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Senate

The Senate met at 9:33 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious God, Lord of our lives and Sovereign of this Nation, we thank You for the attitude change that takes place when we remember that we are called to glorify You in our work and to work with excellence to please You. The Senators are responsible to their constituents; their staffs report to them; and others are part of the Senate support team. All of us are employed to serve the Government, but ultimately we are responsible to You for the work we do and how we do it. Help us to realize how privileged we are to be able to work, earn wages, and provide for our needs. Thank You for the dignity of work.

We press on today with enthusiasm, remembering that You have called us to our work and will give us a special measure of strength. Whatever we do, in word or deed, we do it to praise You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JUDD GREGG, a Senator from the State of New Hampshire, 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. VOINOVICH). The Senator from Alaska.

SCHEDULE

Mr. MURKOWSKI. Mr. President, today the Senate will begin consideration of the veto override of S. 1287, the nuclear waste repository legislation. By previous consent, the time prior to 12:30 p.m. will be equally divided between Senator MURKOWSKI and the Senators from Nevada. Senator REID is on the floor. At 12:30 p.m., the Senate will recess for the weekly party conference meetings until 2:15 p.m. Following the conferences, there will be 1 hour of debate remaining on the nuclear waste veto override, with a vote scheduled to occur at 3:15 p.m. After the vote, the Senate will resume debate on S. 2, the Elementary and Secondary Education Act, with votes possible throughout the evening. The leader thanks his colleagues for their attention.

RESERVATION OF LEADER TIME

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

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—VETO

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the veto message accompanying S. 1287, which the clerk will report.

The legislative clerk read as follows:

Veto message on S. 1287, a bill to provide for the storage of spent nuclear fuel pending completion of the nuclear waste repository, and for other purposes.

(The text of the President's veto message is printed on page S3017 of the CONGRESSIONAL RECORD of April 27, 2000.)

The Senate proceeded to consider the veto message.

The PRESIDING OFFICER. Under the previous order, there shall be 90 minutes under the control of the Senator from Alaska, Mr. MURKOWSKI, and 90 minutes under the control of the Senators from Nevada, Mr. REID and Mr. BRYAN.

Mr. MURKOWSKI. Mr. President, it is my understanding Senator BINGAMAN has indicated a desire to speak. I believe he is off the floor at this time and will be coming momentarily. I suggest the absence of a quorum and ask unanimous consent that the time be equally taken off both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, it is my intent to accommodate Senator BINGAMAN's schedule.

I yield to the ranking member of the Energy and Natural Resources Committee, Senator BINGAMAN, with the understanding that the time be charged to the other side.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will take a few minutes to give my perspective on this upcoming vote to override the President's veto.

The question before the Senate is not whether the Senate supports the construction of a nuclear waste repository. Clearly, I support construction of a nuclear waste repository. The President has indicated he does. The Department of Energy has made significant progress on a repository in the time this administration has been in office. In fact, the Department of Energy has made much more progress in the past 7 years under President Clinton than during the preceding 10 years under Presidents Reagan and Bush.

The President, according to the statement he issued, is ''committed to resolving the . . . issue in a timely and sensible manner consistent with sound science and protection of public health, safety, and the environment.''

This bill was not vetoed by the President because he does not want to solve

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

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the nuclear waste problem. He vetoed it because, as he stated in his veto message, this bill ''will do nothing to advance'' the program. That is a quote out of the statement that was issued. And secondly, instead of doing something to advance the program, the bill will be ''a step backward.''

What are the problems that face the nuclear waste program today? Let me go through those problems with a little bit of detail so we all understand what those problems are and we can assess whether or not there is anything in this bill that helps us address that.

First, burying tens of thousands of tons of highly radioactive waste in Yucca Mountain and making sure it does not escape for tens of thousands of years—that is the goal we set for ourselves—raises very difficult scientific and technical questions.

Only last month, the Nuclear Waste Technical Review Board, which Congress created to advise us on these matters, warned that ''a credible technical basis does not exist for the repository design.'' This is the Nuclear Waste Technical Review Board. This is a group that Congress established. This is not some left-wing environmental organization that made this statement.

That report also went on to say, ''large uncertainties'' still exist in how the Yucca Mountain site will behave, and ''much work remains to be completed.'' That is an exact quote from that review board.

The bill before us does nothing to advance the scientific program that is trying to resolve these issues. Instead, the bill will make it harder for the Department of Energy to resolve these issues by imposing substantial new requirements which will divert the limited resources they have away from the essential scientific work that needs to be done.

A second problem facing the program is public confidence. People need to know that the repository will be safe and will not leak radiation into their water supply now or long into the future. Again, the bill will do nothing to advance public confidence in the repository's safety. Instead, it will undermine that public confidence. Under current law, the repository must meet radiation standards set by the Environmental Protection Agency to protect public health and the environment.

The bill on which we are now voting to override a Presidential veto forbids the Environmental Protection Agency from issuing those standards until this administration leaves office. The proponents of the provision are plainly hoping Governor Bush will be elected President and that his administration will adopt more lax standards than the Clinton administration would adopt. Such a blatant attempt to manipulate the scientific review process is sure to undermine public confidence in the ultimate site suitability determination.

A third problem facing the program is that it is behind schedule. Again, the bill does nothing to accelerate the program. On the contrary, the bill will delay the program further by forbidding the Environmental Protection Agency from issuing its radiation protection standards before June of 2001.

Under current law, EPA will issue the standards this summer, in plenty of time for the Secretary of Energy to take the standards into account in determining whether Yucca Mountain is suitable in 2001. But by delaying the issuance of the standards by nearly one year, the bill is likely to delay the Secretary's suitability determination and his recommendation that the repository be built.

A fourth problem facing the program is that the Department of Energy has not been able to begin moving waste from the States where it is now stored to Yucca Mountain. Again, the bill does nothing to begin moving waste to Yucca Mountain or to accelerate the date at which shipments can begin. On the contrary, the bill will probably obstruct shipments of waste by imposing a host of new obstacles to such shipments.

The bill says no shipment can be made until the Secretary of Energy has determined that emergency responders in every State, every local community, and every tribal jurisdiction, along every primary and every alternative shipping route, have met certain training standards and until the Secretary has given all of those entities financial assistance for 3 years before the first shipment. That is what the bill provides.

The transportation provisions of the bill are far more restrictive than those for shipments to the Waste Isolation Pilot Plant in my State. They are an open invitation to opponents of the nuclear waste program to obstruct shipments to the repository. I think we are all familiar with the availability of the courts to assist in that obstruction, where we put unreasonable restrictions on the Department of Energy, as we have done in the case of transportation to the site.

A fifth problem facing the program—this is the nuclear waste repository program—is the claims against the Government for failing to accept the utilities' waste by the original deadline. The bill permits the Department of Energy to settle these claims by paying the utilities compensation out of the nuclear waste fund—which the utilities said they did not want.

This bill does not permit the Department of Energy to take title to the utilities' waste at the utilities' sites, which is the one near-term solution that was sought by the administration when we went into this debate. In fact, that provision was in the bill when we reported it out of the committee, which I think was a step forward.

Moreover, the bill creates new unfunded liabilities for the Government. It does so by imposing new deadlines that the Department of Energy cannot meet and imposing substantial new requirements without providing funding mechanisms to meet those obligations.

A sixth major problem facing the program is inadequate funding. Our current budget rules make it impossible to give the program the money it requires, even though the fees the utilities pay the Government far exceed what Congress appropriates to the program each year, and the nuclear waste fund has a $9 billion surplus in it. Yet, at the same time, the bill imposes substantial new unfunded spending requirements. So we are setting up and maintaining a prohibition against spending the money at the same time we are imposing new unfunded spending requirements on the program.

These unfunded spending requirements are to provide relief to the utilities under the settlement agreements, to provide financial assistance for transportation planning and training, and to conduct research on alternative waste management technologies.

Finally, the bill does nothing to help the one utility that is actually threatened with having to shut down one of its plants because of insufficient onsite storage capacity. Here I am talking about Northern States Power's Prairie Island plant in Minnesota. Nothing in this bill forestalls the shutdown of that plant in January of 2007.

The bottom line is that this bill will not fix what is wrong with the nuclear waste program. On the contrary, it will make matters worse and move us further from a final solution.

The question before the Senate is whether the bill should pass, ''the objections of the President notwithstanding.'' That is the question for us to vote on this afternoon.

The President said he remains committed to solving the nuclear waste issue. The administration has made considerable progress toward that end and is close to completing the work needed for the site suitability decision next year.

The President says the bill does not help; it does not advance the program's goals.

On the contrary, in his view, it is a major step backward because it is likely to delay the site suitability determination, it undermines public confidence, and it is likely to create new unfunded liabilities for the Government—in fact, not likely, but it does create them.

The President's objections to the bill are well taken, and, in my view, the Senate should not pass the bill over the objections that have been raised by the President.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, we are again faced with the decision of whether to put off an obligation that we have to store nuclear waste that is threatening our industry or just talk some more.

If we reflect on reality, we will find that the last time this issue came before the Senate we had 64 votes in favor. There was one Senator who was

absent. We anticipate that Senator to be here today, so we anticipate approximately 65 votes. In the House, it passed 253–167. So, clearly, a majority in the House and Senate have spoken on this issue.

We have before us the question of the President's veto on the Nuclear Waste Policy Act. I say that the President is wrong. He is wrong for the environment, wrong for the U.S. energy policy, wrong for the economy, and he is wrong for international security.

This has become pretty much a political issue on the floor—whether to override the President's veto and do what is right. What is right is to address the responsibility that we have to the taxpayers of this country. I urge every Member of this body to reflect on the obligation that he or she has at this time. We have a situation where, as a consequence of the inability of the Federal Government to take the waste, which was to occur in 1998, we have a breach of contract with several of our utility companies. That breach of contract has resulted in liability and damages—damages that are assessed now at somewhere between $40 billion and $80 billion. So every Member of this body who does not support an override better be prepared to respond to the American taxpayer and address the reasons and have an excuse for not moving this and terminating that extended liability to the taxpayers.

While the President's veto wasn't based on good science, it was based on crass politics. The President's veto is particularly troublesome because Congress has bent over backward to meet every legitimate concern expressed by this administration. So it is simply clear that this administration doesn't want to take up this matter and resolve it under any circumstances under their watch.

Instead, they apparently want to use it as an election year issue. Well, I think it will come back and bite them as an election year issue. The bill the President vetoed would have disposed of our nuclear waste in a rational and effective way. It would do so by providing early receipt at Yucca Mountain of our civilian and our defense nuclear waste 5 years earlier than under existing law but not until after the Nuclear Regulatory Commission approved a construction permit for the facility, and it would have protected the $16 billion nuclear waste fund from being raided to pay for the Government's default on its contract with the utilities—money that consumers have paid through higher electric rates. It would have protected consumers from the Secretary of Energy unilaterally and unreasonably raising the nuclear waste tax on electricity without the consent of Congress, and it would have preserved the right of the Environmental Protection Agency to set the radiation standards in a manner that fully protects public health and safety.

If you go back and read the bill, it clearly gives the Environmental Protection Agency the obligation of setting the standard. Failure to address this problem does not solve the problem by any means; it simply leaves the waste where it is.

I would like to refer to this chart in back of me because this is the reality. We have the waste at 80 sites in 40 States. It is located in our backyards. Each year that goes by, our ability to continue to store nuclear waste in each of these sites in a safe and reasonable way diminishes. Why? These sites were designed for temporary storage and, in many cases, they have about reached their maximum. Isn't it better to put this at one site, at Yucca Mountain in Nevada, which was designed for the waste?

It is irresponsible to let this situation continue. Rather than exhibiting courage and signing legislation that would address the problem, the President has abdicated his responsibility. Rather than protect the American people, he has chosen to sacrifice them to satisfy the anti-nuclear interests.

The veto is absolutely wrong for the environment. Again, I refer to this chart. Is it better to have this material scattered at 80 sites in 40 States or one, single, easily-monitored location which, I add, is where we have had over 50 years of nuclear testing out in the Nevada desert? This veto means that the administration wants to continue to keep this material near our major population centers, near schools, hospitals, parks, homes, areas where we have earthquakes, such as in California, and in other areas, such as Illinois, where we have severe windstorms at times. The administration's own draft environmental impact statement released in August of last year makes it clear that leaving the material spread around the country could represent a considerable human health risk.

His veto is wrong for the U.S. energy policy. The real agenda of this administration is to kill nuclear power as a means to provide electricity, but they never answered the tough questions—the reality that nuclear power generation consists of 20 percent of the Nation's electricity. It does so without emanating any air pollution or greenhouse gases. How do we address the risk of global warming without nuclear power? It is pretty hard to do. How do we meet our clean air requirements and goals without nuclear power?

There is no alternative suggested by the administration. How do we provide consumers and our economy with the electricity they need if we rule out our nuclear power? The answer is very simple: We can't.

The choice we face is either replace nuclear power with coal-fired power or consumers will go without; that means brownouts, perhaps blackouts. But this should come as no surprise to an administration that has allowed this Nation to become dependent on insecure sources of foreign oil to meet our energy needs. Our energy policy consists of the Secretary of Energy going hat-in-hand to beg for help from countries that once sought our protection to maintain their existence. We have recently seen our increased dependence on oil from Saddam Hussein and Iraq. It was 300,000 barrels a day last year, and this year it is 700,000 barrels a day.

Isn't it rather ironic, as we look at the foreign policy of this country, to recognize that we buy Saddam Hussein's oil and give him our dollars, and we take that oil, put it in our airplanes, and we go out and bomb him.

That is really what we are doing. How ironic.

Furthermore, it has cost the American taxpayer about $10 billion since the end of the Persian Gulf war in 1991 to keep Saddam Hussein fenced in.

The veto is wrong for the economy. Failure to resolve the nuclear waste problem may well turn into a budgetary disaster that will rival the savings and loan crisis.

I say that as a consequence of the increasing liability that goes to the Federal Government for its inability to take that waste when it was due under the contract terms in 1998. That is over $40 billion. It may be closer to $80 billion. That is a liability that is being assumed by the American taxpayer as we delay addressing this obligation.

By failing to resolve the nuclear waste problem, the Federal courts have said this administration has violated its contractual obligations. As I said, this means the Department of Energy may have to pay as much as $40 billion to $80 billion in liability, and possibly more. Where do you think this money is going to come from? You guessed it. The taxpayer. And every Member who doesn't support this veto override had better be able to explain that to his or her constituents. Instead of using this money to keep Social Security solvent, we have to use it to pay for this administration's willful failure to comply with the law.

But keep in mind that even after the taxpayers foot this bill, the nuclear waste problem still won't be dealt with because the President simply won't stand up and recognize that we have an obligation under a contract made 20 years ago to accept the waste.

Further, it is wrong for the international security of this Nation. How do we convince our allies and those who are not to abide by our goal of nuclear nonproliferation when we demonstrate that we have neither the will nor the intelligence to deal with our own domestic problem? How do we convince our European allies to look to us and not Russia for solutions when we demonstrate that we do not have the courage to follow science and our own law? What type of leadership do we show to the world when we are unwilling to honor our commitments to our own citizens? It is not only our security that is jeopardized but also that of our allies who depend on our willingness and capability to defend them to enforce a peace.

This is referred to as a ''mobile Chernobyl'' by some. Opponents of the legislation argue that shipping nuclear waste across the Nation will create a ''mobile Chernobyl.'' The administration seems to agree with these opponents. Yet this very same administration agreed in 1996 to accept 20 tons of foreign nuclear high-level waste shipped to the United States. The administration's Foreign Research Reactor Program brought that in. This foreign nuclear waste is being moved safely in the very same way and in the very same casks that the opponents say U.S. nuclear waste cannot be moved safely.

Let me also observe as we are talking about ''mobile Chernobyls'' that there are 83 nuclear-powered U.S. submarines and naval warships which operate under nuclear power. They are around the world. They operate around the clock in both U.S. and foreign ports to ensure our security. They carry the reactors, and they have done it in a safe and admirable manner for a long period of time. There does not seem to be any concern about these ships. And the shipments we are talking about are dry, stable waste, and not reactors. But they criticize it in the capacity of suggesting this is a Chernobyl-style act. This is fear mongering. It is unnecessary. It is fear in the worst case.

Finally, we recognize the obligation of our Chief Executive. The President of the United States had a choice. The President could have shown courage and chosen for the environment. Instead, he declined. The President could have shown leadership and chosen a sound energy policy. Instead, he refused. The President could have demonstrated concern for the future and chosen for a healthy economy. Instead, he ducked. The President could have shown resolve on our national and international obligations and chosen for our national security. Instead, he abdicated. The President's veto was wrong for the environment, for energy policy, for the economy, and for our national security.

Today, our choice is a simple one.

Again, I note on this chart behind me, all of those areas in green are the States where nuclear waste is stored, 40 States. Do we want to have that, or do we want to have one central disposal facility at Yucca Mountain where we have already expended $6 billion or $7 billion in the design of a permanent repository? Do we want to move it to one central facility in an area where over 800 nuclear devices were tested?

I show you a chart and a picture of the proposed location for the permanent repository at the Nevada site. It was used for previous testing of more than 800 nuclear weapons.

I urge my colleagues not to be misguided and to support the veto override.

Before I yield some time to the other side, I want to make a couple of points relative to the radiation issue which has come up from time to time.

One of the principles originally in S. 1287 was that the Yucca Mountain radiation standards should be set by the NRC and not the EPA. Although I still strongly believe that the Nuclear Regulatory Commission should set this standard, the managers' amendment contains new language—I hope my colleagues will read it—that will permit the EPA to go ahead with its rule as long as both the EPA and the Nuclear Regulatory Commission, in consultation with the National Academy of Sciences, agrees that the standard will protect public health, safety, and the environment, and is reasonable and obtainable. If that isn't the best science available, I don't know what is.

This is a very reasonable approach that provides the very best science and the very best peer review, yet allows the EPA to have the obligation to ultimately complete the rule after all the best minds on the subject have been consulted.

I think it is apparent as we address this issue—and I recognize that my State of Alaska does not have nuclear waste stored in it—that if we don't resolve it today, we are going to have to address it at a later date because the fact is nobody wants this waste.

I am particularly sensitive to and appreciate the position of my colleagues from Nevada. The bottom line is they don't want the waste. If the waste were going to be stored in Colorado, we would have the Senators from Colorado speaking here on the floor and objecting to it. It is going to be stored in California, or New Hampshire, or somewhere. That is just the harsh reality of recognizing that no one wants this waste.

But my colleagues from Nevada claim that the Congress chose Nevada to be studied for nuclear waste disposal purely for political reasons. They would have you believe that there are no rational, technical, or scientific reasons for placing spent nuclear fuel in Nevada. That is what they would have you believe. But it is wrong.

The DOE spent over $1 billion studying other potential sites before narrowing the list to three sites, one of which was Yucca Mountain. Congress settled on Yucca Mountain back in 1987. It is geologically unique. The Nevada Test Site has been used to explode nuclear weapons for over 50 years.

This is a picture of the Nevada site. The last weapon exploded there underground was in 1991. The underground tests are still being performed, with nuclear materials being exploded with conventional explosives, with the wholehearted support of the Nevada delegation. In fact, not too long ago one of the Senators from Nevada supported storing spent fuel at the test site. There was a resolution that I believe took place back in 1975 or 1976.

The resolution reads as follows. This is a resolution from the Nevada Assembly, Joint Resolution 15:

Whereas, the people of Southern Nevada have confidence in the safety record of the Nevada test site and the ability of the staff of the site to maintain safety in the handling of nuclear materials;

Whereas, nuclear disposal can be carried out at the Nevada test site with minimal capital investment relative to other locations;

Now, therefore, be it resolved that the Assembly of the State of Nevada jointly with the Legislature of the State of Nevada strongly urges the Energy Research and Development Administration to choose the Nevada test site for the disposal of nuclear waste.

This resolution passed the Nevada Senate by a 12–6 vote, aided by a vote at that time of then State Senator BRYAN and signed by the Governor of Nevada.

What has changed? The Nevada Test Site has not changed. It has the workers, a workforce, an infrastructure for dealing with nuclear materials. The geology has not changed.

I ask unanimous consent to have printed in the RECORD a Los Angeles Times article called ''Marketing a Nuclear Wasteland.''

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

[From the Los Angeles Times, Feb. 4, 1998]

MARKETING A NUCLEAR WASTELAND

(U.S. tries to drum up business for Nevada Test Site by urging companies to use it for research too risky to try anywhere else. ''No job is too big,'' promotional brochure boasts)

(By Stephanie Simon)

MERCURY, NEV.—This sun-scraped scab of desert has been pounded by the worst mankind could hurl at it: four decades of nuclear explosions.

Those trials are over now. But this echoing expanse remains the proving ground for audacious inventions. Only now it's not the government experimenting, it's private industry.

Need to blow up a building to test a new anti-terrorism design? Do it at the Nevada Test Site. Need to set a chemical fire to try out a new foam flame retardant? Feel free, at the Nevada Test Site.

Dump toxins on the ground to train emergency crews. Bury land mines to test detection technology. Send a brand new, one-of-a-kind reusable rocket hurtling into orbit.

Even the most violent and volatile of experiments can do little to land that has been assaulted by 928 nuclear explosions over the years.

That is why the U.S. Department of Energy is marketing the site—a wasteland bigger than Rhode Island—as the perfect place to conduct research that would not be welcome in the average American neighborhood. As the promotional brochure boasts: ''No job too big.''

The push to woo private industry to the Nevada Test Site mirrors transitions underway at nuclear facilities across the country. With the Cold War over, the government has been trying to shrug off surplus weapons plants by cleaning them up and turning them over to communities for commercial development.

The test site, however, presents some unusual challenges:

It's huge. It's impossible to scrub clean. And it might one day be needed for more nuclear tests. Thus, unlike some other nuclear facilities, it can't be transformed into, say, an industrial park. Instead, the Energy Department seeks to bring in private projects compatible with the site's legacy.

''We're selling the concept of a place where you can do things you can't do anywhere else,'' said Tim Carlson, who runs NTS Development Corp., a nonprofit group commissioned by the government to market the site.

Of course, not every company wants to be associated with a nuclear testing ground, even one that no longer sends mushroom clouds roaring through the dawn. Hundreds of craters from underground blasts still pock the earth like giant thumbprints in a just-baked pie. Yellow signs still warn of radiation here and there in the desert scruff.

''Gerber baby food will never move out here, because of the image,'' NTS consultant Terry Vaeth acknowledged.

But plenty of other companies will. Exempt from many environmental restrictions, the site allows researchers to step outside their labs and conduct real-life, full-scale tests too dangerous to carry out elsewhere.

Consider the Hazardous Materials Spill Center, a tangle of criss-crossing pipes and mock smokestacks gleaming in the dull brown emptiness. It's centered around a giant wind tunnel built to spew toxins into the air—on purpose.

Private firms and government agencies pay up to $1.2 million for the privilege of dumping dangerous brews by the tens of thousands of gallons through the wind tunnel or elsewhere at the facility. From a bank of nearby TV cameras, they can then monitor how the fumes spread in different weather conditions, or whether experimental cleanup methods work.

''It's the only place we've found where we can spill this stuff,'' said Mark Salzbrenner, a senior engineer at DuPont Chemical Co.

Every other year, DuPont holds two weeklong workshops for industrial customers who buy fuming sulfuric acid for products such as shampoo, laundry detergent and pharmaceuticals. Engineers spill the stuff into huge steel pans, then demonstrate how to battle the resulting blazes.

Each workshop costs DuPont $40,000 a fee Salzbrenner considers well worthwhile. After all, he says, ''we're not going to do this in the middle of Los Angeles.''

The spill center has been operating for more than a decade, but promoters are just starting to market it intensively to private industry as part of the drive to commercialize the site. It's a startling shift of focus for this lonely chunk of desert 65 miles northwest of Las Vegas.

For decades, the test site was top secret, off limits a proud if mysterious symbol of America's determination to preserve peace through overwhelming military strength.

Before the test site was established in 1951, the United States had exploded five nuclear bombs on the Bikini Atoll in the Pacific Ocean. With tensions rising in Korea, President Harry Truman decided to shift the nuclear program to the mainland, Nevada, with its dry weather and low population, was selected.

The government conducted a handful of tests on peaceful uses for nuclear explosions in Alaska, Mississippi, New Mexico and Colorado, as well as 104 blasts on Pacific islands. But more than 90% of the nation's nuclear tests took place at the Nevada site.

Then the Cold War crumbled.

In 1992, President George Bush declared a moratorium on nuclear testing that has held to this day. The Energy Department, which runs U.S. nuclear programs, responded with painful cutbacks at weapons assembly and testing facilities from Tennessee to New Mexico.

In the past six years, the department has slashed its nuclear work force by a third. The Nevada site, suddenly stranded with no clear mission, fared even worse: Employment has collapsed from a Cold War peak of 11,000 jobs to fewer than 2,500.

Scientists lost their jobs, of course,but so did lab technicians and welders and mechanics. Half of the site's 3,300 buildings, ranging from trailers to offices to elaborate labs, were vacated and declared surplus. ''It created a kind of vacuum,'' said Susan Haase, a vice president of NTS Development.

To cushion the blow, the Energy Department set aside more than $190 million over five years to help communities affected by the downsizing. Cities could use the grants to retrain laid-off workers, convert weapons plants to commercial use or put together incentive plans to lure new employers.

The Nevada Test Site received nearly $9 million of these funds, but with a caveat: Privatization would have to proceed with caution, because the government still has first dibs on the rugged, mountain-fringed site.

Though the United States has not set off a nuclear explosion in nearly six years, the Nevada site is still used for underground experiments designed to assess the stability of aging weapons.

Also, by law the Energy Department must be prepared to resume full-scale tests within two years if the president ever gives the word. So the government could not simply hand the site to Las Vegas developers and let them have at it.

Clearly, a Ground Zero Casino was out. Instead, NTS Development has tried to market the site to industries that can take advantage of the equipment and brainpower assembled over the years to support nuclear tests.

''You've got a tremendous amount of energy . . . sitting there waiting to be of service again,'' Carlson said.

Local leaders hope that wooing scientific projects to the site will diversify the state's economy, which now leans on gambling and tourism for nearly half its revenue. At the same time, the government is eager to busy laid-off nuclear workers with peacetime challenges so they'll keep their skills sharp in case testing ever resumes.

Whatever the motivation, electrical foreman Clifford Houpt is glad to see so much interest in revving up business for the repair shops and assembly facilities of Mercury, a town that serves as the last site's faded barracks-style base camp. ''We need all the work we can get out here,'' he said.

Some of the projects drawn to the test site represent efforts to atone for the Cold War years of environmental destruction.

Most of the site's new ventures so far have come from private, for-profit companies such as Kistler. Eventually, though, local leaders hope that the federal government will step in with its own projects.

The nonprofit Nevada Testing Institute is pressing Congress to fund a $1-million anti-terrorism center. Engineers could subject buildings to terrorist-style assaults to determine how best to safeguard lives and property, said institute President Pete Mote.

''They may say, 'We need a 20,000-pound bomb, and we want to simulate a building in New York City that a Ryder truck can get within 20 feet of,'" he said. ''We'll say, 'OK, we're the place to do it.'"

The prospect of such projects cheers Nevada civic leaders who would love to see the site once again serve national security—without sending mushroom clouds billowing toward Las Vegas as the early atmospheric tests in the 1950s did.

''We want to take the technology and the personnel we had [for the nuclear industry] and apply it to new areas so we're doing things for society instead of just blowing up bombs,'' said Stephen Rice, associate provost of the University of Nevada, Las Vegas. Or, as NTS Development's Haase put it: ''Taxpayers paid for this place, after all.

NEVADA'S NUCLEAR LEGACY

The United States conducted 928 nuclear tests at the Nevada Test Site between 1951 and 1992. Though most were conventional bombs, the government also tested a nuclear artillery shell, experimented with a nuclear-powered rocket and sought peaceful uses of atomic explosives for earth-moving projects.

SOME FACTS ABOUT THE TEST SITE

Las Vegas residents used to stand on their doorsteps to toast the passing mushroom clouds.

In the early 1950s, troops from all four military services were deployed within a few thousand yards of atmospheric tests to train them in atomic combat.

For a 1953 test dubbed ''Doom Town'' scientists built a mock American community near ground zero, complete with cars, bunkers and mannequin families. The explosion destroyed all but two houses.

The U.S. Environmental Protection Agency for years managed a 36-acre farm on the site to test the effect of radiation on cattle, crops and wells.

For a 1957 test, ''Priscilla,,'' engineers built concrete domes, underground garages, bridges and other shelters near ground zero to see how they would fare in a blast. Most did poorly, although a bank vault survived intact.

Scientists built a Japanese-style town and bombarded it with radiation in 1962 to determine whether houses shielded residents from exposure during the Hiroshima and Nagasaki bombings.

Apollo 16 astronauts practiced driving their moon rover through test-site craters thrown up by nuclear explosions.

The test site's base camp, in Mercury, includes dormitory housing for 1,200 as well as warehouses, laboratories, repair shops and a hospital. Recreation facilities include a bowling alley, movie theater, pool, track and cafeteria.

Mr. MURKOWSKI. The subheading reads:

U.S. tries to drum up business for Nevada's Test Site by urging companies to use it for research too risky to try anywhere else. No job is too big, promotional brochures boast. It is huge. It is impossible to scrub clean. We are selling the concept of a place where you can do things you can't do anywhere else, said Tim Carlson, who runs the NTS Development Corporation, a nonprofit commission by the Governor to market the site.

A few more observations from Nevadans quoted by the story:

We take these companies out of someone's backyard and put them here. They are never going to be able to reclaim it for 10,000 or 15,000 years, says Randy Harness of the Sierra Club's Las Vegas chapter. They might as well do research there.

He concludes:

Given the constant monitoring, the site is probably the safest place in the whole United States.

We want to take the technology and the personnel we have in the nuclear industry and apply it to new areas so we are doing things for society instead of just blowing up bombs, said Steven Rice, assistant provost for the University of Nevada, Los Vegas.

Or, as the Nuclear Testing Site Development's Haase put it:

Taxpayers paid for this place, after all. They should get some use out of it.

We are seeing a situation develop where it is fair to say we have the final obligation in the Congress of the United States to address this with resolve once and for all.

I will comment briefly on the specifics of the veto the President saw fit to initiate. In looking at the President's veto message, the President presented the argument that S. 1287 is a step backward because delaying the issue regarding radiation standards delays any decision with regard to the site recommendation. The reality is the radiation standard is only necessary for the license application through March 2000.

The other argument the President reports is that the bill adds unnecessary bureaucracy to issuing standards and delays. The bill says specifically that the EPA issues the radiation standards by June 2001. EPA must also compare provisions with the National Academy's recommendation and justify this scientific basis for the rule. If good science unduly burdens the EPA, then perhaps we have a problem with the proposed rule. We are talking about the EPA having the final determination.

The President further states that the bill does not help with claims against the Federal Government for damages related to failure to accept fuel. The opposite is true. The bill provides early receipt as soon as construction is authorized. That is as early as 2006, January. It permits the Secretary of Energy to enter into settlement agreements with utilities, thus limiting continued liability. I think this is another example of the administration putting responsibility for its own problems on Congress. They seek to minimize damages from their own failure to take the waste and minimize the $40 to $80 billion liability by cooperating with Congress. Is that too much to ask? I ask my colleagues to explain to their constituencies why they are exposing them to continued litigation at the expense of the taxpayer, as the $40 to $80 billion claims against the Federal Government continues to mount.

Another argument is S. 1287 doesn't promote settlement because it doesn't have ''take title'' language. Mr. President, one time it had take title language but the Secretary of Energy, Secretary Richardson, didn't do his part to gain support from the States that opposed it. Why did the States oppose it? They feared the Federal Government would simply leave the waste in their States, take title to it and leave it. More importantly, the DOE has argued in the past; the Ninth Circuit, in 1991, said that the Department of Energy already had the authority to take title. That was granted by the 1954 Atomic Energy Act. This is another smokescreen.

What is lacking is not legal authority but a political exercise of will. This administration, unfortunately, does not have that political will.

It is interesting to note some of the support. I ask unanimous consent to have printed in the RECORD a letter from the Governor of the State of New York, George Pataki.

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

STATE OF NEW YORK

April 21, 2000.

DEAR MR. PRESIDENT: Now before you is the Nuclear Waste Policy Amendments Act of 2000 (S. 1287). On behalf of the citizens of New York State who have been forced to temporarily store more than 2,000 tons of radioactive nuclear waste, I urge you to sign this bill into law.

Because the Federal government has failed in its statutory obligation to build a permanent and safe nuclear disposal site by 1998, our State and others are faced with continued on-site management of high-level radioactive waste. With S. 1287 Congress has developed a sensible plan that will, if signed by you, begin a process leading to this facility finally being built.

This bill has passed both the U.S. Senate and House of Representatives by large majorities and would allow New York State to transport the radioactive waste we have been storing on an interim basis. Disposal of this waste is one of the most important environmental concerns facing New York and other states with nuclear facilities and failure to seize the opportunity we now have with passage of S. 1287 could pose serious risks for us all.

Enactment of the Nuclear Waste Policy Amendments Act of 2000 will also allow us to avoid continued litigation over the Federal government's failure to live up to its commitment to accept this waste. The plan laid out after years of debate and discussion in Congress moves us closer to protecting the health and safety of all Americans and should be signed.

As time passes, the problem of finding a means for the safe disposal of nuclear waste grows more complicated. Your support is needed on this critical issue of national importance, and I respectfully request that you sign S. 1287 so the process of shipping radioactive waste out of New York and other states into a safe, permanent Federal facility can finally begin.

Very truly yours,

GEORGE E. PATAKI.

The Honorable WILLIAM J. CLINTON,
President,
The White House,
Washington, DC.

Mr. MURKOWSKI. I will read briefly from the letter.

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This is an appeal by the Governor of New York, to this body, to override the President's veto.

Another point. Some of the affected States that would have high-level waste have been storing this waste at interim sites, sites that were not designed for a permanent storage.

Ratepayers from the State of New York paid in over $1 billion in their electric bill for the Federal Government to take that waste. There are seven sites in New York, about 2,167 metric tons of waste. As a consequence, the State dependence on nuclear energy is about 26 percent. They had one shutdown of one plant, Indian Point, in 1974. The point is to show in New York the significance of what it means and why we have this letter from the Governor of New York addressing this body asking to move this bill and override the President's veto.

Another State with a significant amount of waste is Colorado. Federal payments of about $6.3 million have been paid by the ratepayers in Colorado. There is one unit that is closed, Fort St. Vrain, and about 15 metric tons of waste. There is a significant amount of Department of Energy defense waste. The alternative is to leave the waste in Colorado or move it out.

Illinois is another State where there is a significant amount of waste as a consequence of the fact that 39 percent of Illinois' power generation comes from nuclear energy. In Illinois, the ratepayers have paid $2 billion to the Federal Government to take the waste. They have 11 units and approximately 5,215 metric tons of waste. Is that waste going to stay in those numerous sites where the 11 units are, or are we going to move it out to one central location in Nevada?

In North Carolina, in 1998, the ratepayers have paid over $706 million to the Federal Government to take the waste. As I have indicated, the Federal Government is in violation of the contract. Thirty-one percent of the State of North Carolina is dependent on nuclear energy. As a consequence, they are looking at 1,400 metric tons.

Do we want to leave that waste in temporary storage, or do we want to move it now when we have an opportunity?

The State of Oregon has a significant amount of waste stored at Hanford. Hanford is in Washington, but the site certainly affects Oregon as well. The ratepayers have paid $108 million. The Trojan plant in Oregon has been closed for decommissioning. Do we want to leave it closed, or do we want to move the high-level waste out of there to one central site? There are 424 metric tons in Oregon.

Whether one is talking about Massachusetts, Connecticut, Arkansas, Wisconsin, Georgia, Louisiana, Washington State, Maine, Pennsylvania, or Vermont, these are all States which have a significant amount of waste that has been generated by the utilities under the assumption that the Federal Government would take that waste in 1998. The Federal Government has failed to take that waste and, as a consequence, the litigation goes on.

I am amused because we have a statement by the Vice President on this

question of the veto override. Looking at his statement, I see a rather curious phraseology. I ask unanimous consent that statement be printed in the RECORD.

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

STATEMENT BY THE VICE PRESIDENT ON YUCCA MOUNTAIN VETO

Today's veto of the nuclear waste bill is an important step to protect health, safety and the environment. This legislation was rejected because it does nothing to assist in conducting the best scientific research into the propriety of the Yucca Mountain site, as a long-term geologic repository for high level nuclear waste. Rather, the legislation limits the ability of the Environmental Protection Agency to set appropriate radiation emissions standards for the site. I believe that we need to find a permanent solution for the disposal of high-level nuclear waste, but one that is based on the best available science, in order to protect public health and the environment. I wish to commend Senator Reid, Senator Bryan and Representative Berkley for their tireless work to help us defeat the ill-advised approach in this bill.

Mr. MURKOWSKI. He states:

Today's veto of the nuclear waste bill is an important step to protect the health, safety, and the environment.

He is saying the President's veto is in the interest of protecting health, safety, and the environment. He is saying leave it at those sites in the 40 States. That must be what he is saying.

He says:

This legislation was rejected because it does nothing to assist in conducting the best scientific research into the . . . Yucca Mountain site. . . .

What are the EPA, the Nuclear Regulatory Commission, and the National Academy of Sciences? That is the best science we have, and yet he says there is no science involved in this process.

He says:

. . . the legislation limits the ability of the Environmental Protection Agency to set appropriate radiation . . . standards.

That is contrary to reality. It does not. We do give that authority to the EPA.

He further says:

I believe we need to find a permanent solution for the disposal—

We all agree we need a permanent solution, but the Vice President does not suggest any permanent solution. He says we ought to have one.

We have spent almost $7 billion digging a hole out of Yucca Mountain and, in 1998, the ratepayers have paid $16 billion to the Federal Government to take the waste. Now the taxpayers, as a consequence of the inability of the Federal Government to live under the terms of that contract, are looking at a liability exposure of $40 billion to $80 billion.

When the Vice President makes that kind of a statement, I wonder what he is talking about—we need to find a permanent solution. This is a permanent solution for disposal of the high-level nuclear waste and is one based on the best science available to protect public health and the environment.

This is just another issue of politics. Obviously, there is a certain sensitivity about overriding any President's veto, but there is a recognition of and an obligation to do what is in the interest of the taxpayers and of protecting those 80 sites in 40 States where this waste is stored and getting on with the obligation.

What concerns me more than anything is the reality that at some point in time we may find ourselves in a position where we simply are unable to come to grips with this matter. I am going to quote one of my friends from Nevada who, in a February 9 press release, indicated a key victory on the nuclear waste bill. It is entitled, ''Senators Secure Votes Needed to Sustain Presidential Veto.''

The interesting paragraph reads, under a criticism of S. 1287:

The Environmental Protection Agency will have full authority to set radiation standards for Yucca Mountain which many experts say will ultimately prevent—

Ultimately prevent—

the site from ever being licensed as a nuclear waste dump.

Make no mistake about this, there is a conscientious effort by many people who are antinuclear to simply stop the nuclear industry in its tracks by making sure there is no permanent repository for that waste. The sequence of what will happen is these reactor sites are licensed for a certain capacity. When that capacity fills up, those plants have to shut down, and we can bid goodbye to the nuclear industry. The problem is the administration and those who oppose it have not suggested an alternative as to where we are going to pick up the power.

It is fair to say the ultimate objective of some people is to ensure that Yucca Mountain is never used, others never want to see a permanent repository built, regardless of where it is. In deference to my good friends from Nevada, clearly they do not want it in their State under any terms and circumstances.

That is the posture of where we are, but we do have an opportunity today to bring this matter to a head by overriding the President's veto and getting on with the business at hand.

I have used a good deal of time this morning. I yield the floor to the other side. First, how much time have I used?

The PRESIDING OFFICER (Mr. CRAPO). The Senator has used 35½ minutes.

Mr. MURKOWSKI. That is all that has been used on this side?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate resumes the pending ESEA legislation this afternoon, debate only be in order for the remainder of the session today.

Mr. REID. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada.

Mr. REID. Mr. President, how much time was used by Senator BINGAMAN this morning on behalf of the people wishing to sustain the Presidential veto?

The PRESIDING OFFICER. Twelve minutes.

Mr. REID. And the remaining time, after the morning formalities took place, is evenly divided between the two respective parties?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, my friend from Alaska talked about a little history this morning, or words to that effect. ''Heard a little history'' is not very accurate. For example, the chart they just took down shows the Nevada Test Site. Yucca Mountain is not the Nevada Test Site. It is a mountain in Nye County. It is separate and apart from the Nevada Test Site.

What my friends from Alaska should do is pull out new notes, not the old ones. That is what they were trying to do previously with interim storage: take it to the Nevada Test Site. This is a new bill. They are back at Yucca Mountain, which is not the Nevada Test Site. Of course, the Nevada Test Site had a lot of aboveground tests and some underground tests. That whole area is contaminated, and it is going to cost billions and billions of dollars to clean up that area.

Nevada has sacrificed a great deal. We have done it for national security.

I, as a young boy, watched the tests go off above ground. We did not know this would kill people. The dust clouds did not blow toward where I was watching, thank goodness, at least to my perspective. It blew the other way, causing the highest rate of cancer in America. People in southern Utah and parts of Nevada suffered and still today suffer from the effects of those aboveground tests.

As to the underground tests, the Department of Energy and this administration recently included Nevada Test Site workers for the ability to be compensated for exposure to radiation-type injuries and illnesses as a result of working on the underground tests. So Nevada has given a great deal. But, I repeat, the Nevada Test Site is not Yucca Mountain. History—but the wrong history.

I also say, there is some intimation here, by my friend, for whom I have the greatest respect, the chairman of the Energy Committee, who is attempting to override the President's veto, talking about radiation standards. He talks about the manager's amendment. No one should be fooled. This bill the President vetoed is the same one—the identical one—that Members of the Senate voted on just a few months ago. Nothing has changed. For my friend to intimate that the managers suddenly changed things from the national Nuclear Regulatory Commission back at the EPA—that was in the bill to begin with.

My friend, interestingly, pointed out and showed pictures of States where

Senators had the courage to vote for the right principle. Every State he talked about—Colorado, New York, Oregon, North Carolina, Massachusetts—is a State where Senators had the courage to vote, and they will vote to sustain the Presidential veto. And why? Because every—I am not talking about 90 percent or 98 percent; I am talking about every—environmental group in America supports the sustainment of the Presidential veto—every environmental group.

My friend says, I do not understand what Vice President GORE is saying when he says this veto is protecting the environment. Of course it is protecting the environment.

My colleague also brings up something that took place—a resolution—25 years ago in the Nevada State Legislature. That was 25 years ago. We, in Nevada, in 1982, suddenly began to learn very quickly that there were 70,000 tons of nuclear waste stored around the country. Nevadans—everyone in this country—have a different perspective than they did before.

I show my colleagues a chart. This is a chart that is comparable to the one my friend from Alaska showed. What this chart shows is that there are nuclear-generating facilities all over America. In fact, there are 100-some-odd sites where nuclear power is generated in America today.

He showed his chart. He said: Wouldn't it be wonderful? And the nuclear power industry runs ads around the country costing hundreds of thousands of dollars—full-page ads, newspaper ads. What they do in these adds is say: Instead of having all these sites, wouldn't it be wonderful to wind up having just one? That is a sleight of hand, if there ever was one.

I will show you another chart.

What will happen is, we will not wind up with simply one site, we will wind up with one more site. These other places will still be generating nuclear waste. There will be nuclear waste stored in those sites. Even those sites that are closed down will still have nuclear waste. They will be nuclear waste sites for many years to come.

Why do we want to establish a new repository at Yucca Mountain?

Let me show you what this chart shows. This chart illustrates a nuclear nightmare. It does not show the highways. We could show highways here, too. But we just wanted to make this relatively simple for illustrative purposes. This chart shows the railroads in America where nuclear waste will be carried to this one site. If this does not send a chill down your spine, nothing will. Why? Because accidents happen on the railways all the time.

The chart shows an accident that happened very recently. It happened on March 21, 2000. This is a picture of an accident that happened in Oregon. The part of Oregon where this accident took place has dense farmland, lots of water. In this instance, there was a track slightly out of line. There was no notice for the accident. Train cars went tumbling over each other.

Let's see what the newspaper reported about this accident.

On this chart, you can see an article from this newspaper, the LaGrande Observer, of March 21, 2000. We thought we would get a fairly recently one. But you can pick any time of the year. These accidents happen all the time.

But this article shown on the chart is about the same accident that is depicted in the previous picture. In the picture, you can see one locomotive, and down here you can see another locomotive in yellow. They are tumbled—turned all over. You can see that it crumpled everything in its path. You can see railcars with stuff pouring out of them. This is what they are going to haul nuclear waste in.

One problem: They have not figured out any way to safely store nuclear waste for transportation purposes. They have come up with some dry cask storage containers. These dry cask storage containers, they say, are fine—unless you have an accident and are going more than 30 miles per hour. If you go more than 30 miles per hour, it will breach the container.

They also say these containers they have developed are really safe in a fire—unless it is fueled by diesel and burns for more than 30 minutes. We have one train in recent months that burned for 4 days.

Also, the point is always raised, what are we going to do with nuclear waste? In 1982, that was probably a pretty good question. But as the years roll on, that is not a very good question because there is an easy answer. You do just as they do out at Calvert Cliffs in Southern Maryland—a nuclear-power-generating facility—you store it onsite.

Dry cask storage—it is pretty safe if you leave it onsite because you are not going to be traveling 30 miles per hour; it is going to be stationary. And, likely, there will not be a diesel fire. Diesel burns very hot. So the odds are very good that if you store it onsite, it will be safe. That is what they are doing at Calvert Cliffs and other places around the country. We do not need to transport all this stuff across America.

I show my colleagues again the chart with the train tracks. We do not need to have this nuclear nightmare. Remember, this chart I am showing you now does not have the highways on it. This is only the railroads. We do not need to establish this very dangerous precedent of hauling nuclear waste all over America.

The situation is beyond my ability to comprehend except, when I think about it, it is easier to understand because the very powerful, greedy nuclear power industry knows it will be safer to leave it where it is. They helped defeat a provision that said the United States of America will take title to this waste. They would not allow that to take place in one of the previous bills.

They want an issue because they do not want any responsibility for the poison they have created. They want to be able to wash their hands of it and send it someplace else. But they cannot do that, even though they might try, because there are always going to be the nuclear waste sites where the nuclear-generating facilities exist.

We know there are all kinds of problems—problems that relate to transportation. Transportation problems are replete with danger. We know terrorist threats are significant. We know that no matter how hard you try, you cannot keep the trainloads or the truckloads of nuclear waste secret. For example—this is in the CONGRESSIONAL RECORD from previous debates—one organization wanted to see if they could follow things nuclear on the highways and railways in this country. Yes, they could.

Ground water protection. Not only in Nevada, but all along the routes where 50-plus million people are within a slingshot of these trains and highways, they are all going to be exposed.

The risk to children is significant. Radiation standards are not only serious in Nevada but wherever these trains and trucks travel.

The other question the American public should ask is, Why are we having this debate? We have voted on nuclear waste time after time. Every vote we have taken has shown we have enough votes to sustain a Presidential veto. In fact, it shows there is ground being lost by the nuclear power industry. For the first time since 1982, in the House of Representatives there was a vote taken that had 51 votes more than necessary to sustain a Presidential veto. That was the first time they have had enough votes to sustain a Presidential veto, and they did it by more than 50 votes in the House.

One reason we are on this path is to take up time. The Senate should be doing other things, but we are here debating whether or not the Presidential veto will be sustained.

We should be talking about the juvenile justice bill. Why should we be talking about juvenile justice? Let's see the chart. One of my staff went on a short vacation to New Orleans. In the paper they had a number of cartoons, and one he brought home to me was from the Dayton Daily News. This is one reason we should be debating things other than nuclear waste on the Senate floor today. The number of Americans who died from all our wars since 1775: 650,858. That is the number of Americans who died in all our wars since 1775. The number of Americans who died from guns in the last 20 years tops that: 700,000. All the wars since 1775 compared to 700,000. I say maybe we should be doing some work here on the Senate floor dealing with guns.

I am from a Western State. I have been a police officer. I have been a prosecutor. I have been involved in things relating to guns all my life. As I have said on the floor before, when I

was 12 years old I was given a 12-gauge shotgun for my birthday. I still have that gun. I am very proud of it. I have a rifle my brothers had when they were younger, and I now have that, and I have all kinds of pistols. I have guns. I believe in the second amendment. But I also believe we have to stop certain things.

For example, I think we have to stop crazy people, people with emotional problems, and people who are felons, from purchasing guns. That is something we need to debate because there are gun loopholes that allow people to buy guns who should not be able to buy guns. You can go to a gun show in Las Vegas or Denver or Hartford and there are no restrictions; anybody can sell to anybody. We should close that loophole. Pawn shops—there are loopholes there.

We need to constructively determine why in America, in the last 20 years, 700,000 people have been killed by guns—700,000. But no, after the Columbine killings, we passed a juvenile justice bill and nothing has happened. The House passed something. We passed something. We have waited more than a year for a conference to be appointed to deal with that issue. No, we are here debating nuclear waste.

There are a lot of other issues we should talk about, such as Medicare. For 35 years Medicare has been in existence. When Medicare came into being, there was no need for a prescription drug benefit because doctors didn't use them to keep people well—they didn't exist. In the 35 years since Medicare came into being, there are many prescription drugs that save lives and make for people having very good years in those so-called golden years. We should do something to change Medicare. The average senior citizen now has 18 prescriptions filled every year.

We need to debate this issue. We need to spend some time on this floor determining why senior citizens on Medicare do not have a prescription drug benefit. But no, this is an issue we are not going to get to right away. Perhaps we won't get to it this year. We are going to spend our time talking about nuclear waste and other issues that are simply fillers of time.

Paying down the debt? I think it would be good if we had a little discussion on paying down the debt. There is always a constant harangue. George W. Bush, his answer to every problem in the world is lower taxes. International problems? Lower the taxes. What to do about the surplus? Lower the taxes. That is his one-liner: Lower the taxes. I guess he learned it from his dad who said ''Read my lips.'' But the fact of the matter is, paying down the debt is something we should talk about here because before lowering taxes we should talk about the $5.7 trillion debt we have and figure out a way to reduce that significantly.

Patients' Bill of Rights? We had a hearing, and Senator DORGAN and I are going to come to the floor this week, or the first chance we get, to talk about that hearing we had in Las Vegas. At the hearing we had in Las Vegas, I guarantee everyone in this room, had they heard these stories, tears would come to their eyes and some would break down and cry, as they did in that room.

One man had two broken legs. He was covered by the managed care industry. They won't get him a wheelchair. He crawled to the orthopedic surgeon, and the surgeon said: I can't help you, go to the HMO. Somebody drove him there. He crawled in on his hands and knees and then finally got a wheelchair. He said he has been so denigrated, his spirit has been so broken at how he has been treated by his managed care provider, he felt what he wanted to do was buy a quart of gasoline, douse himself with gasoline, and set himself afire.

Another woman who had cancer—she was a nurse—she told of the hurdles she had to jump to receive minimal treatment.

We had a doctor come in and talk about the impossibility patients have in trying to get care. He is one of the physicians who acknowledged that he has lied to insurance companies in an effort to get treatment that patients badly need.

That is what the Patients' Bill of Rights is all about, and that is what we should be talking about on the Senate floor today, doing something to protect people who are sick and need help. They may need to go to an emergency room. A woman may need to go to a gynecologist. They are prevented from doing so because of managed care entities that have a lock on this country.

What about saving Social Security? Why are we not talking about Social Security? Social Security is not in the danger that people say it is in, but it is something we need to take a look at and debate here. How we are going to prolong Social Security past the year 2040 so people can draw 100 percent of their benefits, not 75 to 80 percent?

Public schools? It seems everything the majority does regarding schools is something to tear down public schools. We need to talk about our need for more teachers. We need to give school districts help in school construction. This great Nation is the only superpower left in the world. Doesn't it seem this Nation could spend more than one-half of 1 percent of its budget on education? We spend one-half of 1 percent of the Federal budget on education. We can do better than that. This has nothing to do with taking away from the power of local schools, from school districts, to control their schools. There are national problems in which the Federal Government must be involved.

There are lots of things we should be working on, but wasting a day of time in sustaining a Presidential veto is not one of them. As I said before, the people who have the courage to vote to sustain the Presidential veto are doing the right thing. They are doing the right thing for their States. They are doing the right thing for the country. They are doing the right thing in the process for the environment. So when Vice President GORE said, following the veto by the President, that this is a proenvironmental stand the President took—he said it. I do not think there is anyone in this body who can question the Vice President's credentials on the environment.

We have a lot more to say. The fact of the matter is this is an important issue. It is important to the country.

I look forward to the President's veto being sustained. I acknowledge and congratulate and applaud the President for doing this. It would have been easy for him to go with the States with all the power and the money, but he decided to do what he thought was right for the environment. I think he has done a very courageous thing. I will always remember the President's stand on this issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield the 20 minutes remaining to our good friend from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I proceed, let me yield 2 minutes to my good friend from Washington for a comment.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, for nearly 60 years, the citizens of the Tri-Cities in Washington state, Richland, Kennewick and Pasco, have worked to guarantee our nation's nuclear defense. Now it's time for the federal government to guarantee these citizens—and the rest of the Northwest—that the nuclear waste produced at Hanford will be moved to an adequate storage facility for permanent disposal.

The Hanford site contains 177 underground tanks full of radioactive and chemical byproduct waste. These aren't small tanks—some are as large as a four story apartment building, and, in toto, they hold 54 million gallons of waste: two-thirds of the nation's defense-related nuclear waste. This waste resulted from nearly 45 years of plutonium production at Hanford. Unfortunately, at least 66 of these tanks have exceeded their design life by thirty years and have leaked radioactive waste into the soil near the Columbia River. This problem is not going away.

We need a safe, permanent repository for this waste. We need the federal government to be focused on opening the repository. We need this nuclear waste legislation to become law.

Many of the opponents of this legislation are acting as if they do not want a solution to this problem at all. They would rather have commercial waste stored at reactors all around the country and defense waste stored in temporary structures, including the leaking underground tanks at Hanford. Delaying work on the repository is not the answer.

Continuing with the present situation is irresponsible. I urge an override of the President's veto of this nuclear waste legislation.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thought it was important for my colleague, the senior Senator from the State of Washington, to make those statements because, as we are here today on the floor talking about nuclear waste, I must tell my colleague from the State of Nevada it is an important issue. I am sorry he and his colleagues haven't gained traction on the issue of guns, but America is wise to that. Try as you may, second amendment rights prevail in our country.

What we are here to talk about today is the absence of this administration's energy policy. Now, brownouts and blackouts and escalating fuel prices seem to take second or third place on the list of priorities about which the Senator from Nevada would like to talk. I think the American consumer and that elderly person whose air-conditioning may go out this summer at the peak of a heat spell would say this issue is a mighty important issue for this Senate to be considering.

So as it relates to priorities, while I am going to say that some of what the Senator from Nevada suggested is important for the Senate to address, but this issue is among them in priority. But, of course, my colleagues on the other side have been running for cover for months because they know that Bill Clinton has no energy strategy, never has had one, and doesn't propose one. He simply runs around Nevada sticking his head in the sand and talking about the politics of the issue instead of the substance of the issue.

Well, the veto we are here to attempt to override today is the fundamental difference between politics and substance. You heard the Senator from Alaska, Mr. MURKOWSKI, in great detail talking about the practicality of needing a national nuclear waste policy implemented in this country to be able to sustain our nuclear energy as we now have it, but, most importantly, to move forward into the future.

For a few moments today, let me talk about where we get our electricity. Somehow, it just comes when you throw on a switch. The bulbs light up, the heater turns on, the air-conditioner turns on, and we don't stop to think about the long-term strategy and policy that this country has been engaged in for decades to assure that the light does come on, that the air-conditioner does turn on, and that we have abundant energy.

Sixty percent of our electricity comes from coal. Given the concern of the other side about climate change, we aren't building new coal plants, we are not pushing forward on the technology of clean coal—the kind of technology that we ought to be pushing and giving priority to. The Clinton-Gore administration wants to make this situation dramatically worse by tying our hands and tying U.S. power companies to a Kyoto treaty, while allowing our economic competitors in developing nations to pollute at will.

Shame on you, Bill Clinton and AL GORE, for that kind of silly environmental policy. Climate change is a serious issue, but it isn't addressed in a helpful manner when you walk away from the negotiating table with an agreement that lets China and India and other major developing nations pollute at will, penalizing our economy, and doing so by trying to develop an anti-fossil-fuel bias in this country, along with the anti-nuclear-energy bias on which the President based his veto.

We get 20 percent of our electricity from nuclear power. That is why we are having this debate today. We have to sustain at least 20 percent of our energy base coming from nuclear if we are ever going to have clean air and gain the standards in the nonattainment areas that we want to set. Any right-thinking scientist and right-thinking politician today knows that fact. They can't argue otherwise. We won't get to the clean air levels this country wants without at least a 20-percent blend in our energy base coming from nuclear.

We have about 10 percent of our electricity coming from hydropower, and the Presiding Officer and I know how silly this has become in the Pacific Northwest. We have a President, a Vice President, and a Secretary of the Interior who want to take dams down—all in the name of what? Environmental radicals who want to roll back to a history of a century ago and try to reestablish ourselves without the kind of very clean power that our hydro base provides for us. It is not a large base; it is 10 percent of our base, though. Again, it is part of that 10 percent, 60 percent, 20 percent that has built the stability of an integrated power system for our country over the years that has brought us the best electrical service of any nation in the history of the world.

What we are talking about today is sustaining that capability. We are not talking about tearing dams down. We are talking about finding a safe repository for nuclear waste so we can complete the cycle of nuclear energy and allow it to go forward.

We get a small percentage of our electricity from solar and wind and biomass. Let me be perfectly clear about my support for these technologies because I do support them and I am willing to continue to allow taxpayer dollars to go into the investment of the technology as it relates to solar and wind and biomass. I am also willing to invest in fuel cells and fusion energy and other kinds of new technology that may someday supplant the kind of technology about which we are talking.

But let's have a reality check because if the Senator from Nevada is going to talk about the importance, or the lack thereof, of what we debate today, let's talk about this President and this administration's energy budget and where they want to spend money. They want to spend a lot of money on wind. They have even said that it is their goal to have 5 percent of our electricity generated by wind by the year 2020. It just so happens that the States of Nevada and Idaho have a little wind. It doesn't all come from politicians. It is kind of natural, and it flows through the Rocky Mountains out of Canada. It is the way Mother Nature created the natural environment which creates a wind opportunity out there.

But let me talk to you for a moment about a recent report in analyzing the 5 percent wind blend by the year 2020 that this President wants.

If you calculate what is needed to meet the goal of 5 percent of our electricity coming from wind energy that would require 133,000 windmills. The current wind turbines generate about 750 kilowatts of electricity each. Some of these 750 kilowatt wind turbines have been installed in Iowa. They are impressive and huge in size. They are on towers 213 feet tall. In addition to that, they have blades with a sweep of 164 feet in diameter. What is something comparable in height? Well, that is about the height of the Capitol dome in the building in which we are standing today.

Can't you just see all of those spread across the State of Nevada and Idaho? What are the environmentalists going to say again about vistas, visions, and horizons? You know and I know what they are going to say—''no windmills.'' But that is what this administration wants to talk about because they have this illusion that somehow that is environmentally sensitive.

Have you ever caught an eagle in a 164-foot blade? It is referred to as ''avian mortality''—eagles, condors, flying into the turbines and being killed. Yes. Those machines aren't very environmentally sensitive, and they make a great sound across the countryside. They are probably the loudest producer of electricity of any technology we have today.

One-hundred and thirty-plus thousand windmills is the answer to no nuclear waste policy? I don't think so. I don't think America thinks so. When they are faced with those realities, I think they will turn on this administration and say, Why aren't you being responsible? Why create a problem when you can solve a problem with a single location in a permanent, deep, geologic repository that is environmentally safe and sound for all under the most stringent of laws and the best technology available?

That is what we are talking about. That is a right and responsible choice for the American people to contemplate and for this Senate to debate.

There is going to be debate on guns. There is going to be debate on health care. There is going to be debate on prescription drugs. But, in my opinion, a well founded, well orchestrated energy policy for this country is every bit

as valuable and important for us to be involved in as any one of those issues.

A veto override that this President offered and gave, in my opinion, is not an environmental vote. Voting for a sound and sane policy for nuclear waste is the No. 1 environmental vote all of us will be making. Let's not try to hide it and walk away from it. Let's deal with it up front and in a way that is right and responsible to recognize.

As I thought about what I would say here today that might convince my colleagues to vote for a Presidential override, because for some it is a tough vote and it is a partisan vote, tragically enough, good national energy policy has in this instance become an issue of politics.

There is a letter from J.V. Parrish of Energy Northwest based in Richland, WA. He writes about the importance of this legislation. I found his words compelling. I want to read them to you. He says:

> Because the Federal Government has not had an effective program to receive spent fuel from this country's commercial power reactors, most of these reactors will have to spend several millions of dollars of ratepayer dollars to provide temporary storage. My own company will spend in excess of $25 million. This is money that could be better spent by the households and businesses in the region on things that would improve their futures.

What is he talking about? He is talking about utility companies having to charge their ratepayers more because this administration failed to be responsible in their energy policy.

I think as time goes on we will find a lot of other things in which our President failed to be responsible, and history will record him differently. I hope the absence of a nuclear waste policy is one of them because that is the way it deserves to be remembered.

All I would say to President Clinton is: In vetoing this bill, you have failed, once again, to do the right thing for the country but my colleagues and I don't have to be a party to your failure.

I encourage my colleagues to vote to override the President's mistake and override this veto.

Mr. President, I yield my time.

Mr. MURKOWSKI. Mr. President, how much time is remaining from the 20 minutes that was allotted?

The PRESIDING OFFICER (Mr. ENZI). Three and one-half minutes are still remaining.

Mr. MURKOWSKI. I want to point out a couple of things. I saw my friend from California on the floor a few moments ago. I guess she intends to speak.

Let me point out something that I think is paramount as we address this matter. That is the reality of where this waste is and where this waste is coming in.

I think it is important to note that San Francisco is obviously key because just up from the area of Sacramento and the Sacramento River is Concord, CA. Concord, CA, is unique inasmuch as it has been designated by the Clinton administration as one of the major west coast ports for receiving high-level nuclear waste under the Foreign Research Reactor Program.

It is kind of interesting because over a 13-year period some portion of 20 tons of spent nuclear fuel from 41 countries will be shipped to the United States for storage, and a good portion of that will come into Concord, CA. Once it gets into Concord, CA, it will be shipped from the Concord Naval Weapons Station in California, and it will follow a route up to Idaho. That shipment will either go by rail or truck.

I think it is significant to recognize the reality that we move waste. The waste moves in areas that are prone to earthquakes. California certainly is. California has four nuclear reactors currently: San Onofre, Rancho Seco—and one which is shut down. Here is another opportunity for the waste to simply stay at the shutdown reactor, or move almost 20 percent of California's electricity which comes from nuclear energy.

I might add that the residents of California have paid $762 million into a nuclear waste fund. That is three-quarters of a billion dollars.

In 1998, nuclear reactors avoided about 5.35 million metric tons of CO2 emissions. Have they helped with the greenhouse gases? Since 1983, the total avoided greenhouse emissions are 83 million metric tons. These are to be avoided as a consequence of the contribution of nuclear power in California. During 1998, nuclear power avoided 878 tons of sulfur dioxide in California.

If indeed my friend from California intends to speak on this issue, I would certainly encourage her to address the concerns of California being chosen as the West Coast recipient for the transfer of waste from the 41 countries and some 20 tons of spent fuel.

On the east coast, the Charleston Naval Weapons Station in South Carolina will be the recipient of waste moving by rail and truck.

This is pertinent to the discussion at hand. We have heard in detail the question of the important agenda before the Senate, whether we are talking about juvenile justice, protecting Medicare or Patients' Bill of Rights. These are all important issues, but so is this. It is important we get this issue behind us. It is costing the taxpayers a good deal every day it goes unresolved—$40 to $80 billion in liability. That continues to increase as a consequence of the Nation's inability to honor the sanctity of the contracts.

I urge my colleagues to reflect on the importance of this bill, the importance of this legislation, and not be misled. It is meaningful to the taxpayers of this country that we vote today to override the President's veto.

How much time remains on this side?

The PRESIDING OFFICER. The time remaining is 27½ minutes out of the original 90.

Mr. MURKOWSKI. And we have more this afternoon, is that right?

The PRESIDING OFFICER. One hour equally divided.

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. I yield myself 20 minutes.

The proponents of this legislation, who would have us override the Presidential veto, proclaim this is an environmental savior. In point of fact, this legislation is an unenvironmental travesty. It represents the most cynical assault to date on the environment.

I will respond to a general criticism frequently made. That is, that the deadline for the opening of a permanent repository in 1998 as contemplated in the Nuclear Waste Policy Act, enacted in 1982, has been breached. There is no permanent repository that will be opened for any time within the foreseeable future, in my judgment. The reason is that politics, not science, has been involved in this process, including proponents of nuclear power and, more specifically, the nuclear industry itself, and its advocates who appear on the floor.

Let me briefly, as I have on many occasions over the past 12 years of my Senate tenure, give a little bit of history. In 1982, the Nuclear Waste Policy Act was enacted by the Congress. It sought to search the entire country for three sites to be studied. Those would be sent to the President of the United States, and the President himself would select one of those sites as the repository location. It was contemplated there would be regional equity in balance, and indeed, some of the promising geologic formations in upper New England, the formations of granite, would be examined. We would look at the salt dome locations in the southeastern part of our States, and, yes, the geology of Nevada would be considered, as well, what was referred to as welded tuff.

That was a fair and balanced approach. Let science look throughout the country for the best sites. Those sites would be recommended. That did not occur. It did not occur because politics, not science, dictated the conclusion. No sooner had the act been signed into law in January of 1983 by then-President Reagan than the Department of Energy made a unilateral decision it would not look at the granite formations because the people in that part of the country would strongly resist the location of a permanent repository in their State. Is that science? Of course not. It was politics.

Then in the 1984 Presidential campaign, President Reagan assured those in the Southeast that the salt dome formations would not be considered. Was that science? Of course not. It was politics.

Then finally in 1987, legislation, which is infamously known in my State as the ''Screw Nevada'' bill, the

whole concept of the original Nuclear Waste Policy Act to search the country and truly try to come up with the right science and the right location, all of that was cast into the ash bin because politics, not science, dictated only one site would be studied.

When I hear the lamentations about the delays and all the money that has been spent, it is politics that has caused that, and politics that interfered with the science of the process.

Today we have the most recent cynical political attempt to manipulate the process. In that 1982 legislation, the Environmental Protection Agency was selected as the agency to establish health and safety standards. Who better than the Environmental Protection Agency? For more than a decade, that was not questioned.

Then in 1992, there was, in the Energy Act of that year, an attempt to inject another aspect of the equation. The National Academy of Sciences was asked to review the process and come up with a range of recommendations. Make no mistake, the distinguished predecessor chairman to the distinguished Senator from Alaska has been debating as a great advocate of nuclear power and was advocating a position sought for the nuclear power industry. It was his hope and expectation that the National Academy of Sciences would somehow cast an aspersion and question the credibility of the Environmental Protection Agency's proposed regulations when they were issued.

We have the regulations now. Let me describe them briefly. This chart expresses the recommendations or the regulations proposed by the EPA in terms of the millirems of radioactive exposure per year per person. That is one of the standards involved. The EPA has proposed a standard of millirems. That is 15 millirems and is the only reason we are on floor today debating the veto override of the President. That is the EPA's proposed standard.

Now what does National Academy of Sciences say the appropriate standard should be? Remember, they expressed that in a range. NAS refers to the National Academy of Science. They are saying the range should be between 2 and 20 millirems; 15, by any standard, is in that mid-range. S. 1287 in its original iteration—not the bill before the Senate, but in the original iteration—proposed a standard that was nearly twice the rate of exposure per person per year, a 30 millirem standard. That is what the nuclear industry desires, the 30 millirem standard. The NRC has come up with a standard of 25 millirems. WIPP, a waste isolation facility in the State of New Mexico which currently houses transuranic nuclear waste, the standard set by EPA not objected to, 15 millirem.

Why the difference? Why are we debating this? Because the nuclear power industry does not want a 15 millirem standard; they prefer a 30 millirem standard. The legislation ultimately submitted by the President interferes with the Environmental Protection Agency in moving forward with that and seeks to delay the final rule of 15 millirems.

My friend from Alaska has pointed out his responsibilities as the chairman of this committee. I understand that. I respect that and I respect him. But let's talk about what we are trying to do. We are trying to jury-rig, to skew this standard so that under every circumstance Yucca Mountain will meet the scientific criteria. The only way they can do that is to move the goalposts, and that is what the Senator from Alaska has indicated is his primary purpose. What he wants is to ''make sure that the measuring,'' referring to radioactivity, ''is under a regulation that allows waste to go to Yucca Mountain.''

That says nothing about safety—safety for millions of Americans, safety for several hundreds of thousands of people who would live within the affected vicinity, the 2 million people who live in Nevada. That is what we are talking about, health and safety. We are not talking about whether nuclear power is good or bad. That debate can be had another day. We are talking about health and safety. That is why many of us have become energized.

It is fair to say there are different ways in which these accidents have occurred, but I wish to illustrate the magnitude of the problem. With radioactivity, we are talking about something that is lethal, deadly, not for generations, but thousands of years—not only a few generations, but thousands of generations. We are not talking about a mistake we could make today and correct in the next Congress or the next decade or even in the next century; and we are talking about something that is lethal.

Our friends advocating on behalf of this legislation do not like us to point this out, but let's talk a little bit about the history, since history has been mentioned. In the dawn of the nuclear age, between 1945 and 1968, some 23 years, there were a series of accidents involving nuclear reactors and nuclear power. Some six people were killed as a consequence. I am not suggesting the circumstances are identical to what would be involved with the storage of high-level radioactivity, but I point out this is not just an academic discussion. We are talking about things that cause people to die—not get sick and then get well, but die. That is a very final medical judgment: Death.

In the Soviet Union, in 1957, a container of nuclear waste exploded and nearly 11,000 people were evacuated. We don't know how many people may have died as a consequence of that. Theirs is a society, unlike our own, that is closed. We don't get as much information as we would like.

In 1961, at Idaho Falls, ID, an explosion occurred within a reactor vessel that resulted in the individuals who were at the reactor site being impaled with a spent fuel rod. Two men were killed. To give you some indication of how lethal, how deadly this is, the remains of those two men who were tragically killed in that accident, by virtue of their contact with the spent fuel rod—and that is what we are talking about with the civilian reactor waste—by virtue of their contact, their bodies themselves had become high-level nuclear waste. It is a rather unpleasant thought but it is true. So in making the arrangements the relatives had to make, they were not only talking about selecting something that might be at the local undertaker's home; they had to design a facility that protected against high-level nuclear waste because the victims themselves had become high-level nuclear waste. That is why health and safety is such a critical concern for us.

We could go on and on. We had the Three Mile Island tragedy. Fortunately, that situation did not result in any loss of life.

Let me comment on Chernobyl for a moment, because, yes, I have referred to this legislation as the ''mobile Chernobyl.'' I do so because it involves some very serious issues. Last week, in the Washington Post—and I will yield in a moment to my colleague from California who has rejoined us on the floor, but let me finish this thought, if I may—the United Nations released an assessment of the Chernobyl nuclear meltdown that occurred 14 years ago, saying the worst health consequences for 7.1 million people may be yet to come. Then, in making the contrast my colleague from Nevada and I tried to make on so many occasions, in explaining in Chernobyl, at least 100 times as much radiation was released by this accident as by the two atomic bombs we dropped in World War II on Hiroshima and Nagasaki. Then this article goes on to say:

> The number of those likely to develop serious medical conditions because of delayed reactions to radiation exposure will not be known until 2016 at the earliest.

Yes, this is about health and safety; and do I get mad? You bet I do, because we are talking about the health and safety, not only of millions of Americans, but 2 million people who live in my own State. Do we want science and not politics to be the way in which these standards are set? The answer is you bet we do. I am greatly offended and outraged the suggestion would be made on the floor of the Senate that we should let politics dictate this health and safety issue because we want to make sure that, whatever the cost, we have to make sure Yucca Mountain qualifies. That was not the concept and spirit of the 1982 legislation, and it should not be the spirit that activates us today.

Mr. President, I ask unanimous consent that my colleague from California be recognized and, upon the completion of her remarks, I might again be recognized to take the floor.

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

The Senator from California.

Mrs. BOXER. Mr. President, I thank my colleague from Nevada, Mr. BRYAN, and Senator REID, the assistant Democratic leader, for their incredible leadership, and I might say sometimes lonely leadership, on this issue of nuclear waste safety.

I strongly oppose S. 1287. I believe the bill is bad policy. President Clinton has rejected it, and I urge my colleagues in the Senate to join him. I think it is a dangerous bill. I think it is important to note that this Senate has stopped this bill in its tracks five times at least. I believe today we will stop it again. So the question is, Why do we keep turning to this bill over and over and over again when so many people, including the President of the United States and the Vice President, have so many concerns that, in fact, it would be quite dangerous for our people? Why do we turn to it?

I think Senator REID was quite eloquent when he made the point, it is not as if we do not have other things to do. It is not as if there are not issues that are crying out to be debated and discussed on this Senate floor. He mentioned a few of those. I thought it would be good to simply summarize what I think about what he said.

Clearly, we need to take up education. We are going to an education bill. However, we are now taking time away from that education debate when people want us to make it the No. 1 issue: smaller class sizes, afterschool—we know the things people want—school renovation, teacher training. We are now taking precious time of the Senate away from that when we could be starting that debate.

A good Patients' Bill of Rights bill passed out of the House of Representatives. I thought the bill that passed out of the Senate was not as good. It was really a sham. I thought it was an HMO Bill of Rights for the HMOs. But that is in the conference committee. We ought to work on that.

Sensible gun control—we passed five sensible gun control measures in the juvenile justice bill.

Every day 12 children die of gun violence. In my State of California, it is the No. 1 cause of death among children. Senator REID had an incredible cartoon that ran showing the amazing number of deaths. During the Vietnam war, there were 58,000 deaths over an 11-year period. In the last 11 years, we have lost 300,000 Americans to gun violence. Why are we taking up a bill that is dangerous—and I will get into why it is dangerous—when we could be making our lives less dangerous? It does not make sense.

Then Senator CRAIG from Idaho says this administration has no energy policy. Maybe that is because the Republican side keeps reducing the amount the President wants to spend on energy efficiency, which is so important. It is the cheapest way to get more energy.

Campaign finance reform is an issue Senator MCCAIN and Senator FEINGOLD bring continually before us. It passed in the House, but it is getting the death knell in the Senate. This is just a handful of issues. If protecting the health of our citizens is our highest priority—and indeed it should be—then we should not be taking up a bill that will expose our people to illness and danger. This is not a bill that makes life better for our people. It is a bill that is going to make life worse for our people.

It has been described as a compromise bill, but, in my view, it is still an attempt to bypass and preempt science and legislate the scientific suitability of Yucca Mountain, NV, as a high-level nuclear waste dump. It is not based on reality or on fact. Instead of finding a repository that meets the health and safety standards we have established in law, this legislation attempts to weaken our health and safety standards to make Yucca Mountain fit because some people committed themselves to Yucca Mountain, and it does not seem to matter what the facts are; they just keep on going down that path. I cannot, and I will not, support such action.

For many years, we have debated the suitability of a high-level radioactive waste dump at Yucca Mountain, and for years I have been on the Senate floor with my colleagues from Nevada fighting to protect the health and safety of the citizens of Nevada.

I want my colleagues to know that today I am fighting not only for their citizens but for the citizens of the State of California. In fact, because of recent studies, we know that if we go forward with Yucca Mountain, it will seriously impact the people I represent.

Yucca Mountain is only 17 miles from the California border and from Death Valley National Park. I have a map to show how close we are. We can see where the Yucca Mountain repository site is and how close Death Valley National Park is to Yucca Mountain. There is Yucca Mountain, Death Valley National Park in Inyo County, and then San Bernardino County.

I want to show my colleagues the beauty of Death Valley National Park. This is one magnificent view of Death Valley National Park. It amazes me when we make these incredibly important investments in our environment and in the beauty of our Nation to protect and preserve it, with the next vote, we vote for a nuclear waste dump that can adversely impact on this national treasure. I will explain that.

The development of Yucca Mountain has the potential to contaminate California's ground water. It poses a threat to the health and safety of Californians from possible transportation accidents related to the shipping of high-level nuclear waste through Inyo, San Bernardino, and neighboring California counties.

Since its inception as a national monument in 1933, the Federal Government has invested more than $600 million in Death Valley National Park. The park receives over 1.4 million visitors each and every year.

The communities surrounding the park are economically dependent on tourism. The income generated by the presence of the park exceeds $125 million per year. The park has been the most significant element in the sustainable growth of the tourist industry in the Mojave Desert. This chart is a blown-up photo of how close the national park is to Yucca Mountain and why these two counties have concerns.

Scientific studies show that a significant part of the regional ground water aquifer surrounding Yucca Mountain discharges in Death Valley because the valley is downgradient of areas to the east. If the ground water at Death Valley is contaminated from nuclear waste stored at Yucca Mountain, it will be the demise of the park and the surrounding communities.

The long-term viability of fish, wildlife, and human population in these areas are largely dependent on water from this aquifer. The vast majority of the park's visitors rely on services and facilities at the park headquarters near Furnace Creek. These facilities are all dependent upon the ground water aquifer that flows under or near Yucca Mountain. Unfortunately, there is no alternative water source that can support these visitor facilities and wildlife resources. So I cannot understand why, on the one hand, we create a magnificent park—we spent $600 million on it; we get tourist dollars from it—and on the other hand in another vote we endanger this magnificent monument and the people who live in the surrounding areas.

Water is life in the desert. Water quality must be preserved for the viability of Death Valley National Park, the dependent tourism industry, and the surrounding communities.

We do not have the science that tells us that Yucca Mountain is safe, and the potential loss is far too great. It has been hard to get the Energy Department to accept California's connection to the site. Every time they talk about the site, they talk about Nevada. Finally, they recognize that Inyo County, CA, as an effective unit of local government under the Nuclear Waste Policy Act, actually qualifies. There had to be, unfortunately, a lawsuit by the county that resulted in DOE granting affected unit status in 1991.

It is very important my colleagues understand that my concern comes from the local people.

I ask unanimous consent to print in the RECORD a letter from the board of supervisors of the county of Inyo.

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

Independence, CA, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOXER, I am writing to express concern with S. 1287, the Nuclear Waste

Policy Amendments Act of 1999. S. 1287 proposes to abandon current specific DOE guidelines for determining the suitability of Yucca Mountain, Nevada (for siting of a nuclear waste repository) in lieu of less-demanding, generalized criteria. S. 1287 also removes the role of the Environmental Protection Agency from determining the human health standard to which repository design and operations should be held.

S. 1287, as it currently stands, would replace DOE's current and specific site suitability criteria (10 CFR 960—adopted in 1986 after considerable public input) with a generalized ''total system performance assessment'' approach (proposed in 10 CFR 963) which does not require the site to meet specific criteria with regard to site geology and hydrology or waste package performance. Replacement of the current site suitability criteria by 10 CFR 963 would reduce the likelihood that the repository would be designed and constructed using the best available technology. Individual components of the repository system could be less than optimal in design and performance if computer modeling of the design showed it capable of meeting NRC's less-demanding standard. Given the significant long-term risk that development of the repository places on California populations and resources, any compromises on repository design, operations or materials cannot be tolerated.

S. 1287 allows the Nuclear Regulatory Commission to set a standard for protection of the public from radiological exposure associated with development of the repository. The power to set a standard for the Yucca Mountain project rightfully belongs with the EPA in its traditional role of setting health standards for Federal projects. In our recent response to EPA's proposed radiological health standard for the repository, Inyo County stated its strong support for EPA authority over the project and for use of a standard which focuses on maintaining the safety of groundwater in the Yucca Mountain-Amargosa Valley-Death Valley region.

Based on these considerations, S. 1287 will not provide adequate protection for Inyo County resources or citizens. We hope that the provisions in the bill for setting repository standards and for changing the site suitability guidelines will be deleted.

We appreciate your continued support of Inyo County's efforts to safeguard the health and safety of its citizens.

Sincerely,

MICHAEL DORAME,
Supervisor, Fifth District County of Inyo.

Mrs. BOXER. I shall not read the entire letter. The Board of Supervisors, County of Inyo—and these are the local government officials to whom my colleagues on the other side of the aisle are constantly saying we have to pay attention—let us pay attention to them. They are saying:

[We] are writing to express concern with S. 1287, the Nuclear Waste Policy Amendments Act of 1999.

They go on to say why it is flawed. They say there is a ''significant long-term risk that development of the repository places on California''—that it places California in an untenable position. In very strong language they ask that we not approve this. They say it does not ''provide adequate protection for Inyo County resources or citizens'' and that they are very concerned about it.

I also ask unanimous consent to have printed in the RECORD a letter from the Board of Supervisors of San Bernardino County.

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

BOARD OF SUPERVISORS,
COUNTY OF SAN BERNARDINO,
San Bernardino, CA, January 12, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: The Board of Supervisors unanimously approved the attached resolution at our meeting yesterday. It expresses our substantial concern over the lack of notification from the Department of Energy with regard to their plans to transport thousands of shipments of high-level radioactive waste through the major cities of our County.

The only hearing held in this State took place in a remote area hundreds of miles from our major population centers. In addition we were not provided with any official notification of the Issuance of the Environmental Impact Statement nor were we provided a copy of same.

While we understand that transportation and storage/disposal of this material is essential for operation of various facilities, it is only appropriate that the jurisdictions which will be recipient of the majority of these shipments be given notice and response opportunities.

We ask for your strong support for our request to the Department of Energy for full disclosure, additional time for response and review, and for a public hearing to be held in our area. The hearing should be held somewhere near the population centers which will be subject to these shipments and the potential dangers imposed thereby.

We appreciate your serious consideration of this request.

Sincerely,

JERRY EAVES,
Supervisor, Fifth District.

RESOLUTION NO. 2000–10

Whereas, the United States Department of Energy, has prepared an Environmental Impact Statement for the Yucca Mountain High Level Radioactive Waste Disposal Site, and

Whereas, the COUNTY of SAN BERNARDINO has learned through non-official sources that the United States Government plans to construct and operate a disposal site for high level radioactive waste which will include spent nuclear fuel rods, and

Whereas, no less than a year ago, the COUNTY of SAN BERNARDINO was provided inadequate notification on another Department of Energy Radioactive Waste project and formally expressed its objections to the lack of proper notification, and

Whereas, almost all of the shipment will pass through major population centers in San Bernardino County on Interstate Highways 10, 15 and 40, State Route 247 and rail lines in San Bernardino County, and

Whereas, the project presents obvious potential hazards from transportation accidents, which place an unnecessary additional burden on emergency response resources; and

Whereas, had it not been for the news media; the public would not have known that the project was underway because no public hearing has been scheduled or held in San Bernardino County or anywhere else in Southern California, and

Whereas, there has been no opportunity for our citizens to review or comment on this project in a formal setting, and

Whereas, the citizens of the COUNTY of SAN BERNARDINO have a right to be informed of and have an opportunity to comment on a project of this magnitude that poses a potential significant threat to their health, property, air and water quality and other natural resources, and

Now, therefore, be it *Resolved,* That the Board of Supervisors of the COUNTY of SAN BERNARDINO, petition the United States Department of Energy to extend the comment period on the Yucca Mountain Project, and

Further be it Resolved that public hearings be held by the Department of Energy in San Bernardino County so as to provide our citizens a reasonable opportunity to comment on this project, and

Further be it Resolved that this resolution be forwarded without delay to United States Senators Boxer and Feinstein and Congressmen Lewis, Baca and Miller.

Mrs. BOXER. This letter expresses substantial concern over this project. They are asking us to be very careful with shipments and with the entire project.

Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from the County of Ventura.

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

COUNTY OF VENTURA,
Washington, DC, February 1, 2000.

Hon. BARBARA BOXER,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOXER: I am writing to reiterate the Ventura County Board of Supervisors' opposition to S. 1287, the Nuclear Waste Policy Amendments of 1999, which, as currently written, would allow spent nuclear fuel and radioactive waste to be transported through Ventura County.

The Board of Supervisors endorses the development of a national policy for the transportation of spent nuclear fuel. However, the Board opposes transporting these materials through Ventura County. County officials and residents are concerned about the proximity of the Diablo Canyon Nuclear Power Plant in San Luis Obispo County and the vulnerability to potential disasters related to the transportation of hazardous materials through the community, which poses serious health and safety risks to County residents.

Please vote against S. 1287 unless it is amended to prohibit the transportation of spent nuclear fuel and radioactive waste through Ventura County and other heavily populated areas.

Sincerely yours,

THOMAS P. WALTERS,
Washington Representative.

Mrs. BOXER. In this letter they reiterate their opposition to this bill. They say it would be very dangerous for their residents because the waste could be transported through Ventura County.

On this map I show my colleagues, even the counties next to Inyo and San Bernardino are very upset that waste will come all through California. Ventura County is taking a stand. They say:

Please vote against S. 1287. . . .

I have a letter from the California Energy Commission. I ask unanimous consent it be printed in the RECORD.

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

CALIFORNIA ENERGY COMMISSION,
Sacramento, CA, February 7, 2000.

Hon. BARBARA BOXER,
U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: We have reviewed S. 1287 (Nuclear Waste Policy Amendments Act of 2000) (NWPA) and offer the following comments.

The State of California, including thirteen California agencies, has reviewed the Department of Energy's (DOE) Draft Environmental Impact Statement (DEIS) for the proposed Yucca Mountain High-Level Nuclear Waste Repository. This review, coordinated by the California Energy Commission, identified major areas of deficiencies and scientific uncertainties in the DEIS regarding potential transportation and groundwater impacts in California from the repository. In light of these deficiencies and uncertainties, there are serious questions whether a decision should/can be made on the Yucca Mt. site's suitability in time for shipments to begin in 2007, as required by S. 1287.

These deficiencies and uncertainties include the need for better data and more realistic models to evaluate groundwater flow and potential radionuclide migration toward regional groundwater supplies in eastern California. In addition, there are major scientific uncertainties regarding key variables affecting how well geologic and engineered barriers at the repository can isolate the wastes from the environment. For example, there is considerable uncertainty regarding waste package corrosion rates, potential water seepage through the walls of the repository, groundwater levels and flow beneath the repository, and the potential impact on California aquifers from the potential impact on California aquifers from the potential migration of radionuclides from the repository. California is concerned about these uncertainties and deficiencies in studies of the Yucca Mt. project and the serious lack of progress in DOE's developing transportation plans for shipments to the repository.

Potential major impacts in California from the proposed repository include: (1) transportation impacts, (2) potential radionuclide contamination of groundwater in the Death Valley region, and (3) impacts on wildlife, natural habitat and public parks along shipment corridors and from groundwater contamination. Transportation is the single area of the proposed Yucca Mt. project that will affect the most people across the United States, since the shipments will be traveling cross-country on the nation's highways and railways. California is a major generator of spent nuclear fuel and currently stores this waste at four operating commercial nuclear power reactors, three commercial reactors being decommissioned, and at five research reactor locations throughout the State. Under current plans, spent nuclear fuel shipments from California reactors will begin the first year of shipments to a repository or storage facility.

In addition to the spent fuel generated in California, a major portion of the shipments from other states to the Yucca Mountain site could be routed through California. This concern was elevated recently when DOE decided, over the objections of California and Inyo and San Bernardino Counties, to reroute through southeastern California, along California Route 127, thousands of low-level waste shipments from eastern states to the Nevada Test Site, in order to avoid nuclear waste shipments through Las Vegas and over Hoover Dam. We objected to DOE's rerouting these shipments over California Route 127 because this roadway was not engineered for such large volumes of heavy truck traffic, lacks timely emergency response capability, is heavily traveled by tourists, and is subject to periodic flash flooding. We are concerned that S. 1287, by requiring that shipments minimize transport through heavily populated areas, could force NWPA shipments onto roadways in California, such as State Route 127, that are not suitable for such shipments.

The massive scale of these shipments to the repository or interim storage site will be unprecedented. Nevada's preliminary estimates of potential legal-weight truck shipments to Yucca Mountain show that an estimated 74,000 truck shipments, about three-fourths of the total, could traverse southern California under DOE's ''mostly truck'' scenario. Shipments could average five truck shipments daily through California during the 39-year time period of waste emplacement. Under a mixed truck and rail scenario, California could receive an average of two truck shipments per day and 4–5 rail shipments per week for 39 years. Under a ''best case'' scenario that assumes the use of large rail shipping containers, Nevada estimates there could be more than 26,000 truck shipments and 9,800 shipments through California to the repository.

We are concerned that S. 1287 would require NWPA shipments begin prematurely before the necessary studies determining the site's suitability have been completed and before the transportation impacts of this decision have been fully evaluated. S. 1287 accelerates the schedule for the repository by requiring shipments to begin at the earliest practicable date and no later than January 31, 2007. In contrast, DOE has been planning for shipments to begin in 2010, a date considered by many to be overly optimistic. Shipping waste to a site before the necessary scientific evaluations of the site have been completed and before route-specific transportation impacts have been fully evaluated could have costly results. The DOE nuclear weapons complex has many examples of inappropriate sites where expediency has created a legacy of very costly waste clean-up, e.g., Hanford, Washington. The use of methods that were not fully tested for the storage and disposal of nuclear wastes has resulted in contaminants from these wastes leaking into the environment. Transporting waste to a site, as mandated by S. 1287, before the appropriate analyses are completed could create a ''de facto'' high-level waste repository in perpetuity with unknown and potentially serious long-term public and environmental consequences.

Attached is information that might be useful in formulating your position on S. 1287. It includes (1) our specific comments on S. 1287, (2) an overview of our comments on the Yucca Mountain Draft EIS, and (3) Resolution 99–014 passed by the Western Governor's Association on Spent Nuclear Fuel Shipments. If you have any questions regarding these materials, please phone me at (916) 654–4001 or Barbara Byron at (916) 654–4976.

Sincerely,

ROBERT A. LAURIE,
Commissioner and State Liaison Officer to the Nuclear Regulatory Commission.

Mrs. BOXER. This letter is quite long and goes into all the objections, with detailed comments, and the concerns they have about Yucca Mountain.

I think the important point here is, this is not just a Nevada issue. Even when in my mind it was, I would never subject the people of Nevada to this kind of a dangerous policy. It now includes the people of California. We are very concerned about transportation routes, very concerned about the ability of this material to migrate into an aquifer that serves the counties surrounding it, and we could go on and on.

Even the Western Governors' Association has repeatedly asked the Energy Department to complete an analysis of the transportation routes to Yucca Mountain, to no avail.

So we have a lot of problems with this bill in my home State of California.

The radiation to be allowed at Yucca Mountain would be much higher than is allowed under current regulations. The DOE study finds that maximum doses at the site would be 50 millirems per year. I am sure my colleagues have gone into it, but sometimes you repeat facts because they are very important. I would like to put the numbers into perspective.

That amount of radiation would equal approximately 5,000 chest x rays annually. It is 2,000 times higher than what the public is currently permitted to receive from an operating powerplant under EPA regulations.

I will say, under NRC and DOE risk estimates, it is my understanding—I am going to just double-check here—studies have shown that if these people were exposed to the maximum, virtually all of them would get cancer. That is how much and how high these levels are.

In conclusion, my colleagues from Nevada have done us a great service. Even before I knew the extent to which they were actually fighting was not only for Nevada but for California, I knew they were doing the right thing, because if we do not stand up and protect the health and safety of the people we represent, what use are we? What good are we?

When a physician takes his or her test to get licensed, they say: Do no harm. At a minimum, do no harm. This does harm. If we were, in fact, to allow this matter to move forward, I think the people would become even more cynical than they are about Government. They will ask: What special interests are behind this one? How on Earth can we throw out the health and safety regulations to push through this site? Is that the best we can do for this site?

I will tell you, it makes me sick at heart. The only thing that keeps me going on this one is my colleagues from Nevada, who have stood up in the face of powerful committee chairmen. And you will hear them today. Oh, you will hear them today. The Senators from Nevada have stood up for the people of this country. I stand with them. I stand with the people of California, who want to protect Death Valley National Park, who want to protect the water supply there, who want to protect our Federal investment there, who want to protect the health and safety of the people who have to drink the water and live there.

So let us do what we have done five times before. Let us beat back this ill-advised attempt to put a nuclear waste dump where it does not belong. Let us feel good that we have protected the people of this country. Let us turn to

the matters to make life better for our people: Sensible gun laws, an HMO Patients' Bill of Rights, education, after-school programs, smaller class sizes, and campaign finance reform.

For goodness' sake, let's do something in this Chamber that helps people, not exposes them to risk.

Yesterday I was at the Albert Einstein Medical School in New York. They are doing extraordinary things to find cures for cancer, to invest in ways to make our people healthier, to work with the Federal Government to make sure we have enough money going into research. Why would we do things around here that would elevate people's risk of getting cancer? I do not understand it. It does not add up. I listened to the arguments on the other side. They simply do not add up.

So, again, I associate myself with my friends from Nevada. They are courageous. They are brave. They are right. They are protecting the people of Nevada and the people of California. I hope they will be successful. I will be working with them.

As I understand it, the Senator from Nevada, Mr. BRYAN, will now have some time for further remarks.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada, under a previous agreement, is to be allowed to continue now after the Senator from California. He has 5 minutes remaining on his time.

Mr. BRYAN. I assure the Senator, I will only speak for 5 minutes because I understand he has a commitment at noon.

Mr. ROCKEFELLER. Mr. President, it was my understanding that after the Senator from Nevada spoke and after the Senator from New Mexico spoke, I would be able to speak.

Mr. REID. Mr. President, if I could ask my friend from Nevada to yield for a minute.

The PRESIDING OFFICER. The Senator Nevada has the floor.

Mr. REID. So everyone understands what we would like to have happen, Senator BRYAN will speak for 5 or 6 minutes, and then Senator DOMENICI will take time under the control of Senator MURKOWSKI for whatever time he may consume, and then Senator BRYAN and I would be happy to yield to Senator ROCKEFELLER 10 minutes to speak on another issue. He has been very supportive of us on this underlying issue of nuclear waste. He wants to speak on something regarding his ranking membership dealing with veterans, introducing some legislation. We are happy to allow him to do that.

I ask that in the form of a unanimous consent.

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

Mr. BRYAN. Mr. President, for the remaining 5 or 6 minutes, let me just complete my thoughts on the issue of health and safety because I think this is the overriding issue.

EPA has proposed a standard of 15 millirems, consistent with what was done in New Mexico. S. 1287, in its original form, doubled this. We are debating this issue today because the nuclear utilities do not want the 15-millirem standard. That is what we are talking about.

One can have a difference of opinion as to whether or not nuclear power is good or bad or whether Yucca Mountain is or is not the proper scientific site. I might say, parenthetically, no one has ever made a determination that Yucca Mountain will meet the suitability standards. That remains to be seen. But how in God's world can we say we ought to change a health and public safety standard, one that is set by independent agents?

Let me point out that the history of matters nuclear has indicated that we have underestimated the risk and danger to public health. In the immediate aftermath of World War II, we exposed military veterans at Bikini and Eniwetok to levels of radiation exposure that today would be absolutely a crime. In my own youth, while growing up in Nevada, watching the detonations at Frenchman's Flat, where they dropped nuclear bombs out of B–29s, we were told it is ''absolutely safe, don't worry about a thing.'' Today, we know that nobody in his or her right mind would suggest that anyplace in the world. Indeed, the tragedy is that people downwind from that died of cancer and have suffered from other mutations.

There are literally hundreds of thousands of people in this country who helped us in America prevail in the cold war, working in our nuclear weapons production facilities, in the nuclear testing program in Nevada, who were told the diseases that they suffered from and the suffering and the death that families had endured had nothing to do with radiation. Today, to the great credit of this administration and the Secretary of Energy, Mr. Richardson, we now acknowledge that it was wrong, that people did become ill, and people did die because of radiation.

Every person in this Chamber will recall in his or her own personal life how, and today, when you get an x ray at your dentist, or a chest x ray, the amount of radioactive exposure you have is much less than it was earlier because we are fearful of what the consequences of this exposure over a period of time can mean. Many will recall going to the local shoe store and getting on a fluoroscope; you could see the bones in your feet and your mom or your dad would look at that just to see whether or not you had the correct fitting. That was exposure to radioactivity. There is no place in the country where that would be tolerated today. What did we learn? We learned the risk of radioactivity is much greater than we had originally thought.

To conclude this aspect of my discussion today, the whole history of radioactivity exposure, in terms of its impact upon us as human beings, has been that the standards ought to be increased in terms of safety. We have done that in the private sector; we have done that publicly. Now this legislation would suggest that we abandon that, and that in the name of helping out nuclear power industries—utilities particularly—we should reject the health and safety standard. It was good enough for our friends in New Mexico, and I support that, but never objected to. We simply say, look, what is sauce for the goose is sauce for the gander. Fifteen millirems is within the range of the National Academy of Sciences. To do anything less is a cynical and cavalier disregard for the public health of citizens in America generally, and Nevadans particularly.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I yield myself up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 minutes.

Mr. DOMENICI. Mr. President, I rise to support override of the President's veto of the Nuclear Waste Policy Amendments Act. This bill, S. 1287, under Senator MURKOWSKI's leadership, provided the first opportunity for real progress on nuclear waste issues during the term of the Clinton Administration.

With nuclear energy providing 22 percent of our Nation's electrical power, it is simply irresponsible for the Administration to continue to avoid all attempts at improving our handling of spent nuclear fuel. We must maintain nuclear energy as a viable energy option for our nation, and without concrete progress on nuclear waste, we will lose this part of our national energy supply.

American consumers are still facing dramatically higher prices for gas and oil, driven in no small part by the failure of this Administration to develop a coherent energy policy. We can't afford to place 22 percent of our electrical supply in jeopardy, and then pretend to be surprised when energy prices skyrocket.

These recent oil shocks have proven again the folly of over dependence on a single source of energy. They should have reinforced to the Administration that we need, more than ever before, a coherent energy policy that maintains a diverse energy supply portfolio. Nuclear energy is an important component of that portfolio.

As I've noted in the last few months, our response to this latest oil price episode was to approach the OPEC countries, tin barrel in hand, asking them to increase the flow of oil and lower our prices. That only serves to make us more dependent on their oil and increase the impact of the next episode of restricted oil availability.

Senator MURKOWSKI incorporated a very large range of concessions into the current bill, concessions that met every one of the Administration's advertised concerns. Unfortunately, as

we've seen before, this Administration is so determined to undercut the role of nuclear energy, that new objections were invented faster than concessions were granted.

I find it interesting that the Administration is treating the two major electrical producers in the nation, coal and nuclear, in somewhat similar ways. These two sources together account for over 70 percent of our electricity. Yet in both cases, the Administration is not focusing resources on actions that would address remaining concerns with these two sources. Our dependence on foreign oil would be far more serious with loss of either of these energy sources.

For coal, they should be increasing resources on clean coal technologies. For nuclear, they should be advancing timetables for addressing spent nuclear fuel. Neither is happening.

I believe that consumer concerns relating to nuclear energy are changing, as more information about the successes of this energy source becomes better known. Just yesterday, I checked on an MSNBC Internet poll on the 20 year anniversary of the Three Mile Island nuclear accident.

In that poll, 80 percent of over 18,000 people responding said that they believe nuclear energy is safe, with 85 percent favoring licensing of new plants.

I find it amazing how fear of anything in this country with ''nuclear'' in its title, like ''nuclear waste,'' seems to paralyze our ability to act decisively. Nuclear issues are immediately faced with immense political challenges.

There are many great examples of how nuclear technologies impact our daily lives. Yet few of our citizens know enough about the benefits we've gained from harnessing the nucleus to support actions focused on reducing the remaining risks.

Just one example that should be better understood and appreciated involves our nuclear navy. Their experience has important lessons for better understanding of these technologies.

The *Nautilus*, our first nuclear powered submarine, was launched in 1954. Since then, the Navy has launched over 200 nuclear powered ships, and about 85 are currently in operation. Recently, the Navy was operating slightly over 100 reactors, about the same number as those operating in civilian power stations across the country.

The Navy's safety record is exemplary. Our nuclear ships are welcomed into over 150 ports in over 50 countries. A 1999 review of their safety record was conducted by the General Accounting Office. That report stated:

> No significant accident—one resulting in fuel degradation—has ever occurred.

For an Office like GAO, that identifies and publicizes problems with government programs, that's a pretty impressive statement.

Our nuclear powered ships have traveled over 117 million miles without serious incidents. Further, the Navy commissioned 33 new reactors in the 1990s, that puts them ahead of civilian power by a score of 33 to zero. And Navy reactors have more than twice the operational hours of our civilian systems.

The nuclear Navy story is a great American success story, one that is completely enabled by appropriate and careful use of nuclear power. Its contributed to the freedoms we so cherish.

Nuclear energy is another great American success story, it is not a supply that we can afford to lose. It's a clean source of power, without release of greenhouse gases, with a superlative safety record over the last decade. The efficiency of nuclear plants has risen consistently and their operating costs are among the lowest of all energy sources.

I've repeatedly emphasized that the United States must maintain nuclear energy as a viable option for future energy requirements. And without some near-term waste solution, like interim storage or an early receipt facility, we are killing this option. We may be depriving future generations of a reliable power source that they may desperately need.

There is no excuse for the years that the issue of nuclear waste has been with us. Near-term credible solutions are not technically difficult. We absolutely must progress towards early receipt of spent fuel at a central location, at least faster than the 2010 estimates for opening Yucca Mountain that we now face or risk losing nuclear power in this country.

Senator MURKOWSKI's bill is a significant step toward breaking the deadlock which continues to threaten the future of nuclear energy in the U.S. I appreciate that he made some very tough decisions in crafting this bill that blends ideas from many sources to seek compromise in this difficult area.

One concession involves tying the issuance of a license for the ''early receipt facility'' to construction authorization for the permanent repository. I'd much prefer that we simply moved ahead with interim storage. An interim storage facility can proceed on its own merits, quite independent of decisions surrounding a permanent repository. Such an interim storage facility could be operational well before the ''early receipt facility'' authorized in this act.

There are absolutely no technical issues associated with interim storage in dry casks, other countries certainly use it. Nevertheless, in the interests of seeking a compromise on this issue, I supported this act's approach with the early receipt facility.

I appreciate that Senator MURKOWSKI included Title III in the new bill with my proposal to create a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

Now I'm well aware that reprocessing is not viewed as economically desirable now, because of today's very low uranium prices. Furthermore, it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat this spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make that decision. Title III establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

Title III requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. As we do this, I'll encourage the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

Title III requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With Title III, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

Mr. President, I want to specifically discuss one of the compromises that Senator MURKOWSKI developed. In my view, his largest compromise involves the choice between the Environmental Protection Agency or the Nuclear Regulatory Commission to set the radiation-protection standards for Yucca

Mountain and for the ''early release facility.''

The NRC has the technical expertise to set these standards. Furthermore, the NRC is a non-political organization, in sharp contrast to the political nature of the EPA. We need unbiased technical knowledge in setting these standards, there should be no place for politics at all. The EPA has proposed a draft standard already, that has been widely criticized for its inconsistency and lack of scientific rigor—events that do not enhance their credibility for this role.

I appreciate, however, the care that Senator MURKOWSKI has demonstrated in providing the ultimate authority to the EPA. His new language requires both the NRC and the National Academy of Sciences to comment on the EPA's draft standard. And he provides a period of time, until mid-2001, for the EPA to assess concerns with their standard and issue a valid standard.

These additions have the effect of providing a strong role for both the NRC and NAS to share their scientific knowledge with the EPA and help guide the EPA toward a credible standard.

Mr. President, I want to again thank Senator MURKOWSKI for his leadership in preparing this bill and in leading this over ride discussion. We need to overturn the President's veto, to ensure that we finally attain some movement in the nation's ability to deal with high level nuclear waste.

Mr. President, I won't respond to the millirem argument with reference to New Mexico and WIPP. Frankly, I believe it is irrelevant. Nonetheless, I wish to talk about nuclear energy power and what is happening to the United States of America. I say to the Senators from Nevada, I compliment them. They have been able, for a number of years, to delay the United States of America from having an underground permanent repository, and today, once again, they are successful. I understand they are acting in what they think is the best interest of their State. They are, once again, going to preclude the United States from coming up with an interim storage facility for nuclear waste.

Whatever the arguments have been, there is no science or engineering issue with reference to whether or not the United States of America can build, plan, and safely maintain an interim storage facility for high-level nuclear waste. Let me repeat. Nobody can, with any credibility, come to the floor of the Senate and say we cannot do that. In fact, we are doing so many things with reference to nuclear energy, with reference to radiation, that are more difficult than building an interim storage facility, a temporary storage facility for high-level waste for 25 or 50 years. In fact, the idea that we must find a permanent repository, one that will last for 20,000 or 30,000 years, for the fuel rods that come out of nuclear power reactors before we can proceed to take care of it for 50 or 100 years, borders on lunacy. It borders on standing reality on its head. The only possible reason could be that we don't believe we will build a permanent one if we build interim ones. But the truth is that it is not difficult; it is very safe once you have established it, and the only possible argument could be transportation.

We should have a debate on the floor of the Senate on whether it is dangerous for the American people to transport nuclear waste from fuel sites across the United States—and every Senator knows where they are in their States—to interim facilities that we don't have today. We told the American people that the waste would move from their states. Nobody should conclude that it is unsafe to move it across the United States. We are moving more, and risking more dangerous things on a regular basis, across the highways of the United States, with utter and total safety, than would be involved in this.

What is the issue? It seems to me that any time you are involved with radiation and anything nuclear, those who oppose it rely upon scaring the American people or their constituents, when the truth is that the United States of America gets 22 percent of its electricity from nuclear powerplants. Let me suggest that anybody who wants to test out what I am going to say have at it. That 22 percent of electricity produced in nuclear powerplants is the safest electricity produced in America. If you want to talk about risk of lives, injuries, health conditions, anything you would like, those are the safest sites producing electricity for the engine of American industry and for Americans living every day with computers built upon energy sources and electricity, and the like.

I laud Senator MURKOWSKI for his compromise legislation. Actually, I thought he might have even given away too much at one point, but looking at how things are going, he can't even get this passed. He has conceded a number of issues since this was originally proposed.

What do we do? We continue our dependence upon oil, and now natural gas, for our electricity in the future. This administration, by vetoing this bill and other actions, does the following things: One, they don't spend money on coal technology that will clean that technology up. Two, they don't spend money on finding an interim facility for nuclear waste. And then, three, we go begging those in Saudi Arabia and in Central and South America to continue to provide us with reasonably priced oil because we have become hostage to their oil.

Here we are, as a nation, worrying about oil supplies while the Democrats on that side get up and say this is not an issue; that the issues are Medicaid, Medicare, or Social Security. Well, the issue about 7 weeks ago was skyrocketing oil prices, which caused skyrocketing gasoline prices. What if we cannot produce electricity as we need it in America? Think what would happen to America.

Think what would happen in the United States if, in fact, we decided, as a nation, that we were not going to do anything with nuclear power, it is too dangerous, too scary, and we decided to shut it down. The United States would become a basket case soon.

When the Democrats get up in rhythm with each of them, saying this is not an important issue, my friends, this is a big issue. This is one of the most important issues to America's future because it has been made the linchpin about which we discuss the future of improved nuclear power in the United States of America.

I've become a strong advocate for nuclear power. I speak to it wherever I can. People listen. I think people believe we ought to continue with it. But we can't continue with it unless we decide what to do with the waste.

Recently, my spirits were lifted a bit by a poll on MSNBC Internet. I know it is not scientific poll, but it is pretty interesting. It's being conducted on the 20th anniversary of Three Mile Island. People still hearken back to that event and say, ''Look at what happened with nuclear power.'' Well, actually nothing happened. There was a leak. Nobody got hurt, and nothing happened.

Over 18,000 people responded on that MSNBC Internet poll, and 80 percent believe nuclear energy is safe. Eighty-five percent favor licensing power plants in the future for nuclear power.

Right now, today, the U.S. Navy has slightly over 100 nuclear reactors with partially spent fuel rods in the power plant. Those 100 nuclear power plants are sailing the oceans and the seas of the world in the hulls of submarines, battleships, and aircraft carriers. Some have two power plants in them—two complete nuclear reactors with the fuel rods that we are down here talking about and we don't know what to do with. They are on ships. Those ships are welcomed in almost every seaport in the world, except New Zealand because it had some argument about it years ago.

Imagine, all the big ports in America welcoming U.S. Navy ships into their waters and their harbors. What do they have in them? Nuclear power plants with their fuel rods. Why do they let them in? Why don't they say that is terrible, as we are saying here on the floor, and people are going to get hurt? Because they have been audited, and reaudited.

The General Accounting Office has looked at it and concluded, like no other study, that U.S. Navy ships are totally safe, never having had an accident since the *Nautilus* was launched in 1954.

We are here today arguing about whether we can safely take spent fuel rods—not in a pond of water where, if something happens, it goes everywhere. But we are talking about whether we

can haul it down the road or highway and take it somewhere. It is on all the oceans of the world, and nobody is even talking about it.

Then we are arguing about, once you get it there, it is just too scary to think of storing it there.

France has about 80 percent of its energy in nuclear. They get the benefits of what I am bringing to the surface now—there is no air pollution to speak of in France because nuclear power does not create the air pollution we are worried about with reference to global warming.

The United States of America runs around the world negotiating how to clean our air so we will not have global warming. And here we're talking about the principal source of electricity that would be totally clean. We scare our people to death about moving fuel rods down a highway when the oceans and seas of the world have nuclear power plants floating under water and on top of the water by virtue of 100 U.S. Navy ships at sea.

Actually, France, which I just described, does not today have a permanent repository.

You heard the argument, fellow Senators, and those listening, that we don't want to have interim storage until we have a permanent repository for certain.

I think France is pretty concerned about the health and safety of their constituents, the French people. They aren't building underground repositories yet because they are very satisfied with having interim, temporary storage. Sooner perhaps than later, they will find a way to use that spent fuel, which is highly radiated, either to produce more energy, or they will break it into its components and make sure they can safely put it somewhere.

There is no question in this Senator's mind, that this is a big issue. This is America trying to turn science, engineering, and safety on its head to try to make fear where there is no reality of fear, to try to conclude that this great Nation cannot take care of the nuclear waste coming out of our powerplants with the end product being no more nuclear power.

What a shame, if that happened in the Nation that started it, that led it, that built the safest reactors in the world—safer than 20 or 30 coal-burning, electricity-generating plants, or any kind of plant.

What if we as a matter of fact kill nuclear power while the rest of the world proceeds to use it in China, Japan, Europe? We're doing that by not finding a way to do the easiest part of the fuel cycle, which is to temporarily put spent fuel somewhere in a repository of interim measure?

It would appear to me that, innocently or intentionally, those who oppose it are failing to recognize the significance of the future of nuclear energy and nuclear power for America and for a world that wants to be clean and wants to have growth and prosperity without global warming.

From my standpoint, not only do I refute the argument that this is not important, that there are other issues more important.

I want to say that the President is making a very big mistake for America's future by vetoing this compromise bill. The Congress passed it in both bodies overwhelmingly. Now, because of his veto ban, we need 66 votes in the Senate. That is probably too hard to do for an issue such as this. But sooner or later, a President will sign a bill. I am hoping it is sooner.

Obviously, we shouldn't try it again with the current President because it won't fly. But I personally believe the day will come soon when we will have the repository, wherever it is, and we will not come to the floor of the Senate and hearken back to the numerous times we have denied the validity and credibility of the fact that it can be easily and safely transported and easily and safely put in 30- to 50-year interim repositories.

I yield the floor. I thank the Senate for listening.

The PRESIDING OFFICER. Under the previous agreement, the Senator from West Virginia is recognized for up to 10 minutes.

Mr. ROCKEFELLER. I thank the Presiding Officer.

VIETNAM: HONORING THOSE WHO SERVED

Mr. ROCKEFELLER. Mr. President, this past Sunday, April 30, was the 25th anniversary of the end of the Vietnam war. And that reaches deep into the soul of every Member of this body, all across America, and all across the world.

Our involvement with Vietnam was filled with discord, it was filled with anxiety, and it tore sections and generations of our country apart. It began slowly. It gradually escalated and became ''a bottomless quagmire'' for America, ''our longest, costliest, and . . . least popular war,'' until it finally came to an end.

Many in our country were very ambivalent about this war. Some thought we didn't fight hard enough, some thought we turned our backs on the South Vietnamese, and some thought we should have fought a lot harder. Many became disillusioned with our Government. I think that experience changed the nature of American politics and public life for at least some time to come.

However, there should be no ambivalence whatsoever about those who fought that war. Today I want to pay homage to those who fought that war. It doesn't matter whether you were for or against the war. All who served there deserve our appreciation, our respect, our caring, our compassion. It would have been easier to fight in a popular war. There are such wars, oddly enough. It is obtuse to say that, but it is true.

But it took guts, courage, and endurance to fight in that war and survive it; to resist the erosion of the bad morale which overtook at least part of our ground forces in Vietnam. And then, of course, there was the lack of united support from the home front which had to have just overwhelming consequences, not only while the soldiers were there, but even more so when they returned.

Those who served did their duty, and they did it under very difficult, trying circumstances. Their motto might very well have been what Alexander Pope said:

> Act well your part, therein all honor lies.

Looking back at this war, like the war before it and others, what strikes me with enormous poignancy and tenderness, is how young our soldiers were. Many were teenagers—18- and 19-year-old men and women—from familiar and comfortable surroundings, leading lives we all might identify with, sent to a completely foreign country, a foreign culture, halfway around the world, not knowing what to expect. They encountered baking heat, torrential rain, fire ants, leeches, and the enemy. They could not imagine the world of horror that awaited them when they got there. Presumably they were trained and told about it, but I think it was unimaginable to them when they got there. There was no clear enemy line. They could be ambushed at any minute. They couldn't tell enemies from allies.

Some never came back. The more than 58,000 names on the Vietnam Memorial Wall attest to that. But painful as it is to view those names, it does not begin to encompass the scope of pain caused by that war. Like a pebble thrown in a pool, each single name on the wall is ringed by concentric circles of others touched by that person's death—widows, mothers, fathers, sisters, brothers, aunts, uncles, friends. For all in that pool, certain hopes and dreams died as well. We grieve for all of them.

Some came back wounded. In an instant, life could change. Soldiers could step on a landmine; they could be killed by friendly fire; they could come under random attack. They never knew from moment to moment. Due to the wonders of modern medicine, many of those who, in earlier wars, would have died, did not and were saved; they survived. But merely surviving posed tremendous burdens on those who did. The process of adapting, accepting, and moving on is easy to say, very hard to do.

So I salute the stubborn resilience and perseverance of those who did move on with life after recovering from injury.

Some came back suffering from emotional trauma—people call it PTSD—and many other things. For them, it has been a very hard road to make peace with the past. They are still haunted by it, fighting it in their nightmares, in startle reflexes to sudden noises which bring back memories of perceived danger. They may turn to

alcohol to numb the constant pain, to drown the memories.

Veterans suffering from post-traumatic stress disorder deserve our most profound compassion, love and caring. As we have discovered, PTSD in fact goes back even to World War I. We are discovering a lot of things about the consequences of war. We have no way of knowing what people have been through, those of us who were not there. But we cannot judge their continuing pain. We cannot judge them. But we can honor them, and we need to do that, to respect them for what they have done, and to hope they will recover as others did.

As a Senator from West Virginia, I have more than a personal interest in this war. Statistics show that West Virginia's soldiers suffered more casualties per capita during that war than any other State in the Union. On this day, I salute our West Virginia veterans in particular. I am enormously proud of the sons and daughters of West Virginia, who, as they have done throughout history, volunteered or were drafted, and went to fight and to protect their country and their freedom, mountain men doing what needed to be done.

That fighting spirit and strength of character runs incredibly deep in this Senator's State, and this Senator is very proud of it.

Lyndon Johnson called the war ''dirty, brutal and difficult.'' It tore apart our country, devastated lives, caused tremendous personal hardship and unbearable pain. Twenty years later, the scars are still healing.

I am reminded of the words of Maya Lin, the young architect student who designed the Vietnam Memorial. In conceptualizing the form of her design, she wrote:

> I thought about what death is, what a loss is. A sharp pain that lessens with time, but never quite heals over. The idea occurred to me there on the site. Take a knife and cut open the earth, and with time, the grass would heal it.

With time, the wounds of Vietnam will heal. But we should never forget the courage and bravery of those who served there. Let us always honor our men and women who fought and died in Vietnam.

(The remarks of Mr. ROCKEFELLER pertaining to the introduction of S. 2494 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I yield 5 minutes to Senator GRAMS.

The PRESIDING OFFICER. The Senator from Minnesota.

NUCLEAR WASTE POLICY ACT OF 2000—VETO—Continued

Mr. GRAMS. Mr. President, I want to take just a few minutes today to speak about the Nuclear Waste Policy Amendments Act and the President's recent veto of this legislation.

Throughout the past 5 years, I have repeatedly come to the Senate floor to discuss this important issue and its impact on my home State of Minnesota. I have, on countless occasions, laid out for Members of the Senate the history of the nuclear energy program and the promises made by the Federal Government. Every time I sit down to discuss this matter with stakeholders, I am reminded that the Federal Government not only allowed, but strongly encouraged, the construction of nuclear power plants across the country.

This point needs to be clearly understood by the Members of this body. Our Nation's nuclear utilities did not go out and invest in nuclear power in spite of Federal Government warnings of future difficulties. Instead, they were encouraged by the Federal Government to turn to nuclear power to meet increasing energy demands. Utilities and states were told to move forward with investments in nuclear technologies because it is a sound source of energy production.

It is important to note that the Federal Government's support for nuclear power was based on some very sound considerations. First, and I believe most important, nuclear power is environmentally friendly. Nothing is burned in a nuclear reactor so there are no emissions released into the atmosphere. In fact, nuclear energy is responsible for over 90% of the reductions in greenhouse gas emissions that have come out of the energy industry since 1973. Between 1973 and 1996, nuclear power accounted for emissions reductions of 34.6 million tons of nitrogen oxide and 80.2 million tons of sulfur dioxide.

Second, nuclear power is a reliable base-load source of power. Families, farmers, businesses, and individuals who are served by nuclear power are served by one of the most reliable sources of electricity. In Minnesota, nuclear power accounts for roughly 30% of our base-load generation.

Third, nuclear energy is a homegrown technology and the United States led the way in its development. We have long been the world leader in nuclear technology and continue to be the world's largest nuclear producing country. Using nuclear power increases our energy security.

Finally, much of the world recognizes those same values and promotes the use of nuclear power because of its reliability, its environmental benefits, and its value to energy independence.

Because of those reasons, the Federal Government threw one more bone to our Nation's utilities. It said if you build nuclear power, we will take care of your nuclear waste. We will build a repository and take it out of your States. In response to those promises, over 30 States took the Federal Government at its word and allowed civilian nuclear energy production to move forward.

Ratepayers agreed to share some of the responsibilities, but were promised some things in return. They agreed to pay a fee attached to their energy bill to pay for the proper handling of the spent nuclear fuel in exchange for an assurance that the Federal Government meet its responsibility to manage any waste storage challenges. Because of these promises and measures taken by the Federal Government, ratepayers have now paid over $15 billion, including interest, into the Nuclear Waste Fund. Today, these payments continue, exceeding $600 million annually, or $70,000 for every hour of every day of the year. In Minnesota alone, ratepayers have paid over $300 million into the Nuclear Waste Fund.

In summary, the Federal Government promoted nuclear power, utilities agreed to invest in nuclear power, states agreed to host nuclear power plants, and ratepayers assumed the responsibility of investing in the long-term storage of nuclear waste. And still, nuclear waste is stranded on the banks of the Mississippi River in Minnesota and on countless other sites across the country because the Department of Energy has a very short-term memory and this administration has virtually no sense of responsibility.

We can argue all day long in this Chamber on the merits of nuclear power. But we cannot deny that the Federal Government promoted nuclear power and promised to take care of nuclear waste.

The Clinton administration, however, would have you believe that they do not have a responsibility to deal with nuclear power. I have been working with Senator MURKOWSKI and many other Members over the roughly 5 years that I have been in the Senate to establish an interim repository for nuclear waste and move forward with the development of a permanent repository. We have brought a bill to the floor that accomplishes those objectives in each of the past two Congresses. Each time, we passed the bill in both the House and the Senate with overwhelming, bipartisan support. Just over 2 years ago, we passed a bill that would have removed nuclear waste from States by a vote of 65–34 and the House passed the bill with 307 supporters—a veto-proof majority. We have had extensive debate with the opportunity for anyone to offer amendments. We have thoroughly addressed most issues related to nuclear waste storage, including the transportation of waste across the United States. Yet every time we have passed a bill that fulfills the Federal Government's commitments, President Clinton has issued his veto threat and stopped our efforts in their tracks.

Here we are again. The President has vetoed the legislation before us today and apparently taken great pride in doing so. Time and again, when confronted with making the tough decisions about the future of our Nation's energy supply, this President has ''punted,'' and refused to take any responsibility for the energy needs of our growing economy.

If it were not such a serious matter, I would have to say that the President's approach to energy policy is comical. When was the last time anyone here heard the President speak in any great detail about energy issues? He does not. I do not think he cares or at least his policies reflect a great degree of indifference to the energy needs of our Nation's consumers.

He has turned over the reins of the Energy Department not just to Secretary Richardson, but to AL GORE, and Bruce Babbitt, and Carol Browner, and anyone else who has an agenda with an aspect of the energy industry.

As many of my colleagues know, I have been a strong critic of the Department of Energy since coming to Congress in 1992. I have long argued that the Department has failed miserably on its most basic mission of increasing our Nation's energy independence. The Department was created in the late 1970's in response to that decade's energy crisis. Since that time, our reliance on foreign oil has increased from 35% to almost 60% today. In the 1970s, we were looking to increase our use of nuclear energy, today we are looking at closing down plants before their licenses have expired. In the 1970s, much like today, hydro power was a very popular form of electricity generation among the American public. Even still, this Administration wants to rip apart hydro dams in the Northwest and, I guess, replace them with fossil fuels.

Therein lies the great irony of the Clinton administration's approach to energy and the environment. This administration had the vision to agree to legally binding reductions in greenhouse gas emissions while at the same time failing to take even the most basic steps to protect emissions free nuclear power plants from shutting down. I asked the administration's chief Kyoto negotiator, Stuart Eizenstat, about nuclear energy during a Foreign Relations Committee hearing and he said that we absolutely needed nuclear energy to meet the demands of the Treaty. In fact, he said that he believed his own administration ought to have done more and ought to be doing more to promote nuclear power. Mr. Eizenstat, the President's signature on this bill would have been a great first step. Instead, this President has taken an action which I argue is harmful to the environment and contradicts his statements and actions that he wants to improve air quality in our country.

Nuclear energy, however, is not the only example of this administration's hypocrisy on energy and the environment. Hydro power, as well, is an emissions free form of electricity generation. Yet this administration is engaged in at least two separate activities that undermine the future of hydro power and its environmental benefits. As I mentioned earlier, this administration wants to rip open hydro dams in the northwest and, I guess, replace that electricity with fossil fuels. Second, this administration, in its electricity restructuring proposals, wants to require a certain usage of renewable energy but refuses to include hydro power as a renewable energy source. These are all perfect examples of how this administration isn't truly interested in results oriented clean air goals. Instead, they want to deeply involve themselves in the process of achieving environmental goals, regulate like crazy, and predetermine winners and losers. Unfortunately, the only real losers in the Clinton energy circus are the American consumers.

I want to touch on one last Clinton administration energy and environment contradiction. As my colleagues know, this administration has been opposed to new oil and gas development on public land. In fact, Vice President GORE recently stated that he would do everything in his power to stop offshore oil and gas leasing. Both President Clinton and Vice President GORE tout these stances against oil and gas development as part of their legacy of environmental protection. I ask my colleagues, do you think other nations on whom we rely for our oil supplies are employing the environmental protections and reviews that we require? Do you think Iran, Libya, or Iraq are going the extra mile to protect the environment? Do you think the OPEC nations are holding themselves to the stringent environmental standards to which we hold companies on U.S. soil? We all know the answer is an emphatic no. Yet this administration is opposing virtually any exploration of oil and gas reserves on public land for environmental reasons, while at the same time, it employs its ''tin cup diplomacy'' that relies upon countries like Iran, Iraq, Libya and others to increase their production for us. I ask my colleagues, if you look at the global impacts of the Clinton administration's actions, who are the real environmentalists? Certainly not the Clinton administration. It is clear to me that this administration's policy against exploration and development, when compared against its policy of begging for increased oil production abroad, is a net loss for American jobs, family checkbooks, domestic energy security, and the environment.

I am getting a little off track, but I believe this point needs to be clearly understood when we are talking about a long- term plan to remove, transport, and store nuclear waste. This administration is not concerned about results, nor is it really concerned about the environment. Instead, this administration is concerned solely with its political agenda and keeping the nuclear industry on the ropes.

We can, as a nation, move forward now and deal with our nuclear waste. There is simply no scientific nor technological reasons why we cannot move waste from civilian reactors to a central repository. In fact, we ship waste across our Nation right now—including the waste we have accepted from 41 other nations under the Atoms for Peace program. Our Nation's fleet of nuclear powered vessels go from international port to port. They protect the world and our Nation's interests in a way that is only allowed them through the use of nuclear power. There is overwhelming proof that we can transport nuclear waste on ships, roads, and rail without a threat to either the environment or human beings.

I am going to support the legislation before us, and I urge my colleagues to do the same. If the President is not going to have an energy policy, then we in Congress had better step forward and forge one of our own. When the brownouts begin increasing in frequency and energy rates rise, President Clinton will be long gone and we will be left to explain to our constituents why their family lost its power, their business lost a days work, or their farm was unable to milk its cows.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank Senator GRAMS for his statement, particularly for highlighting the risk we face in not acting, inasmuch as some of our plants that anticipated having Yucca Mountain available for permanent storage, indeed, are in danger.

Maryland, for example, has two reactors at Calvert Cliffs producing over 13,000 kilowatts a year. They provide 26 percent of the clean electricity for the State of Maryland. The consumers in Maryland have paid $337 million into the nuclear waste fund since 1982. There are 741 metric tons stored there, and it is short term. It is temporary because, when they built that plant, they were looking at Yucca Mountain as a permanent storage. Indeed, there is genuine concern about the ability to maintain this very clean source of energy if, indeed, we do not act in this body and override the President's veto.

Before we break, I wish to take my colleagues through a brief summary of the inconsistencies of this administration with regard to transportation.

In 1996, the Clinton administration agreed to participate in the Foreign Research Reactor Program where, over a 13-year period, some 20 tons of spent nuclear fuel from 41 countries will be shipped to the United States for storage. It goes into Concord, CA, and up to Idaho on railroads and highways. It goes into Savannah River and is moved there through the rail system, as well as highways.

At the Savannah River site in South Carolina, as well as the Idaho National Engineering and Environmental Laboratory, this waste is moved, depending on whether it comes from the west coast or east coast—shipment comes in on freighters through the Charleston Naval Weapons Station in South Carolina and the Concord Naval Weapons Station in California—the spent fuel is transported from the ship to a final designation by either rail or truck.

Shall we leave it in California? Shall we leave it in South Carolina?

The President mentions the importance of nonproliferation goals that a central repository will meet and that the nonproliferation for these shipments of foreign spent fuel is a good one. We do not want terrorists or rogue governments coming into possession of these weapons, but let's look at reality.

For example, when the program started in 1996, we were faced with transporting spent fuel from a reactor in Bogota, Colombia. The spent fuel was moved from the reactor, loaded into a shipping cask, placed into a semitractor trailer truck for shipment, and then what did we do? We went to the Russians.

We chartered a Russian Antonov AN–124 airplane large enough to carry tanks and helicopters and drove the semi aboard the plane and flew the shipment to the seaport city of Cartagena and placed it on a freighter. It then joined spent fuel already loaded from Chile. It was delivered to the Charleston weapons center where it was loaded on railcars to Savannah River.

This was the Department of Energy acting to pull out all stops, sparing no expense to complete this important shipment. Administration policy then is to take nuclear fuel from foreign nations flying, shipping, and trucking all over the world and storing it at military facilities, and even building interim storage sites in the United States, but this administration will not address the waste generated by the domestic nuclear power industry; it will not reconcile a policy to address this in a responsible manner. It would rather leave it at the 40 States in 80 sites. That is what this administration proposes to do. It is unconscionable at a time when we are looking to the nuclear energy for roughly 20 percent of the power generated in the United States, and this administration does not accept its responsibility. That is why I urge all my colleagues to look at this realistically: Do we want the waste concentrated where it is in temporary storage, or do we want it in a permanent repository where we have already expended some $7 billion to place it?

I believe my time has expired or is about to expire.

The PRESIDING OFFICER. The Senator has a minute and a half left.

Mr. MURKOWSKI. In a minute and a half, I note the Senator from California showed a beautiful picture of Death Valley. I will show you a beautiful picture of the proposed location of the repository out at Yucca Mountain.

This is it. It is not very pretty. We have had 800 nuclear weapons tests in the last 50 years. That is the area we are talking about.

Some suggest, why are we talking about this when we have other more important things to do? This is an obligation of this Congress. The House has acted. It is up to the Senate to act now and move this legislation over the President's veto.

This is important. This costs the taxpayers money. We have an obligation. Furthermore, this is the pending business of the Senate at this time because the House voted. It went down to the President. The President vetoed it. It is the standing order of business before this body. So it is most appropriate that we resolve this matter today.

I encourage my colleagues this afternoon to vote to override the President's veto.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. In my 12 years in the Senate, I have to say this is the most unfocused debate we have had on this issue. We are not here today to debate whether or not nuclear power is good or bad for the Nation. We are not here today to debate whether interim storage is an appropriate response. We are not here to debate whether or not France has no pollution, as some have suggested, because they have nuclear reactors. I must say, parenthetically, I am not aware that France propels its automotive fleet through nuclear power. But perhaps we can discuss that at some other date.

Very simply, what we are here to talk about is a piece of legislation which the President of the United States has courageously vetoed that would alter the health and safety standards for the Nation. That is the issue. Every American—regardless of his or her politics—should be proud of the President's position.

Our colleagues on the other side of the aisle have taunted our colleagues who support the position that my colleague from Nevada and I have been advocating, as well as the distinguished Senators from California and New Mexico today, saying: What are you going to tell your constituents when you return home? The answer that every Member can give, with a straight face, in responding to that question is: Look, I voted to uphold the health and safety standards of the Nation. I was not prepared for any industry, even though I might support nuclear power, to reduce the health and safety standards for millions of people in this country. I will not do it for nuclear power. I will not do it for anything else. I will not be beholding to a special interest. I am voting in the best interests of my constituents and the Nation in upholding public health and safety.

That is the answer. That is the most powerful response that can be given.

May I inquire how much time I have left.

The PRESIDING OFFICER. Twelve seconds.

Mr. BRYAN. Twelve seconds.

I yield the remainder of my time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will be in recess until the hour of 2:15 p.m.

Thereupon, at 12:33 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

NUCLEAR WASTE POLICY AMENDMENTS ACT OF 2000—VETO—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 p.m. having arrived, there will now be 30 minutes under the control of the Senators from Nevada, Mr. REID and Mr. BRYAN, and 30 minutes under the control of the Senator from Alaska, Mr. MURKOWSKI.

Who seeks time?

Mr. MURKOWSKI. Mr. President, I yield 6 minutes to my good friend, the Senator from North Carolina.

Mr. HELMS. Mr. President, I have been around this place a long time and a lot of things have happened that I can't quite understand, one of them being the veto of this measure by the President of the United States. If you stop and think, you see that it is purely political. For that reason, I hope this Senate will not hesitate to vote to override the veto of S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

The President's decision to veto this vital legislation is just further evidence that the Clinton administration has no energy policy, except the appeasement of the doctrinaire environmentalists.

Because of the President's purely political veto, the United States will continue to have spent fuel assemblies piling up at all nuclear generation facilities throughout the United States—including five facilities in North Carolina.

The taxpayers of my state alone have paid more than $700 million into the Nuclear Waste Disposal Fund justifiably expecting that the spent fuel assemblies would be transported to Yucca Mountain, Nevada, for permanent storage.

But no, it was not to happen, according to the environmentalists, and therefore according to the President of the United States, who immediately got his pen out and vetoed it.

A portion of the monthly electric bill payments of North Carolinians and other states goes into this fund, but while the Administration plays its political veto game, North Carolina's utility companies have been forced to construct holding pools or dry cask storage facilities to store this used material. This has caused additional expense for the utilities and higher prices for their customers.

Why did Mr. Clinton veto this legislation? Clearly it was to appease the self-proclaimed environmentalists, who so piously proclaim their concern about the air Americans breathe. We are all concerned about that.

Mr. President, it has long been self-evident that these so-called self-proclaimed environmentalists are opposed

to nuclear energy production—which is, behind hydro-power, the cleanest source of electricity. Nuclear power generation does not emit greenhouse gasses into the atmosphere.

The question is inevitable. Is it not better for the environment that no fossil fuels are burned?

So while the President plays politics to please the self-proclaimed environmentalists the spent fuel assemblies continue piling up all over the country in spite of the availability of the Yucca Mountain storage site which—according to the experts— poses absolutely no environmental risks for the permanent disposal of the spent fuel assemblies.

A handful of North Carolina anti-nuclear activists are complaining about the on-site storage of this material. If these activists were truly concerned about the environment, they would support this legislation and urge the federal government to complete construction of the national storage site at Yucca Mountain in one of the most remote areas of the United States.

I have at hand a copy of a letter sent to President Clinton by the Executive Director of the Public Staff of the North Carolina Utilities Commission urging the President to sign S. 1287. I ask unanimous consent that this letter be printed in the RECORD.

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

NORTH CAROLINA PUBLIC STAFF UTILITIES COMMISSION, RALEIGH, NC,

April 11, 2000.

The President,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As Executive Director of the Public Staff-North Carolina Utilities Commission, I am keenly aware of the need for an effective federal nuclear waste management program, and I strongly encourage you to sign S. 1287 passed earlier in the year by the Senate and House.

Nuclear energy accounts for nearly half of the electricity produced in North Carolina. Our state's electricity consumers have paid more than $700 million into the Nuclear Waste Fund. The national repository for nuclear spent fuel, however, is currently not scheduled to open until 2010, twelve years behind the statutory obligation in the Nuclear Waste Policy Act of 1982.

The two nuclear plant operators in North Carolina—as well as those around the country—are being forced to undertake costly, alternative measures to compensate for the delays and shortcomings in the federal program.

The nuclear waste legislation on the table will be a positive step in the right direction and will provide nuclear plant operators and the communities around their facilities some assurance that the Federal Government will fulfill its obligations in this matter. It is not sound public policy to force nuclear plants to continue indefinitely on-site interim storage of their spent fuel. It is a more responsible course to consolidate the spent fuel in a central facility designed for safe, permanent disposal.

I understand you have reservations about S. 1287. The bill may be imperfect, but it represents a sensible and long overdue first step in restoring public confidence in a federal program that is a vital component of our national energy policy.

I request your support of S. 1287.

Sincererly,

ROBERT P. GRUBER.

Mr. REID. Mr. President, I yield myself 12 minutes.

This debate is not about nuclear power. It is not about whether you are in favor of nuclear power generation or opposed to it. But it is about health and safety concerns in America we should have for nuclear waste and other such issues. It is about health and safety. That is what S. 1287 is all about—lowering health and safety standards relevant to nuclear waste.

My good friend, with whom I have worked for many years on the water subcommittee of Appropriations—I have great respect for the chairman of the Budget Committee—came to this floor this morning and spoke in favor of overriding the Presidential veto. My friend, the senior Senator from New Mexico, said ''radiation standards are irrelevant.'' That is a quote. I can't imagine anyone saying that, including my good friend from New Mexico, who is someone who should know better—''radiation standards are irrelevant.''

I guess that is what they said earlier in this century when we had patent medicines. They advertised, saying they would cure all kinds of diseases—arthritis, lumbago, and pleurisy—and the medicines wound up killing people. It is the same when they talk about x rays being irrelevant. Radiation from x rays is irrelevant, except it kills people. My father-in-law was an x ray technician. He died as a young man from cancer of the blood as a result of being exposed to x rays.

Radiation standards are relevant. They are as relevant today as they were then. They are as relevant today as they were when we were told 50 years ago that aboveground nuclear tests were OK, that radiation was not relevant. We sent soldiers and others into these nuclear clouds and they died, and some are still sick as a result of that.

Radiation is relevant. It is relevant in the transportation of nuclear waste. It is relevant in the storage of nuclear waste. That is what this debate is all about.

Of course, this is a challenge. We have 100 sites that are generating nuclear power today. They are indicated on this chart. But to say we are going to eliminate all 100 sites and wind up with one in Nevada is not true. We will wind up with 100 of them. With the one additional nuclear waste site in Nevada, instead of 108 we will have 109. These places aren't going away. Some are generating nuclear waste. Those that aren't generating nuclear waste will be nuclear repositories for many years to come.

The reason radiation is relevant is we have a nuclear nightmare. I have placed on this chart only the railways where nuclear waste will be transported. I haven't added the highways. This is a nuclear nightmare because accidents are happening every day, literally.

This is from a recent newspaper account in LaGrande, OR. An accident happened because a rail was a little out of line, causing this terrible accident. Locomotives are dumped all over. Here are locomotives which you can just barely see. You can see a little bit of yellow down here. Here is one dumped in the marsh.

We have a farm back here. One of my staff members happens to be here on the floor today, Kai Anderson. This was his family's farm. This train derailed where people lived.

These accidents happen all the time—3 engines, 29 cars derailed. You can see stuff dumped out all over.

Radiation matters. Radiation is not, as my friend said, ''irrelevant.'' We have a challenge, as we indicated. But this debate is not about whether or not you are in favor of nuclear power generation. This debate is not about Nevada. It is about our country. It is about health and safety standards for our country.

If this bill is allowed to pass, 43 States will have nuclear waste passing through them without appropriate health and safety standards.

My friend from North Carolina talked about not understanding why the veto took place. I made notes as he spoke. He said it was ''political.'' If the President were political, he certainly wouldn't go against 40 States, many of them very heavily populated States. He wouldn't go against the biggest businesses in those States—utilities. He did it because he believed in the health and safety of the people of this country. He could have gone with where the numbers were. He decided not to do that.

The citizens of North Carolina, he said, deserve to know why he is doing it. It is an easy answer why the President did this—because the people of North Carolina deserve health and safety standards just as everyone else. They may have some stored nuclear waste there. But they need to have it stored in a safe manner.

As I said this morning, if you are wondering what we are going to do with our nuclear waste, it is an easy question to answer. What we are going to do with our nuclear waste is what they are doing at various sites around the country. They are storing it onsite.

We have already spent in the State of Nevada over $7 billion characterizing Yucca Mountain. You could store it onsite safely in dry cask storage containers. You could establish a nuclear waste repository site where the waste is generated—where the power is generated. You could do that for $5 million. It would be safe. It would not be subject to terrorist threats.

We don't have to worry about transportation. We don't have to worry about the loss of public confidence. It would be cheap. We could save this country and the utilities money. My friend from North Carolina talked about not millions but billions of dollars. Ground water would be protected. There would be no risk to children.

There would be decent radiation protection standards.

I can't express enough my appreciation to the President and the Vice President for their support on this issue, and also the courageous Senators—Democrats and the two Republicans. The Senator from Rhode Island and the Senator from Colorado, with untold pressure being placed on them, are going to vote to sustain the Presidential veto. The 33 very powerful and courageous Democrats—and I say the same about my 2 Republican friends—I am very appreciative of their support and courage.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I grant 5 minutes to Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the distinguished Senator from Alaska. I appreciate his leadership on this issue.

I see the poster the Senator from Nevada has of a train wreck. But I have heard many others say on this floor that if a train carrying nuclear waste wrecks, the nuclear waste doesn't blow up; it just lies on the ground. There was once a train with chemicals on board wreck about 200 yards from my mother's house. That was a very dangerous train wreck; with explosions and chemicals leaking into the air and on the ground. Had it been nuclear waste, it would have been sealed up and would not have blown up, or have gone into the air, or seeped onto the ground. It would have just sat there—posing little risk to people or the environment. It is just not that dangerous to transport. In fact, as Senator DOMENICI has noted, ships and submarines with nuclear fuel in them ply the oceans every day. Those ships use the same fuel and create the very same nuclear waste which we are looking to dispose of today.

I will note that this debate is a political issue. There was an excellent film on global warming on ''Frontline'' about 2 weeks ago. Basically, they concluded our energy needs could not be met and our environmental needs could not be met without nuclear energy. There was no other conclusion you could reach from watching that, but an activist who opposed nuclear energy said the main reason she opposed it was because we could not get rid of the waste. That is an absolutely bogus argument.

We have the ability to solve this problem. But until we do, we have, in effect, shut off our ability to produce a cleaner environment and get on with emission free energy production at a reasonable cost.

The President has noted, in the State of the Union, that we have to do something about global warming. He attempted to get us to ratify the Kyoto treaty to reduce greenhouse gas emissions by 7 percent from the 1990 levels. But this Senate, voted unanimously, 95–0, against the agreement.

Our greenhouse gas emissions have gone up 8 percent since 1990. So to meet the Kyoto agreement, we would have to have over a 15-percent reduction in greenhouse gas emissions between now and 2012. There is no way that can be done without nuclear power.

The Energy Information Agency predicts a 30-percent increase in demand in electricity in this country by the year 2015. 20 percent of our power today comes from nuclear energy. France produces over 60 percent, and Japan, nearly 50 of its electricity from nuclear power sources.

Between 1973 and 1997, nuclear power generation avoided the emission of 82.2 million tons of sulfur dioxide and 37 million tons of nitrous oxide into the atmosphere. In 1997 alone, emissions of sulfur dioxide would have been about 5 million tons higher and emissions of nitrogen oxide, 2.4 million tons higher, had fossil fuel generation replaced nuclear. Billions of tons of carbon and millions of tons of methane—believed to be the most significant greenhouse gas—are not emitted because of nuclear power. The building blocks of ozone, a proven irritant and health risk to sensitive children and the elderly, is not emitted at all by nuclear power plants. Ozone precursors are emitted in all other fossil production of power.

Sixteen percent of the world's electricity is coming from nuclear power, but we here in the U.S. have a strained situation because we cannot dispose of the waste. This problem drives up the cost of nuclear power which makes this cleanest of all power generation sources almost uneconomical. Certainly, one of the main reasons we are not building any new plants today is because of our inability to solve the waste problem.

Even as some in the environmental movement are changing their views on nuclear power, the Vice President is not. In the April 22, edition of the Congressional Quarterly:

> Vice President Gore stated he does ''not support an increased reliance on nuclear power for electricity production'' but would ''keep open the option of relicensing nuclear power plants.''

I visited the Tennessee Valley Authority's existing plant a few weeks ago in north Alabama. They set a record for safe operation without one shut down in over 500 days. It produces no environmental discharge. One thousand workers are there, quite happy, making excellent wages and providing a steady, 24-hour-a-day supply of clean electricity for the Tennessee Valley Authority.

That is good for this country. It means we are not having to burn coal. It means we are not having to import oil to generate our power.

But members of the Administration are not unanimous in their position on nuclear power. In 1998, Under Secretary of State Stuart Eizenstat remarked:

> I believe very firmly that nuclear has to be a significant part of our energy future and a large part of the Western world if we're going to meet these emission reduction targets. Those who think we can accomplish these goals without a significant nuclear industry are simply mistaken.

Another administration official, Ambassador John Ritch, speaking to the North Atlantic Assembly said:

> The reality is that, of all energy forms—

This is the President's own appointee—

> capable of meeting the world's expanding energy needs, nuclear power yields the least and most easily managed waste.

I agree with Senator DOMENICI. We are almost at the point of lunacy if we cannot choose a place in the desert of this country—where we had hundreds of bombs exploded while developing our nuclear weaponry—to bury nuclear waste deep down a tunnel, under a solid rock mountain and secure it there. What is it that we cannot do? We are storing this waste in hundreds of nuclear powerplants all over America and we cannot put it out in the desert and seal it up, yet we have ships traveling all over the world powered by nuclear energy that have this same spent fuel in them?

This is not wise. I call on the people of this country to rethink our position on nuclear power. There are 40,000 tons of spent nuclear fuel stored in 71 sites around this country. We have the ability to safely solve this waste problem and move ahead with a viable nuclear program to supply clean, low cost energy to our country.

I thank the Chair and the distinguished chairman of this committee for his excellent work. I do hope this veto will not be sustained.

Mr. MURKOWSKI. Mr. President, how much time do we have on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes. The Senator from Nevada has 21 minutes.

Mr. REID. Mr. President, my friend from Alabama said if there was an accident it would not be nearly as bad as a chemical accident, a trainload of chemicals compared to a trainload of nuclear waste because the container would not breach.

I do not know where my friend got that information because we have already established there is no container that can sustain an accident where the vehicle is going more than 30 miles an hour or, in fact, if it was a diesel fire.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. REID. Mr. President, on this legislation we are talking about 12,000 shipments through Illinois, 11,000 shipments through Nebraska and Wyoming, 14,000 shipments through Utah. We have already had seven nuclear waste transportation accidents. The average has been one accident for every 300 shipments.

S. 1287 would result in 10 times as many shipments of nuclear waste over longer distances. Currently, the statistics would lead us to expect, scientifically, 150 more accidents for this

transportation plan. Are you ready to take that risk? I say to anyone the answer should be emphatically no.

It would be no because let's assume there would not be a nuclear explosion when the train wrecked or the truck wrecked. But, remember, we are talking about the most poisonous substance known to man. If there is a breach in the container, a tiny, tiny breach, the amount of plutonium on the end of a pin would make you sick, if not kill you. These transportation risks are expensive and dangerous.

The Department of Energy estimates an accident with a small release of radioactivity in a rural area would contaminate a 42-square mile area, require almost 2 years to clean up, and cost almost $1 billion to clean that up, one accident—the Department of Energy, in their own words: ''A small release.''

This is something that is very dangerous. We are talking about the health and safety standards for the people of America. They deserve the best. This legislation gives them the worst.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would like to point out a couple of things. We can show all the pictures we want around here about ''what if's'' but the facts remain. There was no nuclear waste associated with that particular photograph of the unfortunate train wreck.

Let's talk a little bit about how this is stored. There have been 1,500 tests performed to confirm and approve container safety. In the Nuclear Regulatory Commission tests, transportation canisters have been subject to some very tough tests, as they should be, tests that confirmed that they did not break open. They survived a 30-foot free-fall onto an unyielding surface, which is the same as a crash into a concrete bridge abutment at 120 miles an hour. Puncture tests, as well, were done, allowing the container to fall 40 inches onto a steel rod 6 inches in diameter; 30 minutes in a fire of 1,475 degrees that engulfs the whole container; submerging the container under 3 feet of water for 8 hours. It goes on and on. It is rather interesting to note, about 10 years ago we were looking at flying nuclear waste for reprocessing from Japan to France. At that time, the requirement was to design a cask that would withstand a free-fall from 30,000 feet. We were advised it was technically available.

What we have here is almost a Nevada litmus test. Everyone has to be against Yucca Mountain. I know there is a good deal of pressure on Members, out of allegiance to my good friends from Nevada, from those who do not want the waste in their State. That is the bottom line. If they have to kill the nuclear waste industry to achieve it, that is what will happen.

I am holding a copy of the U.S. Navy Nuclear Propulsion Program. This is the so-called ''Mobile Chernobyl,'' some 90 reactors moving all over the world. It is entitled ''Over 117 Million Miles Safely Steamed on Nuclear Power.'' That is the record of our Navy. What we are hearing today is nothing but fear tactics of the worst kind, and this is emanated by the veto of the President.

Let's be realistic; the EPA has the sole and final authority to issue a radiation standard. I do not want to hear any Member reinterpreting that any other way. They—the EPA—must set forth a scientific basis for the rule. That is the best science. On June 1, 2001, they—meaning the EPA—are free to issue whatever standard they deem appropriate. They have the final say. We can only hope it makes a sensible and achievable interpretation and is based on sound science.

We talk about the science. In the President's veto message, he talks about the science. The Vice President talks about the science. We are talking about the best science—the EPA, the Nuclear Regulatory Commission, and the National Academy of Sciences, with the EPA having the sole and final authority. There is absolutely no question about that if you read the bill.

Let's look at something else. Taking the waste is a Federal responsibility, the sanctity of a contract. The deadline was 1998. The ratepayers have paid $16 billion to the Federal Government to take that waste. The taxpayers have spent some $6 billion already at Yucca Mountain where we have the hole in which to put the waste.

The longer the delay, the more liability the Federal Government has for not taking the waste because the utilities are suing the Federal Government for not taking the waste. That is some $40 billion to $80 billion. It is estimated it will cost each taxpaying family in the United States $1,300.

I will talk about foreign-domestic transportation. We have seen 300 safe domestic shipments over the last 30 years—no injury, no radiation. This chart shows the network all over the country. Since 1996, transport of foreign reactor fuel has come into this country from 41 other nations. That is over 20 tons over the next 13 years.

To where does it go? It goes into Concord, CA, Sacramento River, and moves up to Idaho. On the east coast, it goes to the Charleston Naval Weapons Center by rail up to Savannah River, and by truck on the highways. It is shipped as high-level waste from other countries. In the debate, the Senators from Nevada never acknowledged that exists. They never acknowledged there is an inconsistency in our policy.

We accept it from foreign governments, and we store it in the United States, but this administration will not address its obligation to take the domestically produced waste from our own utilities and the ratepayers have paid the Government to take it. That is the inconsistency. That is what is wrong with the administration's policy.

One example of this is U.S. participation in foreign shipments. A semi truck full of spent fuel was loaded into a chartered Russian Antonov AN–124 cargo plane and flown from Bogota, Colombia, to Cartagena so it could join a shipment from Chile bound for Charleston by freighter. The flight was believed to be necessary to avoid terrorists in Colombia, and the shipment went off without a hitch.

The point of this message is obvious. We are doing it for foreign nations. We are shipping it all over the world to two places in the United States: Concord, CA, and Charleston, SC. I do not know if the Senators from those States are concerned about it. I do not see them speaking on the floor about it in indignation. Do we want to leave the spent fuel at 80 sites in 40 States, as this chart shows? That is the alternative.

I leave all Members with one thought. Putting politics aside, how will you as a Senator explain why today you voted to leave the waste in your State, subjecting your taxpayers to continued liability for broken promises of this administration?

I urge my colleagues to vote to override the President's veto. Let's put this issue behind us once and for all. If we do not, it will come back at a greater cost to the taxpayers.

Finally, on the issue of health and safety, about which we have heard so much from our good friends from Nevada, this waste is spread out at 80 sites in 40 States, as I have indicated. I have another chart which shows that. These might be determined to be 80 mini Yucca Mountains, but they were not designed for permanent storage. They were designed for short-term storage, just as we have seen at Calvert Cliffs in Maryland. The current onsite storage was designed for short-term storage, not long-term storage.

In conclusion, I encourage my colleagues to remember that in the 1999 Department of Energy draft EIS report, it said:

> Leaving the waste onsite represents considerable human health risks as opposed to one central remote facility in the Nevada desert.

That is a statement by this administration relative to the issue of health and safety and leaving this waste where it is in these 40 States at these 80 sites.

Again, I encourage my colleagues to reflect on what they are going to say to their constituents when they go home and say, I guess I voted to leave the waste in my State, when, indeed, they had an obligation and an opportunity to move it to one central facility that has been selected at Yucca Mountain, an area where we had 800 nuclear weapons tests over a 50-year period and where we did our experimentation with the nuclear bomb—an area, frankly, that is probably already so polluted that it can never be cleaned up.

I ask my colleagues to read the letter, which is printed earlier in the

RECORD, from Governor George E. Pataki, who indicated that the citizens of New York State have been forced to temporarily store more than 2,000 tons of radioactive waste and urged the President to sign this bill into law, and the statement that disposal of this waste is one of the most important environmental concerns facing New York and other States with nuclear facilities.

I yield the floor.

Mr. BRYAN. Mr. President, I am pleased to yield to my colleague from Illinois 3 minutes of my time.

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

Mr. DURBIN. Mr. President, the issue of nuclear waste is an important one in my home state of Illinois. More than half the electricity generated in our state comes from nuclear power plants. We have an extraordinarily large amount of nuclear waste in our state. We would like to see it moved, once and for all, to a safe facility away from population centers in Illinois and virtually in every other state.

In that respect, I admire the Senator from Alaska for his tenacity in trying to come forward with a nuclear waste bill that will put to rest an issue that literally will challenge us for centuries to come.

This nuclear waste, once transported, is still dangerous. We have to find a politically and scientifically acceptable way to move it to a safe spot in America where we can not only store it for the future generations that we can think of, but also for the generations in centuries to come who could still be exposed to this hazard.

Having said that, the nuclear waste bill supported by the majority, and vetoed by President Clinton, fails the most important test. This bill, S. 1287, the Nuclear Waste Policy Amendments Act of 2000, is not environmentally responsible.

First, it prevents the Federal Government from taking ownership and legal responsibility for the nuclear waste in Illinois and around the nation. The omission of this provision undermines the U.S. Department of Energy's efforts to resolve lawsuits with utilities and to focus on the development of a permanent repository for this waste.

In addition, this bill establishes unrealistic deadlines for the completion of a repository and the transportation of waste to that facility. The bill sets deadlines for the Department of Energy under terms that the Department of Energy says they cannot meet. They are physically impossible. Failure to set realistic deadlines threatens public health and safety and the environment, and will only lead to further lawsuits in the future.

Finally—I believe this is the most telling point—this bill purposely bars the U.S. Environmental Protection Agency from establishing a radiation safety standard for the national waste site until after the Presidential election. The science will not change after the Presidential election, but many writing this bill hope the President will change and that they will be able to elect a President who has a different environmental point of view.

When it comes to the safety of future generations from radiation hazards, it should not be determined by the outcome of an election. It should be determined by scientists who take into account public health and safety.

I refuse to be part of this deal that plays politics with the health and safety of Illinoisans and millions of Americans. I want the nuclear waste safely removed from my state and stored safely so it will never endanger future generations. The President was right to veto this bill. I support his position.

Mr. FITZGERALD. Mr. President, I begin by thanking Senator MURKOWSKI for his efforts in introducing and promoting the Nuclear Waste Policy Amendments Act which addresses an issue of critical importance to the nation and in particular to the State of Illinois. I rise today to ask my colleagues to join me in voting to override the President's veto of this vital legislation.

Nuclear waste disposal policy is one of the most significant issue facing our nation and my home State of Illinois. Illinois is home to 11 operating nuclear units which account for 38.4 percent of the electricity generated in Illinois in 1998. Nuclear energy also provided 20 percent of the electricity consumed by the nation as a whole last year.

Nuclear power also yields a large amount of nuclear waste. Since we do not presently reprocess this material, it must be stored, usually on site at nuclear facilities in communities throughout our nation.

Illinois is home to over 4,300 metric tons of commercial nuclear waste out of 30,000 tons located throughout the nation. This is more commercial nuclear waste than is found in any other State in the Union.

Utility companies from Illinois and throughout the country along with their consumers have paid approximately $16 billion into a fund to provide for a central national site for the storage of this waste mandated by the Nuclear Waste Policy Act of 1982. But as of yet, there has been no action taken by the Department of Energy to take this waste as it was mandated to do by 1998. Illinois consumers alone have contributed $2.14 billion to the federal Nuclear Waste Fund since 1983. This is about 12.5 percent of the total amount contributed to the fund today.

The DOE was required by statute to take possession of this waste in 1998. It failed to do so, and we now have a very serious problem. We need to decide the best way to allocate the costs of storage at existing facilities. To this end, Senator MURKOWSKI offered this legislation which addresses DOE's failure and requires the Department to take responsibility for the costs associated with its failure to act.

I again thank Senator MURKOWSKI for his longstanding support on this issue of critical importance to my State of Illinois and the nation. It is my hope that we can enact Senator MURKOWSKI's legislation and I urge all of my colleagues to vote to override the President's veto.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada.

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

Mr. President, I thank my colleague from Illinois because he has encapsulated the essence of this argument. This is not about science. This is about politics, as he reminds us. Because the time is short, I will respond to some of the issues that have been raised.

First of all, we have heard many paeans to the nuclear power industry. Whether you are for or against nuclear power is not the issue. I might say, parenthetically, there is nothing preventing any community that wants to establish a nuclear reactor from doing so. That is a matter of community choice. The fact that for 20 years no community has chosen to do so may tell us the concerns people have about their health and safety.

We have heard the Kyoto agreement discussed and interim storage. None of those are the issues. We have talked about why Paris apparently has less pollution than the United States because of nuclear power. All of these things have no relevance.

Here are the issues—and the only issues. The question is one of health and safety. Who is going to make that determination? Is it going to be the Environmental Protection Agency, which, by law, for 20 years has provided that standard?

What this is all about, when striped to the bare bones, is an attempt to circumvent the standard proposed by the EPA of 15 millirems. That is what we are talking about today.

My friend from Illinois is so right. They want to put this off until next year, hoping that a new political process, with a new President, might change the results in a measure far more favorable to the nuclear power industry. That is politics.

We hear over and over again the deadline of 1998 has been missed. It is true that the deadline for accepting the waste was missed in 1998. And where does the fault lie? It lies right here in the Congress. It is politics. Because the original nuclear waste bill said that we would search all over the entire country and look for the best geology, the best site. That was the science in 1987, when the legislation focused on one site and one site only. That was politics. The geology of that site is immensely complex. We will not know for some years whether or not that is scientifically suitable.

We are told about the costs that are incurred by utility ratepayers. Indeed, there have been costs incurred. But for more than a decade this Senator and this administration has said to each

utility that incurs costs as a result of not having a 1998 permanent repository open that we will reimburse them for the cost.

If in this legislation we said, look, take title and eliminate the potential liability that the reactor utility sites would have and compensate the utilities for any expenses they have incurred because of the delay, this Senator would support that legislation.

What is involved here is not compensation or reimbursement or delay; it is to change the basic science. Health and safety is the issue.

Let me say to my friend from Alaska, with whom I agree on many other issues, the area depicted by the photo, when he repeatedly made reference to Yucca Mountain, is 25 miles from Yucca Mountain. That is the Nevada Test Site. We are talking about an area that is totally geographically removed.

Let me talk about the issue that the nuclear utilities run all of these full-page ads, that rather than 101 sites—we heard today 80 sites—how about a single site? Just have a single site in Nevada. That is a bogus issue, a red herring.

So long as each nuclear reactor continues to generate power, there will be a nuclear waste site at that reactor. As those spent fuel rods are removed from the reactor, they are placed in pools about which the senior Senator from North Carolina talked. That has nothing to do with whether Yucca Mountain is established or not established. That is the way these spent fuel rods are first addressed. There will be storage at those sites for years to come if Yucca Mountain were determined tomorrow to be suitable.

The proposed site contemplates that, if approved, there will be a 25- to 30-year period of shipments. So the notion that somehow this legislation will establish a single site is a bogus argument.

Let me talk about transportation for a moment because that has been treated very lightly, in my judgment, by colleagues on the other side of the aisle. Transportation is a legitimate issue. We are talking about 43 States. We are talking about 51 million Americans who live within a mile or less of these sites.

This map shows the highways in red, the rail in blue, going through all of the major cities, particularly in the eastern part of the United States.

What about the accidents? The Department of Energy itself says over the lifetime of this disposal process, one could expect 70 to 310 accidents.

Each year in America there are 2,000 derailments. Each year there are approximately 200 collisions. We are talking about shipments of a magnitude that we have never seen before: 35,000 to 100,000 shipments over this 25-year period of time.

Although these casks have been described as having fallen from the heavens, in point of fact, the casks that the Department of Energy would like to use are much larger than any that have been previously tested. There have been no tests conclusively done with respect thereto. They are an earlier model.

What does this all really amount to? It amounts to congressional irresponsibility, to yield to the pressure of a special interest group that wants to change the rules that are designed to protect 270 million Americans.

Finally, I would say the answer to the question that the Senator from Alaska propounded—how do you explain, as a Senator, your vote to sustain the President's veto?—that ought to be a proud moment for every Senator. Because every Senator could stand up and say: I resisted the pressures of a special interest lobbying group, the nuclear utilities in America. What I voted for was what was right for the country and that is to protect the health and safety of the American public—270 million of us who rely upon the Environmental Protection Agency standard, a standard that was unchallenged for 20 years that exists with respect to the nuclear repository in New Mexico, the so-called WIPP site, at 15 millirems.

Remember, the original version of S. 1287—we tend to forget that is the bill before us, which admittedly has been modified—would have set health and safety standards where the American public—each citizen—could be exposed to twice the amount of radiation that the EPA has said is safe for us.

Is that what we really want in America, to set health and safety standards to accommodate the interests of the special interest groups, the nuclear utilities, or should we not as Senators, Democrats and Republicans, from the Northeast to the Southwest, from Seattle to Tampa, be saying that we ought to support the health and safety standard that protects the American public?

We can debate energy policy in America. That is a debate for another day. However, as Americans, how can we provide less safety, less protection than the Environmental Protection Agency? Every Senator on this floor knows, as do I think most Americans who follow the issue, the only reason we would propose to change the standards—not sites, as my friend from Illinois reminds us —is that it is politics, with the hopes that perhaps in November there may be a new administration that is beholden to the nuclear power industry and will make it easier, at the risk of public health and safety, to site nuclear waste somewhere in America.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 8 minutes. The Senator from Nevada has 4 minutes.

Mr. MURKOWSKI. Mr. President, I yield 5 minutes to my good friend, the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 minutes.

Ms. LANDRIEU. Mr. President, this has been a very difficult issue for us to try to resolve. It is with a great deal of thought and consideration that I come to the floor to announce that I will be voting to override the President's veto. It is a very difficult vote, obviously, but a correct and necessary vote for my State of Louisiana.

The Nuclear Waste Policy Act of 1982 required the Department of Energy to provide a Federal repository for used nuclear fuel no later than January 31, 1998. Here we are, 2 years after that deadline, and there is still no central repository for spent nuclear fuel in 40 States. In fact, according to the Department of Energy's latest projections, the placement of waste underground at Yucca, which I have visited, would take place, at the earliest, in 2010, and only then if it receives full regulatory approval. That leaves us at least 12 years behind schedule.

Meanwhile, millions of American families and businesses have been paying, not once but twice, for this delay. They pay once to fund the Federal management of used nuclear fuel at a central repository and again when electric utility companies have to build temporary storage space. As a result, since 1983, American consumers have paid approximately $16 billion to this nuclear waste fund through add-ons to their utility bills without a real satisfactory result. Still, the Federal Government continues to collect nearly $700 million a year from electricity consumers. Future generations of Americans, our children and grandchildren, will pay a high price for continued inaction. We must push to do something, and that is what this debate is about.

Also, the situation for the more than 100 operating nuclear powerplants storing used fuel onsite grows ever more urgent. Plants are running out of storage space. In Louisiana, we have two nuclear powerplants: Riverbend Reactor in St. Francisville and Waterford near New Orleans. These plants will reach maximum storage capacity very soon, and waiting until 2010 poses definite problems for my State.

This legislation is a necessary step toward meeting the Federal Government's legal obligation to safely and responsibly manage used nuclear fuel and high-level nuclear waste. It provides the necessary tools to begin moving used nuclear fuel to a central facility for disposal if scientific investigation demonstrates that the Yucca Mountain repository site in Nevada is suitable. This is an important step that we need to take.

S. 1287 establishes three definitive deadlines for developing a repository for used nuclear fuel at Yucca Mountain. First, it reaffirms that by December of 2001, the Secretary of Energy must make a recommendation to the President on whether Yucca Mountain

is a suitable site for a nuclear waste repository. Second, it requires the President to make a subsequent recommendation regarding Yucca Mountain's suitability to Congress by March 2002. Third, it requires a decision on the construction authorization application for a repository at Yucca Mountain by January 2006. In addition, the bill enhances an already safe transportation system with more training and state involvement in routing.

According to the President's veto message issued on April 25th the administration has two primary concerns with S. 1287. First, ''the bill would limit the EPA's authority to issue radiation standards that protect human health and environment and would prohibit the issuance of EPA's final standards until June 2001.'' In fact, under the bill the EPA retains authority to establish radiation standards that protect public health and the environment near Yucca Mountain. The bill seeks the participation of experts on radiation safety at the National Academy of Sciences and the Nuclear Regulatory Commission in order to establish the best public health and environmental standards possible. Second, the administration argues that ''the bill does little to minimize the potential for continued claims against the Federal Government for damages as a result of the delay in accepting spent fuel from utilities.'' I point out that the federal government bears responsibility for this delay and should not be completely absolved. Under the legislation the Energy Department is given specific authority to reach settlements with the utility companies that have filed lawsuits for the Department's failure to meet the congressionally mandated requirement to move used nuclear fuel. In addition, the Department is prohibited from using the funds accumulated in the Nuclear Waste Fund for settlements, except when the funds are used for containers or other aspects of storage that would be required to meet the Department's obligation to move the fuel to a repository.

Mr. President, it is difficult to come to the floor to speak on an override. It will be very rare, I hope, in my career that I will vote to override any President because I do respect the office, but I also respect the role of the Congress.

I think this is the right vote for the Congress and for my State.

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

Mr. BRYAN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Nevada has 4 minutes remaining. The Senator from Alaska has 3 minutes remaining.

Mr. BRYAN. Mr. President, I want to make a point one more time on the issue of transportation. This has often been characterized as an issue of Nevada versus the entire country. As more and more people around the country are aware of the implications for their families and their own security in terms of health and safety, we are beginning to get the attention of the public. Just this past week, the Deseret News in Salt Lake City, UT, strongly supported the President's veto. That publication does not have a long track record of being supportive of this administration and particularly this President. But it indicates the nature of the concern.

Here again, take a look at the routes that are involved in the transportation. This will occur around the clock for 25 to 30 years: 30,000 to 100,000 shipments. It is said that, gee, we have had transports before and nothing has happened. That is true; we have had no fatalities as a result, but we have had 58 accidents. I suppose before the disaster of the *Challenger* we could talk proudly about our space program and the shuttle launches that never had a fatality.

It is not a question of what the history has been as to whether or not there has been a fatality. We are talking about something of a magnitude many times greater, and I think our colleagues must look at that. There are many States—43 States and 51 million Americans. But it has been said repeatedly that we have to do something. The deadline has been missed, there is no question. But as I pointed out a moment ago, this Congress bears the responsibility. It politicized the action. Had we let the Nuclear Waste Policy Act unfold as it was originally contemplated back in 1982, we might very well have had the solution to the permanent repository issue.

This health and safety standard ought to anger every American watching. It is cynical for a political and a special interest purpose—this is what this bill is all about, special interest legislation—to change a health and safety standard that is designed to protect the Nation.

Finally, just a reference that comes up again and again. We were told by someone obliquely that if we don't do something, somehow the waste will pile up and we will not be able to generate nuclear power.

Twenty years ago this summer, the same argument was advanced by the distinguished chairman's predecessor—that if we did not get, what was then referred to, away from an active program on line, we would soon have to shut down nuclear reactors around the country. It was not true then, and it is not true now. No reactor waste is exposed because of space. There is dry cask storage available, it is licensed, and approved for up to a period of 100 years.

Let's do this right. Let science and not politics prevail.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, as we wind down our debate, I compliment my friends from Nevada for their points of view. But I would like to remind all of my colleagues of the obligations we have.

Senator DURBIN from Illinois expressed concern about why we are waiting until 2001.

We are all very much aware that this administration and the Environmental Protection Agency came down today without a doubt to set a standard that was unattainable. Make no mistake about it, that is what some of these folks would like to see happen.

I quote from the press release of my friend, Senator REID, of February 9:

> Under this bill, the Environmental Protection Agency will have full authority to set radiation standards for Yucca Mountain, which many experts say will ultimately prevent the site from ever being licensed as a nuclear waste dump.

There you have it. They don't want to ever see it accomplish its purpose.

We talk about courage. We talk about health. We talk about safety. But the real issue is politics, and it is Nevada politics against the recognition of the rest of the country that we have this waste at 80 sites in 40 States, and this administration is simply caving in to Nevada politics.

Let me talk about courage.

It is going to take courage to tell your constituents the money they paid to move the waste has been taken by the Federal Government and the waste is still not moved.

It is going to take courage to tell your constituents the Federal Government has broken its word again, and you support that Government, you support that decision, and you support the President who tells you he has justification for overriding the veto.

It takes courage to tell your constituents you think this waste is safer near their homes, their schools, their hospitals, and their playgrounds than it is in one site in Nevada.

It takes courage to tell your constituents to ignore the findings of the administration's draft EIS that found that leaving the material spread around the country would ''represent a considerable health risk.''

There you have it. There you have the capsule of what this is all about.

I urge my colleagues to vote to override the President's veto and to meet our obligation as Senators to resolve this problem once and for all.

I thank the Chair.

Again, I thank my colleagues on the other side of the issue.

The PRESIDING OFFICER. Under the previous order, the hour of 3:15 p.m. having arrived, the Senate will now vote on the question of overriding the President's veto.

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution. The clerk will call the roll.

The Legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH) is necessarily absent.

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—64

Abraham	Graham	McCain
Allard	Gramm	McConnell
Ashcroft	Grams	Murkowski
Bennett	Grassley	Murray
Bond	Gregg	Nickles
Breaux	Hagel	Robb
Brownback	Hatch	Roberts
Bunning	Helms	Santorum
Burns	Hollings	Sessions
Cleland	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kerrey	Specter
Crapo	Kohl	Stevens
DeWine	Kyl	Thomas
Domenici	Landrieu	Thompson
Edwards	Leahy	Thurmond
Enzi	Levin	Voinovich
Fitzgerald	Lincoln	Warner
Frist	Lugar	
Gorton	Mack	

NAYS—35

Akaka	Dodd	Lott
Baucus	Dorgan	Mikulski
Bayh	Durbin	Moynihan
Biden	Feingold	Reed
Bingaman	Feinstein	Reid
Boxer	Harkin	Rockefeller
Bryan	Inouye	Sarbanes
Byrd	Johnson	Schumer
Campbell	Kennedy	Torricelli
Chafee, L.	Kerry	Wellstone
Conrad	Lautenberg	Wyden
Daschle	Lieberman	

NOT VOTING—1

Roth

Mr. LOTT. Mr. President, I change my vote to no, and I enter a motion to reconsider the vote by which the veto message was sustained, and I send the motion to the desk.

The PRESIDING OFFICER. The motion to reconsider would be premature until the vote is announced.

On this vote, the yeas are 64, the nays are 35. Two-thirds of the Senators voting not having voted in the affirmative, the bill on reconsideration fails to pass over the President's veto.

Mr. LOTT. Mr. President, I enter a motion to reconsider the vote by which the veto message was sustained, and I send a motion to the desk.

The PRESIDING OFFICER. The motion is entered.

Mr. LOTT. Mr. President, I would like to express my personal disappointment that today the Senate was unable to override the President's veto of S. 1287, the Nuclear Waste Policy Amendments Act of 2000.

Twelve years have passed since Congress directed the Department of Energy (DOE) to take responsibility for the disposal of nuclear waste created by commercial nuclear power plants and our nation's defense programs. Today, there are more than 100,000 tons of spent nuclear fuel that must be dealt with. DOE is absolutely obligated under the NWPA of 1982 to begin accepting spent nuclear fuel from utility sites. Today DOE is no closer in coming up with a solution. This is unacceptable. This is in fact wrong—so say the Federal Courts. The law is clear, and DOE has not met its obligation.

The President sent his message—once again he chose not to enact sound energy policy. Once again, he chose to ignore the growing energy demands of this nation. Therefore, it became Congress's duty to vote for sound science, fiscal responsibility, safety, and honoring a federal commitment to tens of millions of consumers across the nation who benefit from nuclear energy.

This should be a bipartisan effort for a safe, practical and workable solution for America's spent fuel storage needs. The proper storage of spent fuel should not be a partisan issue—it is a safety issue. This bill incorporates key concepts embraced by the Congress, the Administration, and the nuclear industry.

Where is the Administration? Where is DOE? Where is the solution? All of America's experience in waste management over the last 25 years of improving environmental protection has taught Congress that safe, effective waste handling practices entail using centralized, permitted, and controlled facilities to gather and manage accumulated waste. It is the goal of our nation's nuclear waste management policy to develop a specially designed disposal facility. The federal government is now 12 years behind schedule in managing nuclear waste from 140 sites in 40 states. The sites have spent fuel sitting in their ''backyard,'' and this fuel needs to be gathered and accumulated. This lack of a central storage capacity could very possibly cause the closing of several nuclear power plants. These affected plants produce nearly 20 percent of America's electricity. Closing these plants just does not make sense.

This bill would permit early receipt of fuel at Yucca Mountain following issuance of a repository construction authorization by federal regulators. In the meantime, improved environmental and public safety would be provided at the site and during transportation from the states to a federal repository.

The citizens, in some 100 communities where fuel is stored today, challenged the federal government to get this bill done. It is unfortunate that this goal has not yet been achieved.

The nuclear industry has already committed to the federal government $16 billion exclusively for the nuclear waste management program. The nuclear industry continues to pay $700 million annually with only one-third of that amount being spent on the program. The federal government needs to honor its commitment to the American people and the power community. The federal government needs to protect those 100 communities. This bill would ensure adequate funding for the lifecycle of this program and limit the use of these funds.

To ensure that the federal government meets its commitment to states and electricity consumers, it is vital that there be a mandate for completion of the nuclear waste management program—this program would give the federal government title to nuclear waste currently stored on-site at facilities across the nation, a site for permanent disposal, and a transportation infrastructure to safely move used fuel from plants to the storage facility.

Mr. President, nuclear energy is a significant part of America's energy future, and must remain part of the energy mix. America needs nuclear power to maintain our secure, reliable, and affordable supplies of electricity. We have realized this year more than ever that this Administration lacks a sound energy policy. The President's veto of the Nuclear Waste Storage Act is a prime example.

Mr. President, this federal foot dragging is unfortunate and unacceptable. It is in the best interest of this nation for Congress to override the President's veto. This is achievable, and I look forward to the opportunity to revisit this issue.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my good friends, Senator REID and Senator BRYAN, for the spirited debate on this nuclear waste legislation on the President's veto override.

I also thank the professional staff on the other side who assisted with this bill and my own staff: Colleen Deegan, Andrew Lundquist, and Kristin Phillips, Trici Heninger, Jim Beirne, BRYAN Hannegan.

I also thank the leader for his guidance and counsel. As we look at this vote, which, as I understand, officially was, prior to the reconsideration, 65–34, we have one Republican Senator out today, the chairman of the Finance Committee, Senator ROTH. We would have had, had he been here, 66 votes. We are 1 vote shy. It is my understanding, according to the rules of reconsideration, that this matter may come up again at the pleasure of the leadership because it does remain on the calendar. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator from Alaska is correct; it would take a motion to proceed.

Mr. MURKOWSKI. Again, I thank my colleagues for their confidence and recognition that this matter still remains to be resolved by either this Senate in this session or at a later time because the contribution of the nuclear industry is such that we simply cannot allow it to strangle on its own waste. We really do not have that alternative.

I yield the floor and thank the leader for his courtesy.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the leader does not mind—I see him standing—I also extend my hand of congratulations to the Senator from Alaska. He has been a gentleman during this entire debate. We have appreciated his courtesies. We also appreciate the leader working out a time arrangement for us. It saved everybody a lot of time and effort.

Of course, part of the wait was because there were a number of Republicans who were missing last week, and

we thought it appropriate they be here when the vote took place.

We are in a parliamentary position now where the leader, at any time he desires, can call this forward. It is a nondebatable motion to proceed. I hope, however, that the leader will continue the good faith that has been shown by all parties on this issue for many years, not only this year, and that if, in fact, something comes up because of travel or illness the leader will give us an opportunity to know when this matter will come forward.

Mr. LOTT. Will the Senator yield? Mr. President, I assure the Senators from Nevada that we have proceeded in good faith on both sides of the aisle on this issue from day one. I have always understood how important it is and how difficult it is for the Senators from Nevada. I also understand, on the other side, how important this issue is to Senators all across America who have nuclear waste in their respective States in cooling pools or in conditions of uncertainty where something needs to be done.

There will not be a surprise on this issue. If there is a decision made that we will need to reconsider, it will not be based on absentees or something of that nature. But I do think it is such an important issue and it is so close now—really 1 vote—keeping that option open for a while longer is worthwhile, but I will certainly notify Senator REID and Senator BRYAN, as I have in the past, before we proceed on it.

Mr. REID. I thank the leader.

Mr. BRYAN. Mr. President, will the leader yield for a moment?

Mr. LOTT. I will be glad to yield.

Mr. BRYAN. Mr. President, I express my appreciation for the leader's forthrightness in indicating that we have tried to accommodate each other in terms of the time. I recognize that, as the leader, he has a difficult schedule to maintain. This is an issue that for Senator REID, for me, and for Nevadans is of paramount importance. We think it is important for the country. I appreciate the spirit of the Senator's response. I appreciate the spirit in which the chairman of the Energy Committee has conducted this debate. We disagree, but he, as well, has been courteous and very responsible in the exchange.

I thank three members of my staff who have done an extraordinary job: Brock Richter, Brent Heberlee, Jean Neal, and previously Joe Barry; they have worked on this issue for many months, some for the past 12 years. I acknowledge and thank them for their efforts. Again, I thank the leader for his commitment. I yield the floor.

Mr. DORGAN. Mr. President, on February 10th of this year, the Senate passed S. 1287, the Nuclear Waste Policy Amendments of 2000. I commend the distinguished Chairman and Ranking Member of the Energy Committee for the time and effort they have dedicated to this issue. However, I did not vote for this bill, because it contains many of the same flaws as in past bills, including safety and licensing issues, inadequate delivery schedules, and a failure to address specific storage problems of some companies.

One of the companies in our region of the country that has such a storage problem is Northern States Power, NSP. Minnesota state law prevents NSP from expanding its nuclear waste storage capacity. As a result, NSP will be forced to shut down its Prairie Island nuclear power plant when it runs out of storage space in January, 2007. Mr. President, this is an issue of critical concern. NSP serves 1.5 million electricity users in five states, including 84,000 customers in my own state of North Dakota. If NSP is forced to close its Prairie Island plant, the resulting impact on electricity customers in our region would be devastating. Grid reliability could be compromised, and the energy costs of many North Dakotans could increase substantially. In a cold-weather state such as mine, any increase in electricity costs is a matter of great concern. In short, this utility is caught between a state law and federal inaction—and we need to address the problem.

While I agree with the Administration's decision to veto the nuclear waste bill, I am also disappointed by its failure to proactively work with Congress to reach a compromise on nuclear waste storage, particularly in light of the fact that North Dakotans have invested nearly $14 million to pay for the construction of a permanent waste storage facility with little to show for it.

In the coming weeks, I will be working with the Appropriations Committee to craft a solution to the problems brought on by state laws that limit or restrict the storage of spent nuclear fuel. I encourage the participation of the Administration and my colleagues in the Senate in this effort. I hope that this will be one of many efforts to address the outstanding issues that have, up to this point, prevented comprehensive nuclear waste legislation from becoming law.

EDUCATIONAL OPPORTUNITIES ACT—Resumed

The PRESIDING OFFICER. The clerk will report S. 2.

The assistant legislative clerk read as follows:

A bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I believe the pending business is the Educational Opportunities Act.

The PRESIDING OFFICER. That is correct.

Mr. LOTT. Mr. President, as we get ready to resume general debate on this bill, let me say again how important this issue obviously is in America. People across this country in every State put the highest priority on the need to improve the quality of our education to have safe and drug-free schools, to have accountability, to have rewards for good teachers, and have a way of making sure our education system is based on learning and that it is child centered. This legislation does that.

I listened yesterday and participated in the debate. I thought there was excellent debate. A number of Senators came to the floor and made statements. I do not know how many, but probably 12 to 15 Senators spoke yesterday. There are a number of Senators on both sides who wish to speak further today.

There are some legitimate disagreements about how to proceed on improving the quality of education in America and the accessibility of education. There are those who say the current system is working fine and we ought to keep it the way it is. I do not agree with that.

There are people who say the Federal Government must have control and dictate or the right things will not be done by the States, the local school districts, the administrators, and the teachers. I do not agree with that.

It is legitimate to have debate because we have spent billions of dollars since 1965 trying to improve the quality of education in America, and the test scores show we are, at best, holding our own and slipping in a number of critical areas. We need to think outside the box. We need to think of different and innovative ways to provide learning opportunities for our children in America.

I think it calls for flexibility as to how the funds are used at the local level. I think it calls for rewards for good teachers, but accountability for all teachers and for students. I think we need some evidence, with the flexibility, that our children are actually making progress.

So this is an important debate as we go forward. I am glad we are having it. We have spent a lot of our time on education this year in the Senate. We passed the education savings account bill earlier this year to allow parents to be able to save for their children's needs, with their own money, for their children K through 12. Now we are going to have this continued debate and amendments of the Elementary and Secondary Education Act.

Later on this year, when we get to the Labor-HHS and education appropriations bill, I am sure we are going to have some good discussion about the funding level for higher education—loans, grants, the work-study program. We need the whole package to improve education and to make our children capable of competing in the world market, to be trained to do the job they need to make a good living for their families.

So this is an important debate. I am glad we got an agreement to stay on general debate today. We are hoping to go forward tomorrow with the first four amendments on education, two on

each side, so that we can have some legitimate debate about how to best help education in America and help learning for our children in America.

But I am worried about a lot of what I am hearing. I am hearing there may be amendments to the education bill on everything from agriculture, to NCAA gambling, to campaign finance reform, to minimum wage, to guns. Where is the limit on all the subjects that could be raised on an issue that is No. 1 in the minds of the American people—education?

We are not starting off by saying we are not going to do this or not going to do that. We are starting. We are going forward. We are starting in kindergarten. We are going to go to the first grade. We are going to have general debate and education amendments and take stock of where we are.

If there is a center ground that must and should be found in America on any subject, it is education. What we have—the status quo—is not working well enough. The Federal Government has a role. We need for it to be a more positive role and a results-oriented role.

So let's have the debate. Let's have amendments on education. I hope my colleagues—on both sides of the aisle—will not make this important legislation a piece of flypaper to attract every amendment that is flying around in this Chamber. It would be a terrible discredit to a vital issue in the minds and hearts of the American people.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Vermont.

Mr. JEFFORDS. We are commencing further debate on the ESEA, the Elementary and Secondary Education Act. I think it is important that we do spend this time on general debate because it is a big bill. There are a number of very important problems to be discussed. Hopefully, we will reach a consensus at some point so that the bill will pass.

Mr. President, I would like to take a little bit of time today, until others arrive, to talk about the role of teachers in our efforts to improve educational opportunities for young people. S.2 includes some important changes related to the critical job of providing teachers with opportunities to enhance their professional skills. Supporting our Nation's teachers must be at the foundation of our education reform efforts because the better our Nation's teachers are—the better chance our Nation's students will have to ''make the grade'' in the 21st century.

A 1999 survey by the U.S. Department of Education on the preparation and qualifications of public school teachers reported that continued learning in the teaching profession is ''key to building educators' capacity for effective teaching, particularly in a profession where the demands are changing and expanding.'' An investment in our Nation's teachers is a wise one. And we need to make wise investments with our Federal resources to ensure that the Federal dollars for professional development support activities that will foster improvements in teaching and learning that benefit students in the classroom.

Our Nation's classrooms are changing. All across this country, students are expected to learn to higher standards and perform at increasingly challenging levels. We will never get students to where they ''need to be'' unless our Nation's teachers have the knowledge base to teach to those demanding standards. While there is near total agreement that strong, capable teachers are the ones that will make the most significant, positive difference in the education of our nation's students, we have not done enough to help them be at the top of their game.

There are still too many educators teaching outside their field of expertise. Too often, teachers are offered one-shot, one-day workshops for professional development that do little to improve teaching and learning in the classroom. Professional development activities often lack the connection to the everyday challenges that teachers face in their classrooms. The most recent evaluation of the Eisenhower Professional Development program notes that ''The need for high-quality professional development that focuses on subject-matter content and how students learn that content is all the more pressing in light of the many teachers who teach outside their areas of specialization.''

Title II of this bill addresses these serious deficiencies in professional development ''head on.'' S. 2 draws on the strongest elements of the Eisenhower program while including authority for other initiatives that have an impact on ''teacher quality.'' The bill provides flexibility to school districts to address the specific needs of individual schools through programs such as: recruitment and hiring initiatives; teacher mentoring and retention initiates and professional development activities.

It prohibits Federal dollars from being used for ''one-shot'' workshops that have been criticized for being relatively ineffective because they are usually short term; lacking in continuity; lacking in adequate followup; and typically isolated from the participants' classroom and school contexts.

The bill before the Senate provides significant resources—$2 billion—to school districts to improve the quality of teaching in the classroom. It combines funds and authorities from the Eisenhower program and the class size reduction program in an effort to give school districts the flexibility that they need to make decisions about what investments in ''teacher quality'' will have the greatest impact on learning in their schools.

In an effort to set the record straight, I would like to clarify a point that has been made by my colleagues on the other side of the aisle with regard to hiring teachers. The language in Title II makes it very clear that only certified or licensed teachers can be hired under this program. I would like to read from the text of the bill on page 210, Section 2031(b)(1):

> Each Local Education Agency that receives a subgrant to carryout this subpart may use the funds made available though the subgrant to carryout the following activities: (1) Recruiting and hiring certified or licensed teachers, including teachers certified though State and local alternative routes, in order to reduce class size or hiring special education teachers.

This language is very straight forward and to the point—if you use Title II funds for hiring teachers—they must be certified or licensed.

There has also been some criticism about what kind of professional development programs can be supported under this bill. The language in S. 2 is very strong on this point. The bill ensures that professional development funded with Federal dollars be related to the curriculum and tied to the academic subject the teacher is responsible for teaching.

Professional development must be tied to challenging State or local standards; tied to strategies that demonstrate effectiveness in improving student academic achievement and student performance or be a project that will substantially increase the knowledge and teaching skills of the teacher. They must be developed with extensive participation of teachers and other educators and must be of sufficient intensity and duration to have a positive and lasting impact on the performance of a teacher in the classroom. It prohibits ''one-shot, one-day'' workshops unless they are part of a long-term comprehensive program.

This bill—for perhaps the first time in Federal law—makes it crystal clear that Federal funds must be used for activities that will improve teaching and learning in the classroom—not for fad-type activities that have no relationship to what teachers want and need to know to be better at their jobs.

The structure of title II makes a great deal of common sense and will result in a real improvement in teacher quality. My home State of Vermont serves as a good example of success through local decisionmaking. Vermont strongly supports the class size money. Yet, since the first dollar was appropriated for class-size reduction, Vermont sought greater flexibility to use that money for professional development activities that would improve the quality of the teacher in the classroom. Because Vermont already had small classes—sizes that happen to meet the Federally mandated standard of 18—those dollars were able to go for professional development.

I want other States to do what Vermont has done if that is what is in the best interest of their students. Reducing class size is important. Having a dynamic, qualified teacher at the head of the classroom is of equal or greater importance. Title II of this bill supports both efforts—high quality

professional development and hiring teachers to reduce class size—yet does it in a way that allows school districts to come up with their own recipe for improvement that will work for its students.

S. 2 has a new focus on the needs of other educators as well. In all the schools I have visited over the years, I can tell almost immediately if the school is a good one by meeting the principal. Principals have the ability to transform the environment at a school and make it a place where inquiry, collaboration, and learning flourish. That is why I am so pleased that Title II of this bill includes a new program to support professional development for school leaders. The program is based in large part on a Vermont model—the Snelling Center for School Leadership. It will support training in effective leadership, management and instructional skills and practice; enhancing and developing school management and business skills; improving the effective use of education technology; and encouraging highly qualified individuals to become school leaders.

In general, I am pleased that S. 2 makes a significant and thoughtful investment in programs that will give our nation's teachers the knowledge and ''know-how'' to educate our nation's young people. Supporting our nation's teachers is one of the best ways that we can invest in the future well-being of our Nation.

I yield the floor.

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

Mr. GREGG. Are we under time control?

The PRESIDING OFFICER. There is no control of time.

Mr. GREGG. I thank the Chair.

Mr. President, I rise to respond to some of the points made by some of our colleagues on the other side of the aisle during the debate yesterday because, unfortunately, they have attempted, I believe, to mischaracterize our bill as it comes forward. The reason for mischaracterizing it I don't understand. Maybe they are not fully informed about it or they simply believe the bill is so strong that they can't defend it when they talk about it in its real form; therefore, they must characterize it as a fantasy and then attack the fantasy as being inappropriate.

Let's begin with the Senator from Massachusetts who came to the floor yesterday and said that the flexibility we are suggesting to the States will just revisit the situation where States were spending education dollars on things such as uniforms and tubas. I must say, I think the Senator from Massachusetts is in a time warp on this point. That happened back when tubas and uniforms were bought, and I think one or two schools actually did that.

Title I was passed in 1965. That was 35 years ago. I think it is important that people catch up with today and the events of today. It is important that people catch up with the events of today and the educational system of today. We have had 35 years of title I, the proposal as structured by a Democratic Congress for the purpose of addressing the issue of education of low-income children. That Congress was controlled by the Democrats for the vast majority of those 35 years.

What have we gotten as a result of that? We have spent $120 billion to $130 billion on title I, and the achievement level of low-income children has not improved; it has either decreased or it has stayed the same. We know low-income children in the fourth grade are reading at two grade levels lower than the other children in that grade level. We know the low-income children in our inner cities are reading at grade levels significantly lower, and some can't read at all as they head toward high school graduation.

We know, for example, as this chart shows, that 70 percent-plus of our students in high-poverty schools are below the basic levels in reading, 60 percent-plus are below the basic levels in math, and almost 70 percent are below the basic levels in science. We know the program has not worked. Yet Members from the other side decide to stroll onto the floor and start citing problems from 30 years ago and acting as if they have corrected those problems over the last 35 years.

They haven't corrected the problems in education. They have aggravated the problems in education. Generation after generation of children have been put through a system that has not allowed them to achieve. Low-income children have been denied the American dream because they haven't been educated to read and to write. They are complicit in this. They say the status quo works. They basically say they have the answers.

Let me quote from the President on this point. I like to hold up these charts myself, and I can read them. This is from the Washington Post in which the President is quoted. He told the reporters the Federal money for new teachers does not belong to the States and local school districts. ''It is not their money,'' he said.

That is the attitude on the other side, that it is not their money. Well, whose money is it? Where does this money come from? It is obviously the taxpayers' money, and it obviously is coming out of the local school districts and States. It comes to Washington. But for some reason, the mentality on the other side is that we then capture this money here in Washington, send it back to the States, and tell the States exactly what to do with it—categorical, targeted, and straitjacketed programs; programs after programs, regulations after regulations, 900 pages of new law. What do they get for it? What have we gotten for it after 35 years? Very little. Our low-income kids have gotten even less—virtually no improvement in their academic efforts.

So the Members on the other side come to the floor and they say things such as, ''This money will be spent, once again, as it was 35 years ago, if flexibility is given to the States, on tubas and football uniforms.''

I guess they didn't read the bill because it is very specific. For the first time, we are expecting achievement in exchange for giving the States these flexibility opportunities with these funds. This bill, as a result of the Republican initiative, says there must be academic achievement. It must be provable. It must be academic achievement which can be shown to have occurred through tests that have been given at the local level. The academic achievement must occur amongst our low-income kids so they are not left behind.

We are not suggesting dumbing down, as has occurred, regrettably, in too many school systems. We are not suggesting lowering the average so that it looks as if the low-income child is getting closer to the norm. No, we are saying low-income children's achievement must improve as a result of low-income kids actually doing better in math and science and reading in relationship to their peers.

Equally important is that the achievement accountability standards in this bill are very specific in saying they will be disaggregated. What does that mean? That means they are not going to be able to hide the performance of low-income kids behind throwing them in with the average; you will have to look at groups on the basis of their abilities and their classification so we will know whether poor children from the inner city are actually improving in their educational efforts, and we won't have a poor child being claimed to have improved because he or she is put in a pool with kids who have higher incomes and who are attending different school systems.

So we have very specific achievement requirements in this bill. You cannot, in any way, come down here and, in fairness, or with objectivity, or, in my opinion, with an accurate reading of our bill, claim this is the type of program that occurred 30 or 35 years ago and it is, therefore, not going to work today.

This is entirely different. It is an attempt to acknowledge what study after study has shown. Study after study has shown it is not Federal programs and title I that have worked to help kids; local communities and States focusing on kids' education have helped kids. In those States that have actually seen an increase in the achievement levels of low-income kids, such as Texas and North Carolina, success has been specifically achieved because the local schools had flexibility and control over the State money. It wasn't because of Federal dollars. In fact, a NEPA study by the National Education Goals Panel reported that ''the study concludes that the most plausible explanation for test score gains are found in the policy

environment established in each State''—not in any policies that came out of Washington.

The point is this: The other side is trying to mislead us. It is making representations which are totally inaccurate on the issue of how these dollars, which are put into more flexible arenas such as Straight A's portability, will be used.

There is specific accountability. Straight A's requires that States establish annual numeric goals for increasing the percentage of economically disadvantaged students, of minority students, and of students with limited English proficiency. It requires that those kids meet higher abilities of proficiency and that they advance in their ability in math, science, and English.

This representation, which we have now heard for at least a day and we have heard in the press for numerous days, about the ability to just simply throw money in the school systems and allow them to spend it for whatever they want—tubas, footballs, or uniforms—is a fantasy being made by people who are living in a time warp, not only a time warp relevant to that fantasy, but it is a time warp about what is the proper way to approach education. They are unwilling to look at any change. They are so mired in the status quo that they are unwilling to consider any change—even one such as we put forward as an options approach versus an approach which requires the States to do something. We say the States should have the option to try these new ideas. We don't say they must try the ideas.

Another area: There was a representation that Straight A's would end up undermining the ability of kids to achieve in the sense that the school will get the money, that the money won't flow to the low-income child, and that it will be used on some other activity within the school system. They are not talking here about tubas and uniforms. They are talking about another school activity which might end up benefiting the average-income student versus the low-income student. That may be.

But the point is, of course, that at end of the day the school system must prove the academic achievement of the low-income child has increased to get the money. However they spend the money, the results of spending the money must be that the academic achievement of the low-income child must improve. This is the new trust we put into this bill. We are concerned about the achievement of the low-income child, and we are not willing to spend another 35 years throwing money at a problem and creating a status quo in education that loses another generation or two of kids.

Senator MURRAY came to the floor. She said this is a block grant. First, it is not a block grant because it has all of the categorical programs still in place. The money flows into the States. The States still have the categorical programs. They can spend it on any one of those programs. But they will have the ability to move it amongst those programs. They have the accountability standard which we put in place.

But, more important than that, she goes on and says block grant programs are always easy to cut and therefore we shouldn't do this because the programs might get cut and might end up reducing funding.

I point out that it is this Republican Congress that has significantly increased funding for education over the last 4 years. We have increased Federal funding for K through 12 by 67 percent. That is a big improvement.

Equally important, it is this administration—and specifically on the other side of the aisle—that has suggested cutting block grant programs. Title VI, which is the only true block grant under ESEA, has been put in for zeroing out and for cutting in every Clinton/Gore budget. That is a block grant program that has been proposed as zeroing out.

There is a certain disingenuousness when Members on the other side of the aisle come down here and give us crocodile tears about cutting educational spending—especially block grant educational spending—when it is their side that has proposed time and time again in their budgets that we do exactly that.

It is our side that has proposed and has succeeded in significantly increasing funding for the various functions of education—elementary and secondary specifically—and this bill does the same.

It is an important debate we are pursuing right now because it is a debate over the fundamental question of how we improve education for our children, and specifically for our low-income children. It does none of us any good to have a mischaracterization and a misrepresentation of the proposals that are brought to the floor.

Regrettably, the other side has participated in hyperbole of a rather aggressive nature. I suggest if they really wanted to debate the issue of education, they would turn from hyperbole to getting into substance.

Explain to us why we shouldn't put pressure on the local school districts to require that low-income children succeed.

Explain to us why we should not empower parents, teachers, principals, and school board members to make the decisions as to how to better educate low-income children.

Explain to us why they believe—by ''they'' I mean the people here in Washington who represent the educational establishment in Washington—they know more about educating a child, a low-income child specifically, in the town of Rye, or the town of Epping, or the town of Grantham, NH, than the people who spend their whole life in Rye, in Epping, and in Grantham, NH, working to educate that child, and the parents of that child who happen to be totally committed to its education.

Why do we believe we know more and can do a better job?

We have put forward a series of proposals which say to the States: You do not have to take any of them. You can continue this program called title I exactly as it is, if that is what you desire. But if you want to try something more creative, we are going to give you four or five really good options that have worked in other States such as Arizona, or in other cities such as Seattle. And you can undertake those proposals. But it is up to you to make that choice.

The other side needs to come down here and explain to us substantively why it is inappropriate to give States those options when we don't deny that there is a chance to use title I. They refuse to do that. They refuse to address the substance of the issue. Instead, they use hyperbole and go back 56 years to find a problem that has no relationship to today. It is a meager response to this bill coming from the other side of the aisle. Regrettably, it does not do them a service and it doesn't do this debate a great deal of service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I will propound a unanimous consent that the other speakers be Senator SESSIONS of Alabama, Senator HUTCHINSON of Arkansas, and Senator GRAMS of Minnesota, which I think is in keeping with our normal protocol of those who have arrived in the order in which they arrived.

I propound that unanimous consent.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the unanimous consent agreement, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from New Hampshire. He served on the Education Committee for a number of years. You can see the passion, the conviction, and the knowledge he brings to bear on this issue, as the Chair himself has done over the years.

It is time for some changes. The Elementary and Secondary Education Act was passed as part of President Lyndon Johnson's Great Society in 1965.

I have been in schools in Alabama. I have talked to teachers. I have been in 18 schools in Alabama since January 1 of this year.

I was in Selma, AL, just Friday afternoon and spent some time with the new and innovative school they have created. All of the sixth grade is in one building. They call it a ''discovery school.'' They emphasize art, music, and special programs that give the kids electives. But the faculty has gotten together and created a system in which those electives are very substantive.

One of the classes was sports math for kids who like sports. There is a lot of useful mathematics in sports. They are teaching them batting averages and how to calculate all sorts of factors relating to sports programs. That was their idea.

The faculty of that school got together with the principal in the town of Selma to create a better way to educate sixth graders in that community.

We are not capable of doing that here. We will have to vote one day on the defense budget.

We have never been elected to run education in America. We were not elected to do that. The same people who elect us, as the Senator from Washington many times has eloquently said, elected our school board leaders to run education in our communities. They didn't elect us to run education. They elect them to run education. Education is fundamentally a local State community project. It needs to be done by people who know our children's names, who care about them, who know the school buildings, who know the offices.

We are not doing that. We are trying to micromanage education from Washington. We have 700 Federal Government education programs in this country. Imagine that, 700. We talk about empowering schools to develop plans of excellence, and some of our friends from the Democratic side say we don't believe in accountability.

It finally dawned on me, their definition of ''accountability'' is a Federal mandate stating precisely how the money has to be spent in their school system. They define that as accountability. That is not accountability. We are pouring millions of dollars into schools in which learning is not occurring. Under all these programs and all the grants and the 700 programs, nobody knows whether or not learning is occurring.

That is not exactly so. We are beginning to understand that learning is not occurring in many of the schools. Children are operating far below their grade level. That is no longer acceptable.

We need a system of real accountability, a system that tells the American people and parents whether or not learning is occurring. We don't want some national test that will be pushed on every school. In Alabama, we have a very tough new testing system in the 4th, 8th and 12th grade. Students do not get their diploma if they do not take the test and pass. Kids are getting worried. I asked a teacher in Selma the other day did they think kids were actually wising up and were their parents getting more energized and were they aware they were not going to get their diploma unless they met certain minimum standards. The teacher said teachers and parents understand it, children understand it, and they are doing a better job of doing their homework and taking learning more seriously instead of just going through the motions of going to school every day and expecting the diploma to be handed to them when they finish school.

I remember somebody talked about textbooks and how good our textbooks ought to be. What good is a $500 textbook, the best words ever written, if the child is not going to read and is not motivated to read it and the parents are not engaged in helping them read it and there is no sense of urgency or motivation in learning?

Obviously, that is the key to education in America. We will not mandate from Washington, DC. It has to come from the local communities. That is consistent with what modern management is all about.

The Senator from New Hampshire indicated this is old thinking: Run any business from the top down. Every good CEO knows, that all the new management techniques are to empower people at the lowest level who are actually doing the job that is necessary for success. You empower them, motivate them, and encourage them to use their creative power to do that job better every day. That is what we ought to do with an education bill. That is so fundamental to me as to be without dispute.

I taught 1 year in the sixth grade in the public school. My wife taught a number of years. It was a great time but challenging. Our teachers are working desperately to try to educate on a daily basis. Sometimes our regulations and paperwork are unnecessarily adding to their daily burdens. They complain to me about it at every school I visit. I always try to visit classrooms, talk to the principal and try to have an hour or so with a teacher just to talk to them about what they think is important. They are complaining to me about Federal paperwork on a regular basis at every school. They say it is much too burdensome and unnecessary, and it keeps them from doing what they would like to do to improve education in their school.

I am excited about this legislation. We have, in this Congress, increased funding for education every year. We spent more last year on education than the President asked for. We believe in education. We want children to learn. We are not here to feather the nests of bureaucrats. I know people get scared when we talk about a system that doesn't guarantee this program will continue as it has for 35 years. It scares people. The people who are working in those programs are talented and they will be needed in our school system. People are not going to be fired. But we need changes. Every business, every government agency needs to make some changes. Thirty-five years is enough. After 35 years, it is time we reevaluate what we are doing and make some decisions.

We want to see education improve. What does that mean? That means learning is occurring. When children go to class in September and come out in May, they have learned something. The more they have learned during that time, the better we are as a nation. This is critical. We have to figure out how to do that. We will not do it by polling data from Washington setting up 701 Government programs. That is not the way to do it. We have to, with humility, recognize our limits as a Senate and as a Congress. We have to trust the people we have elected in our local communities to run our education systems. We have to encourage parents to be involved in education, both in the schools and in their children's homework and learning. We have to insist local schools have testing programs that actually determine whether or not they are getting better in their mathematics, reading, English, and science.

We want them to improve. We don't want to be at the bottom of the world in test scores in science and mathematics. That is not acceptable in the greatest nation the world has ever known. We cannot allow that to continue. But it will not be business as usual. There will have to be some changes. This legislation will give States an option, a chance to say to the Federal Government, let us try, give us the free reign to run. Let us present to you a program of excellence. Our teachers have signed on, our principals have signed on, the community has signed on. We will have the special sixth grade, this discovery school for sixth graders, and they will learn a lot of different things, including, as they did in Selma, dance, ballet, tap, and music as part of their education curriculum. We believe children will learn better. We know these children. We love this community. We love this school. Give us a chance to do some of these things and inculcate that as part of their schooling.

I believe we will see progress. I believe that is the only way we will see progress. I am excited that what has been produced by this Committee on Health, Education, Labor and Pensions—and this is my first year serving on that committee. I believe this is a good step in the right direction. We will be sending more Federal dollars than ever before to our classroom. We will be sending it down to the classroom, to the principals and teachers who know our children's names. We will be challenging them to provide programs of excellence in which actual learning occurs. That is what we should do. I thank Chairman JEFFORDS and the others who have worked on it.

I see Senator HUTCHINSON, who has been such an outstanding champion of these values. We have worked together on a number of issues. He shares our concerns about empowering our teachers and helping them as they teach in the classroom. We can do better, and this bill is a step in that direction.

I yield the floor.

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Madam President, I commend Senator SESSIONS from Alabama. The Senator from Alabama has been a strong voice for change on the HELP Committee. He has been a very influential member in the writing and offering of this legislation, as has the Senator from Washington, who has been one of the outstanding leaders in this Nation. He returns periodically from our recesses and reports on his visits to the schools in Washington State. He made a conscientious effort to gain the input of local educators, the ones to whom we ought to be listening. I commend his great efforts in this debate.

This is an important debate. As I said yesterday, I believe this is the most important issue and the most important debate the Senate will have in this Congress. It is important, as Senator GREGG said, for us to have this debate on the substantive issues. There are very real, philosophical issues as to what should be the Federal role in education. It is that philosophical difference that should be debated. I am afraid, as I listened to the other side yesterday during their speeches, that what I saw was a straw man being erected and knocked down. That is a very common practice in debate but not very illuminating when it comes to what ought to be the public policy of the United States regarding our public schools.

During the 35 years of the Elementary and Secondary Education Act, Washington made its imprint very deeply; it engraved it into the status quo. The ''status quo,'' that is what Ronald Reagan used to say is Latin for ''the mess we are in.'' If you look at the statistics and studies and reports, you cannot help but conclude that American education is a mess today.

American 12th graders rank 19th out of 21 industrialized nations in mathematics. Only Cyprus and South Africa fared worse. You can take a whole smorgasbord of studies and facts and statistics to indicate the status quo is not sufficient.

The Democratic side, the other side in this debate, has clearly aligned themselves with the status quo. They said it explicitly. They said it forthrightly. They said it candidly. Senator KENNEDY, who is always very articulate and succinct in the way he expresses himself, said we should stick with the tried and the tested. That is an honorable position to take. It is a position we deserve to debate on the floor of the Senate, not misrepresenting or mischaracterizing the bill the committee has presented.

If you want to preserve the status quo, if you want to stay with the tried and the tested, then clearly the bill the HELP Committee has produced is not the bill for you. This is a bill that takes a dramatically new approach. It is a bill that says the past may have been tried and tested, but it is also a past that has clearly been flawed. While American 12th graders have been ranked 19th and 21st among industrialized nations in mathematics since 1993, 10 million American kids reach 12th grade without having learned to read at the basic level.

Senator GREGG said it very well: That is the problem in American education today. We have young people who are reaching 12th grade, preparing to graduate from high school, who cannot read and write. It is not sufficient. It is irresponsible, and it is reprehensible for this Senate to defend that kind of status quo.

Twenty million high school seniors cannot do basic math, and 25 million are illiterate in American history. That should embarrass us as Americans. It certainly ought to embarrass us as U.S. Senators.

What about middle school test scores? Two-thirds of American eighth graders are still performing below the proficiency level in reading. But it is not only high school and middle school students being shortchanged by our Washington cubical-based system; over three-quarters of fourth grade children in urban high-poverty schools are reading below basic on the National Assessment of Education Progress. Those kids, in particular, are the ones title I was intended to help most.

The Elementary and Secondary Education Act, as it originated 35 years ago, was created to help those disadvantaged children who were from distressed urban schools. Yet it is these very children, three-quarters of whom are in the fourth grade, who are reading below the basic level. Those are the children we are failing, those we had promised we were going to help when we established the ESEA 35 years ago.

Last year—and I think this will demonstrate the tragic failure of America today—when the Children's Scholarship Foundation, a private scholarship fund—no public dollars, no Federal dollars, no ESEA dollars; private dollars, a private scholarship fund—offered 40,000 scholarships for tuition, 1.25 million applications were received. Even though families were required to make a matching contribution from their own pockets of $1,000, 1.25 million applications were received for 40,000 scholarships from the Children's Scholarship Foundation.

Does that not tell us that the status quo has tragically failed American families and American children? In urban districts, the Children's Scholarship Foundation demand was high. A staggering 44 percent of eligible parents in Baltimore applied; 33 percent of the parents in Washington, DC, applied for these scholarships. In the poorest communities, parents simply are not satisfied with their schools.

So I say to my colleagues, one could make the argument our country's education system is in a state of emergency, and you would have compelling data to back up that claim. Clearly, the ''tried and tested programs'' are flat busted. They even say that expanding Washington control would fix the multitude of programs. That is nothing more than robbing our kids of their future.

I mentioned yesterday that the President a year ago, as quoted in the New York Times, said he wanted Washington to have more control over education. I will say again, we have too much Washington control. Just last week, back in the State of Arkansas during our recess, I visited an elementary school in North Little Rock. I spoke to a very, very impressive class of fourth graders. I had been invited to come and talk to them about government. They were seated around. For 45 minutes we did a give-and-take. They asked me questions and I asked them questions. I asked them questions to try to get an idea of where they were in their understanding of American government. It was inspirational. Frankly, they knew more than many civics classes and government classes in high schools that I had visited and to whom I had spoken.

The key wasn't any ESEA program. Frankly, it wasn't any title I program. It was that they had a tremendous teacher. I am convinced more and more as I visit schools, the key to good education is good principals and good teachers who are excited about their job and want to communicate facts and information and truth to children.

So I went to this school. While I was at the school, after I made my presentation, the principal, who sat through the 45-minute session with the fourth graders, half jokingly—I say, only half jokingly—introduced me to one whom he described as ''his boss.'' He said, ''Meet my boss, the title I coordinator for our schools.''

I thought in that little joking comment there was a real truth that was being communicated. The other side has said that title I is only 7 percent of the local school district's budget, it is only 7 percent of their funds, but I think when a principal says, ''Meet my boss, this is the title I coordinator,'' it says that while it may only be 7 percent, it wields tremendous influence on the decisions made by local educators. It is a revealing comment, indicative of the extent to which our Federal bureaucracy has assumed control of our local schools. While 7 percent of the education dollars come from the Federal Government, I am repeatedly told by educators, half of all the paperwork is done to obtain Federal grants and comply with Federal regulations.

Child-based education is the focus of the bill the HELP Committee has produced. The pending legislation before us is based upon children; not systems and bureaucracies, but what is best for the children. Make no mistake about it, we have a bill that is about educating America's children, not keeping a failing, dilapidated system on life support.

The bill before us pioneers a new direction for the Federal Government's role in education. It includes four student-focused initiatives, including the

Straight A's program, which we have heard a lot about and which I think is the heartbeat of this legislation. It is a 15-State demonstration program. As Senator GREGG said, no State has to do it. No State is compelled to do it. No State is required to get into the Straight A's program.

If they want to continue with the calcified system of bureaucracy that we have created over the last 35 years, they can do it, but 15 States will be given the opportunity to exchange the mandates, the regulations, the prescriptive formulas from Washington, DC, for freedom to mingle and merge those funds and use them as they deem most important for those children. The bill before us moves us in that direction.

It also has a Teacher Empowerment Act. It has child-centered funding, and it has public school choice, all geared to students, under the premise that no child ought to be chained in a school that has failed year after year. The Department of Education tells us there are literally hundreds of schools that have been adjudged failing schools in which children are trapped. No child ought to be trapped in those schools.

I have listened carefully to the bill's opponents who claim our legislation is nothing more than a blank check to the States. Having served in the State legislature in Arkansas and worked with local school boards, I do not subscribe to the notion that Washington is somehow omniscient. It is not. Nor do I subscribe to the notion that the States are incompetent or uncaring.

Beyond that, this bill is not a blank check. It requires accountability and student performance measures in exchange for flexibility and discretion by States and local schools. That is something the current system does not have and opponents fail to mention.

I say to all my colleagues, when they listen to the eloquent speeches on the other side of the aisle and when they speak about blank checks and lack of accountability, ask yourselves what kind of accountability exists in the current system. I will tell you what accountability means under the current ESEA. It means: Did you fill out the grant application correctly? Did you get the ''i's'' dotted and the ''t's'' crossed? Did you fill it out in the correct manner?

The second thing accountability means under the current system is: Did you spend the money in the prescribed way? That is all accountability means. There is no accountability as to whether kids are learning. There is no accountability as to whether academic progress is being attained. In fact, if you fail, the likelihood is we will just fund your failure at a higher level.

That is not real accountability. Rather than cubical-based bureaucrats in Washington pulling the funding strings, funding will be allocated directly to the States and based on how well each school's students are performing.

Let me illustrate what is happening under the current Washington-based, top-down system.

School districts currently receive funds under more than a dozen Federal categorical grant programs. The only accountability for many of these programs lies in how the money is spent, not in improving student achievement. Washington requires schools to spend money on technology, but there are no requirements for what matters most: Are the kids learning?

Officials in an elementary school in my home State think that one of their greatest needs is to remediate children early. This is referring to a principal whom I talked with last night and again today in a situation that arose in her elementary school.

She thought the greatest need was to begin remediation early, as soon as the deficiency could be identified, rather than waiting until the end of the school year and sending the children to summer school. To achieve this, the principal wanted to implement a concept known as point-in-time remediation, which is designed to help underachieving students before they fall irreversibly behind.

This principal needed to hire a new teacher who would spend time each day working in different classrooms throughout the school assisting students who were struggling below grade level. In her desire to do what she believed was best for her children and to utilize this point-in-time remediation, she made an application for a Federal grant. Her title I coordinator rewrote her grant application as a request for funding to hire a teacher to reduce class size, and the application was then approved.

She now had an approved grant for class size reduction, which has been one of the hallmarks of what the other side said we needed to be doing: provide 100,000 teachers from the Federal level to reduce class size. That is what this title I coordinator did. She rewrote the principal's application so it would comply with the program that was most likely to get approved—class size reduction. The application was approved.

Here is the problem: The school does not have a class size problem. They do have a desire to work with students to keep them from falling behind. Unfortunately, for many of the children of this Arkansas elementary school, under our current one-size-fits-all, overly prescriptive Federal education system, arbitrarily lowering class size is more important than meeting the real needs of children. This principal is faced with the alternative: I either fudge, I cheat, I do not follow the prescription of the grant application and what the grant was given for or I cheat my children whom I care about, for whom I want to do point-in-time remediation.

That was the choice this principal was facing. That is the choice our one-size-fits-all approach to education from the Federal level gives educators over and over.

The arguments I have heard repeatedly from the other side echo the arguments we heard a few years ago when we sought to reform welfare: block grants, blank checks, cannot trust the States; they are going to hurt people; they are not compassionate.

What happened is, nationwide welfare caseloads have fallen in half since we passed welfare reform and gave the States the same kind of latitude that we now would like to give them in regard to education. The sky did not fall. Disaster did not occur. The States did not turn their backs upon the needy. But hope and opportunity and a way up and out was created for millions of Americans who had been trapped in a welfare system that did not do anyone justice.

Now we are hearing the same arguments regarding education: You cannot trust the States; they will build swimming pools; it is a blank check; they are not compassionate; they do not care; they are not going to do what is right for the children.

I reject that, and I think the American people reject the notion that wisdom flows out of the beltway in Washington, DC.

Under the Straight A's Program, States do not receive a blank check. Before a State is even eligible to participate in the optional demonstration program, it must have a rigorous accountability system in place. It must establish specific numeric performance goals for student achievement in every subject and grade in which students are assessed. It must establish specific numeric goals to reduce the achievement gap and to increase student achievement for all children. No more averaging. No more aggregating the test results so as to conceal the failure of the current system. They must establish numeric goals reducing the achievement gap, which is still all too real between the disadvantaged students and those who have more advantages.

Under our bill, it must establish an accountability system to ensure schools are held accountable for substantially increasing student performance for all children, regardless of income, race, or ethnicity. That is far from a blank check. That is not the end.

Then a State signs a performance contract with the Secretary setting forth the performance goals by which the State's progress will be measured and describing how the State intends to improve achievement for all students and narrow that achievement gap. Unlike current law, Straight A's forces States to measure the progress of all children by requiring States to take into account the progress of students from every school district and school in the State so that no community is left behind.

States must make improvements in the proportion of students at proficient and advanced levels of performance from year to year so that no child is left behind.

Most importantly, States must include annual numerical goals for improving student achievement for specific groups of children, including disadvantaged students, so that no child is left behind.

Right now, title I—I know my good friend, the distinguished Senator from Minnesota, cares about disadvantaged children—only serves two-thirds of the eligible children. That is a tragedy. That is a disgrace. Under the bill our committee has produced, every title I eligible child will be assured of being served.

For the first time, the Federal Government will not make schools fill out paperwork to show us what they are spending their money on, but we will make States show us that every child in every school in every school district is learning.

Block grants. I heard Senator KENNEDY say this yesterday, and I think some others on the other side of the aisle also said this: Block grants will surely result in abuses.

We are, of course, investigating this, but let me point back to the example of a school building a swimming pool with a block grant. First of all, I do not know if that is accurate, and I do not know if they were violating the law at the time, if it did occur. But beyond that, there is no honest way to compare the block grant experience of the 1960s with the accountability provisions that are required in the Straight A's proposal in the legislation before the Senate. It is apples and oranges. It is not even fair to make such a comparison. But they do so.

In that allegation, in that attack upon this bill, there is the insinuation or the suggestion that currently, under the status quo—which is so roundly defended—there is somehow accountability and those abuses do not occur. On that, I know they are wrong.

Let me give you an example. I want to show some pictures.

Last August, during a recess, I toured a lot of the Delta area in Arkansas, which is the poorest area in the State of Arkansas. It is also the poorest area in the United States. We hear about Appalachia. Today, the Delta of the Mississippi River is the poorest area in this Nation. So I spent almost 2 weeks in the Delta area of Arkansas.

During that time, I visited the rural health clinics, I visited the hospitals, and I visited schools. But one I will never forget—I had staff go down this past week to verify that I had my facts straight—was the Holly Grove school in southern Arkansas in the Delta.

It is about 95 percent minority—95 percent African American. They are in a 50-year-old building. The building is older than the Elementary and Secondary Education Act. They have a very low property tax base, so they have very little funding. Frankly, it is an issue the State needs to address in the equitable distribution of State funds. But that is not my point at this moment.

So I went into the building. It is 50 years old. It is dilapidated, falling down. We hear about inner-city schools falling down. This rural school surely is as bad as any inner-city school I have ever visited or seen or heard about.

The ceilings are 12 feet high, so it is very difficult to heat. That in itself makes it a very bad learning environment. The lighting is very poor. Then, worse yet, the ceiling is collapsing. Tiles are falling down, tiles are missing. There are big water stains. You can see it in this picture. These are the water stains in the tile of the ceiling. There are missing tiles in the ceiling. This picture gives you an idea of the conditions in the building.

This picture shows the outside of the school, the school door. This one school building, by the way, houses Head Start through the 12th grade. As you can see from the picture, the paint is in very poor condition. The building itself, while brick, is 50 years old.

I want to show you an amazing thing. I toured the school. The principal took me through the school. There were broken windows. The ceiling was, as I said, collapsing. We opened this one door, and I had the most amazing sight. I saw state-of-the-art exercise equipment.

Here is a picture of it. This was taken last week. These are treadmills—I suspect better than what we have in the Senate gym. There were a number of treadmills. And then, if you don't like treadmills, they had Stairmasters, a number of Stairmasters. This is brand new equipment. This was all purchased last year. If you want to go beyond the Stairmasters and the treadmills, there is Nautilus equipment, state-of-the-art, brand new Nautilus equipment, a big room full of this equipment.

Mr. HARKIN. Will the Senator yield for a question?

Mr. HUTCHINSON. Let me finish my story. Then maybe I will answer the question and be glad to yield.

After having looked at the terrible conditions in the building, the conditions to which the students were being exposed every day, I asked the principal: Where did you get the money? Where did you get the money to buy all of this state-of-the-art equipment? And he said, rather sheepishly: This was a Federal grant.

We went back and talked about it. He applied for this grant. The school applied for the grant. This was the way they could spend the money. Then he said: I would much rather have spent the money on improving my facilities. I would much rather have lowered the ceiling, put good lighting in, painted the rooms. I would much rather have had some resources to do that.

The answer on the other side is: Well, we will just start a school construction program from up here. Do you know what will happen then? We will spend school construction money where they don't need school construction. What we had here was a typical Federal Government approach, a prescriptive categorical grant. Do you know how much money they got? They got $239,000 for the Holly Grove school to buy athletic equipment.

To my colleagues, I say that is the insanity we must end. I am not saying that is not good. I am glad they have the equipment. I am sure the community can come in and use it in the evening. There is probably some good coming out of this state-of-the-art athletic equipment. But that is not what they needed, and the principal knew it.

Under our legislation, that principal and the school district, working together with the school board, would be able to decide what was needed most.

For a lot of schools, maybe it would be nice. I don't know. For an after-school learning program, maybe they could use the equipment. Or maybe a school could use computers, or maybe they could use tutors, or maybe they could use new textbooks. But when they talk about swimming pools from block grants, I want you to remember this picture because that is the current system.

I am not shy about how I feel about education. As is Senator SESSIONS, I am excited about the legislation this committee has produced. This is a debate about education, not elections. It is a debate about student achievement, not bureaucratic preservation.

If the underlying bill is passed and signed into law, the American people will be the beneficiaries, the American children will know they have a better opportunity in the future, and we will know we did our job.

I think this bill is so good and the facts so clear and the message so strong that proponents of the status quo are worried this could actually happen. In fact, some colleagues have already stated their intentions to offer amendments that they know darn good and well will kill this bill—kill it.

I am elated that so far the debate has been about educating our kids. I hope it continues. However, I understand a gun and gun violence debate is coming. Who knows? Possibly campaign finance, maybe prescription drugs, too—all important issues in their own place, to be sure. But there isn't any American who follows this debate who does not understand what that would do to this bill. It would kill it. That is what they want to do.

I respect any Member's right to have their amendment debated on the floor of the Senate. I, too, have that right. I want to preserve it. But the Senate has already debated a juvenile crime bill. Members have stated their positions, and they have taken tough votes. What we need to do is ensure that this debate remains on education.

I implore my colleagues on the other side to reject the temptation to offer extraneous, unrelated, nongermane amendments to this bill. Let's have an honest debate on education. We can disagree and disagree vehemently. We

can have an honest philosophical difference over what the role of the Federal Government ought to be. Let's have that debate and take those arguments to the American people. But let's not clutter this up with extraneous, nongermane issues.

With millions of American students struggling to read, millions of American students who don't know the basics of U.S. history or don't exhibit basic mathematic skills, you would think we could collectively improve student performance by passing the pending legislation. We will soon see if we can bring our children to the halls of learning or keep them outside spinning endlessly on the merry-go-round of Washington politics.

I will conclude by quoting a former Secretary of Education, Bill Bennett. He used this analogy, and it is appropriate in our debate on the floor of the Senate. This was back in 1988, and it is true today under the ESEA:

> If you serve a child a rotten hamburger in America, Federal, State and local agencies will investigate you, summon you, close you down, whatever. But if you provide a child with a rotten education, nothing happens, except that you're likely to be given more money to do it with.

That is the current system. That is the status quo. I won't defend it. We want to change it. This legislation does that. I hope as this debate goes forward we will have an opportunity to vote on the substance of the Educational Opportunities Act.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). Under the previous order, the Senator from Minnesota, Mr. GRAMS, is recognized.

Mr. WELLSTONE. Will the Senator yield for 10 seconds?

Mr. GRAMS. Yes.

Mr. WELLSTONE. A number of Republicans have spoken, four or five in a row. I ask unanimous consent that Senator HARKIN follow the Senator from Minnesota, Mr. GRAMS, and that I be allowed to follow him.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator DOMENICI be added to the end of that list.

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

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I come to the floor this afternoon to discuss an amendment that I hope to offer later to the proposed Educational Opportunities Act. To get right to the needs of this amendment, it would permit States to fulfill the assessment requirements of this bill by testing students at the local district level, or at the classroom level, and with a nationally recognized academic test, such as the Iowa Test of Basic Skills, and also to provide school districts a choice of State-approved standards from which to teach their students.

This is an amendment that seeks to maintain more authority at the local level where decisions are best made. It would provide more flexibility for schools to choose their own assessments to meet State standards without losing any of the accountability needed to ensure students are achieving. Basically, it would offer schools an option on how they want to measure the academic standards for achievements of their students—not to have this cookie-cutter-type proposal out of Washington that says this is the only way it can be done but to allow some flexibility for States that might want to use a different measuring stick.

In Minnesota, the Federal requirements to implement a set of State standards and accompanying State assessments have resulted in a highly controversial State content standard called the ''profile of learning.'' Many parents in Minnesota have expressed to me their concern about the vague and indefinite nature of the profile standards and also the consequential decline of academic rigor in the classroom. Parents also object to some of the intrusive test questions that have been asked of the students. A poll taken a few months ago showed that only 9 percent of public school teachers support continuation of the profile as it is currently written in the State of Minnesota.

The students who visit my Washington office on school trips almost universally believe the time spent on fulfilling the profile requirements has shortchanged them from obtaining real academic instruction. Some of the assessments, entitled ''performance packages'' in Minnesota, can take from 3 to 6 weeks to complete, sacrificing some very valuable class time for students. The performance packages required under the profile are often assigned to groups of students, and inevitably some students end up pulling more of the weight than others. It is hard to see how this group system ensures that each student is assessed based upon his or her individual performance or effort.

I won't get into many particulars of the profile standards, but they, unfortunately, focus too much on politically fashionable outcomes and not enough on transmitting to students a core body of knowledge. For instance, one of the profile ''performance packages''—let me explain this to you—was for a student to ''violate a folkway,'' which means to do something odd or unexpected in a public place; and then they would have their partner come along with them who, in the background, would watch how people reacted and write down that reaction. I think it would be an understatement to say that a school project such as that would be of extremely questionable value, just as an example.

The Thomas P. Fordham Foundation, which publishes a review of State standards nationwide, stated that in the English portion of the profile ''a large number of standards are not specific, measurable, or demanding.''

We have another expert, a standards expert, Dianne Ravitch, who wrote the following about the profile:

> I will be candid because I don't have time to be diplomatic. In the area of social studies, the Minnesota standards are among the worst in the Nation. They are vague. They are not testable. I advise you to toss them out and start over.

A professor at one of the Minnesota State universities describing the profile wrote:

> The detail, the record keeping, the assessment for each individual is enough to make one's head spin. The time that will be devoted to paperwork will, of necessity, distract teachers from planning, preparation, reflection, working with students, and other essential tasks. I pity the poor teacher who tries to bring it off and any nonlinear-thinking student who falls victim to Minnesota-style results-based learning.

It is obvious that in Minnesota we have a real problem with education standards. In fact, the Minnesota House of Representatives voted last year to scrap the profiles completely, but unfortunately that bill was not adopted by the full legislature.

Our children's education is too important to be the subject of experimentation with the latest politically correct instructional fad. I want Minnesota students to excel, and I want to make sure Minnesota school districts have a choice of standards—again, not a cookie-cutter model from Washington or imposed by Washington to qualify for any funding. I believe Minnesota will adopt new standards and assessments, if not this year, then in the near future. I want to help ensure school districts are not forced to follow a fad, but that they have some options in how to assess their students' education.

Though the profile has not been replaced, there is a strong grassroots movement toward rigorous academic standards in Minnesota which has been embodied in legislation that creates an alternative academic standard that emphasizes very clear, rigorous standards, local control, and accountability to parents.

This State legislation has been entitled the ''North Star Standard,'' and it is the intent of the bill's sponsors to implement this standard as a local option so that local school districts can choose between the North Star Standard or the profile. They can stick with the new politically correct system or they can go to an academically rigorous system that allows students to learn more.

My amendment would clarify that there can be two sets of standards and assessments from which local school districts can choose. Again, that is all my amendment asks for. It says it would clarify that there could be two sets of standards and assessments from which local school districts could choose—again, not the one dictated standard of how to get it done but leaving some options and allowing at least

a second set of standards that parents and teachers could choose.

For districts choosing the North Star Standard, students may be assessed at the classroom or local district level, not the State level. To ensure true accountability, the North Star Standard sets up strict reporting requirements. Teachers would have to provide parents a complete syllabus, information on the curriculum, homework assignments, and testing. Thus, the parents would know what their students are learning and what their children are being tested on, protecting against the temptation to ''dumb down'' any of the tests to make things look better.

While academic rigor is currently being compromised in Minnesota through a system of standards and assessments that aren't challenging and involve time-consuming projects that take valuable time away from classroom instruction, it would be returned through local ''full disclosure'' requirements to parents. Local testing would be tied to the curriculum, and the testing would also include a nationally recognized test such as the Iowa Test of Basic Skills.

The North Star Standard would also create an alternative, State-level set of academic standards that are clear, unambiguous, and present what a student should know, without dictating a specific curriculum or how teachers are to teach that body of information. In other words, we don't want tests written and then teachers teaching to the tests. I believe this standard is closer to what was intended under the ESEA of 1994.

The theme of this reauthorization bill has been more State and local flexibility in exchange for accountability. I believe we can maximize that accountability if we leave it to local school boards and parents. The North Star Standard is an appropriate response to the shortcomings of the State-level standards and assessments experiment in Minnesota.

I firmly believe that nothing we do here in Congress should inhibit the efforts of citizens to reform their school systems in a manner they choose, and that they know what is best for their children.

Parents are the moving force behind development of the North Star Standard. These parents, some of which are current and former local school board members, feel passionately about the education of all children, and have carefully crafted a standard and assessment structure that they believe, and I believe, will improve the education of Minnesota students.

Again, this amendment is designed not to create a mold for one size fits all, but to allow states to have two sets of standards and assessments and to allow a local school district and teachers the opportunity to choose their own assessment that meets the outcomes we all want. I urge my colleagues to help my constituents restore the proud history of excellent educational achievement in the Minnesota public schools by supporting this amendment when I have the opportunity to offer it later this week.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Senator GORTON be added to the list of Republicans who are to speak.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, as we enter the 21st century, the American people have their eyes firmly focused on the future, and they know education is the key to that future. This morning's USA Today newspaper reported that of all the issues the American people care about or they want their Presidential candidate speaking about, education is No. 1. Eighty-nine percent rank it as the most important issue in determining their vote for President.

That is why this debate is so important. It has been 6 years since we had the elementary and secondary education bill on the floor and I am delighted that we are finally having this debate. I am hopeful it will be a full and open debate with amendments that address the broader issue of education in this country.

Yesterday, there was a lot of discussion about the failure of Federal education programs. We heard a lot of talk yesterday about how the achievement gap has widened and U.S. students are near the bottom of international assessments, teachers are not qualified, too many students can't read, and on and on. We heard all of these horror stories yesterday.

I wish to state at the outset, first of all, that, like so many of my colleagues, I have traveled around the world. I have visited education systems in other parts of the globe. I wouldn't trade one education system anywhere in the world for the public education system we have in America. I wouldn't trade this public education system we have in America for anything anywhere else in the world because we invest in public education so that every child, regardless of how rich, or how poor, no matter where that child is born or raised, has a chance to fulfill his or her dreams. It is not so in other countries.

You might say the math scores are higher here or there. But, then again, in some other education systems they take the brightest kids through testing and put them in mainstream schools. They may take other kids who maybe don't test as well and put them in technical schools. When it comes to some of these international assessments, some countries are only testing the kids who are the brightest.

We don't believe in that kind of a structured education system in America. We don't have one set of kids here, another set of kids here, and another set of kids here. We believe in universal education so that every child has the ability to learn, to grow, and to develop. Yet even kids with disabilities have the ability to learn, to grow, and to develop. We have expanded the concept of public education time and time again to include more under that umbrella.

When I was a kid growing up and going to public schools, you would never see a kid in a wheelchair in school, or a kid on a respirator, or someone who had a mental disability in a school, or a kid with Down's syndrome, for example. But today it is commonplace. And I say we are a better country because of it.

When my daughter was in public grade school recently there were kids in school with disabilities right in the classroom. I used to visit her in the classroom. I thought it was good for the kids with disabilities, and it is good for the kids without disabilities. It brings people together. You won't find that in very many foreign countries. Why don't talk about that as a source of pride in this country, and what we do for all of our kids in this country? Listening to the speakers yesterday you would think we had the worst education system in the world; that it is just the pits. I beg to differ.

We have great teachers, we have great schools, and we have great kids. We have come a long way in this country in making sure that universal education is the right for all.

Does that mean we don't have problems? Of course, we have problems to fix. Just as we opened the doors with kids with disabilities and said that you can't keep kids out of school, you can't keep kids out of school because of race, you can't keep kids out of school because of sex.

Again, I hear these terrible stories about schools. I wonder where the people are coming from who I heard speak so much yesterday. What do they want? Do they want to privatize all of American education? Do they want to have a system of education as some foreign countries have where the brightest kids at an early age when they are tested get put into special schools, and maybe kids who don't have the intellectual capacity of others are put in technical schools? They just learn a trade, and that is all they do. Is that what people want around here? If so, why don't they have the guts to get up and say so if they want our education system to be like some foreign countries, where their national governments, not local school districts control education.

After listening to the debate yesterday, you come to the conclusion that the Federal Government is solely responsible for public education in this country, and it is the Federal Government that is solely responsible for the failure of our schools.

Let's set the record straight. Right now, of all of the money that goes to elementary and secondary education in America, only 6 percent comes from the Federal Government.

That 6 percent of the money that comes to the Federal Government has ruined all of the kids in America, has ruined our schools. Forget that a lot goes for Title I reading and math programs, forget a lot of the Federal help goes to IDEA, Individuals with Disabilities Education Act, and other programs such as that. For some reason, that small amount, 6 percent, has ruined our schools. That is an odd case to make for those arguing that the Federal Government is to blame for this.

Second, education is only 2.3 percent of the Federal budget. Out of every $1 the Federal Government spends, only 2.3 cents goes for education.

I make the opposite argument. I think it ought to be more than that. I think on a national level we need more of a national commitment to our public schools. Because our investment in public education is so small—only 6 cents out of every dollar—we have to be careful where it goes.

First, we ought to make sure every child is educated in modern public schools connected to the Internet. Schools that have the best technology.

Second, we must make sure every child has an up-to-date teacher who is an expert in the subjects he or she is teaching.

Third, we must make sure every child has a chance to learn and be heard. You cannot do that in overcrowded classrooms. We need to make our class sizes smaller.

Fourth, we have to make sure children have a safe place to go during the hours between the end of the school day and the time their parents come home from work.

People talk about safety in schools. We are all concerned about safety in schools. However, we need to keep our focus on where the problem is. Schools are one of the safest places for our children, most of the problems happen after they leave school in the afternoon, in the evening, and on weekends.

We all decry the tragedy at Columbine, and tragedies at other schools. Those incidents capture our attention; they cry out for some kind of involvement and some kind of a solution. But keep in mind that only 1 percent of the violence done to kids is in school. We need to make sure we have an after school program to help keep these kids safe and secure.

Fifth, we have to continue to expand our help to local school districts to help kids with special needs in special education and for Title I reading and math programs so that students can master the basics.

Finally, we must demand accountability for our investments.

I think this is a clear, comprehensive, and accountable national education agenda.

But the pending legislation before the Senate does not establish this clear agenda. In fact, the bill retreats on our national commitment to education. It does not answer the tough questions. It simply says we are going to throw it back to the States; we will not provide any kind of leadership on the national level.

Finally, as has been said before by Senator KENNEDY, Senator DASCHLE, and others, this is the first time this reauthorization is coming to the floor as a partisan bill. The first time since the Elementary and Secondary Education Act was passed in the 1960s that we have not had a bipartisan bill on the floor. It came out of committee on a straight party line vote.

This bill gets an A for partisanship, but it gets an F for educational progress. The centerpiece is the Straight A block grant. It sends the dollars back to the States for any educational purpose they see fit.

As was stated in the committee, one of our Senators, Mr. GREGG on the other side, admitted this could mean private school voucher programs if the State has such a program. In return for the blank check, the State has to show improvements in student achievement after 5 long years. It is a risky proposal and will not guarantee any improvements in education.

We heard a lot of talk yesterday about the burden of filling out all these forms that schools have to fill out to get Federal grants. First we are told the Federal grants are not any good. Then we are told it is too burdensome. Do they want to make it easier or cut it out? We don't know the answer to that.

I have a Federal Class-Size Reduction Program application from the Marion Independent School District in Marion, IA. This is for class-size reduction. It is one page, two pages, three pages. Three pages is burdensome? Anyone could fill this thing out in no time flat. To hear some people on the other side talk, one would think it necessary to sit down for a whole week and hire consultants to complete this paperwork.

This administration, under the leadership of President Clinton and Vice President GORE, in reinventing government, have simplified and clarified a lot of the processes. To hear some of my colleagues talk about it, you would think we were back 20 or 30 years ago under the Reagan administration, or even before that, when you did have to fill out volumes and volumes of material.

Here is the bill, S. 2. We hear the talk on the Republican side about all the mandates, local control, and the reporting requirements. Here is an amendment that takes up a page, section 4304: Disclaimer On Materials Produced, Procured Or Distributed From Funding Authorized By This Act.

All materials produced, procured, or distributed, in whole or in part, as a result of Federal funding authorized under this Act shall have printed thereon—

(1) the following statement: ''This material has been printed, procured or distributed, in whole or in part, at the expense of the Federal Government. Any person who objects to the accuracy of the material, to the completeness of the material, or to the representations made within the material, including objections related to this material's characterization or religious beliefs, are encouraged to direct their comments to the Office of the United States Secretary of Education;

(2) the complete address of an office designated by the Secretary to receive comments from members of the public.

And it goes on. Every 6 months they have to prepare a summary of all of this.

And the Republicans are talking about simplifying? This requirement will be burdensome.

I want to talk about one issue on which I will offer an amendment, providing authorization for the national effort to modernize and make emergency repairs to our Nation's public schools. The conditions of our schools are well known.

In 1998, the American Society of Civil Engineers—not a political group the last time I checked—did a report card on the Nation's physical infrastructure, covering roads, bridges, mass transit, water, dams, solid waste, hazardous waste, and schools. The only subject to receive an F in their quality in terms of our national infrastructure were our schools. That is from the American Society of Civil Engineers.

We know that 74 percent of our schools, three out of four schools, were built before 1970 and they are over 30 years old. The average age is about 42 years right now. I was on the floor when the Senator from Arkansas was discussing the school he visited. The ceiling was falling in, rain was coming in, insulation was peeling off. It looks dismal. He talked about how there was exercise equipment in the school. I don't know about the exercise equipment, but I do know about the infrastructure, and he is right. There are schools like that in Arkansas and Iowa and all across this country. Many of these schools are in low-income areas where they do not have a very large property tax base so they are unable to generate the revenue they need to fix up their schools. This is a national problem, and it requires a national effort and a national solution.

It is a national disgrace that the nicest things our kids see as they are growing up are shopping malls, movie theaters, and sports arenas and some of the most run down things they see are the public schools they attend. What kind of message are we sending to our kids about how much we believe in their public education?

In 1994, there was a title XII that was added to the Elementary and Secondary Education Act in that reauthorization. I had been instrumental in that, both from the authorizing end and also from the appropriation end, because I have long believed this is a national problem. Just as our roads and our bridges, our dams, and our water systems are all constructed, built, and maintained locally, we still provide a national input into those facilities.

I then tried, on the Appropriations Committee, to get money for Title XII. I have not been all that successful, I

must admit. I did get a pilot program which is showing that a federal investment in school facilities can make a big difference. A modest federal investment can make school safer by bringing them up to state and local fire codes. A modest federal investment can spur new construction projects as well.

Here is that report card that says our schools rate F in infrastructure. We know there are some $268 billion needed to modernize school facilities all over America. We know our local property taxpayers are hard pressed in many areas to increase their property taxes to pay for this. So that is why we need a national effort.

But this bill, S. 2—I can hardly lift it, it weighs so much—S. 2, the reauthorization, strikes out title XII. We put it in, in 1994. I remember it was not objected to on the Republican side. It was not objected to on the Democratic side. It had broad support in committee. It had broad support in the Congress. Now, for some reason, 6 years later when we have not even taken the first baby step to help modernize our schools on a national basis, the Republicans have taken it out—just excised it. I offered an amendment in committee to restore this important program, and I lost on a straight party line vote.

In the next day or so, whenever I have the opportunity, I will be offering an amendment to restore title XII. My amendment will reauthorize $1.3 billion to make grants and zero interest loans to enable public schools to make the urgent repairs they need so public schools such as the one talked about by my friend from Arkansas could use that money to fix the leaking roof, repair the electrical wiring, fix fire code violations.

From my own State, the Iowa State Fire Marshal reported that fires in Iowa schools have increased fivefold over the past several years, from an average of 20 in the previous decades to over 100 in the 1990s. Why is that? It is because these old schools, 31 percent of them built before World War II, have bad wiring. After all these years, they are getting short-circuits. Maybe they have tried to air-condition; they got a bigger load factor, and they are getting more and more fires all the time in our public schools.

This is something you will not believe, but 25 percent, one out of every four public schools in New York City, are still heated by coal. One out of every four public schools in the city of New York is heated by coal. Talk about pre-World War II.

I think there is a clear national need to help our school districts improve the condition of their schools for the health, the safety, and the education of our children. I hope the Republicans will do what they did in 1994 and support it again, broadly based, so we can have a national effort to provide funds. The President put $1.3 billion in his budget that would go out under title XII. Yet the Republicans have taken title XII completely out of the bill. So I am hopeful in the next day or two we can put it back in and authorize this money.

Having said all that, is everything in this bill absolutely bad? Not by a long shot. There are some really good things in that bill, and I want to talk about one of those. Right now, children, especially little kids, are subject to unprecedented social stresses coming about from the fragmentation of families, drug and alcohol abuse, violence they see every day either in person in the home or on the streets or on television or in movies, child abuse, and of course grinding poverty.

In 1988, 12 years ago, the Des Moines, IA, Independent School District recognized the situation and they began a program of expanded counseling services in elementary schools. They called it ''Smoother Sailing,'' and it operates on the simple premise: Get the kids early to prevent problems rather than waiting for a crisis.

As a result, the Des Moines School District more than tripled the number of elementary school counselors to make sure there is at least one well-trained professional guidance counselor in every single elementary school building in the Des Moines School District. In some there is more than one, but no school is without one. It started in 10 elementary schools. Forty-two elementary schools now have this program. The ratio is 1 counselor for every 250 students, as recommended by experts. The national figure for counselors for students in elementary school is one counselor for every 1,000 students—1 counselor for every 1,000 kids. There is no way 1 counselor can get to 1,000 kids. In Des Moines, we went down to 1 for every 250.

It is working. It has been a great success. Assessments of fourth- and fifth-grade students show they are better at solving problems, and the teachers tell us there are fewer fights and there is less violence on the playgrounds. It has worked. Smoother Sailing was a model for the Elementary School Counseling Demonstration Program, and I am pleased the program is reauthorized in S. 2.

We are discussing the reauthorization of the Elementary and Secondary Education Act and I am hopeful we can make some changes in S. 2 to reflect our national priorities. I just spoke about one. I also serve on the Appropriations Committee, and my question is: How are we going to fund it? Mr. President, the budget resolution we adopted cuts nondefense discretionary spending by $7 billion.

I am working with Senator SPECTER, chairman of the education appropriations subcommittee, to find the money and do more than talk about these problems. We are going to have a lot of debate on it. The President submitted a budget that I think makes a good start at funding these programs—title I, after school programs, class-size reduction, school modernization, school technology. All of these are vitally important. But where is the money when the budget resolution cut our nondefense discretionary spending by $7 billion?

We will have more debate about that in the future. I thought I might give a heads up to my fellow Senators and say, it is all fine to authorize this, but when the crunch comes on money, let's step up to the bar and vote because we may need 60 votes. There will probably be a point of order, and we will need 60 votes. We will see then if Senators really want to invest in public education in this country. It is one thing to authorize it, but then sometime later this year we are going to have to step up and vote the money to solve these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank Senator HARKIN for his statement. I am going to build on a couple points he has made.

I ask unanimous consent that Senator JOHN KERRY—in the order that has already been established—follow Senator GORTON. I believe Senator GORTON is last on the list, and Senator KERRY wants to be included in that list of speakers.

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

Mr. WELLSTONE. I thank the Chair.

Mr. President, I have a sequence of thoughts I want to put forward, and I will not do this, hopefully, in a haphazard way. I say to Senator HARKIN, since he talked about appropriations, I want to talk about my State of Minnesota and the need for investment in some of these crumbling schools. He is right on the mark. I hear about that all the time.

I also want to talk about a wonderful book by Mike Rose called ''Possible Lives'' based upon his experience in classrooms and all the goodness he sees.

I agree with the very first point Senator HARKIN made today about what is going on makes sense. But on the appropriations, the Senator from Iowa is right on the mark. Every breed of politician likes to have their picture taken with children. Everybody is for education. Everybody is for the children. Everybody is for the young. They are the future. But it has become symbolic politics.

Frankly, I hear a lot of concern about children and education, but the question is whether or not we will dig into our pockets and make some investment. The Senator from Iowa is right on the mark.

When I listen to some of my colleagues, I hear them talk about a couple different points. First, I hear them say this piece of legislation represents a step forward and Senator TED KENNEDY somehow represents the past. I thought we were going to have a bipartisan bill, but this piece of legislation before us represents a great step backward. This is not about a step forward;

this is a great step backward. This legislation turns the clock back several decades and basically says no longer do we, as a nation, say we have a commitment to making sure vulnerable children—namely, homeless children; namely, migrant children—will, in fact, get a good education, or that we at least enunciate that as a national goal. We retreat from that in this legislation.

With all due respect, there is a reason that we, as the Senate and House of Representatives—the Congress—said we are going to make sure there are some standards, we are going to make sure we live up to this commitment, and that is because, prior to targeting this money with some clear guidance, these children, the most vulnerable children, were left behind.

Second, my understanding is the National Governors' Association has said, when it comes to title I, they want to keep it targeted. This particular piece of legislation is so extreme that it even gets away from the targeting of title I money.

Third, to go to Senator HARKIN's point about appropriations, when I hear my colleagues on the other side talk about how we want change, we want to close the learning gap, we want to make sure poor children do as well, that children of color do as well, this piece of legislation is the agent of change, and we are for change, change, change, the question I ask is: If that is the case, then—I said this the other day—why don't we get serious about being a player in prekindergarten?

With all due respect, most of K–12 is at the State level. As a matter of fact, if we are going to say—Senator HARKIN made this point—that education is not doing well and they are going to present this indictment of teachers and our educational system, remember that about 93, 94 percent of the investment is at the State level.

With all due respect to some colleagues on the floor, when I hear some of the bashing, either explicit or implicit, of education and teachers, I say to myself that some of the harshest critics of public education could not last 1 hour in the classrooms they condemn.

If we are serious about this, then why don't we make a real investment in pre-K? It is pathetic what is in this budget when it comes to investing in children before kindergarten. The learning gap is wide by kindergarten, and then those children fall further behind. We could make such a difference. We could decentralize it and get it down to the community level, and we could make a real difference. But no, that is not in this bill or any piece of legislation from my colleagues on the other side of the aisle.

Senator HUTCHINSON, a friend—we disagree, but we like each other—talked about how the bill, S. 2, provides title I money for all the children in the country. I do not get that. I do not know how it can. Right now, we have an appropriation that provides funding for—what, I ask Senator HARKIN—about 30 percent of the children that will be available? Fifty percent? I do not see in the budget proposal or in any appropriations bills that are coming from the Republican majority a dramatic or significant increase in that investment at all.

If my colleagues want to present a critique of what is going on, let me just give you some figures from my friend Jonathan Kozol who just sent me the Chancellor's 60-day report on New York City Public Schools. It is pretty interesting. In New York City, they are able to spend per year, per pupil, on average, $8,171. Fishers Island is $24,000, rounding this up; Great Neck, $17,000; White Plains, $16,000; Roslyn, $16,000; and other communities, $20,000, $21,000.

Mr. HARKIN. Is that per student?

Mr. WELLSTONE. Per student, two times and three times the amount.

Here is another interesting figure. This is median teacher salaries. In the Democratic proposal—I will be honest about it, I cannot help it. I do not think the administration's proposal is great. I do not think we should be talking about their proposal when it comes to early childhood development. I would like to see much more in education. But I think with what we have heard on the floor, I say to Senator HARKIN, is that the investment in rebuilding our crumbling schools, the focus on lowering class size, the focus on having good teachers and making sure we put money into professional development basically is eliminated.

I hear some of my colleagues—I think the Senator from Alabama—talking about how poor we are performing in mathematics. The Eisenhower program, a great professional development program—teachers in Minnesota love this program—is eliminated.

This is pretty interesting. For New York City and in surrounding counties: The median teacher salary in New York City is $47,345; the median teacher salary in Nassau County is $66,000; in County, it is $67,000; in Westchester, it is $68,400.

Jonathan Kozol can send me these figures because he wrote the book ''Savage Inequalities.'' But with all due respect to my colleagues, if you are concerned about the learning gap, if you are concerned about the tremendous disparity in opportunities of students in our country—and all too often students are able to do well or not do well because of income or race—then we would want to make sure we live up to the opportunity-to-learn standard, where every child has an opportunity to learn and do well.

If that was the case, we would be talking about the whole problem of financing, which is based so much on the wealth of the school district; we would be talking about incentives for the best students, and incentives for executives and people in other areas of life who are in their 50s who want to go into teaching, all of whom can go into teaching; we would be talking about a massive investment, the equivalent of a national defense act, when it comes to child care; we would be talking about afterschool programs; we would be talking about investing in the crumbling infrastructure of our schools.

I do not see it in this piece of legislation. I said it yesterday, and I will say it one more time: I do not see it in the Ed-Flex bill.

I said it last time, and I will say it again, that when I am in Minnesota and I am in cafes and I am talking to people, nobody has ever come running up to me saying: I need Ed-Flex. They do not even know what it is. But they sure talk about the holes in the ceilings or the inadequate wiring or the schools that do not have heating. They talk about how terrible it is that kids go into those schools. It tells those kids that we do not care about them. They sure talk about all these other issues.

I will conclude in a moment, but this is for the sake of further debate.

Mr. HARKIN. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. HARKIN. The Senator pointed out the disparity in teacher salaries and the amount of money spent per student. It raises in my mind this question, again, of why that is. Why is it? I ask the Senator, where is it in the Constitution of the United States that public education in America is to be funded by property taxes? Why is this so? I asked a rhetorical question. Obviously it is not in the Constitution of the United States.

Mr. WELLSTONE. I say to my colleague, we have had some important litigation that I know he is familiar with, some really important Supreme Court decisions in the past on this question.

The challenge is this. The 14th amendment talks about equal protection under the law. I think many of us believe that when the education a child receives is so dependent upon the wealth or lack of wealth of the community he or she lives in, that that isn't equal protection under the law because a good education is so important to be able to do well and to fully participate in the economic and political life of our country.

So the answer is, it is extremely unfortunate that we rely so much on the property tax system. If my colleagues want to present a critique of public education, they ought to look back to the States.

I say to my colleague from Iowa, I love being a Senator. I do not mean this in a bashing way. But Washington, DC and the Senate is the only place I have ever been where when people talk about grassroots, they say: Let's hear from the Governors. They say: The grassroots is here. The Governors' Association has just issued a statement.

Boy, I tell you, I don't hear that in Minnesota or in any other State I have

been in. People tend to view the grassroots as a little bit more down to the neighborhood, the community level.

Mr. HARKIN. I thank the Senator for bringing up these points again. We tend to get into these debates, and we really forget what is at essence here. What is at the essence of our problem is the big disparity, as Jonathan Kozol has pointed out time and time again, between those who happen to be born and live in a wealthy area and those who are born and live in a poor area.

Mr. WELLSTONE. That is right.

Mr. HARKIN. It should not depend on the roll of the dice of where you were born as to what kind of school you attend.

Mr. WELLSTONE. I say to my colleague, I thank him for mentioning Jonathan Kozol because I love him. I believe in him. The last book he wrote—although he has another book that is now coming out—that was published—and my colleague may very well have read it—is called ''Amazing Grace: Poor Children and the Conscience of America.''

If you read that book, the sum total of that book is that any country that loved and cared about children would never let children grow up under these conditions and never abandon these children in all the ways we have. I say to my colleagues on the other side of the aisle, there is precious little, if anything—precious little; I do not want to overstate the case—in S. 2 that speaks to that question.

When you get to where the rubber meets the road, and the budget proposal we have and, therefore, the appropriations bills we will have, are we going to see any of the kind of investment that deals with any of these conditions which are so important in assuring that all the children in this country have a chance to succeed? The answer is no. The answer is no, no, no.

I will finish up because I see my colleague from New Mexico is on the floor. I know others want to speak.

Two final, very quick points. One, I want to speak to Senator HUTCHINSON's example. Again, he is not here. He is very good at making his arguments. I know he will have a counterpoint, so I am not going to present this as: You are wrong; you were inaccurate. But Senator HUTCHINSON came out with graphics about gym facilities, workout equipment. It looked like a Cybex system. He was basically saying: Here you have, in a school that has a decaying infrastructure, this beautiful workout facility; this is an outrage because basically this is what we have right now with this Federal bureaucracy which dictates, hey, this is where you can get the money.

I say that I know of no Federal grant program that requires any school to purchase exercise equipment. I do not know whether this was a part of an afterschool program or part of another program in which perhaps the school officials decided this is what they needed for the community. But that is a very different point.

But I want to make it clear—and Senator HUTCHINSON may be able to add to the RECORD and make it perfectly clear that what I have said is not perfectly clear—I do not have any knowledge —I wanted to ask him about this—of any Federal grant program that would require a school to purchase this equipment. I think that is important.

Finally, I have heard my colleagues talk about bureaucracy and all of the rest. I find it interesting that when I look at the opposition, and I see the National Association of Elementary School Principals or the National Association of Secondary School Principals, much less the American Federation of Teachers, the National Education Association, the Council of the Great City Schools—these people do not work at the Federal level; these people are down there in the trenches—the National Association of Secondary School Principals or the National Association of Elementary School Principals—we are talking about men and women who have a great deal of knowledge about what is working and what isn't working. I think that we might want to take heed of their opposition to this bill because we are not talking about bureaucrats; we are talking about teachers, about principals. I don't know where the PTA is. I think they are also in opposition.

So for the record, I will concede—and Senator DOMENICI is great in debate, and he will jump up and debate me—that the National PTA—and he says I am right—doesn't represent all the parents, and I concede that the teachers unions don't represent all the teachers, and I concede the Association of Secondary School Principals, or Elementary School Principals, don't represent all the principals at either level; but you have to admit that these people, these organizations, do represent a considerable number of principals. They do represent a lot of teachers. They do represent a lot of people who work there at the school level. I find it interesting that they oppose this bill. They don't see this bill as a great step forward for education or for the children they represent.

So for my colleague from New Mexico, after 30 seconds I will yield the floor. In that 30 seconds, I say to the majority leader, let's have at it. Let's have the amendments out here and let's have a good debate. Let's not fold after 2 or 3 days. This is a major bill. I remember, when I first came here, we had major bills out on the floor and we took 2 weeks, and we might have 60, 70, or 80 amendments. We worked from the morning until the evening. Let's do it.

I have a number of amendments that I think would make a difference for the children in my State and in other States. Other Senators have amendments. But, for gosh sakes, let's allow the Senate to be at its best and not insist that we have only a few amendments and that will be it, and then we basically shut this down. The people in the country want us to have the debate. I think it is important to do so. People also want to see some good legislation. This bill, in its present form, is not good legislation, in my view. I think it is fundamentally flawed. I don't think it represents anywhere close to the best of what we can do as a Senate.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, I will say this on a subject we will be together on. I understand that the parity for insurance purposes for the mentally ill in America bill—the Domenici-Wellstone bill for total parity—not some piece of parity, no discrimination of outreach, we are going to have a hearing soon, right?

Mr. WELLSTONE. Mr. President, we are going to have a hearing before the health committee. I think we both thank Senator JEFFORDS and we are ready to move it forward. It is great to have a chance to work with the Senator on this. I wish he wasn't wrong on every other issue.

Mr. DOMENICI. Some people will recognize that, even according to WELLSTONE, DOMENICI is right sometimes. I thank the Senator very much.

I wish to take a few minutes to speak now because I am not at all sure that tomorrow, or even the next day, I could speak to this issue, so I am going to do it tonight. I want to start by saying that it is really good for Americans—whoever watches C–SPAN, or whoever pays attention to what we are saying on the floor—to hear speeches about how we are going to improve education for every child in America, or even to hear speeches about the Federal Government needing to do more of what it has been doing, or speeches saying if we just paid attention and took care of things, all these children in America the education system would improve.

Let's be realistic, for starters. We don't pay for much of public education. Now, considering the tone of the arguments about what we ought to be doing for education and for all our children, one would never believe that we only pay for about 7 to 8 percent of what it costs to educate a child in the public schools of Pennsylvania, Minnesota, Iowa—I won't say New Mexico because we get about 9 percent, because we have a lot more children who are dependent upon the Federal Government in terms of military establishments, plus our Indian children. But let's make sure everybody knows that this great national debate on education is talking about 7 percent of what is used to fund the public schools of America in the 50 sovereign States.

Let's make sure we understand fundamentally the States—in some places counties, in other places cities—collect local taxes, in some cases property taxes, in other cases sales taxes, in other cases income taxes—not here in

Washington, but in the capital of Santa Fe, NM, or in the great State of Pennsylvania, or the State of Oregon or Washington—they collect the money, they have the programs, and they decide between the State, the legislature, the school districts, and in many places, commissioners of education, what to do with all the real money that is applied to the public education system and, thus, the students of America.

So it may shock some to know that education reform is occurring in the State capitals, at the education departments across America, and our debate is about a little, tiny margin of 7 to 8 or 8½ percent of what goes into each student. We are doing this in the context of trying to improve and help our public schools, because we have been greatly enhanced, as a nation, during past generations, when the public education system of America was the model for the world. What many of us are trying to do is take it back to the glory days when every student received a better education and the manifold problems that teachers experienced in the classrooms today were, in some way, alleviated so more of our children can learn.

In doing that, the issue is, for this little share that the Federal Government sends down to our school districts by way of special grants, hundreds of categorical programs, title I programs, which is $8 billion or $9 billion, all of those programs go down and help in some way in the total mix of dollars and programs that the cities and counties and States and commissioners of education put together.

The question is, Can we do better with our small amount of money than we have been doing? Let me assure the Senators that whichever side they are on on this bill, to reform the education system, which is reported out by our Committee on Health, Education, Labor, and Pensions, that this is one of their education functions—this bill, in essence—and it may shock people to know this—provides an opportunity to leave things just as they are. So for those on that side of the aisle, or perhaps one or two on our side of the aisle—I don't know—that say they want the Federal Government to continue to be involved in all these programs and to be telling everybody how to run them, so that 7 or 8 percent of the money generates 50 percent of the paperwork, we want that to continue. Just wait and read the bill in its entirety and if that is what you like, the school boards, the commissioners of education, or the Governors who run education in our States can decide to leave it just as it is.

Now, I can't understand how schoolteachers can be against an approach that says this is not working as well as it should. But if you like it, please understand this bill says you can keep having it like it is. That is why we call it a menu.

You get to look at a menu. If you went out to eat, you wouldn't like to have in front of you three items we have been having for 15 years. And our nutrition isn't working well, and our bodies aren't feeling well, but we get the same restaurant menu of the same three things. Wouldn't we like it if the menu added a few other things just to try?

This is a new approach only in that you can keep it as it is or you have another couple of choices.

What is wrong with some choice which might bring some innovation, which might cause us to do better with our 7 or 8 percent of education than we are doing, because it might let the States, the school districts, the education commissioners, and the principals meld our dollars into their needs in a better way.

If you want to keep it as it is, you can come down here and say: That is what I want; I am voting for this bill; and I sure hope my State keeps it as it is. Right? We sure hope whoever wants to say that, that we will keep the same menu we have been having, and we don't want to add to the menu, we don't want to add to the choice.

It is wonderful to be a Republican who can come to the floor and say: We don't think the menu we have been delivering to the schools of America with our 8 percent is a very good menu. It is not the best menu, and we are going to provide some additional items of choice.

I want to thank a few Senators for taking the early lead on this.

In that regard, I want to recognize Senator SLADE GORTON because he is the first one who came up with the idea, albeit it was a piece of education, to say let them choose down there, but if they don't want to choose, let them keep on doing what they are doing, but here is a new opportunity to handle those Federal dollars differently.

That imaginary, innovative, visionary idea has been expanded so now there are a number of really interesting choices that those who educate our children in our sovereign States can choose.

Essentially, if I went no further and did not explain the choices on this menu, I think I might have performed a minor service for those who are interested to find out that the bill we are talking about says the old menu doesn't work, let's try a new menu and put some new items on it—not mandatory, but that you can choose.

Let me tell you how poorly we do our job at the national level when we decide we are going to do more than that and we are going to put a little bit of money in and tell everybody what to do. Let me talk about special education for a minute.

Special education is an admirable commitment—in fact, some would think one of the greatest civil commitments that could be made in the field of education. The National Government began not many years ago to say you are going to educate children who are hard to educate, who are special education children, and special needs children. And we came along and said exactly how you should do it; if you want our money, you do it this way. The courts interpreted and told you in even more detail how you are going to do it. Lo and behold, we said we will pay for 40 percent and the States and localities will pay for 60 percent.

Is anyone interested tonight? Take out a piece of paper and write down your guess of this year as to how much we are paying of the 40 percent. If you think we must be paying 35 or 38, you are desperately wrong. We are currently paying 11 percent instead of the 40 percent to which we committed, and the years have passed us by.

If you run the school and you get Federal money, don't you think you would be a little bit upset if we came along and told you how to do it, and then we didn't give you the money but our law said we would give you the money?

I have to compliment a couple of Senators who have said the best thing we could do is put more money in special education so the schools wouldn't be paying so much for it, and that would loosen up money for them to do other things with. In particular, Senator JUDD GREGG has been a leader on that initiative.

It goes unnoticed because it is not very politically sexy, at least to the general public, to say we have increased the funding for special education by 4 or 5 percent in the last 3 or 4 years. That doesn't sound like coming to the floor and giving a speech about how we want to take care of every child in America, when we are only paying for 8 percent of the bill, and how we ought to be taking care of all those needs out there when the Government doesn't even try to take care of most of them.

We still have a commitment to 40 percent. We are only paying for 11 percent of that. We come along and have a bill, and people want more of the same. I think educators would like to try something different.

I congratulate the committee because they reported out a bill that has some very exciting items added to the menu. I suggest people can call it what they like in terms of trying to describe the new items on the menu. But I see it as an opportunity on the part of the constitutionally enfranchised leader in a State, whether it is a commissioner of education, or the legislature, or the Governor. This bill says you can collapse the strings, you can collapse the rigid boundaries in two different ways—at least two. One is an approach that is called Straight A's.

The Straight A's Program says there is an option for 15 States—not all of them, and they don't need to take it. But 15 States can opt for a State demonstration program. It will be for at least a 5-year commitment on the part of the Federal Government and up to—isn't that interesting?—13 big grant programs and little grant programs can be collapsed.

The thing that makes them rigid and makes them kind of a one-shoe-fits-all concept on education is that up to 13 can be collapsed. They can collapse five of them, if they choose, and leave the other eight as being as rigid as they currently are.

In that ability to collapse under Straight A's is an option to use title I money—our biggest program—in that manner along with other programs.

That is not going to be free to the school districts of America, nor to the principals and teachers, because commensurate with it is going to be an agreement on the part of the States. The States are going to agree, if they take this option, this added menu item, to a significant new standard of student achievement within their schools.

They are going to figure out a way locally to see if collapsing these programs and administering them differently helps the schools. We are going to say you can continue to do this if you have a plan to improve student achievement, which we choose to call accountability.

We also talk about the collapsing of the rigidity of the program—the rigid boundaries. We call that flexibility.

I think it is kind of better to say you are permitted to collapse the programs, administer them less rigidly, and require student achievement, and in return measure student achievement. But if you want to choose the Straight A's Program, my guess is that 15 States are going to run quickly to get it and it will be used by 15 States. In the end, they are going to be saying: Let's try this new thing. Let's see if we can collapse these programs and do a better job. The agreement with the Government will require that achievement occur at every level, including those covered by the current Title I program.

We have said if you do not want that menu item, because it is a pretty big step away from what we have, there is another one called Performance Partnerships which the Government permitted. You can collapse up to 13 programs, but that cannot include Title I, the program whereby we measure aid to schools based upon the number of poor children in the school.

What we are saying there is the Secretary of Education will still be able to determine the boundary and use of Title I money. That is a second option—collapsing up to 13. But the Secretary still keeps his finger on the Title I money. The Governors thought that would be a very good option, and we put that in. I don't see anything wrong with that.

Then we say for 10 States and 20 school districts, in exchange for new accountability, new agreements on student achievement, you can switch the current Title I funding from school based to a child-centered approach. Isn't that interesting? We are not interested in school-based education programs. That is just a mechanism for talking about an institution that educates children.

It seems to me what we are talking about is that all the programs should be child centered and we are going to give 10 States and 20 school districts the option to choose a new funding mechanism for Title I. Eight billion dollars is my recollection of the $14.6 billion we spend on elementary and secondary education. It is more than half. We are going to say for these few States and few school districts, you want to be bold? Want to enter into a student achievement agreement? In exchange for that, you get the opportunity to have Title I money follow the students.

I close by saying that the committee did another exciting thing. We are all concerned about improving teacher quality. Whether we have excellent teachers or not, I don't think we ought to pass judgment on the floor. We hear many of the schools are worried that teachers are not necessarily as highly qualified as the principals, the superintendents, the school boards, and the parents want them to be. We understand that is a major, major concern. We think part of it is because we don't have an adequate way of helping develop better teachers.

We have decided to have a new State teacher development grant program, with a substantially larger amount of money, about $2 billion for fiscal year 2001, that focuses on the long term and sustained development of teachers, and includes professional development for administrators and principals. There will be some who will come to the floor and say right now that we don't have all this in one pot of money. We have some very special programs—one is the Eisenhower program—that we want to leave alone. Why do we want to leave them alone? Shouldn't we give the States an option to say they don't need all that preciseness, if they want to use it in their school districts in their State to produce long-term benefits by way of teachers being better equipped to teach their subject matter?

There is much more to say and I will have printed the 13 programs that can be collapsed and made less than 13 in either the Straight A's or the performance partnership. I will include that list in the RECORD to be attached to my comments. Some of the attached lists are technical, but those in the education community who would be interested will know what the programs are.

Let me summarize. For those on the other side of the aisle who want to talk about education as if we are debating the funding of public schools in America, let's put it back where it belongs. We are debating funding 7 to 8 percent of the public education in America. That is all we provide. One would not guess it from the rhetoric about what we ought to get done with that 7 or 8 percent.

We will hear speeches that we ought to totally perfect the education system and take care of every child in America. What is the responsibility for the 93 percent of the dollars that come from the State or the county? They are doing that with that money.

First, we will say, if you want to keep the system, keep it. It is almost hard to understand how the other side and the President can get so worked up they won't pass this bill. Really, they could say to their constituents, we are so sure our programs of the past are good, we will vote for this bill and you can choose to go with a program of the past. The bill says that. If you want a program from the past, you can have it.

That is the debate. They want the programs of the past reiterated but we say, no, no, let's give you that choice and give you a few other new choices. The choices are exciting because we may find by entering into a multiyear student achievement agreement called accountability, where some flexibility is provided, that 7 or 8 percent might make a difference. It might be such that at the end of 5 years, using it that way by choice, you might really have an impact.

If we continue the way we are, we will produce a bill, or no bill, if the President insists on getting what he wants. I have not argued 1 second today about who will put the money in the program. We are probably going to put as much money in the program as the Democrats in the appropriations process. We will fund at very close to the same amount of dollars. Let's not get off on the side that the Republicans don't want to pay for education. We want to try a different approach.

There are some who will say to be different we want to offer a whole bunch of amendments for the Federal Government to do new things. We will tell them how to do things. We have been doing that and every 5 years we have another list, but it is the Federal Government's list of how to fix up our kids. However, if you look back, it isn't working. It is not the Federal dollar that is not working. We are just a little bit of the money. We ought to try to figure out how our little bit of the money can be the most helpful to those spending all the money—93 percent of the dollar in some cases. How can we help them do a better job? I think it is a shame if this bill and this concept gets defeated in the Senate because we don't want to try a new approach, or if we want to add to it a variety of measures not relevant to this education bill.

These are issues that must be debated. Some Members want to put them on this bill to either kill it or make us vote on issues not part of this. Whoever does that, the final judgment will be simple. If you kill this bill with this innovative approach of different items on the menu for our schools in America's sovereign States, if you kill that either by nonperformance or an outright vote against it and kill it, you have decided the Federal Government in all cases knows best and we ought to continue to tell our educators, superintendents, and commissioners of education precisely how they can help

their children with our dollars. No more, no less; do it our way.

I frankly believe, although I hate to say this in political tones, I think for the first time, in the case of this Senator—and I have been here awhile—we can debate this any way we want. We won't lose this debate. We win this, unless we let somebody pull the wool over our eyes about what we are trying to do, what we have been doing and just how much of the Federal money is involved versus the State and cities that we don't control— States, counties and school boards. I think everybody will understand we ought to permit innovation, not rigidity by dictating specifically how moneys ought to be used.

That is a little lengthy for tonight. Some people know it is not so lengthy for me. But it is the second speech I made today. I spoke about nuclear power with as much energy and enthusiasm as I did on this bill.

I am saying, as I leave the floor of the Senate, there are some very good Senators who will take over and I am satisfied will close out the day with some pretty good remarks about where we ought to be trying to move in lockstep with those who really want to change education at the local level, instead of walking along, kicking at them, telling them do it our way. I think we ought to walk along in some sort of lockstep by letting them have some real choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from the great State of Georgia.

Mr. COVERDELL. I hope the Senator from New Mexico knows we do not consider that a terribly long speech.

Mr. President, I ask unanimous consent the first four amendments in order to the bill be the following, and that they be first-degree amendments, offered in alternating fashion, and subject to second-degree perfecting amendments only, and that the second-degree amendments be relevant to the first-degree.

The amendments are as follows: Gorton, technical, Straight A's; Daschle, alternative; Abraham-Mack, merit pay-teacher testing; and Kennedy, teacher quality.

Both sides have agreed to this.

Mr. DOMENICI. What was the Kennedy amendment? I didn't hear the title.

Mr. COVERDELL. Teacher quality.

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

The PRESIDING OFFICER. The Senator from the State of Washington.

Mr. GORTON. Mr. President, if there were a secret poll taken in this body to determine an MVP, Most Valuable Player, my own suspicion is that would be the Senator to whom my own vote would go, the senior Senator from New Mexico, who has just spoken to us with such eloquence. He manages to work thoughtfully on the widest range of issues of any Member of this body that I know. The minute the debate on the budget resolution, with which he is charged, is over, he is on to another subject, whether it is energy or national defense or education or Social Security. It is a privilege to be his colleague. It is a privilege to be his friend. It is also a little bit difficult at times because after his introduction to this bill, this Senator, even as an author of the bill, can do nothing to improve on the remarks of the Senator from New Mexico but maybe only to rephrase them slightly and offer his support for them.

I think what we gain from this debate, from what the Senator from New Mexico has said, what we heard from the Senator from Georgia and the Senator from New Hampshire and others, is that there may not have been another instance in the last half dozen years on any major subject—perhaps the Senator from New Mexico might agree with me, with perhaps the exception of the debate on welfare reform—in which the old and the new were so magnificently and so dramatically contrasted as are the new, fresh ideas, fresh approaches to this problem outlined in this bill and outlined by its supporters as opposed to the passionate defense of the status quo by so many on the other side.

The Senator presiding and the Senator from New Mexico will remember that was the essential division in the debate over welfare reform. We were told of all of the disasters that would take place if we dramatically reformed our welfare system. Now, a few years later, no one, for all practical purposes, can remember that he or she opposed that reform; it has been so magnificently successful.

Mr. President, I predict the same fate for this debate if, in fact, we are successful in carrying out the dramatic and innovative and constructive changes that are included in this bill.

We have heard basically two arguments from the other side of the aisle.

Mr. DOMENICI. Will the Senator yield for a moment?

Mr. GORTON. I will.

Mr. DOMENICI. As I indicated a while ago, I was planning to leave the floor. But my friend caught my attention when he, it seemed to me, wanted me to stay around. I have been around long enough to hear his kind remarks about me, and I thank him. Before I make a speech as I did tonight, I do try to understand what I am talking about. Sometimes I go back to my office after hearing something down here, or watching it, and say, I'll wait a week and really know something about this. But I think I do know something about this.

I was a teacher once. I can tell you things have changed very little. You talk about the disparity in the preparation of children. The one year I taught I had one class in mathematics. One half of the class could not add or subtract, and the other half of the class was doing algebra. This was a long time ago. I was 22 years old, so that is how long ago. Sunday I will be 68. We still have the same thing. We have a difficult job for teachers.

I think the Senator is correct. He is the one who offered the first bill to provide some choice instead of rigid, bound-up programs where, instead of walking together, we were kicking them to do it our way or not use our money. You were the starter, the charger of that, along with Senator BILL FRIST of Tennessee. A little bit of that expertise came about by accident out of the Budget Committee, on which you both serve. We had a task force, the Senator may recall. We asked the GAO—a very significant number of them worked with your staff and his staff on the Budget Committee and told you about the programs that were out there hanging around, but they wondered what they were doing. You provide the first opportunity to pull some together and collapse the rigidity. Right?

Mr. GORTON. Does the Senator from New Mexico remember the dramatic testimony that our Budget Committee task force took of the then-superintendant of public schools for Florida?

Mr. DOMENICI. Yes.

Mr. GORTON. To the effect that he had almost four times as many people in his office to manage the 8 or 10 percent of the money that came in from the Federal Government than he did to manage the 90 percent-plus of the money that came from the State government for education?

Mr. DOMENICI. Yes. That is right.

Mr. GORTON. That was a dramatic learning experience for this Senator and I think for the Senator from New Mexico as well, and really contributed magnificently to where we are today.

Mr. DOMENICI. I can also remember when you first thought about this idea. We were walking down one of the halls here and you were saying you didn't quite understand how you could get around all the opposition to trying something different. I think I pulled on your arm and said, ''Why don't you give them the option to leave it like it is?''

You are pretty quick. You never asked me again. But that has become the cornerstone, from your bill to this bill. For those who think what we are doing is really good and really right, that we are not trying to take it away. Right? Those people who say that is not enough, what must they be saying?

Mr. GORTON. They are saying, essentially—and we have heard it on the floor of the Senate in the last hour—that we cannot trust the school authorities in any State in the United States of America, or any school district in any one of those States, to make these decisions on their own without guidance from this body acting as a sort of supernational school board.

Mr. DOMENICI. Right.

Mr. GORTON. When it gets right down to it, that is what their position amounts to.

Mr. DOMENICI. Or they could be saying that if you give them the choice,

they will all take what the Republicans are offering here today.

Frankly, that is thought by some to be a very good argument against the bill, right? I think it is a very good argument in favor of it, I would think, if what we are doing is so good that under all circumstances a significant portion of the school districts and superintendents and commissioners of education would go down the same path for another 5 years.

Mr. GORTON. This Senator, for example, believes that if there is a shortcoming in this bill, it is that Straight A's is limited to 15 States only and not all the States in the country.

Mr. DOMENICI. I thank the Senator.

Mr. GORTON. I thank my friend from New Mexico. I will go back to what I see as two distinct currents of criticism from the other side.

The first of those is that if we have not reached the goals they set 35 years ago, 30 years ago, 20 years ago, 10 years ago, 5 years ago, we still have to keep running up against that same wall, and the reason we have not succeeded is that we have not imposed enough rules and regulations on schools all across the United States. So what we really need to do—they call it accountability—is to impose more rules and regulations on States and on school districts and on principals and teachers all across the United States to make sure they do exactly what we tell them to do.

I strongly suspect that any alternative they come up with will include dozens, if not hundreds, of additional rules and regulations to be imposed on our school districts.

There is a second element, a second part of their proposal, and that is if 12, 16, 74, 276 Federal education programs have not really done what they ought to have done, we need another half dozen programs. Again, in the last hour or so, we have heard of some new ways, some new Federal programs which we ought to authorize and on which we ought to spend money.

They make that proposition in spite of the dramatic point made by my friend from New Mexico that the most prescriptive of all of the Federal programs—the education for disabled act, the special education provisions—required us as long as almost 30 years ago to come up with 40 percent of the money. It is only in the last couple of years, with the efforts of Members on this side of the aisle, that it has cracked two digits and has reached 11 percent.

Instead of saying why don't we properly fund what we promised to fund in programs that carry with it a tremendous number of rules and regulations, why don't we do that? No, no, let's think of half a dozen new programs and let's not abolish any.

Now that I think of that last statement, I guess I have to amend it. They do want to abolish one, or at least the President wants to abolish one. He wants us to appropriate no money at all to the sole program in the present education bill which allows the States to spend the money on their own priorities without any controls from the Federal Government. It is a very modest part of our present education system—a very modest part. That is the only one the administration, and I suspect the other side, would just as soon abandon.

We, on the other hand, as the Senator from New Mexico points out, do not even go so far as to say we know everything, nothing is right with the present system, no one should be allowed to use it under any circumstances. Running from top to bottom through the proposal we have before this body right now is the right of any State's educational authorities who believe the present system is the best we can come up with to continue to follow it, to continue to use it, to continue to file all of the forms and abide by all of the rules and regulations of the present system.

All we are saying, modestly in some respects but I think quite dramatically in other respects, is that you are going to have a choice, education commissioners of the 50 States and, in many cases, the school districts of the several States; you can try a dramatic new system called Straight A's, or 15 of you—and I am very sorry it is only 15—can try a dramatic new program called Straight A's under which a dozen or a baker's dozen of the present education programs can be collapsed into a single program, rules and regulations thrown out, forms tossed, administrators turned into teachers, as long as you make a legal commitment to one single goal: The kids in your State will get a better education and you will prove it by achievement tests that you design and that you agree will show that improvement over a period of 3 to 5 years.

Accountability under the present system means you have filled out all the forms correctly, you have made absolutely certain that you have not spent a dollar that we have said ought to be spent on one purpose for another education purpose or for another student, no matter how well, how validly you have spent that dollar.

Accountability under our system means our kids are better educated, they are better fitted to deal with the world in the 21st century.

In describing that choice under Straight A's, my friend from New Mexico omitted only one element, but it is an important element. That element is that as against the form of accountability the other side wishes, punishment—you are going to lose your money; you are going to lose your ability to make your own choices; you are going to be fined; or you are going to get a bad audit—we offer a carrot. We say that if after 35 years in which we have failed to close the gap between underprivileged students who are entitled to title I support and the other more privileged students, if you close that gap by raising the achievement of the underprivileged students, you will get more money; you will get a reward; you will get a bonus.

They never thought of that in connection with the present program. We do. We do have to supply some discipline, some loss of ability to make your own choices for States that are miserable failures, but we think it every bit as important, perhaps more important, to provide a reward for those systems that do the job right.

I must confess that I have a reservation about our own proposal in this connection. We are demanding a great deal because we are demanding that States, in order to get Straight A's, agree to a contract under which the performance of their students will improve, and they sign that contract in order to get control over 5 or 6 or 7 percent of the money they are going to spend on their students, the really modest contribution made by the Federal Government.

I would feel a lot more comfortable in the form of accountability we have designed ourselves if the demands we make were more directly proportional to the amount of money we are putting into the system. Even so, I believe there are a minimum of 15 States that will jump at this opportunity to get the Federal bureaucrats off their backs and to say, as we are saying here: Let the decision about what is best for the education of our students be made, by and large, by the people who know their names—the parents, teachers, and principals, and above them, their superintendents and their elected school board members. Let's no longer claim that we in Congress, that people downtown in the Department of Education know all of the answers, and that one set of answers fits every school district, no matter how rural or how urban, no matter west or east or north or south in the United States of America.

This bill goes beyond just Straight A's for 15 States. It has, as the Senator from New Mexico described, performance partnership agreements, a modified form of Straight A's, a form that still retains some of the rules and regulations, more than I would like, but also provides a far greater degree of choice and policy-setting authority to our local school boards and to our States and does have two great advantages: One, it is strongly supported by the Governors—Republicans and Democrats—and, two, it is applicable to all of the States.

So, even at that level, some States will get three choices, and all will get two: Straight A's, performance partnership agreements, or the present system.

Beyond that, our proposal includes the Teacher Empowerment Act, which gives much more flexibility to the way in which we compensate our teachers, train our teachers, and determine what the requirements for those teachers are, and a very real degree of choice

with respect to title I, especially for failing schools, where instead of saying that title I is focused on schools and on systems, we will say, again, for those States and for those communities that wish to do so, title I will be focused on the individual students who are eligible, the underprivileged students who are eligible, so that they, and not the systems and not particular schools, will be the goals of title I.

Has the present title I been so successful that it cannot stand a change, even a change that offers an option to States and to individual school districts? That is what we hear from the other side of the aisle, that it would be terrible. We have 35-year-old reports cited concerning things that happened two generations ago as an argument against any kind of innovation today and as an argument for maintaining a system that, bluntly, has not worked, that has not worked at all.

At its most fundamental level, this is a debate about who knows best and who cares most: Members of this body and people working in the bowels of the Department of Education in Washington, DC, or those men and women all across the United States of America who are concerned about the future of their children, those men and women all across the United States of America who have dedicated their entire professional lives to providing that education for our children—their teachers and their principals and their superintendents—and those men and women across America who, in almost every case without compensation, have entered the political arena and have run for and have been elected to school boards in their various communities.

Our opponents of this bill say that none of these people should be trusted; only we should be trusted. We say we want to repose far more trust and confidence in those individuals all across the United States of America, we want to hold them accountable, but we want to hold them accountable on the basis of their results, and their results only.

That is what the debate will be about for the balance of this week and perhaps next week, as well.

MORNING BUSINESS

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

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

TRIBUTE TO MING CHEN HSU

Mr. LOTT. Mr. President, I rise today to pay tribute to a great American, Ming Chen Hsu. Last December, Ms. Hsu retired from the Federal Maritime Commission (FMC), where she served as a Commissioner for nine and one-half years. Ms. Hsu was first appointed to the Commission by President George Bush and confirmed by the Senate in 1990. She was reappointed and reconfirmed in October, 1991.

Many of my colleagues may not realize it, but the ocean shipping system is vital to international trade and is the underpinning for the international trade on which the vitality of our Nation's economy depends. A fair and open maritime transportation system creates business opportunities for U.S. shipping companies and provides more favorable transportation conditions for U.S. imports and exports. Ensuring a fair, open, competitive and efficient ocean transportation system is the mission of the FMC. The Commission has a number of important responsibilities under the shipping laws of the United States, including: the responsibility to ensure just and reasonable practices by the ocean common carriers, marine terminal operators, conferences, ports and ocean transportation intermediaries operating in the U.S. foreign commerce; monitor and address the laws and practices of foreign governments which could have a discriminatory or adverse impact on shipping conditions in the U.S. trades; and enforce special regulatory requirements applicable to carriers owned or controlled by foreign governments.

Mr. President, for almost a decade, Ms. Hsu played an active and important role in the life and decisions of the Commission. The Commission and the Nation have been fortunate in her service. During her tenure, Ms. Hsu's experience and judgment helped guide the Commission through a number of challenges and actions which will continue to shape the work of the Commission long after her retirement.

In 1998, the Congress passed and the President signed the Ocean Shipping Reform Act (OSRA), which amended the Shipping Act of 1984, the primary shipping statute administered by the FMC. As I have said before, the OSRA signaled a paradigm shift in the conduct of the ocean liner business and its regulation by the FMC. Where ocean carrier pricing and service options were diluted by the conference system and ''me too'' requirements, an unprecedented degree of flexibility and choice will result. Where agency oversight once focused on using rigid systems of tariff and contract filing to scrutinize individual transactions, the ''big picture'' of ensuring the existence of competitive liner service by a healthy ocean carrier industry to facilitate fair and open commerce among our trading partners will become the oversight priority. This week marks the one-year anniversary of the implementation of the Ocean Shipping Reform Act of 1998. It is most fitting that we take the time to remember the career of Ming Chen Hsu this week.

Mr. President, Ms. Hsu clearly recognized the important change in the business and regulation by the FMC of ocean shipping brought about by the Ocean Shipping Reform Act. During the Commission's consideration of regulations to implement OSRA, Ms. Hsu played a critical role in working with the other Commissioners and FMC staff to ensure that the regulations embodied the spirit of the new law. As she told a large gathering of shippers and industry representatives, ''This has been not only a long journey, but a long needed journey * * * With the passage of the Ocean Shipping Reform Act and the FMC's new regulations, I believe the maritime industry will be far less shackled by burdensome and needless regulations * * * I believe we can now look forward to an environment which gives you the freedom and flexibility to develop innovative solutions to your ever-changing ocean transportation needs.''

Ms. Hsu's wisdom and experience was also instrumental in helping the Commission navigate one the Commission's most difficult and highly-publicized actions in recent years. In 1998, the Commission took action against a series of restrictive port conditions in Japan. As a result of these conditions, both U.S. carriers and U.S. trade were burdened with unreasonably high costs and inefficiencies. Because of the Commission's action, steps were taken by Japan to initiate improvements to its port system. If ultimately realized, these improvements will substantially facilitate and benefit the ocean trade of both nations.

Mr. President, during her career at the Commission, Ms. Hsu led a number of Commission initiatives. Among others, in 1992 Ms. Hsu served at the request of then FMC Chairman Christopher Koch as Investigative Officer for the Commission's Fact Finding 20. Under her leadership, the Fact Finding held numerous hearings across the United States in an effort to examine and understand the experience of shippers associations and transportation intermediaries under the Shipping Act of 1984. Fact Finding 20 ultimately led to Commission efforts to ensure that shippers associations and transportation intermediaries received all of the benefits intended by Congress in enacting the 1984 Act.

Commissioner Hsu's service at the Federal Maritime Commission is just the most recent milestone in a remarkable life and career. A naturalized U.S. citizen, Ming Chen Hsu came as a student to the United States from her native Beijing, China. Prior to coming to the Commission, Ms. Hsu has had an extensive career in international trade and commerce in both the public and private sectors. She was a Vice President for International Trade for the RCA Corporation in New York, where she held a variety of executive positions in the areas of international marketing and planning. She played a pivotal role in gaining market access for RCA in China in the 1970's. She was appointed by former Governor Thomas H. Kean of New Jersey as Special Trade Representative and as Director of the State's Division of International Trade, a position she held from 1982 to 1990. In her positions with RCA and the

state of New Jersey, Ms. Hsu led over thirty trade missions to countries throughout the world.

Mr. President, Ms. Hsu has served on several U.S. Federal advisory committees, having been appointed by the President, the Secretary of Defense, the Secretary of Commerce and the U.S. Trade Representative. She is a recipient of numerous awards including the Medal of Freedom and the Eisenhower Award for Meritorious Service. She is listed in Who's Who of America. Ms. Hsu is a founding member and director of the Committee of 100, an organization of prominent Chinese Americans and is a member of the National Committee on United States-China Relations. She also serves on the National Advisory Forum to the U.S. Holocaust Memorial.

Ms. Hsu is a Summa Cum Laude graduate of George Washington University and member of Phi Beta Kappa. At New York University, she was a Penfield Fellow for International Law. Ms. Hsu was the recipient of the George Washington Alumni Achievement Award in 1983 and holds several honorary degrees.

Mr. President, I congratulate Ming Chen Hsu on her exemplary career at the Federal Maritime Commission and salute her contributions to the ocean transportation industry. I add my voice to those who say ''thank you'' for her service to the Nation. And finally, I wish her smooth sailing in her future endeavors.

IMPORTANCE OF PRIVATE PROSECUTIONS

Mrs. FEINSTEIN. Mr. President, last week, during the debate on a proposed constitutional amendment to protect the rights of crime victims, Senator LEAHY made several lengthy statements challenging some of the facts set forth by supporters of the amendment, including myself. We responded to many of those arguments at the time—and, I believe, refuted them. I do want not burden the record now by repeating all our contentions or making new ones.

However, there is one argument that the Senator from Vermont made during the waning hours of debate on the amendment that I find particularly troubling. It involves the role of victims in criminal proceedings at the time our Constitution was written. Because I believe the Senator's comments contradict the clear weight of American history, I feel compelled to respond.

Here is the argument Senator LEAHY disputes: At the time the Constitution was written, the bulk of prosecutions were by private individuals. Typically, a crime was committed and then the victim initiated and then pursued that criminal case. Because victims were parties to most criminal cases, they enjoyed the basic rights to notice, to be present, and to be heard under regular court rules. Given the fact that victims already had basic rights in criminal proceedings, it is perhaps understandable that the Framers of our Constitution did not think to provide victims with protection in our national charter.

The Senator from Vermont tried to rebut this argument. Citing an encyclopedia article and a couple of law review articles, he claimed that, by the time of the Constitutional Convention, public prosecution was ''standard'' and private prosecution had largely disappeared.

Because Senator LEAHY's comments suggest that some confusion about this issue lingers among my colleagues, I would now like to provide some additional evidence demonstrating that private prosecutions had not only not largely disappeared in the late 18th century but in fact were the norm.

First, it is important to concede one point: some public prosecutors did exist at the time of the framing of the Constitution. Certainly, by then, the office of public prosecutor had been established in some of the colonies—such as Connecticut, Vermont, and Virginia. But just because some public prosecutors existed in the late 18th century does not mean that they played a major role or that public prosecution had supplanted private prosecution. In fact, criminal prosecution in 18th century English and colonial courts consisted primarily of private suits by victims. Such prosecutions continued in many States throughout much of the 19th century.

Thus, contrary to Senator LEAHY's suggestion that a ''system of public prosecutions'' was ''standard'' at the time of the framing of the Constitution, the evidence is clear that private individuals—victims—initiated and pursued the bulk of prosecutions before, during, and for some time after the Constitution Convention.

Let's look, for example, at the research of one scholar, Professor Allen Steinberg, who spent a decade sifting through dusty criminal court records in Philadelphia and wrote a book about his findings. Based on a detailed review of court docket books and other evidence, Professor Steinberg determined that private prosecutions continued in that city through most of the 19th century.

In Professor Steinberg's words, by the mid-19th Century, ''private prosecution had become central to the city's system of criminal law enforcement, so entrenched that it would prove difficult to dislodge. . . .''

Of course, Philadelphia was the city where the Constitution was debated, drafted, and adopted. And for decades it was our new nation's most populous city—and its cultural and legal capital as well.

It is difficult to reconcile the assertion that a ''system of public prosecutions'' was ''standard'' at the time of the Constitution Convention with historical research showing that, in the same city where the Convention was held, private prosecutions—inherited from English common law—continued to be ''standard'' through the mid-19th century.

It is not surprising that the Senator from Vermont would conclude that public prosecution had replaced private prosecution by the late 18th century. A cursory exam of historical documents might lead to such a conclusion, for the simple reason that documents regarding public prosecutors and public prosecutions (what few there were) are easier to find than documents regarding private prosecutions. As Stephanie Dangel has explained in the Yale Law Journal:

> [e]arly studies concentrating on legislation naturally over-emphasized the importance of the public prosecutor, since a private prosecution system inherited from the common law would not appear in legislation. Examinations of prosecutorial practice were cursory and thus skewed. The most readily accessible information relating to criminal prosecutions predictably concerned the exceptional, well publicized cases involving public prosecutors, not the vast majority of mundane cases, involving scant paperwork and handled through the simple procedures of private prosecution . . .

Dangel has summed up recent historical research into the nature of prosecution in the decades leading up to the framing of the Constitution as follows:

> First, private individuals, not government officials, conducted the bulk of prosecution. Second, the primary work of attorneys general and district attorneys consisted on non-prosecutorial duties, with their prosecutorial discretion limited to ending, rather than initiating or conducting, prosecutions.

Regarding the prevalence of private prosecution in the colonies, Dangel noted:

> Seventeenth and eighteenth century English common law viewed a crime as a wrong inflicted upon the victims not as an act against the state. An aggrieved victim, or interested party, would initiate prosecution. After investigation and approval by a justice of the peace and grand jury, a private individual would conduct the prosecution, sometimes with the assistance of counsel. . . . Private parties retained ultimate control, often settling even after grand juries returned indictments. Contemporaneous sources confirm the relative insignificance of public prosecutions in the colonial criminal system. Only five of the first thirteen constitutions mention a state attorney general, and only Connecticut mentions the local prosecutor. Secondary references are similarly rare. Finally, the earliest judicial decision voicing disapproval of private prosecution did not appear until 1849. No decision affirming public prosecutors' virtually unreviewable discretion appeared before 1883.

The historical evidence is clear: Because victims were parties to most criminal prosecutions in the late 18th century, they had basic rights to notice, to be present, and to participate in the proceedings under regular court rules. Today, victims are not parties to criminal prosecutions, and they are often denied these basic rights. Thus, a constitutional victims' rights amendment would restore some of the rights that victims enjoyed at the time the Framers drafted the Constitution and Bill of Rights.

If this historical evidence about prosecutions in the colonies is not enough, I would repeat a point Senator LEAHY

made himself last week: that in England, any crime victim had the right to initiate and conduct criminal proceedings all the way up to the middle of the 19th century. As we know from Senator BYRD's enlightening remarks last week, many of the rights and liberties of our Constitution—such as those for criminal defendants—have their roots in English history and the English constitution.

Given the fact, then, that virtually all the protections for criminal defendants in the Bill of Rights have English antecedents—including habeas corpus, trial by jury, due process, prohibition against excessive fines, and so on—it is hardly a stretch to think that the lack of rights for crime victims in the Bill of Rights would reflect an English antecedent as well: the long-established right of victims to prosecute crimes themselves.

Let me be clear: I do not support a return to the old system of private prosecution. My only point is that we can cogently explain why the Framers did not include a single word on behalf of crime victims in the Constitution. And, given the relatively recent development in the United States of a system of 100% public prosecution, we can offer strong reasons to restore basic rights for victims in our criminal justice system.

Just so there is no more confusion on this point, let us return to Professor Allen Steinberg, a legal historian who researched and wrote a 326-page book on prosecutions in 19th century Philadelphia—the most in-depth study of private prosecution in the United States.

Did Professor Steinberg find that public prosecution was ''standard'' in Philadelphia even decades after the Constitution and Bill of Rights were adopted, as Senator LEAHY suggests? No. In fact, he found that victims directly prosecuted crimes in Philadelphia until at least 1875.

The fact that Professor Steinberg's research is on Philadelphia is undeniably important. Not only did the Framers live in Philadelphia while debating and drafting the Constitution, but many had resided there earlier as well.

For example, James Madison—sometimes called the Father of our Constitution—was not only a delegate at the Philadelphia Convention, he served in the Continental Congress in Philadelphia from March 1780 through December 1783. I have little doubt that Madison knew that the bulk of criminal prosecutions in Philadelphia consisted of private prosecutions. Here is what Professor Steinberg writes about private prosecutions in Philadelphia:

> [T]he criminal law did have a central place in the everyday social life of mid-nineteenth-century Philadelphia. Private prosecution—one citizen taking another to court without the intervention of the police—was the basis of law enforcement in Philadelphia and an anchor of its legal culture, and this had been so since colonial times . . . Well past mid-century, private prosecution remained popular among a broad spectrum of ordinary Philadelphians. Familiar and frequent, it was rooted in a complex political and legal structure that linked political parties, courthouses, saloons and other centers of popular culture, real crime and dangerous disorder, and ordinary disputes and transgressions of everyday life . . . Through the process of private prosecution, the criminal courts of Philadelphia developed a distinctive set of practices and a culture that was remarkably resilient in the face of constant official hostility and massive social change. . . .

He continues:

> Private prosecution refers to the system by which private citizens brought criminal cases to the attention of court officials, initiated the process of prosecution, and retained considerable control over the ultimate disposition of cases—especially when compared with the two main executive authorities of criminal justice, the police and the public prosecutor . . . Private prosecution . . . [was] firmly rooted in Philadelphia's colonial past. [It was an] example[] of the creative American adaptation of the English common law. By the seventeenth century, private prosecution was a fundamental part of English common law. Most criminal cases in England proceeded under the control of a private prosecutor, usually a relatively elite person, and often through a private society established for that purpose.

Professor Steinberg concludes that before the second half of the 19th Century, private prosecutions were the ''dominant'' mode of criminal justice in Philadelphia. He explains how this system worked:

> When a person wanted to initiate a criminal prosecution, he or she went off to the nearest alderman's office, complained, and usually secured a warrant for the arrest of the accused. After the alderman's constable escorted the defendant to the office, the alderman conducted a formal hearing, and the process was underway. Most often, private prosecutors charged their adversaries with assault and battery, larceny, or some form of disorderly conduct. Well before 1850, aldermen and litigants established patterns of case disposition that would last through most of the century. Most criminal cases were fully disposed of by the alderman . . .

Professor Steinberg also notes that:

> [m]uch of the time, people used the criminal law in their private affairs in order to combat a perceived injustice or to assert basic rights they felt were violated. There was no better example of this than battered wives. Women regularly brought charges against men for assault . . .. Most often, . . . the batterer was punished in some manner . . . .

And what of the public prosecutor? Contrary to Senator LEAHY's suggestion that public prosecutors had consolidated control over prosecutions by the late 18th century, Professor Steinberg found that—even by the mid-19th Century—the Philadelphia public prosecutor did little more than act as a clerk to victims who were pursuing private prosecutions. Here is what Professor Steinberg found:

> One of the major reasons for the weakness of the court officials was the limited power of the public prosecutor. Most discretion was exercised by the magistrates and private parties, some by the grand and petit juries, and little by anyone else. As late as the mid-1860s, for example, jurists agreed that, despite their importance on the streets, the police had no role in ordinary criminal procedure. More importantly, the same was basically true for the district attorney. In an 1863 outline of criminal procedure, Judge Joseph Allison did not mention the police and gave no discretionary role to the district attorney in the ''usual and ordinary mode of procedure.'' . . . . The discretion of the private parties in criminal cases was not checked by the public prosecutor. Instead, the public prosecutor in most cases adopted a stance of passive neutrality. He was essentially a clerk, organizing the court calendar and presenting cases to grand and petit juries. Most of the time, he was either superseded by a private attorney or simply let the private prosecutor and his witnesses take the stand and state their case.

And the dominance of private prosecutions was certainly not unique to Philadelphia. Other legal historians who have sifted through court records have reached similar conclusions to Professor Steinberg.

In a 1995 article in the American Journal of Legal History, for example, Robert Ireland concluded that ''By 1820 most states had established local public prosecutors. . . . Yet, because of deficiencies in the office of public prosecutor, privately funded prosecutors constituted a significant element of the state criminal justice system throughout the nineteenth century.''

In a 1967 article in the New York University Law Review, William E. Nelson found that private prosecution was commonplace in a typical Massachusetts county between 1760 and 1810. Criminal trials, he writes, were ''in reality contests between subjects rather than contests between government and subject.''

And the list goes on: other scholars who have acknowledged the prevalence of private prosecution in the American colonies and fledgling United States include Richard Gasjins (Connecticut), Michael S. Hindus (Massachusetts and South Carolina), William M. Lloyd, Jr. (Pennsylvania), and Edwin Surrency (Philadelphia). Indeed, William F. McDonald notes in the American Criminal Law Review that a system of private prosecution was preferred by many around the time of the American Revolution because of a fear of tyranny associated with government prosecutors and because it was less expensive.

In the face of this overwhelming historical evidence that the bulk of prosecutions at the time of the Constitutional Convention were private, the Senator from Vermont suggested instead that public prosecutions were ''standard.'' He relied on several sources for that conclusion: a four-page article in a legal encyclopedia and a few law review article quotes, one lacking citation and the rest citing the same four-page encyclopedia article.

Of particular importance seems to be a quotation from an article in the Rutgers Law Review that asserted that ''[b]y the time of the Revolution, public prosecution in America was standard, and private prosecution, in effect, was gone.'' But reading closer, one finds that the support for this statement was none other than a statement in the oft-cited four-page encyclopedia

article that ''by the time of the American Revolution, each colony had established some form of public prosecution. . . .''

Again, however, we have seen that the mere existence of ''some form of public prosecution'' at the time of the American Revolution does not mean that public prosecution was ''standard.'' And it certainly does not mean that public prosecutors handled the bulk of prosecutions or had much a prosecutorial role. They did not. Rather, the weight of historical evidence on this subject—a subject which has been extensively researched and reviewed by some of our country's most distinguished legal historians and other scholars—suggests that private prosecutions were dominant.

Mr. President, I am glad to have the chance to correct the historical record on this point. I have the utmost respect for my distinguished colleague from Vermont and I thank him for his thoughtful remarks on the history of prosecution in this country. However, I believe that my main point stands: we need to restore rights that crime victims enjoyed at the time the Framers drafted the Constitution and Bill of Rights.

IN RECOGNITION OF NATIONAL NEUROFIBROMATOSIS MONTH

Mr. ASHCROFT. Mr. President, I rise today to recognize May as the National Neurofibromatosis month. Neurofibromatosis (NF) is a genetic disorder that causes tumors to grow along nerves throughout the body. These tumors can lead to a number of physical challenges including blindness, hearing impairment, or skeletal problems such as scoliosis or bone deformities. In addition to these physical challenges, over 60 percent of those diagnosed with neurofibromatosis are also faced with learning disabilities ranging from mild dyslexia and ADD to severe retardation.

Anyone's child or grandchild can have NF. This disease affects one in 4,000 children, making it more prevalent than cystic fibrosis and hereditary muscular dystrophy combined. NF equally affects both sexes and all racial and ethnic backgrounds. Although 50 percent of the cases are inherited, half are spontaneous with no family history.

It is an honor to stand before this body and recognize May as National Neurofibromatosis month. I would also like to take this opportunity to recognize the Missouri Chapter of The National Neurofibromatosis Foundation, Inc. and their efforts to provide support to those who suffer from NF as they strive towards a cure.

VICTIMS' RIGHTS AMENDMENT OPPOSITION

Mr. LEAHY. Mr. President, during the debate last week on the proposed constitutional amendment on victims' rights, a number of editorials and thoughtful essays were printed in the RECORD. Because of the way in which the Senate ended its consideration of S.J. Res. 3, I did not have an opportunity to include in the RECORD all such materials. Accordingly, I included additional materials yesterday and do so again today, in order to help complete the historical record of the debate. I ask unanimous consent to have printed in the RECORD editorials from a number of sources around the country in opposition to the proposed amendment.

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

[From the Philadelphia Inquirer, Apr. 22, 2000]

MISGUIDED BILL

Crime victims need justice and compassion, not the ability to usurp the rights of others.

If ever there was a likely booster for the cause of empowering crime victims, it's Bud Welch of Oklahoma City.

After his 23-year-old daughter, Julie, perished in the 1995 federal building bombing there, Mr. Welch recalls wanting to see the co-conspirators ''fried'' rather than tried in court.

But the latest push in Congress to enshrine a victims' bill of rights in the U.S. Constitution does not enjoy Bud Welch's support. Nor does it have the backing of numerous groups equally as concerned as Mr. Welch with seeking justice for victims.

The amendment's opponents include advocates for battered women, the families of murder victims—plus the nation's top state judges, civil-rights groups and veteran prosecutors.

All of them, whether knowingly or not, are heeding James Madison's wise directive that the Constitution be amended only on ''great and extraordinary occasions.''

This isn't one of those occasions.

These groups understand that the proposals before Congress would completely restructure federal and state criminal justice systems. As such, the victims' rights measure is dangerous to fundamental rights that protect all Americans. In the Oklahoma case that Mr. Welch knows so well, he cites the plea bargain that led to key testimony by an accomplice of Timothy McVeigh and Terry Nichols.

Had victims been able to contest that plea—as provided by the rights proposals in Congress—the case might have been more difficult to prosecute or might even have unraveled.

That's just a hint of the practical problems in according crime victims such rights as court-appointed counsel, a say in prosecution decisions, and the like. How could anyone think things are working so well in the nation's clogged criminal courts that they could handle this wrench tossed into the works?

There's a more fundamental problem, through, with giving crime victims a virtual place at the prosecutors's table.

It presumes the guilt of a person charged with a crime before the courts have spoken. With that, out the courtroom window goes a fair trail—and in comes a threat to all Americans' rights.

What crime victims are owed is compassion, the chance to seek compensation, consideration of the demands a trial places on their time and psyches, and a full measure of justice. That's the intent of victims' rights provisions already enshrined in law or state constitutions by all 50 states.

For instance, the Pennsylvania statute provides for notifying victims of court proceedings, allowing them to comment on—but not to veto—plea bargains, the right to seek restitution, and notification of post-conviction appeals and even convicts' escapes. These are good ideas that don't deprive rights.

Shame on Congress if it seriously considers a measure that could jeopardize the right to a fair trial. Ditto if the victims' rights cause is turned into just another cynical vehicle to make political hay—like the flag-burning nonsense.

The region's senators should not be party to that—no matter what their party.

[From the Providence Journal, Apr. 27, 2000]

THE QUALITY OF JUSTICE

Bud Welch, whose daughter Julie was one of the 168 victims of the bombing of the Murrah Federal Building in Oklahoma City five years ago, testified before the U.S. Senate Judiciary Committee against the proposed Victims' Rights Amendment to the Constitution. ''I was angry after she was killed that I wanted McVeigh and Nichols killed without a trial. I probably would have done it myself if I could have. I consider that I was in a state of temporary insanity immediately after her death. It is because I was so crazy with grief that I oppose the Victims' Rights Amendment.''

Mr. Welch is right. Giving the victims of crime the constitutional right to influence bail decisions and plea agreements would turn the principle of innocent until proven guilty, the foundation of the American system of justice embodied in our Bill of Rights, on its head. Other countries, notably France, are still striving to incorporate this principle into their legal codes. It would come as a shock to see the United States move away from it, a move that would be rightly perceived as a step backward into law's dark, despotic past—the days of an eye for an eye and a tooth for a tooth.

If that seems a hard indictment of an amendment that sounds so eminently reasonable and fair, consider the provision granting victims the right to a trial ''free of unreasonable delay.'' The very phrase should send chills down the spine. One person's ''expedited'' trial is another's ''legal lynching,'' to borrow Supreme Court Justice Clarence Thomas' phrase. And, like most amendments to the Constitution, there is no telling where this amendment would lead. Would an assault against a Ku Klux Klan member marching with thousands of co-bigots mean that the state has to notify and consult with every racist marcher ''victim'' in prosecuting the criminal?

The United States is a country that abhors the miscarriage of justice. It is, or should be, the key element of our national character. No one would contend that it is good that victims sometimes suffer further in the administration of justice, and proponents of this amendment, such as Mothers Against Drunk Driving, fight a noble cause in trying to protect the rights of victims in the justice system. But amendment the Constitution is not the way to do it. Victims' rights laws are on the books in 35 states, including Rhode Island. Strengthen and enforce these laws. That is the way to ensure all Americans, victims and accused, have a fair trial.

[From the Richmond Times-Dispatch, Apr. 16, 2000]

DIFFERENTLY SITUATED

Complaints about partisan rancor in Congress are commonplace. But sometimes it's even worse when Republicans and Democrats agree.

Take the resolution sponsored by Republican Senator John Kyl and Democrat

Dianne Feinstein. It proposes a victims' rights amendment to the Constitution guaranteeing a right to be notified of, attend, and testify at the defendant's trial. Thirty-three states already codify such protections, and there is little wrong with them. But an amendment would sully the Constitution with (to borrow a turn of phrase) a new indoor record for missing the point.

At a recent news conference supporting the proposed amendment, Mothers Against Drunk Driving president Millie Webb said, ''Many Americans don't realize that victims have no guaranteed rights under our current law,'' whereas ''the system caters to the rights of defendants.'' Such statements—with which many Americans, including 41 Senate co-sponsors of the Kyl-Feinstein resolution, would agree—reflect a cavernous lack of understanding regarding the machinery of justice in America.

That machinery exists for the very purpose of defending rights, such as the right to physical safety and the right to property. Legislatures pass laws forbidding assault, murder, theft, fraud, and a host of other crimes. Policemen patrol the streets to prevent those crimes. When a crime is committed and a victim created, police hunt down the likeliest suspect and arrest him.

Government attorneys then prosecute. The courts sit in judgment, impose prison time, and order restitution where appropriate. Corrections departments imprison—and sometimes execute—offenders, not only to punish them for the misdeed in question but also to prevent them from violating the rights of additional victims. This vast legislative, judicial, and executive machinery expends a great amount of time and energy to guarantee the rights of innocent citizens.

The procedural rights of defendants exist for a good reason. The right to trial by jury, the right to an attorney, the right to an appeal, the right not to have a confession beaten out of you—all are in place because a defendant stands in a markedly different position from a crime victim. The state wields its immense coercive power on behalf of the victim—and against the defendant.

Some mechanism is necessary to ensure that powerful machinery does not run out of control and crush someone it should not. Though they sometimes are abused, the constitutional protections guaranteed to a defendant are not catering to the guilty, but to the innocent. They exist to make sure the apparatus functioning on behalf of victims does not create another one, or several other ones. If sloppy law enforcement sends an innocent person to prison, then it leaves the real perpetrator free—to strike again.

[From the Seattle Post-Intelligencer, Apr. 21, 2000]

VICTIM AMENDMENT UNDOES PRIOR WORK

With the drive to enshrine its tenets in the U.S. Constitution, the victims' rights movement is in danger of undoing much of the good it has done.

Granted, the proposed amendment to the Constitution, which is scheduled for a vote Tuesday in the U.S. Senate, is emotionally appealing. If approved by Congress and ratified by three-fourths of the state legislatures, the amendment would, among other things, require that victims be notified of any court proceedings involving their accused assailants and be told of an offender's release or escape.

These provisions are fairly innocuous; others in the far-reaching proposal are not.

For example, the amendment would give victims the right to attend all public proceedings stemming from the crime. But there are compelling reasons for victim witnesses to be excluded from the courtroom except when they are testifying. Their presence could bias the testimony of other witnesses sympathetic to what the victims have endured, and on hearing other witnesses testify, victims might tailor their own testimony to minimize any inconsistencies.

Another new ''right'' would authorize victims to submit a statement at all public proceedings held to accept a negotiated plea. That risks the possibility of victims becoming equal partners with prosecutors in deciding when to plea-bargain cases. Therein lies the crux of our objections.

The government prosecutes crimes on behalf of the community, not just victims, even though victims routinely suffer the greatest toll. It is the community's best interests that should receive the highest consideration by prosecutors.

One surprising opponent of the amendment voiced his concerns simply: ''I think crime victims are too emotionally involved,'' said Bud Welch of Oklahoma City, whose daughter died in the bombing of the federal courthouse there.

Welch and his organization, Citizens for the Fair Treatment of Victims, are joined in opposing the proposal by the National Coalition Against Sexual Assault, the National Network to End Domestic Violence and Murder Victims' Families for Reconciliation.

Already, 32 states have passed victims' rights statutes or amendments to their state constitutions. This is how it should be, as the vast majority of crimes are prosecuted on the state level. It is far too radical a step to amend the federal Constitution for what is essentially a state matter.

All victims' rights run the risk of being diluted if this proposal becomes the 28th amendment to the U.S. Constitution. That should convince Washington's senators, Democrat Patty Murray and Republican Slade Gorton, to vote no Tuesday.

[From the South Bend Tribune, Apr. 27, 2000]

PROPOSED VICTIMS' RIGHTS AMENDMENT IS MISGUIDED

A proposed constitutional amendment to codify rights for crime victims may be sincere in intent, but it is misguided and should be defeated when the Senate votes today.

The most sacred tenet of the United States' system of justice says that all those accused are innocent until proven guilty. The Victims' Rights Amendment could jeopardize that constitutional protection by giving victims an active role in virtually every stage of prosecution, from plea bargaining to punishment and parole.

Under terms of the amendment, victims would be allowed to remain present in the courtroom throughout a trial, even if they are witnesses for the prosecution.

Crime victims deserve sympathy and support, but inserting them into the criminal justice system as proposed in this amendment is an invitation to substitute vengeance for justice. If Congress wants to establish a fund to help victims recover emotionally, physically and financially it should do so. It should not, however, seek to alter core principles of the law.

Congress is developing an annoying tendency to legislate by pandering to the public's feelings as a substitute for thoughtful consideration. Amending the Constitution may create many unintended consequences and should not be undertaken when there are other ways to reach the goal desired.

[From the St. Petersburg Times, Apr. 25, 2000]

A WRONG SET OF RIGHTS

The so-called Victims' Rights Amendment isn't all that it seems. Politically motivated, it would tilt cases in favor of prosecutors and strike a blow to constitutional guarantees of due process and fairness for the accused.

The Constitution was purposely made hard to amend to shield it from political whims, but that hasn't stopped Congress from trying to alter this great document. In this 106th Congress, at least 53 constitutional amendments have been introduced concerning every hot-button issue from flag burning to school prayer. The latest assault on individual rights is the so-called Victims' Rights Amendment, a wrongheaded attempt to give crime victims rights in criminal proceedings.

The amendment is popular because any measure that appears to favor victims over criminals is going to sail through Congress. But the amendment has more to do with political pandering than conscientious lawmaking. This helping hand for crime victims is really about tilting the balance in favor of prosecutors. It would substantially reduce the Constitution's guarantees of due process and fairness for the criminally accused.

While victims often complain that they are ignored or mistreated by the criminal justice system, there are fixes short of amending the Constitution. Florida, for example, has codified victims' rights in statute and made it part of the state Constitution. A caveat, though, prevents the exercise of victims' rights from interfering with the defendant's constitutional rights. But if the federal Constitution were amended, this key protection for defendants would be nullified.

Among the disturbing provisions, the Victims' Rights Amendment would give crime victims the right to be present at any public proceeding, to expect a trial free from unreasonable delay and to have their safety considered relative to a defendant's release from custody. While these measures don't sound excessive on their face, they could seriously handicap a defendant's right to a fair hearing.

For example, a victim who demands to sit in on every day of trial could also be a key witness to the crime. By listening to all other testimony, he could tailor his comments to avoid inconsistent statements—complicating the defense's job.

Similar problems arise in interpreting the victim's right to a quick resolution. A victim's demand for speed could truncate the defense attorney's time to prepare for trial, making it difficult to present a full defense. It is also unclear how the victim's right to a speedy resolution would impact the defendant's right of habeas corpus. Habeas claims of wrongful imprisonment sometimes comes many years after conviction.

Multiple concerns also are raised by the provision requiring that the safety of victims be considered before a defendant is released. At minimum, the accused could be denied reasonable bond, but the provision could also give the state the power to hold prisoners indefinitely after their prison terms based on some minimal showing of fear by the victim.

The amendment is scheduled to come up for action in the Senate this week, and if it passes by the two-thirds majority necessary, it's expected to fly through the House. The amendment would then need to be passed by three-fourths of state legislatures before becoming part of the Constitution. Florida's Republican Sen. Connie Mack has already signed on as a sponsor, but Democrat Bob Graham, as usual is waiting until the last minute to reveal his position.

What seems to elude amendment supporters is that the rights of defendants are not enshrined in the Constitution to protect criminals. They are there to ensure that those falsely accused by government get a fair trail. So really the Constitution already provides for victims' rights: victims of overzealous government prosecution, that is.

[From the Wichita Eagle, Apr. 27, 2000]

NOT AGAIN—VICTIM'S RIGHTS DON'T MERIT CONSTITUTIONAL AMENDMENT

There's no question that victims of crimes too often feel victimized a second time by the justice system. Look at the parents of the students killed at Columbine High School: Their frustration with the Jefferson County sheriff's department over access to videotape and records has rightly provoked multiple lawsuits—and compounded their grief.

But the instances in which victims are wronged by authorities hardly justify the ultimate legal remedy in America—an amendment to the Constitution.

That's the conclusion that once again should be reached by both the U.S. Senate, which moved ahead this week with debate on the proposed Victims' Rights Amendment, and the House, which has a similar measure pending in committee.

Supporters such as Sen. Dianne Feinstein, D-Calif., argue that the Constitution currently guarantees 15 rights to criminal defendants yet extends none to victims. They want to equalize the importance of defendant and victim, guaranteeing the latter the right to be present at court hearings, speak at sentencing, have a say in plea agreements, see the cases resolved quickly and seek restitution.

But the proposed amendment is rife with problems:

It would step on existing statutory and constitutional safeguards in 32 states, including Kansas.

It could end up conflicting with or compromising defendants' rights.

It lacks even the support of some advocacy groups such as Victim Services, which is focusing its resources and energy elsewhere.

And, as Senate Minority Leader Tom Daschle, D–S.D., noted, it ''is longer than the entire Bill of Rights.''

Authorities obviously need to do a better job respecting and enforcing existing state victims'-rights laws and taking pains not to treat victims like afterthoughts. But there are good reasons why the 11,000 attempts to amend the Constitution over the defining document's 213-year history have succeeded only 27 times. The plight of crime victims is heartrending, but it should be dealt with by appropriate laws, not by this kind of intensive meddling with the Constitution.

[From the Winston-Salem Journal, Apr. 27, 2000]

VICTIMS' RIGHTS

The victims of violent crimes and their loved ones often have reason to feel that they have fewer rights under the justice system than does the criminal. Many victims say that they feel victimized all over again by the time the court proceedings are done. Clearly there is much that ought to be done to ensure that courts and related offices treat victims with respect, compassion and efficiency. But a victims' rights amendment to the U.S. Constitution, under discussion this week in the Senate, is the wrong way to make those improvements.

It's a bad idea to amend the Constitution for a problem that could be handled by less sweeping and less permanent legislation. The Constitution has remained strong for more than 200 years precisely because the Founders did not address the details of every issue that might arise. It is unwise to amend it to deal with problems that can be addressed through less drastic means.

Even more important, the drive for a victims' rights amendment is based on a misunderstanding of the role of the criminal-justice system. The courts are set up to protect the rule of law and the greater interests of society, not to exact personal vengeance. When a criminal is sentenced to imprisonment or some other punishment, he is paying his debt to society, not to the victim. He is being punished for violating the rule of law that we all agree to as citizens for our mutual protection.

Advocates of an amendment argue that the Constitution establishes many rights of the accused, but none for victims. But the Constitution is designed to provide the protection of laws and fair and efficient justice for all. Crime victims are suffering because a law has been broken, and the function of the courts is to punish the lawbreaker. The rights of the accused are spelled out because defendants are in danger of having rights taken from them as punishment. Though the victims of crimes deserve public sympathy and support, they do not deserve special treatment by the legal system.

The move for victims' rights has arisen out of frustrations when the court system, far from giving victims special treatment, seems to disregard them. Among the rights in the proposed amendment would be notification of proceedings, speedier proceedings and notification of release or escape of an offender.

Some of these rights exist but aren't honored because of overcrowded courts and lack of staff. Those are problems that Congress and state legislatures can address without an amendment. They can also pass laws to make things more smooth and comfortable for victims and to give victims a voice in such proceedings as parole hearings. Some laws providing restitution are appropriate.

A constitutional amendment is not needed to achieve any of these worthy goals. Senators should make it clear that they support the goals but don't want to pursue them in the wrong way.

[From the Washington Times, May 2, 2000]

CONSTITUTIONAL PANDORA'S BOX

(By Debra Saunders)

Just when you thought that Congress was a totally craven institution full of pandering pols who would sell out the Constitution for a friendly story on Page 3 of the local paper, the Senate up and takes a stand on principle. An unpopular stand even.

I refer to a proposed Crime Victims' Amendment to the Constitution. Last week, Senate sponsors Dianne Feinstein, California Democrat, and Jon Kyl, Arizona Republican, pulled a vote on the measure because they didn't have the two-thirds vote needed for passage. Finally, some good news.

Of course, I support crime victims' rights, and the stated goals of the measure. The amendment, among other things, would give victims the right to be notified of legal proceedings where they would have a right to be heard, to be notified if a perp is released or escapes, and to weigh in on plea bargains.

As Mrs. Feinstein explained in a statement, ''The U.S. Constitution guarantees 15 separate rights to criminal defendants, and each of these rights was established by amendment to the Constitution. But there is not one word written in the U.S. Constitution on behalf of crime victims.''

I, for one, value that omission. The Founding Fathers wrote the document when being a victim was not a badge of honor. If it were written today in the decade of the victim, the Constitution probably would read like a 12-step pamphlet.

More importantly, while the Constitution does not pay homage to victims' rights per se, the entire process of prosecution, of using the government to exact punishment for wrongdoing against individuals, recognizes the government's responsibility to protect citizens from lawless individuals.

Of course, there have been some victim horror stories that give the measure legitimacy. One need look no further than Littleton, Colo., where authorities have sold videotapes of the bloodstained high-school shooting crime scene for $25. This is a true outrage, but it is best remedied by parents suing the daylights out of these cruel civil servants.

'Tis better to sue than to revamp the U.S. Constitution. Law enforcement generally is a local matter. A constitutional amendment then would give federal judges another excuse to butt in and tell local lawmen and women what to do. No thanks.

I'll add that because a constitutional amendment has so much force, and is so difficult to change, there must be a compelling reason to pass it, and lawmakers should have a clear idea of its effects.

But it's not clear how judges would interpret it. The American Civil Liberties Union's Jennifer Helburn argues that some judges, for example, could interpret the right of victims to ''be present, and to submit a statement' at all public legal proceedings to mean indigent victims would have a right to publicly funded legal representation.

The ACLU also warns the provision could ''allow victims to be present throughout an entire trial, even if they are going to be witnesses.'' A Senate aide explained a judge would determine whether victims could be present before testifying or could testify first, and then attend the rest of the trial. So, the provision could make life harder for prosecutors. Not good.

Legal writer Stuart Taylor Jr. of the National Journal worries that mandating victim output—even if it is not mandatory that prosecutors obey it—could scuttle plea bargain arrangements that might be unpopular but result in a better outcome than letting murderers walk free.

Sen. Fred Thompson, Tennessee Republican, warned that the measure is ''very, very disruptive in ways that there is no way we can possibly determine. We are opening up a Pandora's box.''

Except, last week, the Senate didn't open up Pandora's box. And in not opening the box, it nonetheless released one precious item: hope.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 1, 2000, the Federal debt stood at $5,660,725,641,944.27 (Five trillion, six hundred sixty billion, seven hundred twenty-five million, six hundred forty-one thousand, nine hundred forty-four dollars and twenty-seven cents).

Five years ago, May 1, 1995, the Federal debt stood at $4,860,333,000,000 (Four trillion, eight hundred sixty billion, three hundred thirty-three million).

Ten years ago, May 1, 1990, the Federal debt stood at $3,082,585,000,000 (Three trillion, eight-two billion, five hundred eighty-five million).

Fifteen years ago, May 1, 1985, the Federal debt stood at $1,744,028,000,000 (One trillion, seven hundred forty-four billion, twenty-eight million).

Twenty-five years ago, May 1, 1975, the Federal debt stood at $516,680,000,000 (Five hundred sixteen billion, six hundred eighty million) which reflects a debt increase of more than $5 trillion—$5,144,275,641,994.27 (Five trillion, one hundred forty-four billion, two hundred seventy-five million, six hundred forty-one thousand,

nine hundred ninety-four dollars and twenty-seven cents) during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO THE NAVY NURSES OF THE KOREAN WAR

● Mr. INOUYE. Mr. President, I am deeply honored to rise in tribute to over 3,000 courageous professional Navy Nurses of the Korean War, undaunted in the face of danger, who unselfishly answered the call of duty. They came from every corner of the nation. They came from all walks of life. They joined the Navy because they wanted to serve their country. They wanted to share their professional nursing skills and to care for those injured in body, mind and spirit.

The Navy nurses of the Korean War claim they did nothing special, they were just doing their job. But in the hearts of all who served with them, the doctors and the corpsmen, and their patients, Navy Nurses of the Korean War are true American heroes.

During the Korean War, whole blood could only be kept for eight days. Hospital ships were in Korean waters for weeks, months. Navy nurses gave their own blood for patient transfusions. Many aboard the hospital ship *Haven* were found to be anemic from giving so much of their blood for the injured.

Nurses worked around the clock during the mass casualties brought in from battles like Chosin Reservoir. Many times they worked 96 hours with just two hours of sleep in between swells of patients. Ever resilient and effervescent, Navy Nurses of the Korea War volunteered to assist orphanages in Inchon and Pusan caring for sick and wounded children. Severely injured children were brought back to hospital ships for surgery like having shrapnel removed from head wounds.

Nurses ventured into POW camps to ensure that children in these camps were treated and inoculated. Whether the nurses were stationed close to the fighting aboard hospital ships in Korean waters, at Naval Hospital Yokosuka, Japan, at other medical facilities in the Far East or on the home front, nurses were always there for their patients . . . their patients always came first.

Fifty years ago, Navy Nurses who served during the Korean War came home to quietly live their lives. For fifty years our nation has not known about this group of patriotic nurses who volunteered to serve our country. And they did it because they wanted to. They did it because they cared about our nation. They did it because they wanted to share their nursing skills. They did it because of their respect for life.

Let us not wait a day longer. Let us remember how these courageous, patriotic women answered the call of their country. And let us remember those Navy nurses who made it home in spirit only to live on in the hearts of family, friends and their fellow countrymen. Let us remember those Navy Nurses of the Korean War who are now in nursing homes and long-term care facilities. These nurses who once fought so valiantly to save the lives of their patients, now fight each day for their own survival.

Navy Nurses of the Korean War, you are forgotten no more. You shall remain in the hearts and spirits of all Americans. Let your story be told. Let your story be heard. Let your story be preserved in our history and remembered for decades to come. Your sacrifices and uncommon valor sparks the fire of patriotism, the foundation of our nation.

Navy Nurses of the Korean War, your unfaltering commitment of service to our country brings pride and honor to us. Mr. President, I ask my colleagues in the Senate to join me in remembering these quiet heroes—the Navy Nurses of the Korean War.

Navy Nurses of the Korean War . . . thank you from the bottom of our hearts. You are our heroes. You are forever remembered in the hearts and souls of your fellow countrymen. You are forever remembered in the history of our Nation.●

SALUTING ROGER DECAMP

● Mr. MURKOWSKI. Mr. President, I rise to salute the achievements of a man who has dedicated most of his life to improving the quality and safety of Alaskan and Pacific Northwest seafood, and whose efforts have made a positive and permanent impact on America's food industry.

Roger DeCamp is by no means a household name. Roger has never sought recognition or fame. Yet it is not too much to say that he has made a profound contribution to the welfare of America's seafood consumers.

In just a few short weeks, Roger DeCamp will retire as the Director of the National Food Processors Association Northwest Laboratory, in Seattle, Washington.

In 1960, Roger joined the Association as a microbiology and processing engineer. In 1964, he moved to Seattle to become the head of the microbiology and thermal processing division at the Northwest facility, and in 1971, he became the assistant director for the entire facility. He has been the director since 1981.

Unlike some who achieve senior positions, Roger has not ceased his work ''in the trenches.'' He has remained accessible to anyone who needed his assistance, and as one of the most knowledgeable individuals in the world about seafood quality control and safety, his advice has been widely sought.

One of the major achievements in Roger's career has been the modernization and direction of the Canned Salmon Control Plan, which assures the safety and integrity of the millions and millions of pounds of canned salmon produced annually in Alaska, and which is shipped worldwide. Canned salmon is one of the United States' most successful seafood exports. That success owes a great deal to the control plan, which gives buyers everywhere the confident knowledge that American canned salmon is a wholesome and beneficial protein source.

Under Roger's direction, the Canned Salmon Control Plan, with participation from industry, the Food and Drug Administration, and the National Food Processors Association, received the Vice-Presidential Hammer award for its unique approach to meeting the highly complex, technical, and sometimes conflicting requirements of the industry and the government agencies that regulate it.

Roger has continually worked to modernize the practices and procedures of the industry, and has represented it with distinction in the development of regulatory guidelines at both the state and federal levels.

He provided much of the impetus and expertise that led to the development of new Alaska seafood inspection regulations, has counseled the Alaska Seafood Marketing Institute technical committee on seafood quality since its creation in 1981, and led the development of the Hazard Analysis/Critical Control Point approach to seafood processing. The latter revolutionized seafood safety requirements, and when put in place in Alaska, became the model on which later federal regulations were constructed for seafood products nationwide. This same technical approach is now being applied not just to seafoods, but to meats and other products as well.

Roger also has been active on international trade issues of critical importance to the seafood industry. Among other things, he played a crucial role in obtaining agreement on a method of certifying seafood for the European Union market without resorting to the imposition of new user fees on the industry.

Finally, it must be noted that the respect in which Roger is been held by both the industry and by government regulators has been key to the successful negotiation of scientific and technical agreements between the industry and the Food and Drug Administration, to the maintenance of a strong working relationship between them, and to the federal agency's willingness to work cooperatively on even the most complex and technical issues of food handling and safety.

In no small way, both his industry and his country owe a debt of thanks to Roger DeCamp.●

HONORING THE NEVADA KNIGHTS OF COLUMBUS FOR NINETY YEARS OF SERVICE

● Mr. BRYAN. Mr. President, I rise today to recognize the Knights of Columbus of Nevada, which will be celebrating their 90th anniversary on May 10, 2000.

The history of the Knights of Columbus stretches back 118 years, when Father Michael J. McGivney founded the fraternal order in New Haven Connecticut on March 29, 1882. Since the order's founding, the Knights of Columbus have promoted the Catholic faith and have practiced the principles of charity, unity and fraternity.

When Father McGivney passed away in 1890, there were 5,000 Knights of Columbus located in 57 councils in New England. Today, the Knights of Columbus are the largest Catholic lay fraternal organization in the world and has 1.6 million members in the United States and twelve other nations around the world. Members of the organization and their families donate over $100 million to charities in addition to the 50 million hours of their own time that they volunteer each year.

Since May 10, 1910 in the State of Nevada, the Knights of Columbus have been committed to the highest ideals and principles of humanitarianism, and it gives me great pleasure to congratulate them on nine decades of volunteer service that has certainly enhanced and improved the quality of life for all Nevadans.

Mr. President, the members of the Knights of Columbus of Nevada, are truly deserving of recognition for their nearly century-long dedication to promoting the teachings of the Catholic Church, and for living those teachings by serving those in need in their community. I hope my colleagues will join me in offering congratulations to the Brother Knights and their families on the occasion of their 90th anniversary, and in wishing them continued success.●

HONORING VETERANS ADMINISTRATION NURSES

● Mr. SANTORUM. Mr. President, as we prepare to celebrate National Nurses Week during the week of May 6 through May 12, 2000, I would like to give special recognition to the dedicated nurses who serve the largest healthcare system in the world, the Veterans Health Administration. I rise today to recognize our Veterans Administration nurses for the critical care which they have provided throughout our nation's history and continue to provide today.

The first VA nurses served the needs of veterans of the Spanish-American War and World War I. In the 1930's, the VA Nursing Service was created, and employed 2,500 registered nurses. Throughout World War II, Korea, Vietnam, and the Persian Gulf War, VA nurses continued the tradition of outstanding service to our nation's veterans. The number of VA nurses has grown substantially, and today the Veterans Health Administration employs 34,000 registered nurses and 26,000 licensed practical nurses and nursing assistants, serving an average of 25 million outpatients and 1 million inpatients annually. The VA Nursing Service maintains its tradition of excellence by encouraging nurses to pursue higher education, and was a forerunner in introducing advanced employment and educational policies. These trained professionals work in a nationwide system of VA health facilities located throughout the continental United States and its territories.

I have been privileged to personally witness the hard work and dedication of Veterans Administration nurses. From 1946 until 1985, my mother served as a VA nurse at several hospitals including Aspinwall Veterans Hospital in Pittsburgh, Pennsylvania and Butler Veterans Hospital in Butler, PA. As Chief of Nursing for 32 years, my mother can attest to the commitment which is typical of VA nurses everywhere. During times of low funding and limited staffing, VA nurses worked harder than ever to care for the needs of their patients. While my experience on the Senate Armed Services Committee has served as affirmation of the dedication of Veterans Administration nurses, it pales in comparison to the hard work and sacrifice that I personally witnessed as the son of a VA nurse.

As we celebrate National Nurses Week, it is imperative that we remember those who have faithfully served and continue to care for our Nation's veterans.●

TRIBUTE TO REVEREND JAMES A. SCOTT

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Rev. James A. Scott on the occasion of his retirement as Pastor of the Bethany Baptist Church in Newark, NJ.

For more than three decades, Rev. James A. Scott has devoted his life to building a new legacy for the Bethany Baptist Church congregation and the Newark community. Since its founding in 1871, Bethany Baptist has evolved into an international network. The church's more than 2,000 members represent 22 different countries, including many in the Caribbean and Africa. Under Reverend Scott's leadership, Bethany Baptist helped establish a daughter church in Johannesburg, South Africa, and renovated a church in Cuba. The church also provides scholarship funds for students to attend the Moscow Baptist Seminary, and it educates primary students in Kenya.

Reverend Scott is not just building bridges to the international community, he is also playing a major role in the rebirth of Newark and surrounding areas. In the Roseville Avenue neighborhood, for example, Reverend Scott's church helped build 100 affordable homes. His church also helped build a community outreach building in Newark as well as the Newark-Bethany Christian Academy Day School.

These facilities have created a sense of stability and rootedness in their respective neighborhoods. Low-income families now have new housing options and new reasons to feel proud of where they live.

Reverend Scott's commitment to Newark is unsurpassed. I hope that Bethany Baptist Church will be inspired by his example to achieve even higher goals. I salute Reverend Scott on his retirement and wish him well.●

TRIBUTE TO GRACE WALSH

● Mr. FEINGOLD. Mr. President, today I pay tribute to the memory of Grace Walsh of Eau Claire, WI, who passed away on Monday, April 24. I will remember Grace as a wonderful person and brilliant teacher, someone who taught me lessons in debate and in life that I have relied on so often throughout my career in public service.

Grace coached her debate team to six national championships at the University of Wisconsin-Eau Claire, where she co-founded the Speech Department and served as both a professor and director of forensics. During the summer of 1970 when I was still in high school, I was lucky enough to study debate with Grace at the Eau Claire Debate Institute. Grace was a consummate teacher who brought out the best in her students, and a fierce competitor who built a debating dynasty in Eau Claire. With warmth, wit, and a mastery of forensics, Grace quickly won her students' respect. While small in size, Grace was commanding in stature, thanks to her keen understanding of how to coach winning debaters. ''Always slip them the blade nicely,'' she told us.

Many years after I attended that summer debating program at Eau Claire, I saw Grace again. I gave a talk in Eau Claire after I won an upset victory in the Democratic primary in 1992, and who was in the front row but Grace Walsh, urging me again to ''slip them the blade nicely, Russell.'' She was still coaching me, and displaying a love of debate that made her a coaching legend in Wisconsin and around the country.

Grace passed away last week at the age of 89, but her spirit lives on through all those who knew her and had the opportunity to learn from her. As her student, I am grateful for her guidance, and as a Wisconsinite, I am proud of her many achievements. Her work did honor to our state, and I think it only fitting that we pause to honor and remember her here today.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT NARCOTICS TRAFFICKERS CENTERED IN COLOMBIA—MESSAGE FROM THE PRESIDENT—PM 102

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 Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 2, 2000.*

MESSAGE FROM THE HOUSE

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3439. An act to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

H.R. 3615. An act to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

H.R. 4199. An act to terminate the Internal Revenue Code of 1986.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 4199. An act to terminate the Internal Revenue Code of 1986; to the Committee on Finance.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3615. An act to amend the Rural Electrification Act of 1936 to ensure improved access to the signals of local television stations by multichannel video providers to all households which desire such service in unserved and underserved rural areas by December 31, 2006.

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–8711. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''BLS-LIFO Department Store Indexes-March 2000'' (Rev. Rul. 2000-25), received April 28, 2000; to the Committee on Finance.

EC–8712. A communication from the Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Federal Health Care Programs; Fraud and Abuse; Statutory Exception to the Anti-Kickback Statute for Shared Risk Arrangements'' (RIN0991-AA91), received April 19, 2000; to the Committee on Finance.

EC–8713. A communication from the Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Clarification of the Safe Harbor Provisions and Establishment of Additional Safe Harbor Provisions Under the Anti-Kickback Statute'' (RIN0991-AA46), received April 19, 2000; to the Committee on Finance.

EC–8714. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Analysis of the Impact on Welfare Recidivism of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Child Support Arrears Distribution Policy Changes''; to the Committee on Finance.

EC–8715. A communication from the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Prospective Payment System for Hospital Outpatient Services'' (RIN0938-AI56), received April 28, 2000; to the Committee on Finance.

EC–8716. A communication from the Employment Standards Administration, Office of Labor-Management Standards, Department of Labor transmitting, pursuant to law, the report of a rule entitled ''Labor Organization Annual Financial Reports; Correction'' (RIN1215-AB29), received April 28, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8717. A communication from the National Committee on Vital and Health Statistics transmitting, pursuant to law, a report entitled ''Third Annual Report to Congress on the Implementation of the Administrative Simplification Provisions of the Health Insurance Portability and Accountability Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–8718. A communication from the President of the United States of America, transmitting, pursuant to the Nuclear Non-Proliferation Act of 1978, a report on efforts to prevent nuclear proliferation for the period of January 1, 1998 and December 31, 1998; to the Committee on Foreign Relations.

EC–8719. A communication from the National Oceanic and Atmospheric Administration, Department of Commerce transmitting, pursuant to law, a report entitled ''Draft Operations Plan and Environmental Assessment for the Stabilization, Selective Recovery and Archaeological Investigation of the USS Monitor''; to the Committee on Commerce, Science, and Transportation.

EC–8720. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the extent to which Coast Guard regulations concerning oils, including animal fats and vegetable oils, carry out the intent of the Edible Oil Regulatory Reform Act; to the Committee on Commerce, Science, and Transportation.

EC–8721. A communication from the Administrative Office of the United States Courts transmitting, pursuant to law, the annual report for calendar year 1999; to the Committee on the Judiciary.

EC–8722. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 1523; 01/11/99'', received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8723. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 64 FR 53936; 10/05/99'' (FEMA Docket No. 7297), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8724. A communication from the Division of Corporate Finance, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Use of Electronic Media'' (RIN3235–AG84), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8725. A communication from the Office of Foreign Assets Control, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled ''Iranian Transactions Regulations: Licensing of Imports of, and Dealings in, Certain Iranian-Origin Foodstuffs and Carpets'' (31 CFR Part 560), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8726. A communication from the Division of Investment Management, Securities and Exchange Commission transmitting, pursuant to law, the report of a rule entitled ''Custody of Investment Company Assets Outside of the United States'' (RIN3235–AH55), received April 28, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8727. A communication from the Emergency Oil and Gas Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled ''Emergency Oil and Gas Guaranteed Loan Program; Conforming Changes'' (RIN3003–ZA00), received April 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8728. A communication from the Emergency Steel Guaranteed Loan Board transmitting, pursuant to law, the report of a rule entitled ''Emergency Steel Guaranteed Loan Board; Conforming Changes'' (RIN3003–ZA00), received April 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8729. A communication from the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance; 64 FR 20090; 04/14/2000'' (FEMA Docket No. 7730), received April 27, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8730. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Accrual Method Exception for Qualifying Small Taxpayers'' (Rev. Proc. 2000–22), received April 26, 2000; to the Committee on Finance.

EC–8731. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings'' (98F–0675), received April 27, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8732. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Osteopathic Medical Oncology'', received April 27, 2000; to the Committee on Finance.

EC–8733. A communication from the Office of 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 the United Arab Emirates; to the Committee on Foreign Relations.

EC–8734. A communication from the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (SPATS No. WV–080–FOR), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8735. A communication from the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Letter; Small Business Programs'' (AL 2000–02), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8736. A communication from the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Financial Management Clauses for Management and Operating (M&O) Contracts'' (RIN1991–AB02), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8737. A communication from the Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations: Mentor-Protege Program'' (RIN1991–AB45), received April 28, 2000; to the Committee on Energy and Natural Resources.

EC–8738. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: TN–68 Addition'' (RIN3150–AG30), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8739. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Energy Compensation Sources for Well Logging and Other Regulatory Clarifications—10 CFR Part 39'' (RIN3150–AG14), received April 19, 2000; to the Committee on Environment and Public Works.

EC–8740. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: Holtec HI–STORM 100 Addition'' (RIN3150–AG31), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8741. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''NRC Enforcement Policy'', received April 27, 2000; to the Committee on Environment and Public Works.

EC–8742. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approved Spent Fuel Storage Casks: VSC–24 Revision'' (RIN3150–AG36), received April 28, 2000; to the Committee on Environment and Public Works.

EC–8743. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyridate; Pesticide Tolerance'' (FRL # 6550–9), received April 25, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8744. A communication from the Secretary of Transportation, transmitting, the annual report of the Maritime Administration for fiscal year 1999; to the Committee on Commerce, Science, and Transportation.

EC–8745. A communication from the National Marine Fisheries Service, Department of Commerce transmitting, pursuant to the Atlantic Tunas Convention Act of 1975, the 2000 annual report regarding Highly Migratory Species; to the Committee on Commerce, Science, and Transportation.

EC–8746. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework 33 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AN51), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8747. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 32 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AK79), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8748. A communication from the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands'', received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8749. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety of Uninspected Passenger Vessels Under the Passenger Vessel Safety Act of 1993 (PVSA) (USCG–1999–5040)'' (RIN2115–AF69), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8750. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Atlantic Intracoastal Waterway, Mile 1021.9 and 1022.6, Palm Beach, FL (CGD07–00–037)'' (RIN2115–AE47) (2000–0024), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8751. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Sacramento River, CA (CGD11–00–002)'' (RIN2115–AE47) (2000–0025), received May 1, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8752. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Sunken Vessel JESSICA ANN, Cape Elizabeth, ME (CGD01–00–120)'' (RIN2115–AA97) (2000–0007), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8753. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Merrimack River, MA (CGD01–99–029)'' (RIN2115–AE47) (2000–0023), received April 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8754. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; San Juan Harbor, PR (COTP San Juan 00–013)'' (RIN2115–AA97) (2000–0008), received May 1, 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–486. A resolution adopted by the Senate of the General Assembly of the State of Iowa relative the Rock Island Arsenal; to the Committee on Armed Services.

SENATE RESOLUTION NO. 107

Whereas, the facilities of the Rock Island Arsenal employ several thousand people; reflect a greatly enhanced physical plant, machine tool inventory, and data processing capabilities; and comprise one of the largest weapons manufacturing arsenals in the world; and

Whereas, the Rock Island Arsenal has proven capable of producing many weapons systems at a lower cost than producers of such systems in the private sector; and

Whereas, the Defense Megacenter-Rock Island, located at the Rock Island Arsenal, has the significant ability to furnish a full range of automation services, including business, tactical, and logistical systems support; and

Whereas, the communities in the states of Illinois and Iowa which are located in the vicinity of the Rock Island Arsenal recognize and appreciate the contribution which the Rock Island Arsenal makes to the economic vitality and stability of the region; Now therefore, be it

Resolved by the Senate, That the United States Department of Defense, the United States Army, and the United States Congress are urged to place production work at the Rock Island Arsenal, and to consider increased utilization of the Arsenal's facilities, so that the capabilities of the Rock Island Arsenal, and economic vitality of the surrounding region, may be utilized to the fullest extent possible; and be it further

Resolved, That copies of this Resolution be sent to the President of the United States, the United States Secretary of Defense, the Secretary of the Army, the Commander of Headquarters of the Army Materiel Command, the President, Majority Leader, and Minority Leader of the United States Senate, the Speaker, Majority Leader, and Minority Leader of the United States House of Representatives, and to members of the Illinois and Iowa congressional delegations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. LAUTENBERG:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2494. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BREAUX:

S. 2495. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mr. BREAUX:

S. 2496. A bill to suspend temporarily the duty on stainless steel rail car body shells; to the Committee on Finance.

By Mr. MCCAIN (for himself and Mr. LIEBERMAN):

S. 2497. A bill to provide for the development, use, and enforcement of an easily recognizable system in plain English for labeling violent content in audio and visual media products and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. FRIST):

S. 2498. A bill to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 2493. A bill to amend the Internal Revenue Code of 1986 to deter the smuggling of tobacco products into the United States, and for other purposes; to the Committee on Finance.

TOBACCO SMUGGLING ERADICATION ACT OF 2000

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Tobacco Smuggling Eradication Act.

When Congress last debated tobacco legislation, Big Tobacco raised the specter of rampant smuggling to defeat the legislation. Of course, the public only found out recently that Big Tobacco itself is a major player in the smuggling game. A tobacco company executive recently pleaded guilty to money laundering charges in a case involving nearly $700 million worth of cigarettes on the Canadian black market. Although the company denies knowledge of the scheme, they clearly profited from it.

The best way to address smuggling concerns is to prevent any large-scale smuggling problem from arising in the first place. The Tobacco Smuggling Eradication Act contains several common-sense provisions to combat smuggling of tobacco products, and associated tax evasion.

The bill will require unique serial numbers on all tobacco product packages manufactured or imported into the United States, and will require all packages bound for export to be marked for export. Under current law, export-bound products that re-enter the U.S. too often avoid tax assessment, and are sold at discount, in competition with products on which taxes have been paid. Likewise, re-imported products under current law often evade counting for purposes of the multistate settlement, and thus cheat Americans twice—once in avoidance of tax, and again in avoidance of MSA assessment.

The bill would require retailers to maintain tobacco-related records, which may consist simply of ordinary business records. This provision would ensure that invoices for tax-paid tobacco products match sales, and that the retailer is not an outlet for product on which tax has not been paid.

The bill also would require wholesalers to keep records on the chain of custody of tobacco products. This requirement already exists for manufacturers, exporters, and importers. This requirement needs to be strengthened in order to ensure that product marked for export is not diverted back into the domestic market without appropriate taxes having been collected.

In addition, the bill would amend the Contraband Cigarette Trafficking Act, which assists states in enforcing and collecting their excise taxes, by lowering the threshold of jurisdiction to 30,000 cigarettes (from 60,000) and expanding it to cover other tobacco products. Federal law should ensure that states have the necessary tools to stop interstate bootleggers who routinely move tons of tobacco products from low-tax states to higher-tax states.

Mr. President, this is important legislation which would crack down on bootleggers and black marketeers. I urge my colleagues to support this bill. 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. 2493

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 ''Tobacco Smuggling Eradication Act of 2000''.

TITLE I—AMENDMENTS TO INTERNAL REVENUE CODE OF 1986

SEC. 101. AMENDMENT OF 1986 CODE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. IMPROVED MARKING AND LABELING.

(a) IN GENERAL.—Subsection (b) of section 5723 (relating to marks, labels, and notices) is amended—

(1) by striking '', if any,'' and

(2) by adding at the end the following: ''Such marks, labels, and notices shall include marks and notices relating to the following:

''(1) IDENTIFICATION.—The Secretary shall promulgate regulations that require each manufacturer or importer of tobacco products to legibly print a unique serial number on all packages of tobacco products manufactured or imported for sale or distribution. Such serial number shall be designed to enable the Secretary to identify the manufacturer or importer of the product, and the location and date of manufacture or importation. The Secretary shall determine the size and location of the serial number.

''(2) MARKING REQUIREMENTS FOR EXPORTS.—Each package of a tobacco product that is exported shall be marked for export from the United States. The Secretary shall promulgate regulations to determine the size and location of the mark and under what circumstances a waiver of this paragraph shall be granted.''.

(b) SALES ON INDIAN RESERVATIONS.—Section 5723 is amended by adding at the end the following new subsections:

''(f) SALES ON INDIAN RESERVATIONS.—The Secretary, in consultation with the Secretary of the Interior, shall promulgate regulations that require that each package of a tobacco product that is sold on an Indian reservation (as defined in section 403(9) of the Indian Child Protection and Family Violence Prevention Act (25 U.S.C. 3202(9)) be labeled as such. Such regulations shall include requirements for the size and location of the label.

''(g) DEFINITION OF PACKAGE.—For purposes of this section, the term 'package' means the innermost sealed container irrespective of the material from which such container is made, in which a tobacco product is placed by the manufacturer and in which such tobacco product is offered for sale to a member of the general public.''.

SEC. 103. WHOLESALERS REQUIRED TO HAVE PERMIT.

Section 5712 (relating to application for permit) is amended by inserting '', wholesaler,'' after ''manufacturer''.

SEC. 104. CONDITIONS OF PERMIT.

Subsection (a) of section 5713 (relating to issuance of permit) is amended to read as follows:

''(a) ISSUANCE.—

''(1) IN GENERAL.—A person shall not engage in business as a manufacturer, wholesaler, or importer of tobacco products or as an export warehouse proprietor without a permit to engage in such business. Such permit shall be issued in such form and in such manner as the Secretary shall by regulation prescribe, to every person properly qualified under sections 5711 and 5712. A new permit may be required at such other time as the Secretary shall by regulation prescribe.

''(2) CONDITIONS.—The issuance of a permit under this section shall be conditioned upon the compliance with the requirements of this chapter and the Contraband Cigarette Trafficking Act (28 U.S.C. chapter 114), and any regulations issued pursuant to such statutes.''.

SEC. 105. RECORDS TO BE MAINTAINED.

Section 5741 (relating to records to be maintained) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Every manufacturer'',

(2) by inserting ''every wholesaler,'' after ''every importer,'',

(3) by striking ''such records'' and inserting ''records concerning the chain of custody of the tobacco products and such other records'', and

(4) by adding at the end the following new subsection:

''(b) RETAILERS.—Retailers shall maintain records of receipt of tobacco products, and

such records shall be available to the Secretary for inspection and audit. An ordinary commercial record or invoice shall satisfy the requirements of this subsection if such record shows the date of receipt, from whom tobacco products were received, and the quantity of tobacco products received.''.

SEC. 106. REPORTS.

Section 5722 (relating to reports) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Every manufacturer'', and

(2) by adding at the end the following new subsection:

''(b) REPORTS BY EXPORT WAREHOUSE PROPRIETORS.—

''(1) IN GENERAL.—Prior to exportation of tobacco products from the United States, the export warehouse proprietor shall submit a report (in such manner and form as the Secretary may by regulation prescribe) to enable the Secretary to identify the shipment and assure that it reaches its intended destination.

''(2) AGREEMENTS WITH FOREIGN GOVERNMENTS.—Notwithstanding section 6103 of this title, the Secretary is authorized to enter into agreements with foreign governments to exchange or share information contained in reports received from export warehouse proprietors of tobacco products if—

''(A) the Secretary believes that such agreement will assist in—

''(i) ensuring compliance with the provisions of this chapter or regulations promulgated thereunder, or

''(ii) preventing or detecting violations of the provisions of this chapter or regulations promulgated thereunder, and

''(B) the Secretary obtains assurances from such government that the information will be held in confidence and used only for the purposes specified in clauses (i) and (ii) of subparagraph (A).

No information may be exchanged or shared with any government that has violated such assurances.''.

SEC. 107. FRAUDULENT OFFENSES.

(a) IN GENERAL.—Subsection (a) of section 5762 (relating to fraudulent offenses) is amended by striking paragraph (1) and redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—Section 5762 is amended—

(1) by redesignating subsection (b) as subsection (c),

(2) in subsection (c) (as so redesignated), by inserting ''or (b)'' after ''(a)'', and

(3) by inserting after subsection (a) the following new subsection:

''(b) OFFENSES RELATING TO DISTRIBUTION OF TOBACCO PRODUCTS.—It shall be unlawful—

''(1) for any person to engage in the business as a manufacturer or importer of tobacco products or cigarette papers and tubes, or to engage in the business as a wholesaler or an export warehouse proprietor, without filing the bond and obtaining the permit where required by this chapter or regulations thereunder;

''(2) for an importer, manufacturer, or wholesaler permitted under this chapter intentionally to ship, transport, deliver, or receive any tobacco products from or to any person other than a person permitted under this chapter or a retailer, except a permitted importer may receive foreign tobacco products from a foreign manufacturer or a foreign distributor that have not previously entered the United States;

''(3) for any person, except a manufacturer or an export warehouse proprietor permitted under this chapter to receive any tobacco products that have previously been exported and returned to the United States;

''(4) for any export warehouse proprietor intentionally to ship, transport, sell, or deliver for sale any tobacco products to any person other than a permitted manufacturer or foreign purchaser;

''(5) for any person other than an export warehouse proprietor permitted under this chapter intentionally to ship, transport, receive, or possess, for purposes of resale, any tobacco product in packages marked pursuant to regulations issued under section 5723, other than for direct return to a manufacturer or export warehouse proprietor for repacking or for re-exportation;

''(6) for any manufacturer, export warehouse proprietor, importer, or wholesaler permitted under this chapter to make intentionally any false entry in, to fail willfully to make appropriate entry in, or to fail willfully to maintain properly any record or report that such person is required to keep as required by this chapter or the regulations promulgated thereunder; and

''(7) for any person to alter, mutilate, destroy, obliterate, or remove any mark or label required under this chapter upon a tobacco product held for sale, except pursuant to regulations of the Secretary authorizing relabeling for purposes of compliance with the requirements of this section or of State law.

Any person violating any of the provisions of this subsection shall, upon conviction, be fined as provided in section 3571 of title 18, United States Code, imprisoned for not more than 5 years, or both.''.

(c) INTENTIONALLY DEFINED.—Section 5762 is amended by adding at the end the following:

''(d) DEFINITION OF INTENTIONALLY.—For purposes of this section and section 5761, the term 'intentionally' means doing an act, or omitting to do an act, deliberately, and not due to accident, inadvertence, or mistake, regardless of whether the person knew that the act or omission constituted an offense.''.

SEC. 108. CIVIL PENALTIES.

Subsection (a) of section 5761 (relating to civil penalties) is amended—

(1) by striking ''willfully'' and inserting ''intentionally'', and

(2) by striking ''$1,000'' and inserting ''$10,000''.

SEC. 109. DEFINITIONS.

(a) EXPORT WAREHOUSE PROPRIETOR.—Subsection (j) of section 5702 (relating to definition of export warehouse proprietor) is amended by inserting before the period the following: ''or any person engaged in the business of exporting tobacco products from the United States for purposes of sale or distribution. Any duty free store that sells, offers for sale, or otherwise distributes to any person in any single transaction more than 30 packages of cigarettes, or its equivalent for other tobacco products as the Secretary shall by regulation prescribe, shall be deemed an export warehouse proprietor under this chapter''.

(b) RETAILER; WHOLESALER.—Section 5702 is amended by adding at the end the following:

''(q) RETAILER.—The term 'retailer' means any dealer who sells, or offers for sale, any tobacco product at retail. The term 'retailer' includes any duty-free store that sells, offers for sale, or otherwise distributes at retail in any single transaction 30 or less packages, or its equivalent for other tobacco products.

''(r) WHOLESALER.—The term 'wholesaler' means any person engaged in the business of purchasing tobacco products for resale at wholesale, or any person acting as an agent or broker for any person engaged in the business of purchasing tobacco products for resale at wholesale.''.

SEC. 110. EFFECTIVE DATE.

The amendments made by this title shall take effect on January 1, 2000.

TITLE II—AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT

SEC. 201. AMENDMENTS TO THE CONTRABAND CIGARETTE TRAFFICKING ACT.

(a) DEFINITIONS.—Section 2341 of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''60,000'' and inserting ''30,000'';

(2) in paragraph (4), by striking ''and'' at the end;

(3) in paragraph (5), by striking the period and inserting a semicolon; and

(4) by adding at the end the following:

''(6) the term 'tobacco product' means cigars, cigarettes, smokeless tobacco, and pipe tobacco (as such terms are defined in section 5701 of the Internal Revenue Code of 1986); and

''(7) the term 'contraband tobacco product' means a quantity of tobacco product that is equivalent to or more than 30,000 cigarettes as determined by regulation, which bear no evidence of the payment of applicable State tobacco taxes in the State where such tobacco products are found, if such State requires a stamp, impression,or other indication to be placed on packages or other containers of product to evidence payment of tobacco taxes.

(b) UNLAWFUL ACTS.—Section 2342 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or contraband tobacco products'' before the period;

(2) by striking subsection (b) and inserting the following:

''(b) It shall be unlawful for any person—

''(1) knowingly to make any false statement or representation with respect to the information required by this chapter to be kept in the records or reports of any person who ships, sells, or distributes any quantity of cigarettes in excess of 30,000 in a single transaction or tobacco products in such equivalent quantities as shall be determined by regulation, or

''(2) knowingly to fail to maintain records or reports, alter or obliterate required markings, or interfere with any inspection, required under this chapter, with respect to such quantity of cigarettes or other tobacco products.''; and

(3) by adding at the end the following:

''(c) It shall be unlawful for any person knowingly to transport tobacco products under a false bill of lading or without any bill of lading.''.

(c) RECORDKEEPING.—Section 2343 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting after ''transaction'' the following: '', or, in the case of other tobacco products an equivalent quantity as determined by regulation,'';

(B) by striking ''60,000'' and inserting ''30,000''; and

(C) by striking the last sentence and inserting the following: ''Except as provided in subsection (c) of this section, nothing contained herein shall authorize the Secretary to require reporting under this section.'';

(2) in subsection (b)—

(A) by striking ''60,000'' and inserting ''30,000''; and

(B) by inserting after ''transaction'' the following: '', or, in the case of other tobacco products an equivalent quantity as determined by regulation,''; and

(3) by adding at the end the following:

''(c)(1) Any person who ships, sells, or distributes cigarettes or tobacco products for resale in interstate commerce, whereby such cigarettes or tobacco products are shipped into a State taxing the sale or use of such cigarettes or tobacco products or who advertises or offers cigarettes or tobacco products for such sale or transfer and shipment shall—

''(A) first file with the tobacco tax administrator of the State into which such shipment is made or in which such advertisement or offer is disseminated, a statement setting for the person's name, and trade name (if any), and the address of the person's principal place of business and of any other place of business; and

''(B) not later than the 10th of each calendar month, file with the tobacco tax administrator of the State into which such shipment is made a memorandum or a copy of the invoice covering each and every shipment of cigarettes or tobacco products made during the previous calendar month into such State; the memorandum or invoice in each case to include the name and address of the person to whom the shipment was made, the brand, and the quantity thereof.

''(2) The fact that any person ships or delivers for shipment any cigarettes or tobacco products shall, if such shipment is into a State in which such person has filed a statement with the tobacco tax administrator under paragraph (1)(A) of this subsection, be presumptive evidence that such cigarettes or tobacco products were sold, shipped, or distributed for resale by such person.

''(3) For purposes of this subsection—

''(A) the term 'use' in addition to its ordinary meaning, means consumption, storage, handling, or disposal of cigarettes or tobacco products; and

''(B) the term 'tobacco tax administrator' means the State official authorized to administer tobacco tax laws of the State.''.

(d) PENALTIES.—Section 2344 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting ''or (c)'' after ''section 2342(b)''; and

(2) in subsection (c), by inserting ''or contraband tobacco products'' after ''cigarettes''.

(e) STATE JURISDICTION NOT AFFECTED.—Section 2345 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''or tobacco product'' after ''cigarette''; and

(B) by inserting '', tobacco products,'' after ''cigarettes''; and

(2) in subsection (b)—

(A) by inserting ''or tobacco product'' after ''cigarette''; and

(B) by inserting '', tobacco products,'' after ''cigarettes''.

(f) REPEAL.—The Act entitled ''An Act to assist States in collecting sales and use taxes on cigarettes'', approved October 19, 1949 (15 U.S.C. 375 et seq.) is repealed.

(g) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by striking ''or 1344'' and inserting ''1344, or 2344''.

By Mr. ROCKEFELLER:

S. 2494. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

CHILDREN OF FEMALE VIETNAM VETERANS' BENEFITS ACT OF 2000

Mr. ROCKEFELLER. Mr. President, I introduce, on behalf of myself and Senator MURRAY, legislation that would aid the children born with birth defects to female Vietnam veterans. This legislation, the Children of Female Vietnam Veterans' Benefits Act of 2000, is long overdue. As we commemorate the 25th anniversary of the end of the war, it is a particularly appropriate time for passage of this important legislation.

Women played a critical role in Vietnam. As nurses, they provided lifesaving care to the wounded and comfort to the dying. Their compassion and selflessness is legendary. Others served in countless other ways, as clerks, mapmakers, photographers, air traffic controllers, Red Cross and USO workers, and other volunteer roles. Their support was crucial to the war effort.

Last year, the VA completed study on women Vietnam veterans which concluded that there was a ''statistically significant increase in birth defects'' in their children. VA generally does not have the legal authority to provide health care and compensation to the children of veterans, except in the case of spina bifida.

The legislation we are sponsoring would apply to children of women Vietnam veterans born with birth defects, other than spina bifida, which resulted in permanent physical or mental disability, except for certain birth defects determined by the Secretary of Veterans Affairs to result from genetics, birth injury, or fetal or neonatal infirmities with well-established causes. The benefits would include health care, vocational rehabilitation services, and financial compensation, depending on the degree of disability.

In closing, I emphasize that the health care and benefits provided by the Department of Veterans Affairs play a crucial role in supporting the healing process I spoke of earlier. While no amount of remuneration can ever truly compensate for bodily injury and emotional trauma, we have the responsibility to provide the tools for coping and to ease the difficulties of daily life. I urge my colleagues to support this measure.

This bill will provide health care and compensation to the children of women Vietnam veterans who were born with permanently disabling birth defects. Though they have waited 25 years for this acknowledgment, this legislation has the ability to significantly improve the lives of women veterans and their disabled children. These women and children have endured incredible and ongoing hardships for this country, and their significance must be realized. We can no longer ignore the responsibility the government owes to women veterans.

This bill has its origin in a study the Department of Veterans Affairs did on women Vietnam veterans. In response to the concerns of many women Vietnam Veterans, Congress required that VA perform a comprehensive study of any long-term adverse health effects that may have been suffered by these women. This mandate led to three separate but related epidemiologic studies of women Vietnam-era veterans: 1) a post Vietnam service mortality follow-up; 2) an assessment of psychologic health outcomes; and 3) a review of reproductive health outcomes. This particular study, released in 1999, analyzed the reproductive outcomes of over 4000 women Vietnam veterans, compared with 4000 women Vietnam-era veterans.

The study revealed that the risk of a woman Vietnam veterans having a child with birth defects was significantly elevated, even after adjusting for age, demographic variables, military characteristics, and smoking and alcohol consumption of the mothers. Upon review of the resulting conclusions, the VA study's task force recommended that the Secretary seek statutory authority to provide health care and other benefits to the offspring of women veterans with birth defects. Secretary West approved of this recommendation. The tragic realization of the birth defects present in so many of the children of women Vietnam veterans brings light to a situation that cries out not only for our sympathy, but for an acceptance of governmental responsibility and action.

VA does not have the authority under current law to provide health care or other benefits to the children of women Vietnam veterans disabled from birth defects other than spina bifida. Thus, the enabling legislation that I introduce today is absolutely necessary in order to address the compelling needs of these children.

Currently, VA has the authority to compensate and aid veterans, and the dependents of these veterans, for disease or injury to the veteran due to service. Millions of veterans, from every branch of the Armed Forces, have been helped by this benefit. These small amounts of compensation can in no way fully redress the physical and psychological injuries that war has caused these veterans, their children, and their spouses. But it does serve to assist these veterans to live active and fulfilled lives, and it would assist with making up for lost income over the years, due to the injuries. However, no benefits have been extended to the children of veterans, for their own harm.

In 1996, VA was given special authority to provide benefits and compensation to the children of Vietnam veterans for their own disease associated with their parent's service—for those children born with spina bifida. The legislation I am introducing today is modeled after that ground breaking spina bifida legislation. We owe that same debt to the children born with birth defects to women Vietnam veterans. My cosponsors and I believe that providing this assistance to children disabled by birth defects associated with their mother's military service would be a fitting extension of the principle of providing benefits for disabilities that are incurred or aggravated as a result of service on active duty in the Armed Forces of the United States.

I am seeking to aid the children of women Vietnam veterans who have been tragically affected by birth defects. These women fought for their country, and served this Nation with honor and courage. They volunteered to be placed in harm's way, without knowledge of what effects their service may bring later. Many were nurses who cared for wounded soldiers, and offered enormously important support services to all those in active duty. Indeed, these women provided such an incredible nursing service to injured soldiers that less than 2% of all treated casualties during the war died. These women saw death and disease, and they experienced their own forms of disillusionment with the war. These women

fought on the front lines; they were not kept away in safe places during the conflict.

Further, I want to add that these women performed a service for women who have been in any way involved in the Armed Forces since then, by contributing to the changes in the military structure of the 1970s and since. Women performed critically important roles during the Vietnam war. Their ongoing contributions were recognized as altogether essential. Disastrously, some of their children have suffered because their mothers were so courageous, and it is time for them to begin to be repaid for that suffering.

Though long overdue perhaps, now is a particularly appropriate time for passage of this important legislation. As we celebrate the 25th anniversary of the end of the Vietnam War, we must remember the women Vietnam veterans who served this country so well, all those years ago. These women paid for their service not only with their own bodies, but too often with the bodies of their children who were born years later. It is my opinion that this legislation is late in coming, but there is no time like the present. As we take these recent months to remember the Vietnam War, I can think of no more fitting time than this for this bill. After all, though the fighting in Vietnam came to an end 25 years ago, the consequences of that fighting are still dramatically present.

At the heart of this legislation, this bill would apply to children of women Vietnam veterans born with birth defects, other than spina bifida, which resulted in permanent physical or mental disability, except for birth defects determined by the Secretary of Veterans' Affairs to result from familial disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes.

The legislation authorizes VA to provide or reimburse a contractor for health care delivered to the disabled children for the birth defect and associated conditions. This health care would include home, hospital, nursing home, outpatient, preventative, habilitative, rehabilitative and respite care. It also includes pharmaceuticals and supplies required by the birth defect, such as wheelchairs, if appropriate.

The legislation also provides compensation from the VA to the children at four payment levels. The benefits would be for $100, $214, $743, and $1,272, per month, depending upon the severity of the child's disability. Future cost-of-living adjustments would be based on the Consumer Price Index, just as other veterans and Social Security benefits are adjusted.

This bill also authorizes VA to furnish the disabled children with important vocational rehabilitation services. The services would include: VA design of a training plan that is individually designed, accounting for the individual needs of the child; placement and post-placement services, personal and work adjustment training. It may also include education at an institution of higher learning. The programs would generally run 24 months, but if necessary, the Secretary may extend the program for an additional 24 months.

This legislation would be effective one year after the date of enactment, in order to allow time for regulations to be established. VA estimates that the costs for this legislation would be approximately $25 million over five years.

In conclusion, I believe that we must help the children born with disabling birth defects associated with their mother's service in Vietnam. It is the logical extension of our policy to provide benefits for disabilities that result from service. It's the compassionate thing to do—to ensure that these children have the health care and other benefits they need to survive. As a nation, it is our unwavering responsibility to deal with all the consequences of war, not just the easy and obvious ones.

Mr. President, I ask unanimous consent that the bill fact sheet be printed in the RECORD.

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

S. 2494

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 ''Children of Female Vietnam Veterans' Benefits Act of 2000''.

SEC. 2. BENEFITS FOR THE CHILDREN OF FEMALE VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.

(a) IN GENERAL.—Chapter 18 of title 38, United States Code, is amended by adding at the end the following new subchapter:

''SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

''§ 1811. Definitions

''In this subchapter:

''(1) The term 'child', with respect to a female Vietnam veteran, means a natural child of the female Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the female Vietnam veteran first entered the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title).

''(2) The term 'covered birth defect' means each birth defect identified by the Secretary under section 1812 of this title.

''(3) The term 'female Vietnam veteran' means any female individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era (as so specified), without regard to the characterization of the individual's service.

''§ 1812. Birth defects covered

''(a) IDENTIFICATION.—Subject to subsection (b), the Secretary shall identify the birth defects of children of female Vietnam veterans that—

''(1) are associated with the service of female Vietnam veterans in the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title); and

''(2) result in the permanent physical or mental disability of such children.

''(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

''(A) A familial disorder.

''(B) A birth-related injury.

''(C) A fetal or neonatal infirmity with well-established causes.

''(2) The birth defects identified under subsection (a) may not include spina bifida.

''(c) LIST.—The Secretary shall prescribe in regulations a list of the birth defects identified under subsection (a).

''§ 1813. Benefits and assistance

''(a) HEALTH CARE.—(1) The Secretary shall provide a child of a female Vietnam veteran who was born with a covered birth defect such health care as the Secretary determines is needed by the child for such birth defect or any disability that is associated with such birth defect.

''(2) The Secretary may provide health care under this subsection directly or by contract or other arrangement with a health care provider.

''(3) For purposes of this subsection, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this subsection, except that for such purposes—

''(A) the reference to 'specialized spina bifida clinic' in paragraph (2) of such section 1803(c) shall treated as a reference to a specialized clinic treating the birth defect concerned under this subsection; and

''(B) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of such section 1803(c) shall be treated as a reference to vocational training under subsection (b).

''(b) VOCATIONAL TRAINING.—(1) The Secretary may provide a program of vocational training to a child of a female Vietnam veteran who was born with a covered birth defect if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

''(2) Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under paragraph (1).

''(c) MONETARY ALLOWANCE.—(1) The Secretary shall pay a monthly allowance to any child of a female Vietnam veteran who was born with a covered birth defect for any disability resulting from such birth defect.

''(2) The amount of the monthly allowance paid under this subsection shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

''(3) In prescribing a schedule for rating disabilities under paragraph (2), the Secretary shall establish four levels of disability upon which the amount of the monthly allowance under this subsection shall be based.

''(4) The amount of the monthly allowance paid under this subsection shall be as follows:

''(A) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under this subsection, $100.

''(B) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

''(i) $214; or

''(ii) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

''(C) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

''(i) $743; or

''(ii) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

''(D) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

''(i) $1,272; or

''(ii) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

''(5) Amounts under subparagraphs (A), (B)(i), (C)(i), and (D)(i) of paragraph (4) shall be subject to adjustment from time to time under section 5312 of this title.

''(6) Subsections (c) and (d) of section 1805 of this title shall apply with respect to any monthly allowance paid under this subsection.

''(d) GENERAL LIMITATIONS ON AVAILABILITY OF BENEFITS AND ASSISTANCE.—(1) No individual receiving benefits or assistance under this section may receive any benefits or assistance under subchapter I of this chapter.

''(2) In any case where affirmative evidence establishes that the covered birth defect of a child results from a cause other than the active military, naval, or air service in the Republic of Vietnam of the female Vietnam veteran who is the mother of the child, no benefits or assistance may be provided the child under this section.

''(e) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of the provisions of this section.''.

(b) ADMINISTRATIVE PROVISIONS.—That chapter is further amended by inserting after subchapter II, as added by subsection (a) of this section, the following new subchapter:

''SUBCHAPTER III—ADMINISTRATIVE MATTERS

''§ 1821. Applicability of certain administrative provisions

''The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall apply with respect to benefits and assistance under this chapter in the same manner as such provisions apply to veterans' disability compensation.

''§ 1822. Treatment of receipt of monetary allowance on other benefits

''(a) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

''(b) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

''(c) Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for or the amount of benefits under any Federal or Federally-assisted program.''.

(c) REPEAL OF SUPERSEDED MATTER.—Section 1806 of title 38, United States Code, is repealed.

(d) REDESIGNATION OF EXISTING MATTER.—Chapter 18 of that title is further amended by inserting before section 1801 the following:

''SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA''.

(e) CONFORMING AMENDMENTS.—(1) Sections 1801 and 1802 of that title are each amended by striking ''this chapter'' and inserting ''this subchapter''.

(2) Section 1805(a) of such title is amended by striking ''this chapter'' and inserting ''this section''.

(e) CLERICAL AMENDMENTS.—(1)(A) The chapter heading of chapter 18 of that title is amended to read as follows:

''CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS''.

(B) The tables of chapters at beginning of that title, and at the beginning of part II of that title, are each amended by striking the item relating to chapter 18 and inserting the following new item:

''18. Benefits for Children of Vietnam Veterans ..... 1801''.

(2) The table of sections at the beginning of chapter 18 of that title is amended—

(A) by inserting after the chapter heading the following:

''SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA'';

(B) by striking the item relating to section 1806; and

(C) by adding at the end the following:

''SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

''1811. Definitions.
''1812. Birth defects covered.
''1813. Benefits and assistance.

''SUBCHAPTER III—ADMINISTRATIVE MATTERS

''1821. Applicability of certain administrative provisions.
''1822. Treatment of receipt of monetary allowance on other benefits.''.

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1822 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of that title (as so added), not later than the effective date specified in paragraph (1).

(3) No benefit or assistance may be provided under subchapter II of chapter 18 of title 38, United States Code (as so added), for any period before the effective date specified in paragraph (1) by reason of the amendments made by this section.

FACT SHEET

BACKGROUND

In 1999, VA released an epidemiological study on women Vietnam veterans which found a ''statistically significant increase in birth defects'' in the children of women Vietnam veterans, particularly moderate to severe birth defects. The reproductive outcomes of over 4,000 Vietnam women veterans were compared with 4,000 Vietnam-era women veterans.

VA currently has authority to compensate veterans and dependents for disease or injury of the veteran due to service. VA was given special authority in 1996, to provide benefits to children of Vietnam veterans for their own disease resulting from their parent's service—for those children born with spina bifida

LEGISLATION

This bill would apply to women Vietnam veterans' children born with birth defects (other than spina bifida) which result in permanent physical or mental disability, except for birth defects determined by the Secretary of VA to result from familial disorders, birth-related injuries, or fetal or neonatal infirmities with well-established causes.

This bill is modeled after the 1996 spina bifida legislation.

It authorizes VA to provide or reimburse a contractor for health care delivered to the disabled children for the birth defect and associated conditions. This health care would include home, hospital, nursing home, outpatient, preventative, habilitative, rehabilitative and respite care. It also includes pharmaceuticals and supplies required by the birth defect, such as wheel chairs, if appropriate.

It provides compensation from the VA to the children at four payment levels. The benefits would be for $100, $214, $743, and $1,272, depending upon the severity of the disability. Future cost of living adjustments would be indexed and based on the Consumer Price Index, just as other veterans' and Social Security benefits are adjusted.

This bill also authorizes VA to furnish the disabled children with vocational rehabilitation services. The services would include: VA provision of a training plan that is individually designed, accounting for the individual needs of the child; placement and post-placement services; and personal and work adjustment training. It may also include education at an institution of higher learning. The programs will generally run 24 months, but if necessary, the Secretary may extend the program for an additional 24 months.

The legislation would be effective one year after the date of enactment, in order to allow time for regulations to be established.

VA estimates that the costs for this legislation would be approximately $25 million over five years.

By Mr. MOYNIHAN (for himself, Mr. COCHRAN, and Mr. FRIST):

S. 2498. A bill to authorize the Smithsonian Institution to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii; to the Committee on Rules and Administration.

LEGISLATION TO AUTHORIZE THE SMITHSONIAN INSTITUTION TO CONSTRUCT A BASE FACILITY IN HILO, HAWAII

• Mr. MOYNIHAN. Mr. President, I am pleased to introduce today, with Senator COCHRAN and Senator FRIST, legislation to authorize the construction of a base facility structure in Hilo, Hawaii, to house the staff and laboratory operations of the Smithsonian Astrophysical Observatory's Submillimeter Array (SMA) atop the summit of the ancient volcano Mauna Kea.

The advanced SMA is an array of eight moveable radio telescope antennas. Its combined images can produce high-resolution detail 50 times sharper than those achieved by any telescopes currently making observations at these wavelengths. Ultimately, this telescope array will be used to study a host of astronomical objects and phenomena emitting images in the submillimeter

range, the narrow band of radiation between radio and infrared waves, a portion of the electromagnetic spectrum largely unexplored from the ground. Using the latest technology, the array will be able to probe the murky clouds of the Milky Way where stars are born, peer into the hearts of exploding galaxies, study cool faint objects of our own Solar System, and explore other great questions in astronomy, gaining insight into the processes and cataclysmic forces involved in the ultimate formation and evolution of stars, planets and galaxies.

Like the innovative Chandra X-ray Observatory, which is now sending back stunning images from space, essentially all of the Submillimeter Array's equipment was designed and prototyped at the Smithsonian Astrophysical Observatory's facilities in Cambridge, Massachusetts. And, just as the Smithsonian collaborates with NASA on the groundbreaking Chandra project, it collaborates with the Institute of Astronomy and Astrophysics of the Academia Sinica of Taiwan on the advanced SMA.

On September 29, 1999, by tracking and observing 230 gigahertz (230 billion cycles per second) of radiation from Mars, Venus, Saturn, and Jupiter, SMA scientists made their first test observation—thereby achieving the submillimeter equivalent of ''first light''—and took a critical step in the ultimate success of this project. This is but yet another milestone in the history of the Smithsonian Astrophysical Observatory (SAO). Founded in 1890 by Secretary Samuel Langley as a center for ''the new astronomy,'' where one might study the physical nature of astronomical bodies as well as their positions and motions, SAO pioneered studies of the relationship between the solar and terrestrial phenomena. In the earliest days of the Space Age, SAO established and operated a worldwide network of satellite-tracking stations, including one on the island of Maui, and developed experiments for some of the first orbiting space observatories. Today, SAO, the Smithsonian unit with the largest budget, is headquartered—in a partnership with Harvard University—in Cambridge, Massachusetts. At that facility more than 300 scientists are engaged in a broad program of astronomy, astrophysics, and earth and space sciences supported by Federal appropriations, Smithsonian trust funds, Harvard University funds, and contracts and grants. In addition to the Submillimeter Array in Hawaii, SAO maintains a major data-gathering facility at the Whipple Observatory near Tucson, Arizona and operates the Oak Ridge Observatory in Massachusetts.

The legislation I am introducing today authorizes the Smithsonian to plan, design, construct, and equip approximately 16,000 square feet of laboratory, administrative, and support space at the base of Mauna Kea, replacing inadequate, temporary leased space. It further authorizes an appropriation of $2,000,000 in fiscal year 2001 and $2,500,000 in fiscal year 2002. This is a very modest investment to ensure the continuation of the scientific achievement and research excellence that have been a tradition at the Smithsonian Astrophysical Observatory for 110 years.

I urge the speedy passage of this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2498

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

SECTION 1. FACILITY AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to plan, design, construct, and equip laboratory, administrative, and support space to house base operations for the Smithsonian Astrophysical Observatory Submillimeter Array located on Mauna Kea at Hilo, Hawaii.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Board of Regents of the Smithsonian Institution to carry out this Act, $2,000,000 for fiscal year 2001, and $2,500,000 for fiscal year 2002, which shall remain available until expended.●

● Mr. COCHRAN. Mr. President, I am pleased to join my colleague, the Senator from New York (Mr. MOYNIHAN) and fellow Smithsonian Institution Board Regent in introducing the legislation authorizing a permanent base facility structure at Hilo, Hawaii for the Smithsonian Astrophysical Observatory Submillimeter Array.

The Submillimeter Array is part of the world-class web of major data-gathering facilities of the Smithsonian Astrophysical Observatory. Other facilities are located in Arizona and its headquarters in Massachusetts. Together these facilities support some of the world's most advanced studies and discoveries in astronomy, astrophysics, earth and space science.

This legislation will authorize the planning, design, construction and outfitting of the necessary laboratory and other operational space for the array of radio telescope antennas installed atop the ancient volcano, Mauna Kea. Funding is authorized in the amount of $2,000,000 for Fiscal Year 2001 and $2,500,000 for Fiscal Year 2002. The new base station will replace a current system of rented, overcrowded space shared with astrophysical operations of other organizations and countries.

Mr. President, I am proud of the Smithsonian Astrophysical Observatory 110-year history and its reputation around the world. Its work and discoveries are considered to be some of the most significant of the Twentieth Century. From the first orbiting space observatories to the newest images of our galaxy, the Smithsonian Astrophysical Observatory has worked independently and collaborated with the National Aeronautics and Space Administration to explore and explain the wonders of the universe.

I hope the Senate will work quickly to pass this legislation so the work of the Submillimeter Array can proceed.●

ADDITIONAL COSPONSORS—MAY 1, 2000

S. 636

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 636, a bill to amend title XXVII of the Public Health Service Act and part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 to establish standards for the health quality improvement of children in managed care plans and other health plans.

S. 818

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

S. 961

At the request of Mr. BURNS, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 961, a bill to amend the Consolidated Farm and Rural Development Act to improve shared appreciation arrangements.

S. 1142

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1142, a bill to protect the right of a member of a health maintenance organization to receive continuing care at a facility selected by that member, and for other purposes.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1691

At the request of Mr. INHOFE, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2270

At the request of Mr. THOMAS, his name was added as a cosponsor of S. 2270, a bill to prohibit civil or equitable actions from being brought or continued against manufactures, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others, to protect gun owner privacy and ownership rights, and for other purposes.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2414

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2414, a bill to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) 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. 98

At the request of Mr. BIDEN, his name was added as a cosponsor of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S. CON. RES. 104

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 104, a concurrent resolution expressing the sense of the Congress regarding the ongoing prosecution of 13 members of Iran's Jewish community.

S. RES. 294

At the request of Mr. ABRAHAM, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

ADDITIONAL COSPONSORS—MAY 2, 2000

S. 459

At the request of Mr. BREAUX, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

S. 1145

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1145, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1922

At the request of Mr. KERREY, the name of the Senator from North Dakota (Mr. HELMS) was added as a cosponsor of S. 1922, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for modifications to inter-city buses required under the American with Disabilities Act of 1990.

S. 1941

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1987

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1987, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older American Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2044

At the request of Mr. CAMPBELL, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Minnesota (Mr. GRAMS), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2057

At the request of Mr. MURKOWSKI, the name of the Senator from North Dakota (Mr. HELMS) was added as a cosponsor of S. 2057, a bill to amend the Communications Act of 1934 to prohibit the use of electronic measurement units (EMUs).

S. 2061

At the request of Mr. BIDEN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2061, a bill to establish a crime prevention and computer education initiative.

S. 2070

At the request of Mr. FITZGERALD, the names of the Senator from North

Carolina (Mr. EDWARDS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2265

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2265, a bill to amend the Internal Revenue Code of 1986 to preserve marginal domestic oil and natural gas well production, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Maryland (Mr. SARBANES) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the Medicaid program for such children.

S. 2330

At the request of Mr. ROTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2363

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2363, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2394, a bill to amend title XVII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2399

At the request of Mr. DURBIN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the Medicare Program.

S. 2413

At the request of Mr. CAMPBELL, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2429

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 2429, a bill to amend the Energy Conservation and Production Act to make changes in the Weatherization Assistance Program for Low-Income Persons.

S. 2435

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2435, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2444

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2444, a bill to amend title I of the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to require comprehensive health insurance coverage for childhood immunization.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2487

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2487, a bill to authorize appropriations for Fiscal Year 2001 for certain maritime programs of the Department of Transportation.

S. 2492

At the request of Mr. DOMENICI, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2492, a bill to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat, and for other purposes.

AMENDMENTS SUBMITTED

EDUCATIONAL OPPORTUNITIES ACT

COLLINS AMENDMENTS NOS. 3104–3106

(Ordered to lie on the table.)

Ms. COLLINS submitted three amendments intended to be proposed by her to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

AMENDMENT NO. 3104

On page 657, strike lines 6 through 8.

AMENDMENT NO. 3105

On page 653, strike lines 12 through 22.

On page 657, line 21, insert ''that are consistent with part A of title X and'' after ''purposes''.

On page 665, strike lines 16 through 18, and insert the following:

''To the extent that the provisions of this part are inconsistent with part A of title X, part A of title X shall be construed as superseding such provisions.

On page 846, line 15, strike ''and''.

On page 846, between lines 15 and 16, insert the following;

''(E) part H of title VI; and''.

On page 846, line 16, strike ''(E)'' and insert ''(F)''.

AMENDMENT NO. 3106

On page 292, strike line 17 and all that follows through page 293, line 4, and insert the following:

''(d) COORDINATION AND CONSULTATION.—

''(1) IN GENERAL.—A recipient of funds under this subpart, to the extent possible, shall coordinate projects assisted under this part with appropriate activities of public and private cultural agencies, institutions, and organizations, including museums, arts education associations, libraries, and theaters.

''(2) COORDINATION.—In carrying out this subpart, the Secretary shall coordinate with the National Endowment for the Arts, the Institute of Museum and Library Services, the John F. Kennedy Center for the Performing Arts, VSA Arts, and the National Gallery of Art.

''(3) CONSULTATION.—In carrying out this subpart, the Secretary shall consult with agencies and entities described in paragraph (2) as well as other Federal agencies or institutions, arts educators (including professional arts education associations), and organizations representing the arts (including State and local arts agencies involved in arts education).

''(4) SPECIAL RULE.—In carrying out paragraph (3), the Secretary shall ensure that an individual who has a pending application for financial assistance under this section, or who is an employee or agent of an organization that has a pending application, does not serve as a consultant to the Secretary for purposes described in paragraph (3).

AMENDMENTS NOS. 3107–3108

(Ordered to lie on the table.)

Mr. SANTORUM submitted two amendments intended to be proposed by him to the bill, S. 2, supra; as follows:

AMENDMENT NO. 3107

At the end of title XI, insert the following:

PART ___—INDIVIDUALS WITH DISABILITIES EDUCATION ACT

SEC. ___. IDEA.

(a) SHORT TITLE.—This section may be cited as the ''Growing Resources in Educational Achievement for Today and Tomorrow Act'' (GREATT IDEA Act).

(b) PURPOSE.—It is the purpose of this section to more than double the Federal funding authorized for programs and services under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(c) AMENDMENTS TO THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—

(1) ASSISTANCE FOR EDUCATION OF ALL CHILDREN WITH DISABILITIES.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

''(1) $6,230,469,900 for fiscal year 2001;

''(2) $7,779,800,800 for fiscal year 2002;

''(3) $9,714,403,800 for fiscal year 2003;

''(4) $12,130,084,000 for fiscal year 2004; and

''(5) $15,146,471,000 for fiscal year 2005.''.

(2) GENERAL PROVISIONS.—Part A of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by adding at the end the following:

''SEC. 608. MAINTENANCE OF EFFORT.

''A State utilizing the proceeds of a grant received under this Act shall maintain expenditures for activities carried out under this Act for each of fiscal years 2001 through 2005 at least at a level equal to not less than the level of such expenditures maintained by such State for fiscal year 2000.''.

AMENDMENT NO. 3108

On page 922, after line 18, add the following:

PART D—UNIVERSAL SERVICE FOR SCHOOLS AND LIBRARIES

SEC. 11401. SHORT TITLE.

This part may be cited as the ''Neighborhood Children's Internet Protection Act''.

SEC. 11402. NO UNIVERSAL SERVICE FOR SCHOOLS OR LIBRARIES THAT FAIL TO IMPLEMENT A FILTERING OR BLOCKING SYSTEM FOR COMPUTERS WITH INTERNET ACCESS OR ADOPT INTERNET USE POLICIES.

(a) NO UNIVERSAL SERVICE.—

(1) IN GENERAL.—Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following:

''(l) IMPLEMENTATION OF INTERNET FILTERING OR BLOCKING SYSTEM OR USE POLICIES.—

''(1) IN GENERAL.—No services may be provided under subsection (h)(1)(B) to any elementary or secondary school, or any library, unless it provides the certification required by paragraph (2) to the Commission or its designee.

''(2) CERTIFICATION.—A certification under this paragraph with respect to a school or library is a certification by the school, school board, or other authority with responsibility for administration of the school, or the library, or any other entity representing the school or library in applying for universal service assistance, that the school or library—

''(A) has—

''(i) selected a system for its computers with Internet access that are dedicated to student use in order to filter or block Internet access to matter considered to be inappropriate for minors; and

''(ii) installed on such computers, or upon obtaining such computers will install on such computers, a system to filter or block Internet access to such matter; or

''(B)(i) has adopted and implemented an Internet use policy that addresses—

''(I) access by minors to inappropriate matter on the Internet and World Wide Web;

''(II) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

''(III) unauthorized access, including so-called 'hacking', and other unlawful activities by minors online;

''(IV) unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

''(V) whether the school or library, as the case may be, is employing hardware, software, or other technological means to limit, monitor, or otherwise control or guide Internet access by minors; and

''(ii) provided reasonable public notice and held at least one public hearing or meeting which addressed the proposed Internet use policy.

''(3) LOCAL DETERMINATION OF CONTENT.—For purposes of a certification under paragraph (2), the determination regarding what matter is inappropriate for minors shall be made by the school board, library, or other authority responsible for making the determination. No agency or instrumentality of the United States Government may—

''(A) establish criteria for making such determination;

''(B) review the determination made by the certifying school, school board, library, or other authority; or

''(C) consider the criteria employed by the certifying school, school board, library, or other authority in the administration of subsection (h)(1)(B).

''(4) EFFECTIVE DATE.—This subsection shall apply with respect to schools and libraries seeking universal service assistance under subsection (h)(1)(B) on or after July 1, 2001.''.

(2) CONFORMING AMENDMENT.—Subsection (h)(1)(B) of that section is amended by striking ''All telecommunications'' and inserting ''Except as provided by subsection (l), all telecommunications''.

(b) STUDY.—Not later than 150 days after the date of the enactment of this Act, the National Telecommunications and Information Administration shall initiate a notice and comment proceeding for purposes of—

(1) evaluating whether or not currently available commercial Internet blocking, filtering, and monitoring software adequately addresses the needs of educational institutions;

(2) making recommendations on how to foster the development of products which meet such needs; and

(3) evaluating the development and effectiveness of local Internet use policies that are currently in operation after community input.

SEC. 11403. IMPLEMENTING REGULATIONS.

Not later than 100 days after the date of enactment of this Act, the Federal Communications Commission shall adopt rules implementing this part and the amendments made by this part.

CHARLES M. SCHULZ CONGRESSIONAL GOLD MEDAL

FEINSTEIN AMENDMENT NO. 3109

Mr. GORTON (for Mrs. FEINSTEIN) proposed an amendment to the bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with ''Timeless Topix''. He also took a second job as an art instructor. Eventually, his hard work paid off when the *Saturday Evening Post* began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, ''L'il Folks'', that Charlie Brown was born. That comic strip, which was eventually renamed ''Peanuts'', became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the ''Peanuts'' strip, which ran 7 days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The ''Peanuts'' comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, ''A Charlie Brown Christmas'', has run for 34 consecutive years. In all, more than 60 animated specials have been created based on ''Peanuts'' characters. Four feature films, 1,400 books, and a hit Broadway musical about the ''Peanuts'' characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and pride. Whether through the Great Pumpkin Patch, the Kite Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, ''Peanuts'' embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

NOTICES OF HEARINGS

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 on Tuesday, May 9, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 1756, the National Laboratories Partnership Improvement Act of 1999; and S. 2336, the Networking and Information Technology Research and Development for Department of Energy Missions 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, DC, 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7875.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 10, 2000, at 9:30 a.m., to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act. A business meeting to mark up pending legislation will precede the hearing-agenda to be announced. The hearing will be held in the committee room, 485 Russell Senate Building.

Those wishing additional information may contact Committee staff at 202/224–2251.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on S. 1357, a bill to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center in Cincinnati, Ohio; S. 1670, a bill to revise the boundary of Fort Matanzas National Monument, and for other purposes; S. 2020, a bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; and S. 2485, a bill to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

The hearing will take place on Thursday, May 11, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

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, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Water and Power.

The hearing will take place on Wednesday, May 17, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

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 Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger, Staff Assistant, or Colleen Deegan, Counsel, at (202) 224–8115.

SUBCOMMITTEE ON WATER AND POWER

Mr. SMITH of Oregon. 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 Subcommittee on Water and Power.

The hearing will take place on Tuesday, May 23, 2000, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, 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 Subcommittee on Water and Power, Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please call Trici Heninger or Bryan Hannegan at (202) 224–7875.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 2, 10 a.m., Hearing Room (SD–406), to examine successful State environmental programs.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 2, 2000, at 2 p.m., to hold a hearing.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, May 2, 2000, at 10 a.m., to conduct a hearing on S. 2350, Duchesne City Water Rights Conveyance Act and S. 2351, Shivwits Band of the Paiute Tribe of Utah Water Rights Settlement Act. The hearing will be held in the committee room, 485 Russell Senate Building.

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

SPECIAL COMMITTEE ON AGING

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on May 2, 2000, from 10 a.m.–1 p.m., in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts be authorized to meet to conduct a hearing on Tuesday, May 2, 2000, at 9:30 a.m., in 106 Dirksen.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition be authorized to meet to conduct a hearing on Tuesday, May 2, 2000, at 2 p.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet at 4:30 p.m., on Tuesday, May 2, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia be authorized to meet on Tuesday, May 2, 2000, at 10 a.m., for a hearing on ''The Effectiveness of Federal Employee Incentive Programs.''

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2:30 p.m., on Tuesday, May 2, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 3:30 p.m., on Tuesday, May 2, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it so ordered.

PRIVILEGES OF THE FLOOR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following members of my staff: Jim Beirne, Howard Useem, Betty Nevitt, Colleen Deegan, Trici Heninger, Kristin Phillips, Brian Malnak, and Kjersten Scott.

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

Mr. CRAIG. Mr. President, I ask unanimous consent that Kristine Svinicki of my staff, a congressional fellow, be allowed access to the floor for the duration of debate on the nuclear waste legislation.

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

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following member of my staff: Melissa Crookes.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Lynn Kinzer, a fellow in my office, be granted floor privileges during consideration of S. 2.

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

NOTICE—PERSONAL FINANCIAL DISCLOSURE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Monday, May 15, 2000. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Pubic Records office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Wednesday, June 14. Any questions regarding the availability of reports should be directed to the Public Records office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

ORDER FOR STAR PRINT—S. 2443

Mr. GORTON. Mr. President, I ask unanimous consent that S. 2443 be star printed with the changes that are at the desk.

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

AWARDING A GOLD MEDAL TO CHARLES M. SCHULZ

Mr. GORTON. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 3642, and that the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3642) to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3109

Mr. GORTON. Mr. President, Senator FEINSTEIN has a substitute amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mrs. FEINSTEIN, proposes an amendment numbered 3109.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

The Congress finds the following:

(1) Charles M. Schulz was born on November 26, 1922, in St. Paul, Minnesota, the son of Carl and Dena Schulz.

(2) Charles M. Schulz served his country in World War II, working his way up from infantryman to staff sergeant and eventually leading a machine gun squad. He kept morale high by decorating fellow soldiers' letters home with cartoons of barracks life.

(3) After returning from the war, Charles M. Schulz returned to his love for illustration, and took a job with ''Timeless Topix''. He also took a second job as an art instructor. Eventually, his hard work paid off when the *Saturday Evening Post* began purchasing a number of his single comic panels.

(4) It was in his first weekly comic strip, ''L'il Folks'', that Charlie Brown was born. That comic strip, which was eventually renamed ''Peanuts'', became the sole focus of Charles M. Schulz's career.

(5) Charles M. Schulz drew every frame of the ''Peanuts'' strip, which ran 7 days a week, since it was created in October 1950. This is rare dedication in the field of comic illustration.

(6) The ''Peanuts'' comic strip appeared in 2,600 newspapers around the world daily until January 3, 2000, and on Sundays until February 13, 2000, and reached approximately 335,000,000 readers every day in 20 different languages, making Charles M. Schulz the most successful comic illustrator in the world.

(7) Charles M. Schulz's television special, ''A Charlie Brown Christmas'', has run for 34 consecutive years. In all, more than 60 animated specials have been created based on ''Peanuts'' characters. Four feature films, 1,400 books, and a hit Broadway musical about the ''Peanuts'' characters have also been produced.

(8) Charles M. Schulz was a leader in the field of comic illustration and in his community. He paved the way for other artists in this field over the last 50 years and continues to be praised for his outstanding achievements.

(9) Charles M. Schulz gave back to his community in many ways, including owning and operating Redwood Empire Ice Arena in Santa Rosa, California. The arena has become a favorite gathering spot for people of all ages. Charles M. Schulz also financed a yearly ice show that drew crowds from all over the San Francisco Bay Area.

(10) Charles M. Schulz gave the Nation a unique sense of optimism, purpose, and

pride. Whether through the Great Pumpkin Patch, the Kite Eating Tree, Lucy's Psychiatric Help Stand, or Snoopy's adventures with the Red Baron, ''Peanuts'' embodied human vulnerabilities, emotions, and potential.

(11) Charles M. Schulz's lifetime of work linked generations of Americans and became a part of the fabric of our national culture.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The President is authorized to award posthumously, on behalf of the Congress, a gold medal of appropriate design to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world.

(b) DESIGN AND STRIKING.—For the purpose of the award referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 2 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. FUNDING AND PROCEEDS OF SALE.

(a) AUTHORIZATION.—There is authorized to be charged against the United States Mint Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medals authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals under section 3 shall be deposited in the United States Mint Public Enterprise Fund.

Mr. GORTON. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3109) was agreed to.

The bill (H.R. 3642), as amended, was read the third time and passed.

The title was amended so as to read: ''To authorize the President to award posthumously a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.''

FAIR ACCESS TO JAPANESE TELECOMMUNICATIONS FACILITIES AND SERVICES

Mr. GORTON. Mr. President, I ask unanimous consent that the Finance Committee be discharged from consideration of S. Res. 275, and the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 275) expressing the sense of the Senate regarding fair access to Japanese telecommunications facilities and services.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 275) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 275

Whereas the United States has a deep and sustained interest in the promotion of deregulation, competition, and regulatory reform in Japan;

Whereas new and bold measures by the Government of Japan regarding regulatory reform will help remove the regulatory and structural impediments to the effective functioning of market forces in the Japanese economy;

Whereas regulatory reform will increase the efficient allocation of resources in Japan, which is critical to returning Japan to a long-term growth path powered by domestic demand;

Whereas regulatory reform will not only improve market access for United States business and other foreign firms, but will also enhance consumer choice and economic prosperity in Japan;

Whereas a sustained recovery of the Japanese economy is vital to a sustained recovery of Asian economies;

Whereas the Japanese economy must serve as one of the main engines of growth for Asia and for the global economy;

Whereas the Governments of the United States and Japan reconfirmed the critical importance of deregulation, competition, and regulatory reform when the 2 Governments established the Enhanced Initiative on Deregulation and Competition Policy in 1997;

Whereas telecommunications is a critical sector requiring reform in Japan, where the market is hampered by a history of laws, regulations, and monopolistic practices that do not meet the needs of a competitive market;

Whereas as the result of Japan's laws, regulations, and monopolistic practices, Japanese consumers and Japanese industry have been denied the broad benefits of innovative telecommunications services, cutting edge technology, and lower prices that competition would bring to the market;

Whereas Japan's significant lag in developing broadband and Internet services, and Japan's lag in the entire area of electronic commerce, is a direct result of a noncompetitive telecommunications regulatory structure;

Whereas Japan's lag in developing broadband and Internet services is evidenced by the following: (1) Japan has only 17,000,000 Internet users, while the United States has 80,000,000 Internet users; (2) Japan hosts fewer than 2,000,000 websites, while the United States hosts over 30,000,000 websites; (3) electronic commerce in Japan is valued at less than $1,000,000,000, while in the United States electronic commerce is valued at over $30,000,000,000; and (4) 19 percent of Japan's schools are connected to the Internet, while in the United States 89 percent of schools are connected;

Whereas the disparity between the United States and Japan is largely caused by the failure of Japan to ensure conditions that allow for the development of competitive networks which would stimulate the use of the Internet and electronic commerce;

Whereas leading edge foreign telecommunications companies, because of their high level of technology and innovation, are the key to building the necessary telecommunications infrastructure in Japan, which will only be able to serve Japanese consumers and industry if there is a fundamental change in Japan's regulatory approach to telecommunications; and

Whereas deregulating the monopoly power of Nippon Telegraph and Telephone Corporation would help liberate Japan's economy and allow Japan to take full advantage of information technology: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the appropriate officials in the executive branch should implement vigorously the call for Japan to undertake a major regulatory reform in the telecommunications sector, the so-called ''Telecommunications Big Bang'';

(2) a ''Telecommunications Big Bang'' must address fundamental legislative and regulatory issues within a strictly defined timeframe;

(3) the new telecommunications regulatory framework should put competition first in order to encourage new and innovative businesses to enter the telecommunications market in Japan;

(4) the Government of Japan should ensure that Nippon Telegraph and Telephone Corporation (NTT) and its affiliates (the NTT Group) are prevented from using their dominant position in the wired and wireless market in an anticompetitive manner; and

(5) the Government of Japan should take credible steps to ensure that competitive carriers have reasonable, cost-based, and nondiscriminatory access to the rights-of-way, facilities, and services controlled by NTT, the NTT Group, other utilities, and the Government of Japan, including—

(A) access to interconnection at market-based rates;

(B) unrestricted access to unbundled elements of the network belonging to NTT and the NTT Group; and

(C) access to public roads for the installation of facilities.

EXPRESSING THE SENSE OF CONGRESS THAT THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA SHOULD IMMEDIATELY RELEASE RABIYA KADEER, HER SECRETARY, AND HER SON

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 514, S. Con. Res. 81.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) expressing the sense of the Congress that the Government of the People's Republic of China should immediately release Rabiya Kadeer, her secretary, and her son, and permit them to move to the United States if they so desire.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. GORTON. Mr. President, I ask unanimous consent that the resolution be agreed to, the amendments to the preamble be agreed to, and the preamble, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 81) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 81

Whereas Rabiya Kadeer, a prominent ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China, her secretary, and her son were arrested on August 11, 1999, in the city of Urumqi;

Whereas Rabiya Kadeer's arrest occurred outside the Yindu Hotel in Urumqi as she was attempting to meet a group of congressional staff staying at the Yindu Hotel as part of an official visit to China organized under the auspices of the Mutual Educational and Cultural Exchange Program of the United States Information Agency;

Whereas Rabiya Kadeer's husband Sidik Rouzi, who has lived in the United States since 1996 and works for Radio Free Asia, has been critical of the policies of the People's Republic of China toward Uighurs in Xinjiang;

Whereas Rabiya Kadeer was sentenced on March 10 to 8 years in prison ''with deprivation of political rights for two years'' for the crime of ''illegally giving state information across the border'';

Whereas the Urumqi Evening Paper of March 12 reported Rabiya Kadeer's case as follows: ''The court investigated the following: The defendant Rabiya Kadeer, following the request of her husband, Sidik Haji, who has settled in America, indirectly bought a collection of the Kashgar Paper dated from 1995–1998, 27 months, and some copies of the Xinjiang Legal Paper and on 17 June 1999 sent them by post to Sidik Haji. These were found by the customs. During July and August 1999 defendant Rabiya Kadeer gave copies of the Ili Paper and Ili Evening Paper collected by others to Mohammed Hashem to keep. Defendant Rabiya Kadeer sent these to Sidik Haji. Some of these papers contained the speeches of leaders of different levels; speeches about the strength of rectification of public safety, news of political legal organisations striking against national separatists and terrorist activities etc. The papers sent were marked and folded at relevant articles. As well as this, on 11 August that year, defendant Rabiya Kadeer, following her husband's phone commands, took a previously prepared list of people who had been handled by judicial organisations, with her to Kumush Astana Hotel [Yingdu Hotel] where she was to meet a foreigner'';

Whereas reports indicate that Ablikim Abdyirim was sent to a labor camp on November 26 for 2 years without trial for ''supporting Uighur separatism,'' and Rabiya Kadeer's secretary was recently sentenced to 3 years in a labor camp;

Whereas Rabiya Kadeer has 5 children, 3 sisters, and a brother living in the United States, in addition to her husband, and Kadeer has expressed a desire to move to the United States;

Whereas the People's Republic of China stripped Rabiya Kadeer of her passport long before her arrest;

Whereas reports indicate that Kadeer's health may be at risk;

Whereas the People's Republic of China signed the International Covenant on Civil and Political Rights on October 5, 1998;

Whereas that Covenant requires signatory countries to guarantee their citizens the right to legal recourse when their rights have been violated, the right to liberty and freedom of movement, the right to presumption of innocence until guilt is proven, the right to appeal a conviction, freedom of thought, conscience, and religion, freedom of opinion and expression, and freedom of assembly and association;

Whereas that Covenant forbids torture, inhuman or degrading treatment, and arbitrary arrest and detention;

Whereas the first Optional Protocol to the International Covenant on Civil and Political Rights enables the Human Rights Committee, set up under that Covenant, to receive and consider communications from individuals claiming to be victims of violations of any of the rights set forth in the Covenant; and

Whereas in signing that Covenant on behalf of the People's Republic of China, Ambassador Qin Huasun, Permanent Representative of the People's Republic of China to the United Nations, said the following: ''To realize human rights is the aspiration of all humanity. It is also a goal that the Chinese Government has long been striving for. We believe that the universality of human rights should be respected . . . As a member state of the United Nations, China has always actively participated in the activities of the organization in the field of human rights. It attaches importance to its cooperation with agencies concerned in the U.N. system . . .'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress calls on the Government of the People's Republic of China—

(1) immediately to release Rabiya Kadeer, her secretary, and her son; and

(2) to permit Kadeer, her secretary, and her son to move to the United States, if they so desire.

AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 519, H.R. 3707.

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

The assistant legislative clerk read as follows:

A bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''American Institute in Taiwan Facilities Enhancement Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as ''AIT''), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;

(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;

(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;

(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;

(5) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and

(6) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure that AIT's requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $75,000,000 to AIT—

(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee substitute be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute amendment was agreed to.

The bill (H.R. 3707), as amended, was read the third time and passed.

EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD REMAIN ACTIVELY ENGAGED IN SOUTHEASTERN EUROPE TO PROMOTE LONG-TERM PEACE

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 521, S. Res. 272.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 272) expressing the sense of the Senate that the United States should remain actively engaged in southeastern Europe to promote long-term peace, stability, and prosperity; continue to vigorously oppose the brutal regime of Slobodan Milosevic while supporting the efforts of the democratic opposition; and fully implement the Stability Pact.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the resolving clause and insert in lieu thereof the following:

Whereas the North Atlantic Treaty Organization's (NATO's) March 24, 1999 through June 10, 1999 bombing of the Federal Republic of Yugoslavia focused the attention of the international community of southeastern Europe;

Whereas the international community, in particular the United States and the European Union, made a commitment at the conclusion of the bombing campaign to integrate southeastern Europe into the broader European community;

Whereas there is an historic opportunity for the international community to help the people of southeastern Europe break the cycle of violence, retribution, and revenge and move towards respect for minority rights, establishment of the rule of law, and the further development of democratic governments;

Whereas the Stability Pact was established in July 1999 with the goal of promoting cooperation among the countries of southeastern Europe, with a focus on long-term political stability and peace, security, democratization, and economic reconstruction and development;

Whereas the effective implementation of the Stability Pact is important to the long-term peace and stability in the region;

Whereas the people and Government of the Former Yugoslav Republic of Macedonia have a positive record of respect for minority rights, the rule of law, and democratic traditions since independence;

Whereas the people of Croatia have recently elected leaders that respect minority rights, the rule of law, and democratic traditions;

Whereas positive development in the Former Yugoslav Republic of Macedonia and the Republic of Croatia will clearly indicate to the people of Serbia that economic program and integration into the international community is only possibly if Milosevic is removed from power; and

Whereas the Republic of Slovenia continues to serve as a model for the region as it moves closer to European Union and NATO membership: Now, therefore, be it

Resolved,

That the Senate—

(1) welcomes the tide of democratic change in southeastern Europe, particularly the free and fair elections in Croatia, and the regional cooperation taking place under the umbrella of the Stability Pact;

(2) recognizes that in this trend, the regime of Slobodan Milosevic is ever more an anomaly, the only government in the region not democratically elected, and an obstacle to peace and neighborly relations in the region;

(3) expresses its sense that the United States cannot have normal relations with Belgrade as long as the Milosevic regime is in power;

(4) views Slobodan Milosevic as a brutal indicted war criminal, responsible for immeasurable bloodshed, ethnic hatred, and human rights abuses in southeastern Europe in recent years;

(5) considers international sanctions an essential tool to isolate the Milosevic regime and promote democracy, and urges the Administration to intensify, focus, and expand those sanctions that most effectively target the regime and its key supporters;

(6) supports strongly the efforts of the Serbian people to establish a democratic government and endorses their call for early, free, and fair elections;

(7) looks forward to establishing a normal relationship with a new democratic government in Serbia, which will permit an end to Belgrade's isolation and the opportunity to restore the historically friendly relations between the Serbian and American people;

(8) expresses the readiness of the Senate, once there is a democratic government in Serbia, to review conditions for Serbia's full reintegration into the international community;

(9) expresses its readiness to assist a future democratic government in Serbia to build a democratic, peaceful, and prosperous society, based on the same principle of respect for international obligations, as set out by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations, which guide the relations of the United States with other countries in southeastern Europe;

(10) calls upon the United States and other Western democracies to publicly announce and demonstrate to the Serbian people the magnitude of assistance they could expect after democratization;

(11) recognizes the importance of opposition mayors in Serbia, and encourages the effort of the Administration to include such mayors in the humanitarian and democratization efforts of the United States in Serbia; and

(12) recognizes the progress in democratic and market reform made by Montenegro, which can serve as a model for Serbia, and urges a peaceful resolution of political differences over the abrogation of Montenegro's rights under the federal constitution.

Mr. GORTON. Mr. President, I ask unanimous consent that the committee amendment be agreed to.

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

The committee amendment in the nature of a substitute was agreed to.

Mr. GORTON. I ask unanimous consent the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD.

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

The resolution (S. Res. 272), as amended, was agreed to.

The preamble was agreed to.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate Delegation to the Mexico-U.S. Interparliamentary Group Meeting during the Second Session of the 106th Congress, to be held in Puebla, Mexico, May 5–7, 2000: The Senator from Alaska (Mr. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS).

ORDERS FOR WEDNESDAY, MAY 3, 2000

Mr. GORTON. 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 Wednesday, May 3. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator WELLSTONE, or his designee, 9:30 a.m. to 10:15 a.m.; Senator THOMAS, or his designee, 10:15 a.m. to 11 a.m.

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

Mr. GORTON. I further ask unanimous consent that following morning business the Senate resume consideration of S. 2, under the previous agreement.

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

PROGRAM

Mr. GORTON. For the information of all Senators, on Wednesday there will be a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of the Elementary and Secondary Education Act. Under the previous order, there will be four amendments debated during tomorrow's session, and therefore Senators can expect votes throughout the day. As previously announced, the Senate will not meet on Friday in order to accommodate the Democratic retreat.

ORDER FOR ADJOURNMENT

Mr. GORTON. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator SCHUMER.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

THE ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. SCHUMER. Mr. President, I wish to say a few words as we embark on debating ESEA. I hope not to be very long. First, I am glad we are debating this bill, because education is such an important issue to America as we move into the 21st century. We have moved into an economy that is based on ideas. Alan Greenspan put it best. He said that high value is added no longer by moving things—when you make a car with moving things, such as putting in a carburetor here or brakes there—but, rather, by thinking things. All the new technology, such as the Internet, information systems, allow an idea to be transported quickly and inexpensively, which gives ideas so much more power.

In that kind of society, we can't afford to have an educational system that is even second. As we all know, our education system, at least elementary and secondary, isn't even in the top 10. If we want to stay the leading economic power of the world, which I think we all do, we have to make our educational system better.

In the past, the Federal Government has stayed away from education. I argue that there is a national imperative for us to be more involved, not to dictate to the localities what they have to do—that has been a mistake this Government has entered into far too much in the past—but certainly to help and aid in education.

I note that education in America is funded by the property tax, by and large. That is the least popular tax in America, and it puts a real cap on what can be done. Education is done locally, and so there isn't too much ability, when you have thousands and thousands of school districts, to have people think beyond the day-to-day need of providing teaching and other educational services in schools.

The need of the Federal Government to be involved with resources and just as important, if not more important, taking ideas and helping spread them, ideas that have worked in one corner of the country but don't spread to the rest of the country because it is not a capitalistic system—usually we spread ideas because somebody makes money by doing that, but that doesn't happen in public education—is vital.

So when the Federal Government says we should have higher standards, that is a good thing. I believe and I agree with those who believe in higher standards. I don't believe in social promotion. If you are reading at a third-grade level, you should not be in the seventh grade. I agree with my conservative friends in that regard. But I think my more liberal friends are right in that we have to help keep the bar high, and conservatives are right about that, but we ought to help people get over that bar. If education were completely left up to each locality, that probably would not happen. The bar would not be set high enough and the effort to help people get over the bar might not be forthcoming. So, in my judgment at least, we need more Federal involvement. I think the American people share that judgment. From the data I have seen, that is pretty clear.

Another problem we face is that our system is probably going to be under more stress, not less, in the future. The number of people enrolled is expected to increase by 11 percent. The schools age; the same exact school was in better shape in 1990 than in the year 2000. I have recently visited school districts, fairly affluent ones, on Long Island where the facilities were simply a mess. They had been built during the baby boom in the fifties, sixties, and seventies, and, quite frankly, even those rather affluent districts didn't have the money to fix the schools. They were sort of a mess; they were not great places to look at. Paint was peeling from some of the ceilings.

Most importantly an area I have chosen to focus on, which we will talk a little bit about, is the fact that we are going to have a crisis in teaching. We don't today, but we will in the next 5 or 10 years because so many of our teachers are over 50 years old and they are going to retire. Quite frankly, many of the new teachers who take their place are not up to speed, or at least not of the same quality as the old teachers.

When we have a starting salary of $26,000, which we do for teachers in America, and the private sector can pay double that, particularly in certain areas such as math and science and technology, we are not going to be getting the best.

In the past, we had captive audiences with cohorts of groups who would teach in the 1930s and 1940s. There were lots of Depression babies. ''Go get a civil service job so you will never risk that horrible feeling of being unemployed and unable to provide for your family.'' In the 1950s and 1960s, women taught; they didn't have other opportunities.

I had so many great teachers when I went through New York public schools.

The last cohort which is now retiring in large numbers is my generation—I am 49—the Vietnam war generation, as you may recall. Young men were given a draft exemption if they taught and hundreds of thousands did. They made very fine teachers. But we don't have those captive audiences, so we have a crisis in having quality teaching.

I will be talking more about that when we do our Democratic amendment. I am happy to have the Inspired Scholarship Program as part of it. We will talk, hopefully, about other amendments that are on this floor, including some of mine which would allow teachers, if they taught for 5 years, to forgo repaying their student loans—we would provide a test in math and science—to give teachers a $4,000-a-year stipend so they would continue teaching. We have some true excellence. I will be talking about all of those later.

What I would like to talk about now is just two things, one on this bill. I truly pray that the majority leader will not cut off debate quickly. We have debated education. We debate it only once every 5 years. The last time we did I believe was in 1994—6 years ago. Originally it was 5.

In the area where about 37 percent of Americans consider the most important thing the Federal Government can do, to have a 1- or 2-day debate really doesn't make much sense. It doesn't live up to what this body is about, which is helping people in need.

To say that because we passed Ed-Flex—a nice program but really rather minor in what it does, and only one new State has joined since we passed again the bill last year, or earlier this year—and to say that educational savings accounts, which I believe the President might veto, but even if he does not, don't deal with the hard-core issues of higher standards, better teachers, better classrooms, and smaller class size—to say, having done those two things, that we have done enough and sort of wash our hands of it and walk away would be nothing short of disgraceful. Yet that is the talk.

We should be debating amendments that will make our schools better. There are lots of them. Some of the proposals will pass; many will fail. To have that debate not only helps educate America but it also helps educate each of us. It helps educate one another of us and helps us come to consensus because I believe we will not wait 5 years to do another education bill. I believe within the next 2 or 3 years the crisis, which is looming largely on the horizon now, will be so upon us; whether the new President is AL GORE or George W. Bush, we will be talking about education with frequency. We had better get used to it, and we shouldn't delay that now.

A number of us have gotten together and agreed to do an amendment about school safety dealing with guns. We don't want to have 20, 30, or 40 amendments. There is no attempt whatsoever to delay or bog down this bill. We want to see this bill moved and passed. But school safety is an important issue.

The fact that so many of us believe strongly in gun control and have come together and put together one amendment which will be offered by the Senator from New Jersey, Mr. LAUTENBERG, who has been such a leader on this issue, is no attempt to divert us or to slow this bill down. If we wanted to do that, we would have asked for many amendments.

If the majority leader, in his wisdom, should decide to pull the bill because there is that one amendment, I think most Americans would believe we really do not want to debate education and that it was just an excuse.

The second thing I would like to talk about a little bit is the block grant,

which is really the main debate we will be having.

Is the Federal Government going to be involved in education and just giving the money unfettered—how I would characterize it—to the States or to the school districts or, rather, we should say: Here is a need and here is some money; We are not forcing you to use it; This is not a mandate; But if you want the money, you have to meet certain rules, certain standards, and apply under certain standards.

The greatest area I have experience with in this realm is the issue of crime. We tried the block grant route with crime. It was a fiasco. Governor after Governor, locally-elected official after locally-elected official—the LEA program, the law enforcement assistance grant, a block grant devised by Jimmy Carter and certainly supported by many Democrats—just wasted the money.

We had instances of a tank being purchased by one State. I think it was in the State of Indiana where the Governor purchased an airplane under LEA so he could fly to Washington to discuss crime issues. Money was wasted.

A few short years after LEA was passed and the money was appropriated, it was withdrawn with its tail between its legs. That issue could be repeated in education. I wasn't around. I was actually in high school when we passed the block grants in 1965. Again, this was done by Democrats. Imagine it is 1965—it was a Congress that was overwhelmingly Democrat—and the same thing that happened to crime happened in education; money was just wasted.

Here is an example. There were blank checks: $35,000 was spent on band uniforms, $2,200 was spent on football uniforms, $63,000 was spent to purchase 18 portable swimming pools, and $16,000 was spent on construction of two lagoons for sewage disposal.

Do we want to repeat that? Do we want to see that kind of waste and patronage when we give a locality money? They don't have to sweat to raise the taxes for it. They are getting free money, and we say, basically, spend it on what you want. It is a formula for disaster. That is what it seems we are headed towards. It is just incredible to me.

There is an even deeper point, which is this:

We are all critical of our present educational system. We say it is not working the way it should. Instead of changing, instead of trying to improve it, instead of saying here are ways, such as reducing class size, or making classrooms better, or having better teachers, or having standards, or having some accountability, we just give the money to the very same school districts we criticize and say: Do whatever you want with it. It is illogical.

The only way there should be a block grant is if we think the school districts are doing a great job and simply don't have enough money.

That is not a conservative argument. You hear more of that from the liberals. Yet the conservatives in this body are supporting block grants—no standards, little accountability, no direction, spend it on what you wish. I am utterly amazed.

I think there are a lot of good debates we can have. I understand the desire to keep schools locally controlled. But a block grant, a formula for waste, and much of it going to the Governors so that money doesn't even trickle down?

If you ask the American people if they prefer a block grant or prefer tethered money to reduce class size, or to raise standards, or to improve the quality of teachers, there is no question what they would desire.

I hope my colleagues will listen to the debate we are going to have on this bill. As I said before, I hope it is a fulsome debate. I hope it is a long debate. We cannot spend time on any issue that is more important than education.

I hope they will look at the proposals I have brought forward to improve teachers. They are not ideological. Some involve tax breaks, some involve raising standards. I hope we will decide that the role of the Federal Government should be to raise the bar—because enough localities have not—and help people get over that bar rather than just give them a sack of coins and say, ''Do what you will.''

I look forward to this debate. I think it is one of the most important we can have.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Wednesday, May 3, 2000.

Thereupon, the Senate, at 7:21 p.m., adjourned until Wednesday, May 3, 2000, at 9:30 a.m.

NOMINATION

Executive nomination received by the Senate May 2, 2000:

THE JUDICIARY

JAMES EDGAR BAKER, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF FIFTEEN YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW, VICE WALTER T. COX, III, TERM EXPIRED.