, and PATRICK LEAHY are joining me as original co-sponsors.

The legislation is a critical long term education initiative. Its purpose is to educate our constituents about the benefits of filling their propane, kerosene and heating oil tanks in the summer and entering into annual fuel budget contracts. The legislation authorizes $25 million for Fiscal Year 2001, and such sums in each fiscal year thereafter, for the states to use to develop education and outreach programs to encourage consumers to fill their fuel storage facilities during the summer months. It also promotes the use of budget plans, price cap arrangements, fixed-price contracts and other advantageous financial arrangements to help avoid severe seasonal price increases for and supply shortages of propane, kerosene, and heating oil.

I believe that we must work with retailers and consumers to implement these types of proactive measures to ensure that our fuel supply, as well as the health and safety of millions of Americans, is not subject to the whims of foreign oil producing countries. I invite other Senators, concerned about the influence that major oil producing countries have on our economy and national security, to join me in cosponsoring this legislation.

## ADDITIONAL COSPONSORS

S. 390

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 390, a bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes.

S. 660

At the request of Mr. BINGAMAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 660, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 832

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 832, a bill to extend the commercial space launch damage indemnification provisions of section 70113 of title 49, United States Code.

S. 1159

At the request of Mr. STEVENS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor

of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

S. 1196

At the request of Mr. COVERDELL, the name of the Senator from Iowa (Mr. HARKIN) 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. 1266

At the request of Mr. GORTON, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1266, a bill to allow a State to combine certain funds to improve the academic achievement of all its students.

S. 1660

At the request of Mrs. HUTCHISON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1660, a bill to amend title 18, United States Code, to expand the prohibition on stalking, and for other purposes.

S. 1680

At the request of Mr. ASHCROFT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1680, a bill to provide for the improvement of the processing of claims for veterans compensation and pensions, and for other purposes.

S. 1752

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act.

S. 1755

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 1755, a bill to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1934

At the request of Mr. DODD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1934, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for business-provided student education and training.

S. 1952

At the request of Mr. ABRAHAM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1952, a bill to amend the Internal Revenue Code of 1986 to provide a simplified method for determining a partner's share of items of a partnership which is a qualified investment club.

S. 1961

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1961, a bill to amend the Food Security Act of 1985 to expand the number of acres authorized for inclusion in the conservation reserve.

S. 1962

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 1962, a bill to amend the Congressional Budget Act of 1974 to protect Social Security and Medicare surpluses through strengthened budgetary enforcement mechanisms.

S. 2004

At the request of Mr. GORTON, his name was added as a cosponsor of 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.

S. 2013

At the request of Mr. CONRAD, his name was added as a cosponsor of S. 2013, a bill to restore health care equity for medicare-eligible uniformed services retirees, and for other purposes.

S. 2018

At the request of Mr. HUTCHINSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2018, supra.

S. 2041

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2041, a bill to amend the Federal Water Pollution Control Act to exempt discharges from certain silvicultural activities from permit requirements of the national pollutant discharge elimination system.

S. 2049

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2049, a bill to extend the authorization for the Violent Crime Reduction Trust Fund.

S. 2061

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2068

At the request of Mr. GREGG, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2074

At the request of Mr. ASHCROFT, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 2074, a bill to amend title II of the Social Security Act to eliminate the social security earnings test for individuals who have attained retirement age.

S. 2079

At the request of Mr. BURNS, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2079, a bill to facilitate the timely resolution of back-logged civil rights discrimination cases of the department of Agriculture, and for other purposes.

S. 2084

At the request of Mr. LUGAR, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mr. BOND), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2158

At the request of Mr. MURKOWSKI, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 2158, a bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on certain steam or other vapor generating boilers used in nuclear facilities.

S. 2161

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2161, a bill to amend the Internal Revenue Code of 1986 to impose a 1 year moratorium on certain diesel fuel excise taxes and to require the Secretary of the Treasury to transfer amounts to the Highway Trust Fund to cover any shortfall.

S. 2184

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2184, a bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial circuit of the United States into two circuits, and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S. CON. RES. 76

At the request of Mr. LEAHY, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. Con. Res. 76, a concurrent resolution expressing the sense of Congress regarding a peaceful resolution of the conflict in the state of Chiapas, Mexico and for other purposes.

S. CON. RES. 88

At the request of Ms. COLLINS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Con. Res. 88, a concurrent resolution expressing the sense of Congress concerning drawdowns of the Strategic Petroleum Reserve.

S.J. RES. 39

At the request of Mr. CAMPBELL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 39, a joint resolution recognizing the 50th anniversary of the Korean War and the service by members of the Armed Forces during such war, and for other purposes.

S. RES. 87

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. Res. 87, a resolution commemorating the 60th Anniversary of the International Visitors Program

S. RES. 258

At the request of Mr. CRAIG, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Pennsylvania (Mr. SANTORUM), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. Res. 258, a resolution designating the week beginning March 12, 2000 as ''National Safe Place Week.''

## SENATE CONCURRENT RESOLUTION 92—APPLAUDING THE INDIVIDUALS WHO WERE INSTRUMENTAL TO THE PROGRAM OF PARTNERSHIPS FOR OCEANOGRAPHIC AND SCIENTIFIC RESEARCH BETWEEN THE FEDERAL GOVERNMENT AND ACADEMIC INSTITUTIONS DURING THE PERIOD BEGINNING BEFORE WORLD WAR II AND CONTINUING THROUGH THE END OF THE COLD WAR, SUPPORTING EFFORTS BY THE OFFICE OF NAVAL RESEARCH TO HONOR THOSE INDIVIDUALS, AND EXPRESSING APPRECIATION FOR THE ONGOING EFFORTS OF THE OFFICE OF NAVAL RESEARCH

Mr. WARNER submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 92

Whereas the Navy and Marine Corps have always been vital to the defense and security of the Nation;

Whereas academic institutions and oceanographers made vital contributions in support of the Navy and Marine Corps during World War II;

Whereas the great benefits of scientific research to the efforts of the United States during World War II resulted in an understanding that science and technology were of critical importance to the future security of the Nation;

Whereas Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps;

Whereas the Office of Naval Research, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation; and

Whereas these partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;

(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships, and in particular on the superior understanding of the ocean environment generated through that research;

(3) supports efforts by the Director of the Office of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and

(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.

## AMENDMENTS SUBMITTED

## EXPORT ADMINISTRATION ACT OF 1999

### REID (AND OTHERS) AMENDMENT NO. 2883

Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, and Mrs. BOXER) proposed an amendment to the bill (S. 1712) to provide authority to control exports, and for other purposes; as follows:

On page 27, beginning on line 6, strike all through line 9 and insert the following:

(2) CONFORMING AMENDMENTS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(A) in the second sentence, by striking ''180'' and inserting ''30''; and

(B) by adding at the end, the following new sentence: ''The 30-day reporting requirement shall apply to any changes to the composite theoretical performance level for purposes of subsection (a) proposed by the President on or after January 1, 2000.''.

## NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a legislative hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, March 30, 2000 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 882, To strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change; and S. 1776, To amend the Energy Policy Act of 1992 to revise the energy policies of the United States in order to reduce greenhouse gas emissions, advance global climate science, promote technology development, and increase citizen awareness, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Science Fellow, at (202) 224–4971.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, April 11, 2000 at 10 a.m. and Thursday, April 13, 2000 at 9:30 a.m. in room SH–216 of the Hart Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the following bills: S. 282 Transition to Competition in the Electric Industry Act; S. 516 Electric Utility Restructuring Empowerment and Competitiveness Act of 1999; S. 1047 Comprehensive Electricity Competition Act; S. 1284 Electric Consumer Choice Act; S. 1273 Federal Power Act Amendments of 1999; S. 1369 Clean Energy Act of 1999; S. 2071 Electric Reliability 2000 Act; and S. 2098 Electric Power Market Competition and Reliability Act.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, D.C. 20510–6150.

For further information, please call Trici Heninger at (202) 224–7875.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''Swindling Small Businesses: Toner-Phoner Schemes and Other Office Supply Scams.'' The hearing will be held on Tuesday, March 28, 2000, beginning at 9:30 a.m. in room 562 of the Dirksen Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc

For further information, please contact David Bohley at 224–5175.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWNBACK. 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, March 8, 2000, to conduct a markup on S. 2097, the Local TV Act; S. 1452, the Manufactured Housing Improvement Act; and pending nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday March 8, at 9:30 a.m., to conduct an oversight hearing. The committee will examine energy supply and demand issues relating to crude oil, heating oil, and transportation fuels in light of the rise in price of these fuels.

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

COMMITTEE ON FINANCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, to hear testimony regarding Penalty and Interest Provisions in the Internal Revenue Code.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 10:30 a.m. and 2:30 p.m. to hold two hearings.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, March, 8, 2000, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for the consideration of S. 2, the Educational Opportunities Act, during the session of the Senate on March 8, 2000.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWNBACK. Mr. President, I ask unanimous that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 9:30 a.m. to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act of 1976. The hearing will be held in the Committee room, 485 Russell Senate Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m., to conduct a hearing, followed by an executive session, on the nominations of:

Danny Lee McDonald, of Oklahoma, to be a member of the Federal Election Commission for a term expiring April 30, 2005 (reappointment); and

Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission for a term expiring April 30, 2005, vice Lee Ann Elliott, resigned.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Wednesday, March 8, 2000, at 9:30 a.m., in SH216.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet on Wednesday, March 8, 2000, at 9:30 a.m. in open session, to receive testimony on Army transformation.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 8, 2000, at 9:30 a.m. on Internet security.

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

SUBCOMMITTEE ON FORESTRY, CONSERVATION, AND RURAL REVITALIZATION

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Forestry, Conservation and Rural Revitalization of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 8, 2000. The purpose of this meeting will be to discuss the National Rural Development Council.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. BROWNBACK. Mr. President I ask unanimous consent that the Subcommittee on National Parks, Historic

Preservation and Recreation of the Senate Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 8 at 2:30 p.m. to conduct a hearing.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 8, 2000 at 2 p.m., in open session, to receive testimony on national security space programs, policies and operations, in review of the fiscal year 2001 defense authorization request and the Future Years Defense Program.

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privilege of the floor be granted to Michelle Greenstein during the pendency of the Export Administration Act.

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

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of consideration of S. 1712, the Export Administration Act of 1999.

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

Mr. CLELAND. Mr. President, I ask unanimous consent that a research assistant on my staff, Miss Tamara Jones, be allowed floor privileges.

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

## ORDERS FOR THURSDAY, MARCH 9, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, March 9. 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 the postcloture debate on the Ninth Circuit judicial nominations of Ms. Berzon and Judge Paez under the previous order.

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

Mr. LOTT. Mr. President, I ask unanimous consent that following the use or yielding back of postcloture time, the Senate begin a period of morning business until 2 p.m. and resume morning business following the scheduled votes during morning business. I ask unanimous consent that Senators may speak for up to 5 minutes each, with the following exceptions:

Senator HUTCHINSON for 10 minutes;
Senator MURKOWSKI for 10 minutes;
Senator DOMENICI for 10 minutes;
Senator BROWNBACK for 30 minutes;
Senator BAUCUS for 10 minutes;
Senator MIKULSKI for 15 minutes;
Senator WYDEN for 10 minutes;
And Senator LIEBERMAN for 40 minutes.

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

## PROGRAM

Mr. LOTT. Mr. President, the Senate will convene at 9:30 a.m. We will have 4½ hours postcloture debate on the Berzon and Paez nominations. Under the previous order, the votes will occur at 2 p.m. The Senate will return to morning business for the purpose of bill introductions and statements. The Senate may also have consideration tomorrow of any Executive or Legislative Calendar items that are available for action.

Does Senator LEAHY wish to propound a request at this time?

Mr. LEAHY. Mr. President, I ask the distinguished leader—once he has completed, and I realize there are others waiting—if I might be recognized for not more than 5 minutes to refer to the unanimous consent agreement on the judges. I did not want to delay earlier.

Mr. LOTT. Thank you very much.

## ORDER FOR ADJOURNMENT

Mr. LOTT. 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 statements by Senator LEAHY and Senator LANDRIEU.

Does the Senator wish to specify a time?

Ms. LANDRIEU. Fifteen minutes.

Mr. LOTT. Mr. President, I amend my request to say 5 minutes for Senator LEAHY and 15 minutes for Senator LANDRIEU.

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

Mr. LOTT. Thank you very much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, first of all I wish to thank the distinguished leader for his usual courtesy. He and I have served together for a long time. I do appreciate that.

## NOMINATIONS

Mr. LEAHY. Mr. President, I want to underscore what I have said, what the distinguished Senator from California has said, and what others have said in support of the Paez and Berzon nominations.

Judge Paez has waited more than 4 years to have his nomination heard on this floor—4 years—notwithstanding the fact that he has the highest rating the American Bar Association can give a nominee. He has one of the most distinguished records of any nominee, Republican or Democrat, to come before this body since I have been here.

Similarly, Ms. Berzon has waited for more than 2 years, an unconscionable period of time—again, a woman with an extraordinary background and the highest of ratings from the American Bar Association.

They have for some reason been held to a higher standard than most judicial nominees. I do not recall a situation where a nominee has had to go through these kinds of hoops to get here and have an up or down vote.

Again, I compliment the majority leader and the Democratic leader for helping us put together a successful cloture petition on each of these nominations. We have now 85 or 86 votes to move forward.

I hope the Senate will not shame itself by taking the unprecedented step tomorrow of moving to postpone indefinitely either of these extraordinary nominees. It is a fact that one can make a motion to suspend or indefinitely—that is true—or to indefinitely postpone. One can make such a motion. But it would be unprecedented for a judicial nominee. We have asked informally and I have asked the presiding officer and through him the parliamentarian and no precedent for such a motion against a judicial nomination following cloture has been provided.

I defy anybody to point out, certainly in my lifetime—as I said earlier, I am 59 years old—to point out in my lifetime where a judicial nominee has gone through the extraordinary hoops of multiple nominations hearings, being reported favorably twice, having a nomination have to be resubmitted by the President Congress after Congress, being forced to wait more than 4 years to be debated, getting past a filibuster, invoking cloture with 85 or 86 votes—an overwhelming majority of the Senate—and then having a motion to indefinitely postpone, in effect, to kill the nomination.

It would shame the Senate, No. 1, to even bring up such a motion, but certainly to allow such a motion to be successful with a nominee who has been waiting for 4 years, notwithstanding the fact that this is a person who is one of the most extraordinary Hispanic American jurists we have ever seen, who has the highest rating, who is backed by everybody from law enforcement to litigators. Judge Paez has been forced to go through these extraordinary hoops and his nomination is poised, finally, for debate and a fair up or down vote. To have somebody take this unprecedented and shameful step of asking us to indefinitely postpone Senate approval of this nomination is, in effect, a procedural device to deny that up or down vote and kill this nomination.

The same with Marsha Berzon: This extraordinary woman, reaching the

pinnacle of her legal career, having earned success every step along the way, having earned the highest possible rating from the American Bar Association, comes here, has to undergo an extraordinary ordeal and this long wait, has to go through the unusual step of a cloture motion and our prevailing with 85 votes. Then for the Senate to say to her: But now we are going to do something that has never been done before to a judicial nominee who has gotten past cloture: We are going to move to indefinitely postpone. That is not right.

Mrs. BOXER. Mr. President, will the Senator yield for a quick question? I will be very brief.

Mr. LEAHY. Sure.

Mrs. BOXER. First, I thank Senator LEAHY for his extraordinary leadership. I was so taken aback by this. I made some comments to our Presiding Officer. It seems to me there is a letter of the law and a spirit of the law, there is a letter of cloture and there is a spirit of cloture.

We go through a situation where we say it is unprecedented to even have these cloture motions. We don't do it often. It is not unprecedented—I think seven or eight times in decades. Now we have a new way to go where we essentially would deny that individual an up-or-down vote.

I want to say to my friend how articulate he is on this point. I hope Senators are listening in their offices. I hope they will view this as a violation of the spirit of cloture and certainly will not go down this road.

That is all I can say. My colleague is right on this point.

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

Mr. LEAHY. Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. LEAHY. Mr. President, the reason I get concerned about this is, now, having in excess of 80 votes to go forward with this, we ought to have the courage and the honesty to stand up and vote. Senators are paid to vote ''aye'' or ''nay.'' They are not paid to vote ''maybe.'' It would be a cowardly and disgraceful step to vote ''maybe'' because we want to avoid saying what the Senate is being asked to do—to close the door to two such extraordinary people. I always respect Senators who vote ''yes'' or vote ''no.'' I will not respect Senators who vote ''maybe.'' That is beneath the dignity of the Senate.

There are only 100 of us who are elected to represent a quarter of a billion Americans. Let us have the courage to stand up and vote either for or against these two extraordinary nominees. Let us not play silly parliamentary games and tell the American people we do not have the guts to vote, that we are going to vote ''maybe.'' I did not get elected to serve in the Senate to vote ''maybe.'' I did not serve for 25 years in a body that I revere to vote ''maybe.''

I am certainly not going to stand here and allow with no comment these two people to be held hostage one more time. Vote for them, or vote against them. I certainly urge my colleagues to vote for them.

In all my years on the Judiciary Committee extending back over several decades, I do not know of two finer nominees who have come before the Senate, Republican or Democrat. And I voted for most nominees, Republican and Democrat, during that time.

Vote for these two people. At least in that way, apologize for holding them hostage all of these years. But, for God's sake, don't shame us all by voting for some kind of parliamentary gimcrackery saying we will postpone it indefinitely. Vote ''yes'' or vote ''no.'' Don't vote ''maybe.''

I yield the floor.

## OIL CRISIS

Ms. LANDRIEU. Mr. President, I take this opportunity to speak for just a few minutes, as we are closing up today, on a very important policy question before the Senate, one that while actually not being debated on the Senate or House floors at this time, it is being hotly debated in private meetings and corridors and in some public meetings of the various committees; that is, the problem, the crisis, the challenge that this country is now facing with extraordinarily high oil prices.

The price of crude oil today, according to the Wall Street Journal, is above $34 a barrel. For some, this causes—as in an oil-producing State—a bonanza; for others, it causes a real problem.

I will speak for a few minutes about some of the steps we could perhaps take. Wild swings in and the volatility of the price of oil are not good. Senators heard troublesome testimony today from senior citizens and a young family struggling in the Northeast, which is the most dependent part of our Nation. Neither are these price swings good for the oil-producing States, of which I represent Louisiana.

What a difference a year can make. Last year at this time, our committee was actually meeting about the world price of oil pushing $5 a barrel. Our Energy Committee met time and time again, trying to figure out what we could do to help stabilize a very important industry to our Nation, to help provide some relief, particularly for the small and independent producers who obviously were driven out of business. The oil and gas industry lost literally tens of thousands of workers over the course of the year because they simply could not turn any kind of profit at that low price.

Just today, we had a hearing in the same committee, now talking about oil at $34 a barrel and the havoc it is wreaking in other places.

In the Northeast, people are having great difficulty, understandably so, having not been able to predict this would happen. Adding $300 and $400 a month to home heating oil, it is tough for many families to make that payment.

As in Louisiana last year, in Texas, Oklahoma, Alaska, and other places around the Nation, some families were not able to pay any bills because they lost an entire paycheck which rested on the strength of a domestic industry that had the rug pulled out from underneath it.

We now face a looming energy crisis of a completely different nature—not extraordinarily low prices but extraordinarily high prices. It is said only in times of war do we really appreciate our military. At least this time, perhaps at times of high oil prices, we now can fully appreciate the importance of our domestic energy industry in the producing States—not just oil producers, who are important, but gas producers and producers of energy who will help our country be more self-reliant. Since we are the greatest consumer of energy in every sector, we must have a policy that encourages the strength and robustness of the energy-producing sector. I suggest we have a long way to go, given what is happening today.

In 1959—quite a while ago, but not so long ago that many people in this Nation cannot still remember quite well—our Nation imported only 16 percent of its oil and gas. Today we import over 50 percent. We have moved from self-reliance to reliance on others, and in many instances it is not even allies on whom we are relying. It is one thing to have to rely on our allies and our friends such as Saudi Arabia and Venezuela, encouraging them to help in this difficult time, as we most certainly have stepped up to their aid and continue to do so.

However, we also have to go hat in hand to countries that are not our allies—in fact, enemy nations—and have interests contrary in terms of freedom and democracy—Iran and Libya, to name two.

It is a particularly difficult situation and one which I think is avoidable if this administration and others had a better policy regarding energy self-reliance for a strong and vibrant economy.

I will make a few suggestions. First, let me comment on some of the things I hear other people suggesting as a remedy. I say to my colleagues, we should all be engaged in coming up with solutions. We should be putting remedies on the table. We might not adopt every one, but we most certainly should be engaged in finding solutions to this problem, not just turning our head and hoping it goes away, hoping OPEC will provide the relief we need. We need to get our fate back in our own hands.

One suggestion being tossed around and has actually been filed as a bill by several Members of the Senate is using the Strategic Petroleum Oil Reserve to provide some temporary relief. That may or may not be a good idea.

Let me quote from Chairman Greenspan who, when presented with this idea, made this statement in front of the House Banking Committee recently:

> It is foolishness to believe we can have any significant impact short of a very major liquidation short-term of that reserve. There is more to this than economics. It is a diplomatic security question.

That reserve was created to protect the U.S. from a cutoff and keep the U.S. from being held hostage.

While some think dipping into that reserve might move us out of this crisis, I suggest that before we make that decision we do the math. There are only 55 days of supply. We might be able to drive down the price if we liquidated a significant portion of that oil and gas for a certain amount of time, maybe at a 7 or 10-percent drop. But thinking we can liquidate our strategic oil reserve and drive down this price and sustain a low price, I am not sure that case has yet been made.

For the purposes of this discussion, that should be kept on the table. We must be very careful not to give the American people the idea that we have a secret key, that we have a magic wand, that we can simply liquidate this reserve and prices will fall and all things will be made whole again. Not only am I not sure that would work, but it could leave our country in a very difficult position from a national security standpoint to have liquidated that reserve. Then it would be at a great expense to the taxpayer in that a lot of this oil that was purchased when the price was quite low, which was smart to do, would then, at great expense to the taxpayer, have to be replenished at three and four times the cost. So let us say I would agree to keep it on the table but not present the American public with the idea that liquidating the SPR is the answer.

Another sort of false solution, I think, rests with some who are suggesting we simply need to call in our chips, that America can simply rely on the good will of our neighbors. Yes, we do many wonderful things for countries. We have stepped up to the plate to help Mexico and Venezuela most recently in a crisis. We have helped, obviously, Kuwait. We went to war on their behalf. But I think just relying on calling in our chips, calling in good will, at times such as this is, again, one small thing that can be done but we most certainly do not want to rely on that to keep prices stable and to sustain this great economic boom. I think, again, it is a false remedy.

I believe, rather, that some of the things we can do internally would help us to better prepare for situations such as this. One would be to have more aggressive drilling and exploration in the United States. Instead of having oil and gas drilling moratoria as the rule and then making exceptions for drilling, we should have an aggressive drilling policy that is environmentally sensitive.

Let me be quick to say the industry, contrary to popular opinion, has made significant efforts in this regard because there are now local, State, and Federal regulations, tough regulations, regulations many of us support from oil- and gas-producing States, to make sure this extraction is done with the minimum negative environmental impacts. So I am not suggesting going back to the days, 30 or 40, even 20, years ago when none of these regulations was in place. I am suggesting we can have an environmentally sensitive drilling policy, particularly that would give preference, perhaps, or give priority or help to encourage the extraction of natural gas, which is in itself a clean burning fuel.

Let me read from ''Fueling the Future''—I will submit this for the RECORD—about the potential benefits of natural gas. It says:

> Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries.

It would seem to me, since we have all of these natural gas reserves, some in the Gulf of Mexico, in shallow and deep water, some around Alaska, and some in other places in this Nation, that it would do us a world of good to be much more open to the idea of using natural gas in its many different forms to help us fill our energy grid and make it greener, to meet our own expectations and to meet new international standards for clean air. That is one thing that we most certainly can do.

Another, we have taken the step in an aggressive policy to acknowledge what a good thing we did when we gave royalty relief for deep water drilling in the gulf. There were many Members of this body who not only did not vote for that, they vigorously opposed it. My predecessor was the lead sponsor of that legislation. I can only say thank goodness that that has given us a window of hope. Because new technologies have been developed, we are able to find reserves in deeper water in the Gulf of Mexico to give us the balance we need in domestic production. Whether it is necessary to extend that relief now, with prices going up, would be a question for another day. But thank goodness we did it at the time we did it so we now have increased reserves and because technology has been developed, that helps us to minimize those dry holes, and maximizes—and it makes much more efficient—this extraction. We can continue to do those things.

Another thing, we should put our money where our mouth is when we talk about alternative fuels development. I mentioned natural gas, but we have solar; we have the potential for fuel cells; we have other potential sources of energy. We cannot take nuclear off the table, which we have discussed in this body for the last 20 years. I hope now people can appreciate the part that nuclear power can play when properly regulated and properly run to help make our grid greener.

France takes 80 percent of their energy needs from nuclear. We should at least be open to the possibility of sustaining our current nuclear capacity and perhaps even increasing it to help us get our grid greener and again minimize our reliance on outside sources. So vigorous programs for alternatives, promoting the use of natural gas, and also, of course, continuing to promote conservation—whether it is in transportation or weatherization of our homes—are also important.

My point is, in times of war we appreciate our military all the more and the great sacrifices our men in uniform make and how proud we are of them and how happy we actually are to support them with our tax dollars because we recognize their great value.

I hope the country will take note that when prices are this high, we feel vulnerable. We feel scared and nervous and frustrated and angry. There is a lot of pain. When prices are high, truckers cannot move their product. Farmers have now been hit not only with tough weather and rock-bottom prices but high diesel fuel costs. It is a triple whammy for our farmers.

I hope this country will recognize and express appreciation for our domestic oil and gas and other energy producers, and say we cannot take it for granted. We must nurture this industry, help it to be as environmentally sensitive as possible, but not allow this Nation, the greatest nation on Earth, to be so dependent on sources outside of our sphere of influence and outside of our boundaries. It would be the same as depending on other nations for our food. We would not do that. We would not import 100 percent of our food. I do not think people in this Nation realize how much we are importing from other nations.

Let us take this opportunity to put all our suggestions on the table. Let us urge those running to be the President of our Nation to come up with a real, comprehensive, workable policy that will help to maintain stable prices where our producers can make money and turn a profit. Obviously, people would not be in business if they could not make money. That is why people are in business. We are in government for different reasons, but business people usually go into business only if they can turn a profit in that enterprise or activity. So we have to maintain a stable price at a level where our domestic industry can make a profit, where people can stay in and work. Tax policies can have a lot to do with that.

We appreciated the help, although it was small and somewhat noncomprehensive, last year when our energy producers were feeling the pinch. We hope we can give some short-term relief to those who are clearly suffering from these high prices. Ultimately, the answer lies in long-term, comprehensive fixes, based on real-world economics and helping the American people

understand with every choice to take some area away from drilling or with every choice to turn away from some source of energy, with every decision made, there are consequences to those choices. Then we can create a policy that Americans feel good about and a policy which expands our economy.

I ask unanimous consent the article ''Fueling the Future'' be printed in the RECORD.

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

[From American Gas, March 2000]

FUELING THE FUTURE

(By Karen Ryan)

Could U.S. consumption of natural gas rise by as much as 13 quadrillion Btu (quads) over the next 20 years? A new American Gas Foundation study says it's certainly a possibility if appropriate policies are implemented.

''Fueling the Future: Natural Gas & New Technologies for a Cleaner 21st Century'' confirms what natural gas industry professionals have long suspected: Changes in U.S. energy policy that favor increased use of natural gas could improve air quality, conserve energy and reduce reliance on imported oil from politically unstable countries. Consequently, the study forecasts that the environmental, economic and efficiency advantages of natural gas—combined with advances in gas-related technologies and the introduction of new end-use technologies—could help push U.S. gas consumption into the 35-quad range over the next two decades. Currently, U.S. gas demand is close to 22 quads a year.

The study tracks two scenarios: a ''current projection,'' which shows gas demand reaching nearly 30 quads by 2020, and an ''accelerated projection,'' which foresees demand topping 35 quads by then based on the adoption of national policies encouraging greater use of natural gas. Gas supply will keep pace with rising demand, with at least 84 percent of demand in 2020 fulfilled by gas produced domestically, compared with 85 percent today, says the study. The rest will be imported primarily from Canada, just as it is now. The nation's gas resource base is enormous, continues the study, and tapping into it to produce enough gas to sustain 35 quads of demand will require technological innovations similar to those that opened up major new domestic sources of gas over the past 15 years.

Assuming continued resource base expansion, coupled with continued technological progress in the ways the nation finds, produces, delivers and uses gas, the cost of gas service will increase only modestly over the next 20 years, says the study. The price of gas purchased at the wellhead is expected to remain in the mid-$2 per MMBtu range.

THE COMMON DENOMINATOR

''We believe that the study challenges conventional estimates of the natural gas market's potential,'' says AGA Chairman Gary Neale, who is president, chairman and CEO of NiSource Inc. Changing energy, technological and environmental forces are creating extraordinary market opportunities for the natural gas industry, from advanced residential furnaces and water heaters to gas cooling, fuel cells and advanced industrial applications. Neale points to distributed generation, as does the study, as a major reason gas consumption will swell in coming years. In the accelerated projection, distributed generation—in the form of reciprocating engines, microturbines and fuel cells—accounts for about 20 percent of the electricity generated in the nation by 2020.

''AGA can play an immensely important role in expanding this new market,'' says Neale. In an early step, the association joined the Distributed Generation Forum, managed by GRI to provide its members with technical, regulatory and market information to use in strategic planning and in market-development and education programs. The membership of the Distributed Generation Forum comprises gas and electric utilities, manufacturers and other parties developing and promoting distributed generation. AGA also is working with Congress to make sure nothing in the upcoming electric industry deregulation legislation will hamper the distributed generation market.

AT HOME WITH GAS

Today, 56 million out of the 102 million households in the United States—55 percent—have natural gas service. In 1998, these customers used 4.5 quads of gas. Residential gas consumption is forecast to reach 5.7 quads in 2020 under the study's current projection. The accelerated projection pegs demand at 7.4 quads, based on continued growth in traditional markets coupled with an assumption that greater demand for gas fireplaces, air conditioners, microturbines and fuel cells will radically alter the residential gas market.

The forecast goes on to say that home builders will continue to favor gas over electricity by a wide margin. In 1998, 70 percent of newly built houses were heated with natural gas. It also assumes that owners of existing homes will continue to convert their heating systems from other fuels to natural gas at the same pace as in the past decade when about 200,000 homeowners a year switched fuels. The study sees significant potential for conversion of other household tasks to natural gas in homes already hooked to the gas system.

In addition, gas fireplaces have been a huge draw for energy-conscious consumers in recent years. The typical gas fireplace is far cleaner than its wood counterparts, eliminating or making major reductions in a variety of pollutants, including carbon dioxide, nitrogen oxides, carbon monoxide and soot. In fact, wood fireplaces are banned or restricted in a number of areas, including Denver, Portland, Phoenix and Los Angeles because of environmental concerns. Currently, gas fireplaces account for 125 trillion Btu annually.

GETTING DOWN TO BUSINESS

The businesses and institutions making up the commercial market currently use about 3 quads of gas annually. Consumption in 2020 is forecast to total 4.4 quads under the current projection and 5.5 quads under the accelerated scenario. New technologies, says the study—especially gas-fueled cooling and dehumidification systems and aggressive growth in space and water heating and various food service applications—will drive the demand increase.

To help spread the news about gas-based technologies, AGA recently began a national accounts program aimed at the food-service and supermarkets sectors. The goal this year, says Walter Woods, who heads the program for AGA, is to call on executives at the headquarters of 16 restaurant and 16 supermarket chains to discuss the advantages of using gas.

''We hope to persuade these companies to test and specify gas equipment by giving them information they may not have,'' says Woods, who is accompanied on the visits by representatives of the local gas utilities. One thing Woods has discovered is that some national companies are surprised when a representative of the gas industry pays a visit. ''The electric side does this sort of thing all of the time,'' he says, ''but apparently the gas side has not.''

Another program, the Gas Foodservice Equipment Network, was launched last fall to serve as a resource for information, education and marketing support. The network is an alliance of utilities, foodservice equipment manufacturers, trade associations (including AGA) and other industry participants. The April issue of American Gas will cover the network's program.

FUELING INSTURY AND POWER PLANTS

The environmental and energy-efficiency attributes of natural gas technologies will continue to prove attractive to the operators of the nation's factories and power plants. According to the foundation's forecast, industrial consumption of gas in 2020 will reach 11 quads under the current projection and 13 quads under the accelerated projection, up from 10.1 quads in 1998. The industrial sector has led the resurgence in gas demand since the mid-1980's with factory operators selecting a number of innovative new technologies from direct-contact water heaters to gas-fired infrared burners. Continued equipment advances in the new millennium will offer additional choices.

Even though coal is forecast to remain the dominant power plant fuel, natural gas is projected to double its share of this market by 202 with demand moving up to 6.7 quads under the accelerated projection. This market includes electric utilities as well as independent (non-utility) power producers. Most of the rise in power plant gas demand is linked to wider use of combined-cycle technology, which captures the waste heat produced by the generator's large gas turbines and uses it to produce more electricity.

Demand is actually a little lower under the accelerated projection than in the current projection. The accelerated projection forecasts that slightly less new generating capacity will be required because: The operating lives of some coal-fired and nuclear-powered generating plants will be extended, some new coal-fired plants will be built, distributed generation will account for 20 percent of added generation capacity and renewable sources of energy will generate more electricity in 2020 than today.

THE NGV MARKET

''Fueling the Future'' sees gas consumption in the transportation sector increasing to 2.8 quads by 2020. More than 1.5 quads of this growth is attributed to natural gas vehicles (NGVs) although the study points out that widespread use of NGVs will hinge on the success of on-going efforts to increase their driving range and make the vehicles more economically competitive, including bringing down the purchase price.

Natural Gas Vehicle Coalition President Richard Kolodziej reports that roughly 80,000 NGVs travel U.S. roads today, mainly as fleet vehicles. The industry's strategy, he says, is ''to pursue the high fuel-use fleet market, which includes transit and school buses, trash trucks, urban delivery vehicles, airport shuttles and taxis.''

Kolodzeij also notes that the national transportation-related environmental focus until recently has been on reducing the automotive emissions that contribute to smog. ''There is now a growing focus on diesel fuel because of concerns about the health effects of particulates and other air toxins,'' says Kolodzeij. ''Studies are showing that diesel vehicles have a disproportionate impact on air quality with respect to carcinogenic toxins.'' The shift in emphasis is improving the prospects for natural gas in the truck and bus markets. In the past two years alone, between 17 and 20 percent of all new transit buses that have been ordered have been fueled by natural gas, he says.

OTHER OPTIMISTIC OUTLOOKS

Reality check: Is the American Gas Foundation's accelerated scenario too optimistic? Not especially when compared with some other recent projections. While the other forecasts may use different parameters to arrive at their conclusions and look only as far as 2015, they all reach basically the same conclusion: Gas use will rise substantially in the early years of the new century.

In contrast with GRI's and the National Petroleum Council's recent studies, the American Gas Foundation's study is a bit more optimistic, predicting a slightly higher potential for demand. It also projects market growth differently—attributing potential higher demand coming more from end-use applications in the residential and commercial sectors rather than from electricity generation. The foundation is also more optimistic that technology in the natural gas industry—from exploration and production through transmission, distribution and end use—will continue to advance at a pace similar to that in the 1990s.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 7:09 p.m., adjourned until Thursday, March 9, 2000, at 9:30 a.m.