United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, JUNE 20, 2000 No. 78

Senate

The Senate met at 9:10 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:

Lord of history, together we accept the unique role You have given our Nation in the family of nations. We praise You for Your truth spelled out in the Bill of Rights and our Constitution. Help us not to take for granted the freedoms we enjoy. May a fresh burst of praise for Your providential care of our Nation give us renewed patriotism. Keep us close to You and open to each other as we perform the sacred tasks of our work in the Senate today.

Gracious God, thank You for this moment of prayer in which we can affirm our unity. Thank You for giving us all the same calling: to express our love for You by faithful service to our Nation. So much of our time is spent debating differences that we often forget the bond of unity that binds us together. We are one in our belief in You, the ultimate and only Sovereign of this Nation. You are the magnetic and majestic Lord of all who draws us out of pride and self-centeredness to worship You together. We find each other as we praise You with one heart and express our gratitude with one voice. In the unity of the Spirit and the bond of peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, 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.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER. The able acting majority leader is recognized.

SCHEDULE

Mr. GRASSLEY. Mr. President, I have an announcement on behalf of the leader. Following my statement, the Senate will resume consideration of the Department of Defense authorization bill. Under the order, Senator DODD will be recognized to offer his amendment regarding the Cuba commission, with up to 2 hours of debate. At approximately 11:30 a.m., Senator MURRAY will be recognized to begin debate on her amendment regarding abortion.

As usual, the Senate will recess for the weekly party conferences from 12:30 p.m. to 2:15 p.m. today. At 3:15 p.m., there will be up to four stacked votes, beginning with the Murray amendment, to be followed by the Hatch and Kennedy hate crimes amendment and the Dodd amendment.

I thank my colleagues for their attention.

MEASURE PLACED ON CALENDAR—S. 2752

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask for a second reading of the bill that I understand is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2752) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and to prohibit the assumption by the United States Government of liability for nuclear accidents that may occur at nuclear reactors provided to North Korea.

Mr. GRASSLEY. Mr. President, I object to further proceedings on this bill at this time.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

Mr. GRASSLEY. I thank the Presiding Officer.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized to speak for up to 10 minutes.

BANKRUPTCY REFORM

Mr. GRASSLEY. Mr. President, I rise this morning to speak on the topic of bankruptcy reform. As many of my colleagues may know, Congress is on the verge of enacting fundamental bankruptcy reform. Earlier this year, the Senate passed bankruptcy reform by an overwhelming vote of 83–14. Almost all Republicans voted for the bill and about one-half of the Democrats voted for it as well. Despite this, a tiny minority of Senators are using undemocratic tactics to prevent us from going to conference with the House of Representatives.

As I'm speaking now, the House and Senate have informally agreed on 99 percent of all the issues and have drafted an agreement which has bicameral and bipartisan support. The remaining three issues are sort of side shows, and I'm confident we'll be able to move from the one yard line to the end zone. My remarks this morning relate the agreement we've reached on the core bankruptcy issues and the continuing need for bankruptcy reform.

As I've stated before on the Senate floor, every bankruptcy filed in America creates upward pressure on interest rates and prices for goods and services. The more bankruptcies filed, the greater the upward pressure. I know that some of our more liberal colleagues are trying to stir up opposition to bankruptcy reform by denying this point and saying that tightening bankruptcy laws only helps lenders be more profitable. This just isn't true. Even the Clinton administration's own Treasury

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

Printed on recycled paper.

Secretary Larry Summers indicated that bankruptcies tend to drive up interest rates. Mr. President, if you believe Secretary Summers, bankruptcies are everyone's problem. Regular hard-working Americans have to pay higher prices for goods and services as a result of bankruptcies. That's a compelling reason for us to enact bankruptcy reform during this Congress.

Of course, any bankruptcy reform bill must preserve a fresh start for people who have been overwhelmed by medical debts or sudden, unforeseen emergencies. That's why the bill that passed the Senate—as well as the final bicameral agreement—allows for the full, 100 percent deductibility of medical expenses. This is according to the nonpartisan, unbiased General Accounting Office. Bankruptcy reform must be fair, and the bicameral agreement on bankruptcy preserves fair access to bankruptcy for people truly in need.

These are good times in our Nation. Thanks to the fiscal discipline initiated by Congress, and the hard work of the American people, we have a balanced budget and budget surplus. Unemployment is low, we have a burgeoning stock market and most Americans are optimistic about the future.

But in the midst of this incredible prosperity, about 1½ million Americans declared bankruptcy in 1998 alone. And in 1999, there were just under 1.4 million bankruptcy filings. To put this in some historical context, since 1990, the rate of personal bankruptcy filings has increased almost 100 percent.

With large numbers of bankruptcies occurring at a time when Americans are earning more than ever, the only logical conclusion is that some people are using bankruptcy as an easy out. The basic policy question we have to answer is this: Should people with means who declare bankruptcy be required to pay at least some of their debts or non? Right now, the current bankruptcy system is oblivious to the financial condition of someone asking to be excused from paying his debts. The richest captain of industry could walk into a bankruptcy court tomorrow and walk out with his debts erased. And, as I described earlier, the rest of America will pay higher prices for goods and services as a result.

I would ask my liberal friends to think about that for a second. If we had no bankruptcy system at all, and we were starting from scratch, would we design a system that lets the rich walk away from their debts and shift the costs to society at large, including the poor and the middle class? That wouldn't be fair. But that's exactly the system we have now. Fundamental bankruptcy reform is clearly in order.

Mr. President, I want my colleagues to know that the bicameral agreement preserves the Torricelli-Grassley amendment to require credit card companies to give consumers meaningful information about minimum payments on credit cards. Consumers will be warned against making only minimum payments, and there will be an example to drive this point home. As with the Senate-passed bill, the bicameral agreement will give consumers a toll-free phone number to call where they can get information about how long it will take to pay off their own credit card balances if they make only the minimum payments. This new information will truly educate consumers and improve the financial literacy of millions of American consumers.

The bicameral agreement also makes chapter 12 of the Bankruptcy Code permanent. This means that America's family farms are guaranteed the ability to reorganize as our farm economy continues to be weak. As we all know from our recent debate on emergency farm aid, while prices have rebounded somewhat, farmers in my home State of Iowa and across the Nation are getting some of the lowest prices every for pork, corn, and soybeans. And fuel prices have shot up through the roof. The bicameral agreement broadens the definition of ''family farmer'' and permits farmers in chapter 12 to avoid crushing capital gains taxes when selling farm assets to generate cash flow. It would be highly irresponsible of my liberal friends to continue blocking bankruptcy protections for our family farmers in this time of need.

The bicameral agreement is solidly bi-partisan and will pass by a huge margin when it comes up for a vote. The bill is fair and contains some of the broadest consumer protections of any legislation passed in the last decade. So, how can any person possibly argue against a bill which strengthens consumer protections while cracking down on abuses by the well-to-do?

The tiny handful of fringe radicals who oppose bankruptcy reform have waged a disinformation campaign worthy of a Soviet Commissar. A recent article in Time Magazine is a case in point. This article purports to prove that bankruptcy reform will harm low-income people or people with huge medical bills. This article is simply false.

What's most interesting about this Time article is what it fails to report. Time, for instance, fails to mention that the means test, which sorts people who can repay into repayment plans, doesn't apply to families below the median income for the State in which they live. The Time article then proceeds to give several examples of families who would allegedly be denied the right to liquidate if bankruptcy reform were to pass. Each of these families, however, would not even be subjected to the means test since they earn less than the median income. While this sounds technical, it's important—not even one of the examples in the Time article would be affected by the means test. For the convenience of my colleagues, I have collected the actual bankruptcy petitions of the families referred to in the Time article, and I will provide them to any Senator.

Time fails to mention the massive new consumer protections in our bankruptcy reform bill. Time fails to mention the new disclosure requirements on credit cards regarding interest rates and minimum payments. In short, the Time article fails to tell the whole truth. I think that the American people deserve the whole truth.

The truth is that these bankruptcies represent a clear and present danger to America's small businesses. Growth among small businesses is one of the primary engines of our economic success.

The truth is bankruptcies hurt real people. Sometimes that will be inevitable. But it's not fair to permit people who can repay to skip out on their debts. I think most people, including most of us in Congress, have a basic sense of fairness that tells us bankruptcy reform is needed to restore balance. Let me share what my constituents are telling me.

I ask unanimous consent to have some of their comments printed in the RECORD.

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

WHAT REAL PEOPLE ARE SAYING ABOUT BANKRUPTCY REFORM

''The present [bankruptcy laws] are a joke . . . One local man has declared bankruptcy at least four times at the expense of suppliers to him. He just laughs at it . . .''—Washington, Iowa.

''It is way too easy to avoid responsibility.''—Cedar Falls, Iowa.

''If one assumes debt they need to pay it off . . . We've got to take responsibility for our purchases!''—Independence, Iowa.

''Too many people use bankruptcy as an out, we need to make sure people are held accountable for all their debts.''—Harlan, Iowa.

''Personal responsibility is a must in our country . . . Sickness or loss of a job is one thing, but the majority of people just don't pay, but spend their money elsewhere knowing they can unload the debt with the help of the courts.''—Fort Madison, Iowa.

''I think people taking bankruptcy should have to pay the money back . . . They should have learned to work for and pay for what they get.''—Cedar Rapids, Iowa.

''It is insane that such a practice has been allowed to continue, only causing higher prices to the consumer . . . Debtors should be required to repay their debt.''—Des Moines.

''Bankruptcies are out of hand. It's time to make people responsible for their actions—do we need to say this!!!??''—Keokuk, Iowa.

''We need to make people more responsible for their decisions, while at the same time protecting those who fall on hard times. I realize that this is a delicate balance, but the way it is now, there is very little shame in going this route.''—Floyd, Iowa.

''People need to be more responsible for their debts. As a small business owner, I have had to withstand several large bills people have left with me due to poor management and bankruptcy.''—Fontanelle, Iowa.

''Bankruptcy reform will force the American people to become more responsible for their actions, bankruptcy does not seem to carry any degree of shame; it is almost regarded as a right or entitlement.''—Cedar Rapids, Iowa.

''Many don't think the business is who loses. We make it too easy now.''—Waverly, Iowa.

Mr. GRASSLEY. Mr. President, bankruptcy reform will happen. Our cause is right and just, and average Americans are strongly supportive of restoring fairness to the bankruptcy system.

I am going to yield the floor now. Before I do, I thank Senator BIDEN, who is next to speak on this subject. If it had not been for Senator BIDEN working with us in a bipartisan way to get bankruptcy reform, it would never have passed by the wide margin of 84–13. He is a sincere person working on this. He has contributed immensely to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 10 minutes.

Mr. BIDEN. Mr. President, let me begin by thanking my colleague from Iowa. He and I have worked together on a lot of issues. We tend to approach issues from a slightly different perspective but often end up in the same place, and that is the case here.

My concern in the reform of the bankruptcy code was not as much driven by those who were avoiding debt as his was but about making sure the overall consumer is protected. When people avoid debts they can pay, it is a simple proposition: My mother living on Social Security pays more at the department store to purchase something, my sons, who are beginning their careers, and my daughter pay more on their credit card bill because someone else does not pay.

In recent days, a number of my colleagues have brought the Time magazine article to my attention and to the attention of the Senator from Iowa and others. If you took a look at the Time magazine article and read it thoroughly, you would think we were about to tread on the downtrodden, deserving Americans who are about to be, and I quote from the article, ''soaked by the Congress.'' My colleagues have pointed this out to me. They find it a very disturbing article. It tells a tale of corruption and greed and heartlessness, claims that hard-working, honest, American families are about to be cut off from the fresh start promised by the bankruptcy code, and that lenders, who have driven these families into economic distress, are about to kick them when they are down.

Most shocking in the article, perhaps, from my perspective, is the claim that the U.S. Congress, by passing the bankruptcy reform legislation which passed out of here overwhelmingly, will make all this happen. As I said, it is a very disturbing article. It is hard to see how anyone, in my view, could vote for bankruptcy reform if, in fact, the essence of the article were true. But I remind my colleagues that bankruptcy reform legislation, not this imaginary legislation described in the article, passed the House by a vote of 313–108, and the Senate by 84–13. So this article claims a vast majority of both our parties in both Houses of Congress are conspirators in an alleged plot to hit those who are down on their luck.

The problem with this portrayal is the bankruptcy reform bill now in conference is the antithesis of what they have said. Their article is simply dead wrong. I do not ever recall coming to the floor of the Senate in my 28 years and saying unequivocally: One of the most respected periodicals and magazines in the country, with a major article, is simply dead, flat, absolutely wrong. I don't recall ever being compelled to do that or being inclined to do that.

I will make one admission at the outset. It is the intent of the bankruptcy reform to tighten the bankruptcy system; that is true, to assure that those who have the ability to pay do not walk away from their legal debts. The explosion of bankruptcy in the early and mid-1990s revealed a problem with our system and the reform legislation is a response to that by the strong bipartisan vote of both Houses.

I am more on that liberal side, as my friend from Iowa talks about. I admire his pride that everybody should pay their debts, and I think they should.

I am more inclined to let someone go than to hold them tightly. I admit that part. But I came here with this reform legislation because all these bankruptcies are causing debts to be driven up by other people. Interest rates go up on credit cards, not that credit card companies do not like high interest rates anyway. Interest rates go up on automobile loans. Interest rates go up all over the board. The cost of borrowing money goes up when people who can pay do not pay. It means innocent middle-class people and poor folks end up paying more.

Yes, bankruptcy reform is intended to require more repayment by those who can afford it, more complete and verified documentation, and to generally discourage unnecessary and unwarranted filings. When the bankruptcy system is manipulated by those who can afford to pay, we all pay.

This article claims that bankruptcy reform legislation is driven solely by the greed of lenders, that abuse of the bankruptcy code is a myth created by those who want to wring more money out of those who do not have more money. That is not the position of the Justice Department.

I ask unanimous consent that a document entitled ''U.S. Trustee Program'' be printed in the RECORD at the end of my statement.

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

(See Exhibit 1.)

Mr. BIDEN. Mr. President, back to the Time article. One would think there was no reason to tighten up the current system, that those of us who support bankruptcy reform—a large bipartisan majority—had lost our hearts, our souls, and possibly our minds. Some folks might find that easy to believe, but if they simply compare the language of the legislation to the case studies in the article, they will find that in virtually every significant claim and detail, the charges leveled against this reform legislation are not true. They are simply false; they are flat wrong; and they are easily and conclusively refuted by a quick look at the facts.

First, a little primer on the bankruptcy code reform. Chapter 7 of the bankruptcy code requires a liquidation of any assets and a payout to as many creditors as possible from the proceeds. Chapter 13 allows the filer to keep a home, a car, and so on, but requires them to enter into a repayment plan. The irony is, chapter 13 was put in to help people from the rigors of chapter 7. I do not have time to go into that, but it is a basic premise that is missed by the article.

The bankruptcy reform legislation that is the cause for such alarm in this article asks a question that I think most Americans would be surprised to learn is never even asked under the present system. The question is: Do you have the ability to pay some of those debts that you want forgiven?

If the answer is yes, then you will have to file for bankruptcy under chapter 13 and have what they call a workout, a repayment plan. No one—I repeat, no one—who needs it would ever, as this article puts it, be denied bankruptcy assistance. That cannot happen now, and it will not happen under this legislation. So it is not the idea you are denied bankruptcy, it is how you file for bankruptcy—under chapter 7 or chapter 13.

Only a few filers of bankruptcy, no more than 10 percent of those now filing under chapter 7—maybe even less—would see any change at all in their status. Those who have demonstrated an ability to pay would be told to file under chapter 13 and would follow the kind of repayment plan their resources would allow.

A key point must be stressed: Chapter 13 is not some kind of debtor's prison. It is a practical solution to the problem of too many creditors chasing a debtor with too few resources. The article suggests that any change in the availability of chapter 7 will be the equivalent of the whip and the lash and the restoration of debtor's prison. The truth is different.

Chapter 13 was added to the bankruptcy code in the 1930s as the more desirable alternative to the draconian liquidation required under chapter 7. It was conceived as the ''wage earner's'' form of bankruptcy, for those who had an income and the ability to pay some of their creditors but who needed protection of the system to keep their creditors from hounding them.

Although this may seem like a quaint notion these days, it was intended to preserve some of the debtor's dignity at a time when bankruptcy carried more of a stigma for some people than it does today.

A profoundly mistaken view of the difference between chapter 7 and chapter 13 is not the most serious flaw in

this article. The real impact of this article comes from its stories of hard-working, honest, everyday American families who have fallen on hard times. These are the people who will, according to the article, find the door to a fresh start shut to them.

As disturbing as these stories are, they are all based on a demonstrably false premise. As the Senator from Iowa said, virtually none of the low- to moderate-income working families whose stories were so compellingly told in that article would be touched by the reforms affecting the availability of chapter 7.

That is right. In each and every case, given their income and their circumstances as presented, those families and individuals who were talked about in the article would still be eligible for chapter 7 protection. The central claims about the impact of bankruptcy reform on the families described in this article are flat wrong.

I know a lot of my colleagues have been concerned about these charges, and I urge them to take a simple test. Compare the financial circumstances of the individuals in the article and the stories that are told with the terms of our bankruptcy legislation. My colleagues will see the claims that these families will be cut off are not true.

They are wrong chiefly because the reform legislation contains what we call a safe harbor which preserves chapter 7, with no questions asked, for anyone earning the median income or less for the region in which they live. This is a protection I sought along with other supporters of bankruptcy reform. It was a key element of the Senate bill, and it has been accepted in conference.

There is even more protection: Those with up to 150 percent of the median income will be subject to only a cursory look at their income and obligations, not a more detailed examination.

These provisions provide that the door to chapter 7 remains open for just the kind of family the article claims will be most hurt.

I will not chronicle all of them, but I ask you to listen to this one story. Of all the cases chronicled in the article, I read most carefully the story of Allen Smith of Wilmington, DE, my hometown. A World War II veteran, he had worked in our Newark, DE, Chrysler plant until the downsizing of the 1980s cost him his job.

Struck by cancer, my constituent from Wilmington, DE, was also hit with the tragedy and expense of his wife's diabetes and then her death. Health care costs drove him deeper and deeper into debt, and he filed for bankruptcy under chapter 13. Further financial troubles led to the failure of his chapter 13 plan, and he was then switched to chapter 7 under which he will lose his home to pay some of his obligations.

I searched in vain to find any relevance of this profound human tragedy to the bankruptcy reform legislation. To the extent it has anything at all to do with the supposed point of the story, Mr. Smith's story is presented to show us someone who is going to lose his home in bankruptcy, because he is now in chapter 7, exactly what the authors previously argued should be the preferred chapter for individuals in his circumstances. His sad story is an argument for catastrophic health insurance, not against bankruptcy reform.

They contrast his case with that of a wealthy individual who uses the protection of the present bankruptcy code by purchasing an expensive home under Florida's unlimited homestead exemption to protect assets from creditors. One would never know it from reading the article, but in the Senate we voted to get rid of that unlimited exemption that now is in the law.

More recently, the conferees have agreed to eliminate precisely the kind of abuse criticized in this article. The article discusses at length a case that has nothing to do with reform but criticizes an abuse that is actually fixed by this reform bill.

There are other profound inconsistencies and factual errors in the article, including the assertion that medical expenses would not be considered in calculating a filer's ability to pay or would not be dischargeable after bankruptcy or that family support payments, such as child support or alimony, would be a lower priority than a credit card debt. None of these assertions is true.

However, without these errors, there would be no article.

In many cases, in terms of the new, additional protections for family support payments and improved procedures for reaffirmations, filers in the kind of circumstances chronicled in the other stories in this article would be better off, not worse off, when this legislation passes.

I know my colleagues have expressed their worries about this article. I truly ask them, look at the language of the legislation, look at the articles that are written, and you will find that, although this is not a perfect bill, that none of the families chronicled in that article would be affected at all except their circumstances improved, if in fact anything was to happen.

I know that my colleagues who have expressed their worries about this article are sincere in their concern about the fairness of bankruptcy reform legislation. I urge them to apply the simple test of fairness to this article, to compare the situations of those families in the article to the actual provisions in the bankruptcy reform legislation. They will find those families's access to the full protection of Chapter 7 unchanged by this bill.

I ask them to do it for themselves: they don't have to take my word for it.

This is not a perfect bill. It is not the even bill that I would have written by myself. But it is a bill that can pass that test.

I thank the Chair and I thank my colleagues assembled on the floor for the additional 4 minutes. I realize it is a tight day and time is of the essence. I appreciate their courtesy.

I yield the floor.

EXHIBIT 1

[Bankruptcy Criminal Cases 1999]

U.S. TRUSTEE PROGRAM

(Criminal Cases: The United States Trustee Program's duties include policing the bankruptcy system for criminal activity, referring suspected criminal cases to the appropriate law enforcement agencies, and assisting in investigating and prosecuting those cases. Some significant bankruptcy-related criminal cases are described here)

1999

ALABAMA

Attorney John C. Coggin III of Birmingham, Ala., was sentenced July 26 to 36 months in prison for conspiracy consisting of bankruptcy fraud, money laundering, and false statements to a federal officer. Coggin hid more than $200,000 that was due to creditors in his bankruptcy case, using a corporation set up for that purpose.

ARIZONA

Bankruptcy petition preparer Richard S. Berry of Tempe, Ariz., was sentenced April 20 in the District of Arizona to six months in prison for criminal contempt of court, after being fined $1 million in 1998 for willfully violating Bankruptcy Court orders. Since January 1997, several court orders addressed Berry's violations of the Bankruptcy Code's provisions regulating bankruptcy petition preparers. The Bankruptcy Fraud Task Force for the District of Arizona sought criminal contempt charges against Berry based on his violation of a January 1997 Bankruptcy Court order limiting his fees.

Lawrence R. Costilow of Tucson pleaded guilty February 19 to two counts of bankruptcy fraud arising from his actions as a creditor in a Chapter 7 bankruptcy case. Costilow loaned $50,820 to a married couple, obtaining an unsecured promissory note in return. After the spouses filed for bankruptcy, Costilow altered the note so it purposed to take a security interest in their property. Costilow recorded the note and later testified in bankruptcy court as to it validity.

CALIFORNIA

Sherwin Seyrafi of Encino, Calif., pleaded guilty December 28 in the District of Arizona to bankruptcy fraud, misuse of a Social Security number, and failure to file a corporate tax return. The counts for bankruptcy fraud and misuse of an SSN arose from Seyrafi's filing of a bankruptcy petition with the knowledge that it contained a false spelling of his name and a false Social Security number.

Judy Scharnhorst Brown, a Spring Valley, Calif., real estate broker, was sentenced Nov. 9 in the Southern District of California to 15 months in custody followed by three years of supervised release and ordered to pay $75,000 in restitution and fines for a bankruptcy fraud and mail fraud scheme. On March 30, a jury convicted Brown on one count of conspiracy, three counts of bankruptcy fraud, and eight counts of mail fraud after a two-week jury trial.

On April 21 a federal jury in Los Angeles convicted Faramarz Taghilou of Castaic, Calif., on two counts of concealing his private airplane in his Chapter 7 bankruptcy case. Taghilou failed to disclose in his bankruptcy documents that he owned a Cessna 310Q insured for $120,000 and was paying monthly leasing fees to have the airplane kept at Van Nuys airport. Additionally, Taghilou's bankruptcy schedule omitted a

creditor who had placed a mechanic's lien on the airplane; the debtor paid that creditor two weeks after filing for bankruptcy.

Theresa Marie Thompson-Snow pleaded guilty March 17 in the Central District of California to false representation of a Social Security number and bankruptcy fraud. Through an error, Thompson-Snow obtained loan documents belonging to a college classmate—now an English professor—with a similar name. She subsequently assumed the professor's identity to obtain thousands of dollars in credit, and ultimately filed for bankruptcy in her victim's name.

Tricia Mendoza of Norwalk, Calif., was sentenced Jan. 11 to one year in prison and ordered to pay almost $250,000 in restitution for embezzling from a Chapter 13 trustee operation. Mendoza, who was the trustee office's receptionist, changed names and addresses in the computer system to the name and address of an accomplice, thereby diverting payments intended for creditors to an address she controlled.

Stephen Martin Zuwala was sentenced June 9 to 57 months in federal prison and 36 months supervised release, and ordered to pay more than $50,500 in restitution, based on his conviction on five counts of mail fraud, three counts of criminal contempt, and four counts of misuse of a Social Security number. Non-lawyer Zuwala contacted individuals facing home foreclosure and offered assistance through ''little-known federal relief programs'' that turned out to be filing for bankruptcy. Zuwala typically charged $500 to $1,000 per case, but disclosed only part of his fees in documents filed with the Bankruptcy Court. All criminal contempt counts arose from Zuwala's violation of a prior judgment obtained by the United States Trustee to permanently enjoin him from preparing bankruptcy documents for filing in the Northern and Eastern Districts of California.

Bankruptcy petition preparers Regina Green and Raymond Zak were sentenced April 15 based on their earlier convictions for criminal contempt and bankruptcy fraud. Because of misconduct, Green and Zak had been ordered by the Bankruptcy Court for the Northern District of California to stop preparing bankruptcy petitions, and they were prosecuted for violating that order. Green was sentenced to seven months in prison for contempt of court and forgery, and Zak was sentenced to six months in a halfway house for bankruptcy fraud. Both defendants were ordered to pay restitution and were barred from acting as bankruptcy petition preparers.

COLORADO

James Francis Cavanaugh pleaded guilty Oct. 8 to bankruptcy fraud in the District of Colorado. When Cavanaugh filed for bankruptcy, he falsely stated that he had sold certain horses from his Colorado horse breeding operation for $10,000, although he had earlier valued the horses at $124,000. He also failed to disclose to the bankruptcy court that he had interests in two bank accounts in Missouri.

FLORIDA

After a jury trial in the Middle District of Florida, certified public accountant Kenneth A. Stoecklin was convicted July 8 for embezzlement from the bankruptcy estate of Chapter 11 debtor Commonweal Inc. and obstruction of the administration of the internal revenue laws. Stoecklin, the controlling corporate officer of Commonweal Inc., transferred substantially all of his assets to the real estate development company in an apparent attempt to avoid an individual income tax liability exceeding $137,000. He subsequently withdrew funds from an account established to provide the government with ''adequate protection'' pending the outcome of tax-related litigation.

Warren D. Johnson Jr. was sentenced June 23 to 97 months imprisonment and ordered to pay more than $5 million restitution after being convicted of bankruptcy fraud, bank fraud, and money laundering. During a June 1998 bond hearing, Johnson testified that he had no interest in stocks or other assets in the Turks and Caicos Island, when he actually held around $25 million worth of stock in a publicly traded company. In addition, Johnson claimed he was indigent and could not pay restitution despite the fact that the controlled more than $10 million in assets placed in the names of family members and off-shore shell corporations. Johnson's bankruptcy convictions resulted from a 1992 bankruptcy case in which he claimed over $7.2 million in debt and no assets, when he actually expected to receive at least $1.2 million in real estate sale profits. Johnson laundered approximately $250,000 of these profits by transferring the funds to his wife and then using them for living expenses. The bank fraud conviction resulted from Johnson's filing false financial statements to obtain a $600,000 loan that he did not repay.

GEORGIA

The District Court for the Northern District of Georgia entered judgment on December 13 against David Alvin Crossman of Atlanta following his guilty plea to one count of filing a false income tax return and one count of bankruptcy fraud. Crossman set up a car leasing scheme under which he created false financial statements and tax returns to lease cars as if he were fleet leasing for a business, and then re-leased the vehicles to individuals with poor credit. In his individual and corporate Chapter 7 bankruptcy cases, he failed to turn over lease payments to the bankruptcy trustees.

Craig D. Butler pleaded guilty Sept. 17 to bankruptcy fraud and income tax evasion. In October 1995, Butler filed a bankruptcy petition in which he made false representations and statements to evade payment of federal income taxes. During the bankruptcy case, Butler, who formerly practiced medicine in Albany, Ga., used funds of his professional corporation to pay his personal expenses and those of his family members, while designating the payments as business-related expenditures.

HAWAII

On December 10 a federal jury in the District of Hawaii found attorney Stacy Moniz of Kaneohe guilty of filing a false income tax return, structuring cash transactions to evade currency reporting requirements, failing to report the receipt of $15,000 cash in the operation of his law office, making false statements to the IRS, and making a false statement under penalty of perjury in a bankruptcy proceeding. The bankruptcy count arose from Moniz's falsely reporting a client to be a creditor in his August 1997 bankruptcy case.

Arthur Kahahawai pleaded guilty Oct. 4 in the District of Hawaii to two counts of bankruptcy fraud. Kahahawai concealed from the bankruptcy trustee and his creditors a $71,517 workers' compensation settlement that he received less than one month before filing for bankruptcy.

Miyoko Mizuno, a/k/a Miyoko Proctor, pleaded guilty in the District of Hawaii Sept. 24 to concealment of assets in her bankruptcy case. The debtor attempted to discharge approximately $185,000 in unsecured debts by filing for Chapter 7 bankruptcy. She listed no interests in real property, when in fact she had deeded to her son a condominium and her residence while retaining a life interest in both properties, which could generate substantial rental income.

Edward O'Kelley, former owner and president of HOJE Construction, was sentenced April 23 in the District of Hawaii to 33 months in prison for bankruptcy fraud (concealment of assets and fraudulent transfer), and money laundering. O'Kelley had been found guilty in a jury trial for his role in putting HOJE Construction into Chapter 7 bankruptcy and hiding its assets in bank accounts in Alaska and Texas. HOJE performed subcontracting work on military projects in Hawaii and Alaska from 1992 through 1995. O'Kelley and HOJE operations manager Harry Jordan conspired to hide more than $450,000, which the bankruptcy trustee recovered.

Harry Jordan pleaded guilty to bankruptcy fraud Feb. 8 in the District of Hawaii; he was sentenced to one year probation with one month home confinement, and ordered to pay $75,000 in restitution. The court took into account that Jordan, the former operations manager of HOJE Construction Inc., cooperated with the United States Attorney and testified against HOJE president Edward O'Kelley, who was found guilty of bankruptcy fraud and money laundering. HOJE performed subcontracting work on military projects in Hawaii and Alaska from 1992 to 1995, when it filed for bankruptcy. More than $450,000 in concealed assets have been recovered.

ILLINOIS

A federal jury in the Northern District of Illinois Oct. 22 convicted Vincent M. Gramarossa on two counts of bankruptcy fraud and eight counts of money laundering. Gramarossa defrauded bankruptcy creditors by skimming more than $580,000 from his business, a State Farm Insurance agency in suburban Chicago. Gramarossa's confirmed Chapter 11 reorganization plan directed that he pay half his profits to creditors, but Gramarossa devised a scheme under which he diverted commissions to conceal approximately one-third of his commissions.

INDIANA

Bankruptcy debtors' attorney David T. Galloway of Porter County, Ind., pleaded guilty April 5 in the Northern District of Indiana to criminal contempt and agreed to resign from the practice of law for three years. Galloway served as counsel for a Chapter 7 debtor who concealed a pending personal injury action from the bankruptcy case trustee. The debtor testified at the Section 341 meeting of creditors that his medical debts resulted from illness. After the Section 341 meeting, the United States Trustee's office in South Bend, Ind., and the case trustee investigated the nature of the medical debts, leading to the discovery of the personal injury lawsuit.

KENTUCKY

Debtors Daniel Caldera and Martha Kay Caldera of Elizabethtown, Ky., were sentenced Oct. 20 in the Western District of Kentucky for bankruptcy fraud. Daniel Caldera pleaded guilty to concealing a $101,295 payment from C&S Carpentry Service Inc.'s bankruptcy estate. He was sentenced to 21 months imprisonment plus two years supervised release, and ordered to pay $11,272 in restitution. Martha Kay Caldera pleaded guilty to filing a bankruptcy petition containing a materially false declaration—that she and/or her spouse did not own an annuity when in fact her spouse did. She was sentenced to 24 months probation, including six months of home incarceration.

LOUISIANA

Former district attorney James A. Norris, Jr. was sentenced June 22 in the Western District of Louisiana to 33 months in prison

and three years supervised release, and ordered to pay $490,000 in restitution for bankruptcy fraud. On March 10, a jury found Norris guilty of four counts of making false oaths in a bankruptcy proceeding, in connection with his four statements under oath that he had burned $500,000 cash in his backyard. In 1989, Norris withdrew approximately $500,000 from his law partnership's account in a dispute over business decisions; his former law partners ultimately obtained a court judgment against him and filed an involuntary bankruptcy petition against him.

Attorney Betty L. Washington was sentenced Jan. 20 in the Eastern District of Louisiana to 33 months in prison, and ordered to pay approximately $5,000 in restitution, based on a jury verdict finding multiple counts of fraud, including bankruptcy fraud. In her Chapter 7 bankruptcy case Washington concealed her right to receive legal fees from a client. Further, as part of a scheme to obtain more than $20,000 in automobile loans, Washington tried to mislead a bank into believing her bankruptcy case had been concluded.

MAINE

On June 8 Catherine Duffy Petit was sentenced in the District Court for the District of Maine to 15 years and eight months in prison and three years supervised release, and ordered to forfeit nearly $164,000 and to pay restitution of nearly $8 million, based on her conviction on 54 counts (reduced by the court from 78) of conspiracy, bankruptcy fraud, securities fraud, and other violations. Petit and co-conspirators had raised almost $7 million—ostensibly for litigation expenses—by selling interests in Petit's state court suit against a bank.

MASSACHUSETTS

On July 8 attorneys Wendy Golenbock and Cheryl B. Stein of Weston, Mass., were each sentenced in the District of Massachusetts to 21 months in jail for bankruptcy fraud. The attorneys attempted to conceal their property interest in a Cape Cod, Mass., vacation home from their bankruptcy trustee and creditors. In March 1999, a jury found them guilty of bankruptcy fraud and conspiracy to commit bankruptcy fraud.

Prosecutors in Boston announced Feb. 9 the settlement of charges filed against Sears, Roebuck & Co. for improper debt collection from Chapter 7 debtors. Sears agreed to pay a $60 million criminal penalty, which is the largest ever paid in a bankruptcy fraud case. The monies will be deposited into the Crime Victims' Fund. Sears already paid over $180 million in restitution and $40 million in civil fines to state attorneys general, in connection with civil settlements in the case.

MINNESOTA

Mark John McGowan of Mound, Minn., was sentenced Sept. 1 to one year in prison and two years of supervised release for bankruptcy fraud and perjury. In his Chapter 7 bankruptcy schedules, McGowan listed a $100,000 house that he claimed exempt as his homestead although he actually rented the house and had no intent to occupy it.

Daniel J. Bubalo of Edina, Minn., was sentenced June 8 to 21 months in prison and ordered to pay $85,000 in restitution following his conviction on two counts of bankruptcy fraud. After Bubalo's bankruptcy case was converted from Chapter 11 to Chapter 7, and without the Chapter 7 trustee's knowledge, Bubalo sold for $70,000 a Duluth, Minn., bar valued at $175,000. He later testified that the property's status had not changed since his case was converted.

MISSOURI

Keith D. Linhardt of Warrenton, Mo., pleaded guilty Feb. 12 in the Eastern District of Missouri to bankruptcy fraud and perjury. Linhardt admitted that he concealed financial accounts as well as his interests as primary beneficiary of seven life insurance policies—totaling more than $1.5 million—on his wife, who died on a camping trip in April 1998. In July 1998, at his Section 341 meeting with creditors, Linhardt testified to the trustee concerning his non-debtor spouse as though she were alive. On January 15, 1999, Linhardt pleaded guilty to second degree murder of his wife and was sentenced to life in prison. He also pleaded guilty to four counts of insurance fraud and was sentenced to 20 years in prison, consecutive to the life sentence.

NEW JERSEY

Michelle A. Pruyn of Medford, N.J., pleaded guilty Oct. 1 in the District of New Jersey to concealing company income from her creditors, the Bankruptcy Court, and the IRS during her Chapter 7 bankruptcy case. Pruyn was the former president and owner of Sigma Acquisition Corp., Televid Media Buying Inc., and other New Jersey-based video production-related companies. She concealed assets worth at least $240,000 from the court and her creditors by failing to disclose her equitable interest in a Pennsauken, N.J., commercial building and the existence of an investment account held in the name of the Cogan Corp., to which she diverted part of the receipts of Sigma and the other companies she owned.

Alexander Alegria of Fords, N.J., pleaded guilty July 21 to filing a false bankruptcy petition. He admitted that he falsely stated his Social Security number on the petition and that he sought to discharge approximately $25,000 in debt he had incurred under the false SSN.

NEVADA

John and Rena Kopystenski of Las Vegas were sentenced on December 2 to 21 months in prison and ordered to pay $67,000 in restitution after pleading guilty in the District of Nevada to bankruptcy fraud, money laundering, and aiding and abetting. The Kopystenskis were principals of debtor Quality Ice Cream Inc., which went through several bankruptcies under different names with essentially the same assets.

NEW YORK

Joseph W. Kennedy Jr. of Rochester, N.Y., was sentenced Nov. 3 to 27 months in prison and three years supervised release, and ordered to pay $235,000 in restitution, based on his conviction on three counts of bankruptcy fraud. Kennedy failed to disclose in his Chapter 7 schedules that he owned one insurance agency and was a 47 percent shareholder and officer in another insurance agency.

Kenneth Stenzel of Queens County, N.Y., was sentenced Aug. 31 in the Eastern District of New York to five years probation and ordered to pay restitution of $5,920 payable to the Chapter 7 trustee, based on his guilty plea to bankruptcy fraud. Stenzel intentionally made a materially false statement by stating in his bankruptcy schedules that he was unemployed, when he was actually earning more than $5,000 a month as a computer programmer.

Garden City, N.Y., attorney Brent Kaufman pleaded guilty July 26 in the Eastern District of New York to two counts of bankruptcy fraud arising from the filing of two false proofs of claim on behalf of a fictitious creditor. Kaufman, an associate with a Chapter 7 bankruptcy trustee's law firm, admitted embezzling $117,000 from five bankruptcy estates.

OHIO

Albert J. DeSantis, formerly of Columbus, Ohio, and Upper Arlington, Ohio, was sentenced August 26 to 51 months imprisonment based on his plea of guilty to charges of bankruptcy fraud, money laundering, and witness tampering. The former Columbus, Ohio, real estate developer filed for Chapter 11 bankruptcy relief but failed to list assets exceeding $920,000 in value, including a residence and a bank account. He also counseled two employees to withhold information from the federal grand jury that was investigating his conduct in the bankruptcy case.

OKLAHOMA

Mary Ann Adams and John Quincy Adams pleaded guilty Sept. 15 to bank fraud in connection with their concealment of more than $90,000 in assets after a bank foreclosed upon their property. The Adamses, who owned an implement company, hid tractor and combine parts, transferred real property, and concealed personal property including certificates of deposits.

Jesse Joseph Maynard and Samuel Bruce Love were convicted Sept. 1 in the Western District of Oklahoma on eight counts arising from the October 1993 bankruptcy filing on behalf of First Assurance & Casualty Co. Ltd. The defendants concealed more than $270,000 in bankruptcy estate assets from the Chapter 7 trustee, and transferred monies from the bankruptcy estate post-petition.

OREGON

Bankruptcy petition preparer Robert Tank pleaded guilty April 9 to criminal contempt of court in the District of Oregon. In 1996, the United States Trustee obtained an order fining Tank approximately $10,000 and prohibiting him from engaging in certain deceptive practices or practicing law in Oregon. Tank violated the order, and the United States Trustee obtained a national permanent injunction against him. Tank continued to prepare bankruptcy petitions, and engaged in a series of violations of various orders.

Former Chapter 11 trustee Thomas G. Marks was sentenced March 15 in the District of Oregon to twelve months plus one day in prison, three years probation, and payment of restitution, for embezzling funds in three Chapter 11 bankruptcy cases where he acted as a fiduciary after the case was confirmed. The United States Trustee discovered the embezzlement of approximately $108,000 based on an inquiry from Marks' former business partner. The United States Trustee obtained Marks' resignation as fiduciary in the cases, and arranged the appointment of successor fiduciaries to pursue bond claims relating to the losses.

PENNSYLVANIA

On Nov. 15 the District Court for the Eastern District of Pennsylvania sentenced Philadelphia attorney Steven Bernosky, and barred him from practicing law for three years, for embezzling approximately $14,000 from a Chapter 11 bankruptcy estate. Bernosky served as debtor's counsel in the Chapter 11 bankruptcy case of Morris Schiff Co. The debtor company's property was sold for approximately $14,150, and Bernosky improperly deposited a check for the sale proceeds into his personal account. Bernosky made partial restitution of $11,000 before sentencing and produced a check for the balance at the sentencing hearing. He was sentenced to five years probation and ordered to pay a $2,500 fine. He pleaded guilty April 7 after a one-count information was filed March 31.

Chester Wiles was sentenced June 7 in the Eastern District of Pennsylvania to 24 months incarceration for false declaration in bankruptcy, to a concurrent 18-month term of incarceration on 12 other counts, and to five years of supervised release; he was also ordered to pay approximately $225,000 in restitution and a special assessment fine of $1,300. Wiles had assumed the identity of a deceased person and fraudulently obtained

deceased person and fraudulently obtained credit in the decedent's name for 2½ years, before filing for bankruptcy twice in the decedent's name. He pleaded guilty to 13 counts including false statement in bankruptcy, bankruptcy fraud, false statements to obtain a HUD-insured mortgage, false statements in loan and credit applications, credit card fraud, wire fraud, interstate transportation of stolen goods, and use of an unassigned Social Security number.

SOUTH CAROLINA

Auctioneer J. Max McCaskill pleaded guilty Nov. 2 in the District of South Carolina to two counts of embezzlement from bankruptcy estates. McCaskill was a former Bankruptcy Court deputy clerk and a former employee of a bankruptcy trustee in South Carolina. While employed to auction bankruptcy estate property, he sold the property but failed to turn over the proceeds to the bankruptcy trustee.

TEXAS

Tronnald Dunnaway of Richardson, Texas, was sentenced Oct. 3 to 13 months in jail and three years supervised release and ordered to pay $23,959 in restitution for his role in a bankruptcy foreclosure scam. Dunnaway pleaded guilty in June on the eve of trial; on June 22, his co-defendant Shelby Daniels was found guilty of 14 counts of bankruptcy fraud in connection with the scam. Daniels and Dunnaway contacted homeowners facing foreclosure, offering to help them with their mortgage problems. They persuaded the homeowners to transfer a part interest in their homes to companies controlled by, or individuals working with, the scam operators. Those companies and individuals then filed for bankruptcy to delay foreclosure on the properties, but the victims ended up losing their homes.

On June 22, after a five-day jury trial, Shelby Daniels of Dallas was found guilty of 14 counts of bankruptcy fraud for his role in a bankruptcy foreclosure scam. Daniels represented himself as a real estate consultant and contacted homeowners facing foreclosure, persuading them to transfer a part interest in their homes to companies he controlled or individuals working with him. The companies and individuals filed for bankruptcy to delay foreclosure. Homeowners paid Daniels a $500 ''set up'' fee plus $500 per month, assuming he was working to address their mortgage problems. They ended up losing their homes. On the eve of trial, Tronnald Dunnaway, who was indicted with Daniels, pleaded guilty to one count of bankruptcy fraud.

VIRGINIA

Lee W. Smith Sr., the principal in the Chapter 11 case of Lee's Contracting Services Inc., was sentenced Nov. 10 to 21 months in prison after pleading guilty to one count of bankruptcy fraud and one count of tax evasion. Smith diverted monies from the corporation to personal accounts during the pendency of the Chapter 11 case, which was ultimately dismissed because the debtor owed more than $1 million in unpaid employee withholding taxes.

The District Court for the Southern District of West Virginia August 4 sentenced Donald S. Pritt to 30 months imprisonment, three years of supervised release, and restitution of $193,990 following his conviction on one count of mail fraud and two counts of bankruptcy fraud. Pritt claimed to be permanently disabled following an all-terrain vehicle accident. He filed disability insurance claims under several recently issued policies and engaged in litigation with the insurance companies and ATV manufacturer. Pritt was ordered to pay in excess of $600,000 in attorney fees to the manufacturer. The bankruptcy counts arose from his transfer and concealment of assets, which began after the state court litigation and continued during the bankruptcy case.

Ethel Mae Martin was sentenced June 15 in the Eastern District of Virginia to 27 months in prison and 3 years of supervised release for one count of bankruptcy fraud. Martin used at least three Social Security numbers to obtain credit and filed her bankruptcy petition using a fourth SSN.

Elizabeth Baker pleaded guilty June 8 to one count of making a false oath in connection with her bankruptcy. Baker and her husband filed a Chapter 13 petition in 1995; when her husband later died, Baker received over $99,000 in life insurance proceeds. She converted the bankruptcy case to a Chapter 7 liquidation but did not disclose the receipt of funds to the bankruptcy trustee. Baker's bankruptcy discharge was revoked after the trustee discovered the receipt of funds as well as Baker's false testimony that there were no assets other than those listed in the bankruptcy schedules.

WISCONSIN

The Court of Appeals for the Seventh Circuit July 20 upheld the March 1998 conviction of attorney John Gellene for false material declarations in a bankruptcy proceeding, and upheld the trial court's sentencing determinations. Gellene did not disclose that his law firm represented a senior secured creditor as well as the Chapter 11 debtor, giving rise to a conflict of interest in representation. He was convicted after a jury trial in the Eastern District of Wisconsin, sentenced to 15 months in prison, and fined $15,000. In its ruling, the Appeals Court rejected Gellene's argument that his false statements were not material, finding it beyond doubt that ''a misstatement in a Rule 2014 statement by an attorney about other affiliations'' is material.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith (of New Hampshire) amendment No. 3210, to prohibit granting security clearances to felons.

Warner/Dodd amendment No. 3267, to establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba.

Levin (for Kennedy) amendment No. 3473, to enhance Federal enforcement of hate crimes.

Hatch amendment No. 3474, to provide for a comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut, Mr. DODD, is recognized to offer an amendment, on which there will be 2 hours equally divided.

The Senator from Connecticut.

AMENDMENT NO. 3475

(Purpose: To establish a National Bipartisan Commission on Cuba to evaluate United States policy with respect to Cuba)

Mr. DODD. Mr. President, I believe this is the full text of the amendment. I just had several copies made for my colleagues.

Let me inquire of the distinguished Senator from New Hampshire, did he get a copy of the amendment?

Mr. SMITH of New Hampshire. Yes.

Mr. DODD. Mr. President, I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 3475.

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

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

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) SHORT TITLE.—This section may be cited as the ''National Bipartisan Commission on Cuba Act of 2000''.

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of nongovernmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

Mr. DODD. Mr. President, first of all, before I get into the substance of the amendment, I hope it may be possible we can reduce the time on this debate. I know there are other matters to be considered. We have 2 hours, but this may not take that much time. It is not a terribly complicated proposal. I think a lot of our colleagues may already be aware of the substance of it.

Let me begin these brief remarks by, first of all, expressing my disappointment, in a sense, that I have to offer an amendment that my good friend from Florida strongly disagrees with, Senator CONNIE MACK. He is in his last few months in this body. He is one of my best friends in the Senate. It may be hard for some people who do not follow this institution carefully to understand that two people of different political persuasions, from different parts of the country, can be good friends, but we are.

As I feel strongly about this amendment, he feels strongly about it. I would prefer that he were my ally. He will not be. I presume he might wish I were his ally. So it will be somewhat of a disappointment for me to be offering something about which my good friend so strongly disagrees, as he prepares to leave this body and to which he has made such a significant contribution during his tenure.

I will miss him very much in the coming years. I do not offer this amendment with any great pleasure. I do think it is the right amendment. I want him to know that I do not do so with any sense of personal animus in the slightest as I offer it. There are others who disagree as well.

Last Friday, I spoke at some length about why I believe the amendment that was originally proposed by another good friend, the chairman of the Armed Services Committee, Senator WARNER, and I, which we offered some time ago to establish a bipartisan commission to review United States policy towards Cuba, why we believe it is in our national interest.

The amendment I have just offered, as the Warner amendment, would provide for the appointment of a bipartisan commission to review U.S. policy with respect to Cuba and to make recommendations on how to bring that policy into the 21st century.

I regret that because Senator WARNER is the manager of the underlying bill he has had to withdraw his support for this amendment. While certainly Senator WARNER is fully capable of speaking for himself, I believe Senator WARNER still thinks that the proposal I am making today is a good idea, even if he must disagree with the vehicle to which it is sought to be attached.

Very briefly, the commission would be composed of 12 members, chosen by the following: six by the President of the United States, six by the Congress; equally divided between the legislative and executive branches. There would be four members chosen by the House and Senate Republicans leaders and two by the Democratic leaders.

Senator WARNER and I had originally crafted this legislation to ensure that the commission would have a balanced and diverse membership, not bipartisan in the sense of two parties because this issue ought not be divided by party. In fact, it is not divided by party. There are people who sit on this side of the aisle in the Senate who will disagree with this amendment. There are Members on the other side who will agree with this amendment. This country is not divided along strictly partisan lines—Democrats and Republicans—as it reviews Cuban policy. But what we are seeking with the commission is to have a diversity of opinion, not a diversity of party necessarily, although that may occur anyway.

So the idea was to have members who would be selected from various fields of expertise—including human rights, religious, public health, military, business, agriculture, the Cuban American community, and also the agricultural community where there is such strong interest. Creating that kind of diversity is what we seek in a commission. It would make recommendations to us which we may or may not follow. They are recommendations.

Other commissions in the past have been appointed that have made recommendations which Congress has sought to follow and in other cases Congress has totally ignored. So a commission is really an opportunity to see if we can get this out of the partisan politics which have dominated this debate for far too long and to make some solid long-term recommendations on how we might begin to prepare for an intelligent, soft landing, to use the words of Zbigniew Brzezinski some years ago when he provided the necessity of us beginning to think to arrange for a relationship with the island of Cuba in a post-Castro period.

The commissioners would have 225 days from the date of enactment to undertake their review and report their findings. The original Warner amendment provided for 180 days.

Some have said: Why do this now? We are only a few months away from a new administration. Why not let a new administration take on this responsibility?

I argue that, in fact, this is exactly the right time to be doing it, with an administration that is leaving, in a sense, to be able to provide for a new administration some ideas and thoughts on how we might proceed.

So whether it is a Bush administration or a Gore administration that is sworn into office on January 20 of the coming year, this commission would report back in the late spring of next

year, and the new administration could have the benefit of some solid thinking rather than waiting for a new administration with all of the problems associated with that in terms of how they begin their efforts.

The idea of establishing a commission is not a new idea. It is not even originally my idea. The establishment of a commission was first proposed by our colleague from Virginia almost 2 years ago in a letter to President Clinton.

Who supported the idea of the Warner commission at that time? Senator WARNER was encouraged to propose such an idea in 1998 by a very distinguished group of foreign policy experts. Let me list some of the individuals who urged that such a commission be created: former Secretaries of State Lawrence Eagleburger, George Shultz, and Henry Kissinger; former Majority Leader Howard Baker; former Defense Secretary Frank Carlucci; former Secretaries of Agriculture John Block and Clayton Yeutter; former Ambassadors Timothy Towell and J. William Middendorf; former Under Secretary of State William Rogers; former Assistant Secretary of State for Latin America and Distinguished Career Ambassador Harry Shalaudeman; and another distinguished former colleagues of ours, Malcolm Wallop.

The United States Catholic Conference has also gone on record in support of the establishment of such a committee.

In fact, I ask unanimous consent that the letters that accompanied these recommendations be printed in the RECORD. One of the letters is dated September 30, 1998, signed by Howard Baker, Frank Carlucci, Henry Kissinger, Bill Rogers, Harry Shalaudeman, and Malcolm Wallop, who called for this commission 2 years ago. And there are other letters that were sent from our Senate colleagues to President Clinton. Senators signing the letters are Senators GRAMS, BOND, JEFFORDS, HAGEL, LUGAR, ENZI, John Chafee, SPECTER, GORDON SMITH, THOMAS, BOXER, BOB KERREY, Bumpers, JACK REED, SANTORUM, MOYNIHAN, Kempthorne, ROBERTS, LEAHY, COCHRAN, DOMENICI, and MURRAY—hardly a partisan group of Senators.

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

BAKER, DONELSON,
BEARMAN & CALDWELL,
Washington, DC, September 30, 1998.

Hon. JOHN WARNER,
U.S. Senate, Washington, DC.

DEAR SENATOR WARNER: As Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of United States policy toward Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

I am privileged to be joined in this request by: Howard H. Baker, Jr., Former Majority Leader, U.S. Senate; Frank Carlucci, Former Secretary of Defense; Henry A. Kissinger, Former Secretary of State; William D. Rogers, Former Under Secretary of State; Harry W. Shalaudeman, Former Assistant Secretary of State; and Malcolm Wallop, Former Member, U.S. Senate.

We recommend that the President consider the precedent and the procedures of the National Bipartisan Commission on Central America chaired by former Secretary of State Henry A. Kissinger, which President Reagan established in 1983. As you know, the Kissinger Commission helped significantly to clarify the difficult issues inherent in U.S. Policy in Central America and to forge a new consensus on many of them.

We believe that such a Commission would serve the national interest in this instance as well. It could provide the Administration, the Congress, and the American people with objective analysis and useful policy recommendations for dealing with the complexities of our relationship with Cuba, and in doing so advance the cause of freedom and democracy in the Hemisphere.

Sincerely,

LAWRENCE S. EAGLEBURGER.

U.S. SENATE,
Washington, DC, October 13, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy on that most difficult and controversial issue over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, or billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly accepted by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a National Bipartisan Commission be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and to make recommendations that will improve this policy's effectiveness to achieve our country's stated foreign policy goals for Cuba.

We recommend that the members of this Commission be selected from a bipartisan list of distinguished Americans who are experienced in the field of international relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of 1) the national security risk of Cuba to the United States and the role of the Cuban government in international terrorism and illegal drugs, 2) the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba, and 3) the domestic and international impacts of the 36 year old U.S.-Cuba economic, trade and travel embargo on: a) U.S. international relations with our foreign allies; b) the political strength of Cuba's leader; c) the condition of human rights, religious freedom, freedom of the press in Cuba; d) the health and welfare of the Cuban people; e) the Cuban economy; f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We strongly urge you to take immediate action on this proposed initiative and we thank you in advance for your thoughtful consideration.

Sincerely,

Senators Warner, Grams, Hagel, Jeffords, Enzi, Chafee, Gordon Smith, Thomas, Kerrey, Bumpers, Santorum, Dodd, Kempthorne, Roberts, Bond, Lugar, Leahy, Moynihan, Specter, Reed, Cochran, Murray, Domenici, Boxer.

U.S. SENATE,
Washington, DC, October 13, 1998.

Hon WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: We, the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of the National Bipartisan Commission on Central America, (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 6, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and

former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risk of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John Paul II for the opening of Cuba by the world, have not been broadly reviewed by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, our allies, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drgus, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely

Senator John W. Warner (R–VA), Chuck Hagel (R–NE), Michael B. Enzi (R–WY), Gordon Smith (R–OR), J. Robert Kerrey (D–NE), Rick Santorum (R–PA), Dirk Kempthorne (R–ID), Christopher ''Kit'' Bond (R–MO), Rod Grams (R–MN), James M. Jeffords (R–VT), John H. Chafee (R–RI), Craig Thomas (R–WY), Dale Bumpers (D–AR), Christopher J. Dodd, (D–CT), Pat Roberts (R–KS)

U.S. SENATE,
Washington, DC, December 11, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC

DEAR MR. PRESIDENT: We, the undersigned would like to join our colleagues, who wrote to you on October 13th 1998 recommending that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This Commission would follow the precedent and work program of The National Bipartisan Commission on Central America, (the Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region over 15 years ago.

We recommend this action because there has not been a comprehensive review of U.S.-Cuba policy, or a measurement of its effectiveness in achieving its stated goals, in over 38 years since President Eisenhower first canceled the sugar quota on July 16, 1960 and President Kennedy imposed the first total embargo on Cuba on February 7, 1962. Most recently, Congress passed the Cuban Democracy Act in 1992 and the Helms-Burton Act in 1996. Since the passage of both of these bills there have been significant changes in the world situation that warrant a review of our U.S.-Cuba policy including the termination, in 1991, of billions of dollars of annual Soviet economic assistance to Cuba, and the historic visit of Pope John Paul II to Cuba in 1998.

In addition, during the past 24 months numerous delegations from the United States have visited Cuba, including current and former Members of Congress, representatives from the American Association of World Health, and former U.S. military leaders. These authoritative groups have analyzed the conditions and capabilities on the island and have presented their findings in the areas of health, the economy, religious freedom, human rights, and military capacity. Also, in May 1998, the Pentagon completed a study on the security risks of Cuba to the United States.

However, the findings and reports of these delegations, including the study by the Pentagon, and the call by Pope John II for the opening of Cuba by the world, have not been broadly revived by all U.S. policy makers. As Members of the U.S. Senate, we believe it is in the best interest of the United States, and the Cuban people to review these issues.

We therefore recommend that a ''National Bipartisan Commission on Cuba'' be created to conduct a thoughtful, rational, and objective analysis of our current U.S. policy toward Cuba and its overall effect on this hemisphere. This analysis would in turn help us shape and strengthen our future relationship with Cuba.

We recommend that the members of this Commission be selected, like the ''Kissinger Commission'', from a bipartisan list of distinguished Americans who are experienced in the field of inter-national relations. These individuals should include representatives from a cross section of U.S. interests including public health, military, religion, human rights, business, and the Cuban American community. A bipartisan group of eight Members of Congress would be appointed by the Congressional Leadership to serve as counselors to the Commission.

The Commission's tasks should include the delineation of the policy's specific achievements and the evaluation of (1) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in international terrorism and illegal drugs, (2) the indemnification of losses incurred by U.S.-certified claimants with confiscated property in Cuba, and (3) the domestic and international impacts of the 36-year-old U.S.-Cuba economic, trade and travel embargo on: (a) U.S. international relations with our foreign allies; (b) the political strength of Cuba's leader; (c) the condition of human rights, religious freedom, freedom of the press in Cuba; (d) the health and welfare of the Cuban people; (e) the Cuban economy; (f) the U.S. economy, business, and jobs.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate your leadership and responsiveness to the American people.

We have enclosed a letter from former Secretary of State, Lawrence Eagleburger outlining his and other former top officials support for the creation of such a commission. Thank you in advance for your thoughtful consideration.

Sincerely,

Richard G. Lugar (R–IN), Patrick J. Leahy (D–VT), Jack Reed (D–RI), Patty Murray (D–WA), Pete V. Domenici (R–NM), Daniel Patrick Moynihan (D–NY), Arlen Specter (R–PA), Thad Cochran (R–MS), Barbara Boxer (D–CA)

HOOVER INSTITUTION
ON WAR, REVOLUTION AND PEACE,
October 20, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, Washington, DC.

DEAR MR. PRESIDENT: As Former Secretary of State in the Reagan Administration I was proud to be a part of the successful effort that brought about the downfall of communism in Eastern Europe and the Soviet Union.

Today we have another opportunity to expand democracy in the world and to rid our hemisphere of the last bastion of communism. To do this the United States needs to review and analyze its current foreign policy toward Cuba. This analysis can most effectively be conducted by the National bipartisan Commission proposed by my colleagues and by Senator Warner in his letter to you of October 13, 1998.

This Commission, like the National Bipartisan Commission on Central America authorized by President Reagan in 1983, would conduct an objective analysis of our current foreign policy and would provide your Administration and the Congress, critically important insights needed to improve the policy's effectiveness in achieving its stated foreign policy goals. The formation of this Commission is in the best interest of the United States and its conclusions and recommendations will provide the greatest opportunity for our country to determine the most effective ways to assist the Cuban people in their struggle to achieve increased freedom and self-determination and to prepare them for the transition to democracy.

I therefore join with my colleagues, who have devoted most of their professional careers to fighting communism, and strongly support and endorse Senator Warner's request to you to authorize the establishment of a National Bipartisan Commission to review U.S.-Cuban policy.

Sincerely yours,

GEORGE P. SHULTZ.

DEPARTMENT OF SOCIAL DEVELOPMENT
AND WORLD PEACE,
October 21, 1998.

Hon. JOHN WARNER,
U.S. Senate, Russell Office Building, Washington, DC.

DEAR SENATOR WARNER, I write to commend you, and the other Senators who have

joined with you, in urging the President to authorize the establishment of a Bipartisan Commission on U.S.-Cuban relations. In recent years, voices of respected and influential leaders in many different fields have been raised to express dissatisfaction with aspects of our present policy toward Cuba. The Catholic Bishops of this country, through our national body, the United States Catholic Conference, have long shared this view that our policy has the need, in the words of the Holy Father last January, ''to change, to change.''

We are sympathetic with the sense of frustration that many in our government experience as they search for some signs from Cuba that its government is prepared seriously to engage the United States and to address its valid concerns about basic freedoms and respect for human rights. But as they search in vain for such signs, untold numbers of our Cuban brothers and sisters continue to suffer intolerable deprivation and hardships, both spiritual and material. As a society, we must find ways to change the present unacceptable Status quo and move confidently toward a new policy.

The Creation of a National Bipartisan Commission would well prove the needed catalyst for moving us toward that goal. I thank you and your colleagues for this initiative and pray that it prosper.

Sincerely yours,

MOST REVEREND THEODORE E. MCCARRICK,
Archbishop of Newark, Chairman, Committee on International Policy, United States Catholic Conference.

HOGAN & HARTSON, L.L.P.,
Washington, DC, October 29, 1998.

Hon. WILLIAM JEFFERSON CLINTON,
President, The White House, Washington, DC.

Re: the Proposed National Bipartisan Commission on Cuba.

DEAR PRESIDENT CLINTON: As an American who has served in cabinet and subcabinet positions of four U.S. presidents, I have seen firsthand the influence of U.S. foreign policy throughout the world, its effects on the governments and citizens of foreign countries, and its reciprocal effects on the U.S. economy, businesses and jobs. I have also seen the use of unilateral sanctions grow into becoming a long-standing tool of U.S. foreign policy to be employed against foreign governments and their leaders whose behavior the U.S. Government finds unacceptable.

Cuba is one of those countries where U.S. sanctions have been employed, in their case for nearly 40 years, including a total economic embargo which has been unilateral for over 36 years. The stated purpose of these sanctions and the embargo is to bring down the communist government bring freedom and self-determination to the Cuban people, and to prepare them for a transition to democracy. Now nearly four decades later, the communist government is still in place, the Cuban people have very few freedoms, and the country is now recovering from the departure, in 1991, of the Soviet Union and its five billion dollars of annual aid and assistance.

I therefore welcome Senator Warner's request to your Administration to establish a National Bipartisan Commission to review U.S.-Cuba policy, and I respectfully join former Secretary of State Lawrence Eagleburger and his distinguished colleagues in support of Senator Warner and his Senate colleagues' request.

The establishment of this Commission will conduct a long overdue objective analysis of our current Cuba policy and we can look forward to the Commission producing recommendations that will improve the overall effectiveness of our U.S.-Cuba policy so we might more effectively achieve our country's stated goals.

Sincerely,

CLAYTON YEUTTER.

That suggested the course of this commission be established as a way to try to sort out how best to establish a better relationship with the 11 million people who live 90 miles off our shore.

Further, highly respected human rights advocates who remain in Cuba—those dissidents who remain in Cuba and subject themselves every day to the difficulties of living under a dictatorship—seeking to promote political change have called upon the United States to rethink our policy when it comes to Cuba. Elizardo Sanchez, President of the Cuban Commission on Human Rights and National Reconciliation, sent a letter in April of this year urging the United States to change its policies. He wrote:

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause of the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our two governments and unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

That is from a letter from dissidents inside Cuba talking about how to create change there.

There is a double standard when it comes to Cuba. A number of other countries are far more of a threat to U.S. national security and antithetical to U.S. foreign policy interests. Yet our sanctions against Cuba are among the harshest. We have concerns about nuclear proliferation with respect to India, Pakistan, Iran, China, and North Korea. Yet Americans may travel freely to each and every one of those nations. In fact, Americans are free to travel to many countries that I would not consider to be bastions of democracy: Iran, Sudan, Burma, the former Yugoslavia, Vietnam, Cambodia, to mention a few.

We have just entered a new millennium and the United States has moved in most areas to bring U.S. policy into line with the new realities of the 21st century. On the Korean peninsula, North Korean and South Korean leaders met last week in a historic summit which will hopefully pave the way to reconciliation and reunification for two countries that fought a bloody and costly war in the last century. To encourage that effort, the Clinton administration announced it was prepared to lift sanctions against one of our oldest adversaries.

With respect to China, the United States has a number of deeply serious disagreements with that Government, including workers' rights, respect for human rights, nuclear proliferation and economic policies, hostility towards Taiwan—the list goes on. Yet the United States has full diplomatic relationships with Beijing. Moreover, I predict the Senate will soon follow the House and support permanent normal trade relations with China, thereby clearing the way for its entry into the World Trade Organization.

Let us talk about Vietnam. The Vietnam conflict left an indelible mark on the American psyche. Just a few blocks from here, the names of 53,000 Americans who lost their lives in that country are listed on a wall. Yet today a Vietnam veteran and former Congressman, Pete Peterson, represents U.S. interests in Vietnam as U.S. Ambassador. American citizens are free to travel and do business there. We have learned to somehow change and move forward. Do we agree with the policies of Vietnam? No. Do we agree with what is going on in China? No. Do we agree with what is going on in North Korea? No, obviously not. But we are seeking in the 21st century to try to move these nations in the right direction. We don't do it by isolation. We don't do it by creating a Berlin Wall off the coast of Florida between our two countries. We do it by contact, by communication, by engaging. Those are the ways we create change. We have seen that in place after place all over the globe.

Around the world, old adversaries are attempting to reconcile their differences: in the Middle East, Northern Ireland, and the Korean peninsula. The United States has actively been promoting such efforts because we think it is in our national interest to do so.

I ask a simple question: Isn't it time that we at least took an honest and dispassionate look at our relations with a country in our own hemisphere, 90 miles off our shores, where 11 million good people, not Communists but good people, are living under extremely difficult circumstances? Isn't it in our interest and the interest of the 11 million people there to try and see if we can't begin some new way to bring about change in that country other than following the 40 years of isolation that is still the centerpiece of the U.S.-Cuban relationship?

Opponents of this measure point to the fact that Cuba remains on the terrorist list. Why? Because, according to a 1999 State Department report on global terrorism, Cuba ''continued to provide a safe haven to several terrorists and U.S. fugitives . . . and it maintained ties to other state sponsors of terrorism and Latin American insurgents.''

Castro's biggest crime last year, according to this report, appears to be that he hosted a series of meetings between the Colombian Government officials and the ELN, a Colombian guerrilla organization. Rather curious in light of the fact that the United States publicly supports President Pastrana's efforts to undertake a political dialog with the guerrilla organizations in that country as a means of ending the civil conflict in Colombia.

The same report found that Islamic extremists from around the world continued to use Afghanistan as a training

ground and base of operation for their worldwide terrorist activities. Usama Bin Ladin, the Saudi terrorist indicted for the 1998 bombing of two U.S. Embassies in Africa, continues to be given sanctuary by that country. Yet Afghanistan is not on the terrorist list. There are no prohibitions on the sale of food or medicine to that country. Americans can travel freely to that country.

Last week, the Foreign Relations Committee held a hearing to review the findings of the National Commission on Terrorism. During the course of that hearing, Paul Bremer, the chairman of the commission, admitted that Cuba's behavior with respect to terrorist matters had improved over the past 4 years. In fact, it is the only country, he said, that has shown any improvement.

I ask the question again: Isn't it time we start to measure our Cuban policy against the same yardstick that we measure our relations with the rest of the nations of the world? Isn't it time we follow a policy that is truly in our national interest, one that promotes positive relations with the 11 million people who live on the island of Cuba, and one that promotes a peaceful change in self-determination for a proud people who have been done a huge disservice and injustice by the Castro regime?

Many of my colleagues have told me privately that they believe Senator WARNER and I are on the right course. I appreciate those kind words. I also hope the time has finally come for them to stand up and be counted on this issue.

This is an important question. This is not a radical idea. It is not a revolutionary idea. We form commissions all the time in order to get some distance between the politics of an issue and the dispassionate view of people who can bring knowledge and ideas and experience. I don't think that Henry Kissinger or George Shultz or Frank Carlucci or Howard Baker are Castro supporters—hardly. But they do understand that it is in the interest of the United States for us to try and move beyond the present wall that distances us from these people as we seek a change in our policy.

That is all this commission is proposing to do. It doesn't say that anyone has to agree with the recommendations or vote for them. It doesn't bind the Senate. It merely says, as we begin a new administration, why not have the benefit of the solid thinking of people who dedicate their lives to addressing foreign policy issues? Why should we be allowed to travel to Libya, to open up relations with Iran, to have relationships with Vietnam? Maybe some don't think we ought to do any of those. That I would understand. But for people here to tell me it is OK to have normal relationships with China and Vietnam and to promote lifting sanctions in North Korea and talk about moving to have a relationship with Iran, and then simultaneously tell me we can't even form a commission to analyze whether or not we could do a better job resolving the differences between our two peoples, does not make a great deal of sense to me.

I will put up, for the benefit of our colleagues, this little chart. I know people use charts all the time. This is the last couple of weeks. They are photographs that have appeared in national newspapers. The picture at the top is the two leaders of North and South Korea, meeting just a week or so ago to resolve differences. The next picture is our own Secretary of State, Madeleine Albright, meeting with Yasser Arafat. If you met with him 10 years ago or you even talked to the guy, you were in political jeopardy. Now we welcome him and embrace him at the White House as we try to resolve differences in the Middle East.

The picture on the further side is the Prime Minister of Great Britain and the Prime Minister of Ireland signing the accords that may bring about the end of years of hostility in Northern Ireland. The bottom is the President and the leader of the People's Republic of China. These are examples of what can happen with creative engagement. If there was a policy in South Korea that said we could never talk to anybody in North Korea, that photograph would not appear. What if we said, despite any of the efforts to bring about peace in the Middle East, no one could meet or talk about meeting with the Palestinians or Northern Ireland or in China? All I am asking is, why don't we try something a little different when it comes to the island of Cuba, and see if we can't create the kind of change that is reflected in these photographs of the 21st century. That is what this amendment is designed to do. It is a bipartisan effort.

Again, the list of our colleagues I have recited demonstrates that people on both sides of the aisle care about this very much and made recommendations some years ago that we move in this direction. Again, distinguished former administration officials—Republican as well as Democratic administrations—indicate the sound thinking, in my view, across the board when it comes to the establishment of such a commission.

Again, I know you are going to hear a lot about how bad the Castro government is, and I am not going to disagree. They are. I am not here to stand up and tell you I think that is a good government. It is not. I would not last 5 minutes there. It is repressive, a dictatorship, and the things they do to their own people are outrageous. But we have found a way to break new ground, to at least reach out. That is all I am asking for today—a commission to try to reach out with some new ideas with one nation in our hemisphere, which is a shorter distance from our shores than it is from here to Hagerstown, MD. Let's see if we can improve the relationship.

I withhold the remainder of my time.

Mr. SMITH of New Hampshire. Mr. President, I yield such time as he may consume to the Senator from Florida, Mr. MACK.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I begin by saying to my friend, Senator DODD, how much I appreciate his comments at the beginning of his speech to the Senate. I appreciate the relationship we have developed. Certainly, one of the things I will truly miss as I leave the Senate at the end of this year is the relationships that have been developed and the opportunity to expand on those relationships with others. Again, it has been a delight. However, we do have very strong differences of opinion on this issue.

I will begin by pointing at the chart that has been put up next to Senator DODD. There is one very fundamental difference. Each of those leaders reached out; they wanted to bring about change. We have seen absolutely, positively none of that from Fidel Castro. There is no indication—not an iota of evidence—that Fidel Castro wants to change.

Later today, we will be voting on this amendment to the Defense Department authorization bill, which is designed to establish a commission to review and report on the United States policy toward Cuba.

I have spoken with many colleagues recently about this amendment and the idea of forming a commission. I understand from some Senators that they have concerns that they want a chance to discuss regarding Cuba. But the goal of those Senators seems to be either broad sanctions reform or the enactment of specific changes in our policies toward Cuba. But today we are debating an amendment on forming a commission. This commission is blatantly political, in my opinion, so much so that no serious effort can come from a commission designed to be so skewed. This commission accomplishes nobody's goal.

Let me make three points: First, we don't need a national commission to study only Cuba sanctions; second, we should not tie the hands of the next President to set his own Cuba policy; and, third, we should not set policy through a partisan commission outside of the normal conduct of foreign policy by the executive branch.

The legislation on which you are being asked to vote establishes a 12-person panel to review and report on various aspects of Cuba policy. But this is why we have a Foreign Relations Committee in the Senate, an International Relations Committee in the House, and a U.S. Department of State. Why are we making Government bigger and more expensive than it needs to be? Especially, as my friend from Connecticut has argued, this amendment does not take a position or implement a policy.

Let me highlight a few of the details. This commission is appointed as follows—and, again, I note that my friend indicated this is not a partisan issue, but we who have been around here for a long time all know these issues end up being influenced by politics.

What we are going to have is a commission of 12 people, 6 appointed by the current President. The current President will put six members on a commission to tell the next President what his policy toward Cuba should be. And there will be three from each House—two majority, one minority. That means two-thirds of the commission would be appointed by Democrats; that is, 8 of the 12 members of the commission would be appointed by Democrats. One-third, that is, four members of the commission, would be Republicans. That is not the way to set foreign policy.

Our current policy, set by the State Department and the President, has been endorsed by the Congress over the years with significant legislation. The only reason for this special commission is to try to change current policy through abnormal means.

Let me talk for a moment about American foreign policy in general. I hear the rhetoric often that, after 39 years, clearly, our Cuba policy has not brought democracy to Cuba and therefore it must be abandoned as a failure. Think about that argument for a moment. What if Ronald Reagan had come into office and declared in 1980: After 40 years, since there is no democracy in the Soviet Union, our Soviet policy must be abandoned?

Reagan did the opposite. He had the courage to call the Soviet Union what it was, an ''evil empire.'' His courage and commitment brought democratic reform to Russia. America's foreign policy must reflect America's commitment to the principles we believe in: freedom, democracy, justice, and respect for human dignity.

My friend from Connecticut has stated that the policy is aimed at one man, Fidel Castro, but it denies basic necessities to the entire 11 million people of Cuba. The reality is that Cuba can purchase goods from the entire world. By closing the American market to Cuba, we are denying the people nothing. Fidel Castro keeps Cuba poor, not the United States embargo.

By maintaining the current policy, however, of isolating Fidel Castro, we are doing as a Nation what we have done for so many generations: We are standing shoulder to shoulder with people struggling for freedom. We are standing for truth and dignity and supporting heroes when we oppose Fidel Castro and deny him the means to build up his resources.

Since trade has been an important issue of discussion lately given the pending vote on trade with China, perhaps some more detail would be helpful on the differences between China and Cuba.

Simply stated, China began policy changes and economic reforms as early as 1978. Today, they continue to open their economy, seek engagement in the community of nations, and look for investment and trade.

Let me tell you about Cuba. I will provide details from a study conducted by the University of Miami: Cuba does not permit trade independent from the state; most of Cuba's exportable products to the United States are produced by Cuban state-run enterprises with workers being paid near slave wages; many of these products would compete unfairly with United States agriculture and manufactured products, or with other products imported from the democratic countries of the Caribbean into the United States; Cuba does not permit individual freedom in economic matters; investments in Cuba are directed and approved by the Government of Cuba; it is illegal for foreign investors to hire or fire Cuban workers directly and the Cuban Ministry of Labor does the hiring; foreign companies must pay the wages owed to their employees directly to the Cuban Government in hard currency; the Cuban Government then pays the workers in Cuban pesos, worth one-twentieth of a dollar, and the Government pockets 90 percent of the wages paid in by the investor; Cuba has no independent judicial system to settle commercial disputes.

In short, Fidel Castro has failed to make any of the changes made by Beijing. An investment in China today can empower a Chinese middle class and move power away from the center. An investment in Cuba today benefits Fidel Castro and disadvantages the 11 million people struggling for freedom. It is that simple.

As recently as 1997, Fidel Castro argued against the wisdom of economic reforms and reasserted the supremacy of Communist ideology. In addition, political parties remain outlawed. Dissidents are either exiled, banished to the far reaches of the island, or simply imprisoned. The church continues to complain that the promises made during the Pope's visit have not been complied with. The daily activities of the average Cuban citizen continue to be monitored by the state's notorious ''neighborhood watch committees,'' known as the Committee for the Defense of the Revolution. These have been in place for 40 years and continue in place today. Amnesty International counts at least 400 prisoners of conscience, but this does not include the thousands convicted under trumped up charges for political purposes.

I am not simply arguing ideology here today. We have empirical evidence of the failure of the policy recommendation to trade with Cuba; we need only to look at Canada's recent experiences. After arguing for a policy of opening trade with Cuba, our neighbors to the North are now pulling out. I will quote from The Globe and Mail of June 30, 1999:

> The Canadian government had hoped that investing directly in the Cuban economy by building plants and infrastructure would not only deliver an economic return, but also lead to wider-ranging reforms. Those hopes have been largely dashed as Canadian companies report woeful tales of pouring good money into bad investments in Cuba.

Mr. President, policies of so-called engagement with Castro have failed for those who have tried. We all shared great hope when the Pope visited Cuba in January 1998. The United States promised to respond positively to any changes made by the Castro regime following the Pope's visit. We expected to see more space for the Cuban people: freedom of speech and more freedom of religious expression. We know now that even these hopes have been dashed. The Pope just last December expressed his disappointment in the changes in Cuba. A December 2, 1999 Reuters wire story reports,

> The clear wording of the Pope's speech indicated that the Vatican felt that not much has changed on the predominantly Catholic island in two years.

We know that President Reagan's wisdom remains true—after 39 years of isolating Cuba, we must not fear calling things as we see them. Fidel Castro is an evil tyrant. He impoverishes the Cuban people in spite of the efforts of many to open the society to freedom and the economy to investment. Fidel Castro denies his people the basic necessities for life, liberty, and happiness.

Mr. President, I do not object to evaluating our policies, but we must be honest, this is not the way. When Cuba changes, the United States must also change. Until then, we must remain committed to our principles, because it is our principles which make us strong. No missile system, no fleet of warships, will keep the United States the shining city on the hill—the beacon of freedom which we all saw when Ronald Reagan was President. I hope that my colleagues will join me. And I hope that they will stand with me for freedom. stand with me for democracy, stand with me for justice, and stand with me for respect for the human dignity of the 11 million people in Cuba.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I compliment my colleague from Florida for his leadership. He has been stalwart over the years he has been a Senator from the State of Florida, as well as a Congressman, in his efforts to bring the end to the Castro regime. I applaud his leadership on that issue. We will miss him when he leaves the Senate.

This amendment establishes a commission on U.S. Cuban policy. The problem is it is totally irrelevant to the underlying legislation. It is an important issue, no question. But this deals with a controversial foreign policy matter, not a defense matter. It doesn't belong on the Defense authorization bill where we are funding programs that are vital to our national security. This is just one more issue that

comes before the Senate and causes heartburn for all who are trying to get a Defense authorization bill passed.

I know it is of great frustration to the chairman of the committee, Senator WARNER, who is a strong and steadfast supporter of the fine men and women in our Armed Forces. We have the Senate Foreign Relations Committee; we have the House International Relations Committee. They are composed of Members who have been duly elected, as we were, by the American people. It is their responsibility to examine United States policy toward Cuba. I think those committees have done a commendable job in overseeing U.S. Cuban policy.

This administration has had almost 8 years to reexamine or redirect, if they so choose, a policy towards Cuba. Why a commission now, in the twilight hours of the administration, providing 8–4 representation of the President's party to ''reexamine U.S. policy toward Cuba''? As the Senator from Florida said, it is political. Why should this administration, with 6 months left, tie the hands of the next administration, whatever that administration is?

As the Senator from Connecticut said on the floor last Friday, the commission is supposed to take a new look at Cuba because the Senator believes current policy is not working. That leaves me to suspect that this commission is stacked and will have a predetermined outcome based on its flawed composition. We can make that case. I believe its objective is to support lifting the embargo originally supported by John F. Kennedy but given teeth by passage of the Helms–Burton law, signed by President Clinton. President Clinton wants to open relations now with Castro, appoint six members of the commission and, for the minority, two more. It is pretty obvious what the objective is.

I don't understand how the Senator from Connecticut could have so vigorously supported economic sanctions against South Africa, because of apartheid, but believes we should lift sanctions against Communist Cuba. As a matter of fact, Jeff Jacoby, in an article in the Boston Globe in 1998, said it best when talking about those who support this lifting of the embargo:

> When they looked at the Filipino dictatorship, America's foreign policy said, ''Marcos must go.''
>
> When they look at Chilean dictatorship, they said, ''Pinochet must go.''
>
> When they looked at the Haitian dictatorship, they said, ''Cedros must go.''
>
> Of Zaire they say, ''Mobutu must go.'' Of South Africa they said, ''Apartheid must go.'' Of Burma they say, ''SLORC'' (as the dictatorship is called) must go. Of East Timor they say, ''The Indonesian occupiers must go.''
>
> But of Cuba, which bleeds under the bitterest and most implacable tyrannies on the planet, they say: The U.S. embargo must go.

You can't say it much better than that.

The Senator from Connecticut believes the embargo has impoverished Cubans. This is the old ''blame America'' argument. It is Castro who impoverished Cuba, no one else. We know that. Cuba trades with the rest of the world and its economy is still a basket case. That is because the Soviet Union is no longer in existence and no longer propping them up. The Senator from Connecticut says U.S. policy should not be focused on one individual. But it is that individual who dictated that trade with Cuba could only be conducted with himself and its ruling elite—no one else. So it is Castro who is the issue.

Cuba, according to the standards of the Department of State, is a state cosponsor of international terrorism. Why should America reward a declared terrorist nation by reconsidering our appropriate tough stance toward Fidel Castro and its cruel regime? Cuba is a major international trafficker of illegal drugs, drugs which fuel crime in this country, spousal and child abuse in this country, and other social ills in America which result in the deaths of some 14,000 young people every year.

Congressman BEN GILMAN, who chairs the International Relations Committee, called for a thorough investigation of Cuba's link to drug trade, noting seizure of 7.5 metric tons of cocaine consigned from Cuba.

I don't understand the logic of this issue, aside from the fact it is on the wrong legislation.

Our Drug Enforcement Administration testified that such a massive shipment did not represent the first time Cuba was involved in transiting illegal drugs. Regrettably, despite this enormous seizure, the administration declined to include Cuba as a major drug transit nation. Imagine, declining to include 7.5 metric tons of cocaine from Cuba, and yet we didn't see fit to list them as a major drug transit nation.

We don't need a taxpayers' subsidized commission to figure out what is wrong with Cuba. We have plenty of evidence, and it is Fidel Castro. The State Department lists Cuba in its annual State Department country reports on human rights practices, citing the deplorable record of abuse by the Castro regime. Amnesty International has condemned Cuba's human rights violations.

Last month, the United Nations Human Rights Commission condemned Cuba for the eighth time for its systematic violation of human rights.

Let's not forget something that is very important, which I do not think anyone else will bring up here today but I will. It has been stuck in my craw for a long time. That is how Cuba treated American POWs during the Vietnam war. I want to get into a little bit of detail because these people who did this are still free in Cuba, still have the opportunity to conduct their lives as usual. We have never brought them to justice.

From August 1967 until August 1968, a small detachment of Cubans, under the direct leadership of Fidel Castro, brutally tortured a select group of American POWs at a POW camp on the outskirts of Hanoi known as the Zoo, appropriately named. The goal of this Cuban detachment was most likely to test new domination techniques and involved a combination of brutal physical torture and cruel psychological pressure.

During the first phase of this program, 10 American POWs were selected and separated from the remainder of the prison population. The POWs were then unmercifully beaten and tortured in ways I will not even discuss here on the floor of the Senate they were so bad. Other prisoners were often forced to watch what the Cubans did, torturing their cellmates. Despite their heroic efforts, by Christmas all 10 POWs were broken.

Not satisfied with breaking the 10 American POWs, the Cubans began to select a second group of POWs in early 1968 and the torture started again. John Hubbell, in his classic study of the POW experience in Vietnam, described one of the Cuban's victims:

> The man could barely walk; he shuffled slowly, painfully. His clothes were torn to shreds. He was bleeding everywhere, terribly swollen, and a dirty, yellowish black and purple from head to toe . . . his body was ripped and torn everywhere; hell cuffs appeared almost to have severed the wrists, strap marks still wound around the arms all the way to the shoulders, slivers of bamboo were embedded in the bloodied shins and there were what appeared to be tread marks from a hose across the chest, back and legs.

That POW later died as a result of his torture, and those individuals who did that still survive in Cuba. They still have not been brought to justice. We will lift the embargo right after we find out who those people were and we bring them to justice, Mr. President, with all due respect. The Cuban program ended in 1968. The North Vietnamese continued to utilize the barbaric methods that the Cubans taught them under the direction of Fidel Castro. They learned their torture well.

Who were these barbarians? Only Castro knows for certain. We should also demand that the Cuban murderers of the ''Brothers to the Rescue,'' unarmed civilian American pilots whom President Clinton promised would be punished in 1996, be brought to justice as well.

In Castro's Cuba, the Code for Children, Youth, and Family, provides for a 3-year prison sentence for any parent who teaches a child an idea contrary to communism. Imagine that, a 3-year prison sentence for any parent who teaches a child ideas contrary to communism. The code states that no Cuban parent has a right to ''deform'' the ideology of his children. And the State is the true ''father.''

That is parental rights, Cuban style. Welcome back to Cuba, Elian.

At the age of 12, children are separated from their parents for mandatory service in a work camp. According to the renowned Cuban dissident Armando Valladares, children in these camps

suffer from venereal diseases and teen pregnancies which inevitably end in forced abortions.

You know what. We don't need a commission to figure this stuff out. We know what is going on. The best way to bring it down is to keep the pressure on Castro.

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

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 40 minutes.

Mr. DODD. Mr. President, I will in a moment yield to my colleague from North Dakota to share some thoughts. Let me briefly respond to some of the statements that have been made here.

First of all, if we follow the same sort of logic that has been just suggested here, President Nixon never should have gone to China when there was hardly any freedom, when even free market principles were not thought of at the time. I suppose President Carter should not even have thought about the Camp David accords, given the reputation of the PLO. This body, under the leadership of JOHN MCCAIN and JOHN KERRY, should not even have thought about normalizing relations with Vietnam, if we had followed the logic just suggested. When it comes to how we establish relations and reach out, I suspect we wouldn't have had General MacArthur in Japan, and we would not be working with people in Germany. The list goes on.

Certainly to go back and recite the horrors of war and those who violated the Geneva accords when it comes to the treatment of POWs—I will not take a back seat to anybody in my abhorrence of what goes on.

What we are talking about is a commission to take a look at Cuban-U.S. policy. My colleagues who oppose this may want to say this is somehow lifting the embargo. I do think we ought to change policies. I think we ought to move in that direction. But I know full well I am not in a majority in that view in this Chamber. There are plenty of others who do not think we ought to do that but who support the idea of a commission to take a look at policy and how we might improve things.

We did this in other places. We did it under the Reagan administration in Central America; it was the Kissinger commission. We certainly had a Foreign Relations Committee there. In fact, the Foreign Relations Committee was at that time controlled by the majority party today. Yet a commission was established to take a look at how we might resolve and extricate ourselves from the conflict in Central America.

Today, under the leadership of Senator HELMS and the majority of the Foreign Relations Committee, we have a Commission on Terrorism. That is not because we don't have a Foreign Relations Committee or an Intelligence Committee. The thought was that we ought to step back a little bit and take a look at the issue of terrorism and recommend some policy ideas, how we might do a better job. I hope I do not have to go down the long list of commissions that have been established because people thought that made sense as a vehicle to determine new ideas.

I do not like this amendment on this bill either, frankly. I wish it were not on DOD. But I would not pick this one out. We have adopted some 45 amendments that have nothing to do with the DOD bill. They have been agreed to by the majority. If you are going to establish a rule that nothing is included unless it is relevant, you better go back and undo 50 percent of the bill.

I make the case this is more relevant than a lot of stuff on this bill because we are dealing with a national security issue that could become a serious problem. If you end up with great civil conflict in Cuba in a post-Castro period, where do you think the people are going to go? They are not going to travel to Colombia. They are not going to Mexico. They are not going to Europe. They are coming 90 miles to this country. Then we may look back and say: A commission and some ideas that might have abated that potential problem from occurring might have made some sense.

That is all the suggestion is here, to try to come up with some ideas that might ease potential problems that many people believe are coming down the line.

I don't want to keep reiterating the point. I do not believe the people I listed before, as ones supporting this commission, would necessarily believe this is somehow agreeing with Castro's policies in Cuba. When you go down the list of people such as George Shultz and Frank Carlucci and Malcolm Wallop—maybe people know something I don't know, but those people support a commission. Do you think Howard Baker is a supporter of terrorism? George Shultz thinks that Cubans were involved in dreadful acts against POWs but somehow does not care about that issue? I do not think so. Henry Kissinger and Frank Carlucci have somehow gone soft on the issues? I don't think so. They feel as strongly about it today as they have over the years. This does not tie our hands, a commission. This issue is not divided along partisan lines.

Does this President show partisanship when he asks John Danforth and Howard Baker to look at such issues as Los Alamos or the FBI conduct at Waco? Those are the people he appointed to a commission. I am talking about serious people who know something about making a recommendation to Congress. That is all it is. Some are trying to create a monster out of a commission, suggesting somehow this is contrary to our interest. It is in our interest to do it.

I am saddened, in a way, that my colleagues who disagree with me specifically on the issues might find some merit in the idea of doing this. This ought not be a place where it is seen as somehow anti one particular group or another. In fact, as I mentioned earlier, the commission would not be a bona fide commission, in my view, if it did not include people who disagree or who agree with the present policies.

Certainly, the Cuban American community, the exile community, for whom I have the highest respect—what has happened to them and their families is dreadful and deplorable. My view is our policy ought not to be determined in the United States by any small particular group. It is what is in the U.S. interest, not the interest of some group in our country. It should be in everyone's interest. The commission, in my view, will help us provide road signs and guidance on how we ought to proceed.

Lastly, with regard to the drug issue—and I pointed out a week ago—drug czar Barry McCaffrey has absolved the Cuban Government of allegations that it is involved in the drug trade and has called for greater cooperation with Cuba on drug policy. I do not think Gen. Barry McCaffrey is somehow weak when it comes to communism or drug issues. He has been as tough a drug czar as this country has had. Those are his views. In fact, he encouraged the idea that there be greater cooperation. We can never get that if one listens to the debate. It might make a difference.

Despite assertions by Castro's opponents in the United States that the Cuban Government and Castro personally are involved in the drug trade, the UN International Drug Control Program, the U.S. Drug Enforcement Administration, and Gen. Barry McCaffrey's office reject the claim. ''There is no evidence of Cuban government 'complicity with drug crime.'" That is a quotation from Gen. Barry McCaffrey.

The allegations about that are ludicrous. If one wants to be against the commission, be against the commission but do not raise issues that have nothing to do with the establishment of a commission which may help sort this out and avoid the very partisan bickering this issue has provoked over the years.

I have spoken longer than intended. My colleague is here, and I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by Senator DODD from Connecticut. Fidel Castro has no supporters in the Senate. I deplore the miserable human rights record of the Government of Cuba and the lack of freedom that is accorded the folks who live in Cuba. I deplore the conditions that have persuaded and forced so many people to leave Cuba. So there is no support for the Castro regime in the Senate. That is not the issue.

The issue is an amendment that is a small step in the right direction to create a commission that will evaluate a series of things with respect to this country's policy about Cuba.

The commission will look for the development of a national consensus. I say to my colleague from Connecticut, I frankly think a consensus pretty much exists, not necessarily in this Chamber, but most of the American people believe that after 40 years of an embargo against the country of Cuba—40 years of an embargo that has not accomplished anything in terms of dislodging the Communist government in Cuba—the embargo has failed, and that there might be an alternative that can be used to find a way to bring freedom to that island.

Pope John Paul had some comments about these issues. I have been talking on the floor about the issue of continuing sanctions with respect to the shipment of food and medicine to Cuba. Just food and medicine, and that runs into great controversy.

This is what Pope John Paul had to say:

> Sanctions . . . ''strike the population indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living—things such as food, health, and education.''

Everyone in this Chamber knows in their hearts that when we take aim at a dictator, we hit poor people, we hit sick people, and we hit hungry people. That is the absurdity of having food and medicine as part of the sanctions.

Today in the Washington Times—and other newspapers—it says: ''White House ends embargo on trade with North Korea.'' We have decided we are going to trade with North Korea and not have an embargo or sanctions with respect to North Korea. We have debated in this Chamber permanent normal trade relations with China. China is a Communist country. North Korea is a Communist country. Cuba is a Communist country. Yet we have those who say we must maintain the embargo with respect to Cuba.

That is not what this amendment is about. This amendment is about a very modest step in the right direction to study a series of options with respect to policies this country has on the subject of Cuba.

I have been to Cuba. I have talked to dissidents in Cuba. Frankly, you will run into dissidents, the harshest critics of the Cuban Government, who will say: Fidel Castro uses current U.S. policy as an excuse for the collapse of the Cuban economy. If you say to Fidel Castro: Look around you, this economy has collapsed—he says: Yes, yes, of course it has collapsed. The American fist around the neck of the Cuban economy for 40 years, of course, is what caused that collapse.

Current policy with respect to Cuba is the most convenient excuse Fidel Castro has for a collapsed economy and for a government that does not work. He continues to use it year after year. I happen to think, as some dissidents do, that a much different strategy with respect to Cuba would probably very quickly hasten the exit of Fidel Castro from the scene.

I want to add another point. While we are, as a country, beginning to think more clearly about this subject of whether or not we should continue sanctions on the shipment of food and medicine—and we will remove those sanctions with respect to North Korea and many other countries—we have people rigidly insisting: No, we must maintain all of these sanctions with respect to Cuba. I ask them—aside from just the immorality of that policy, and I think it is basically immoral to use food as a weapon—I ask them to address family farmers.

I ask unanimous consent for 1 additional minute.

Mr. DODD. I yield 1 additional minute.

Mr. DORGAN. Mr. President, I ask them to address, for example, farmers in America, and explain to them why the Canadian farmers will sell to Cuba, why the European farmers will sell to Cuba, why the Venezuelan farmers will sell to Cuba, but American farmers who see their prices collapse are told: No, these markets, including Cuba, are off limits to you; we have sanctions. We want to penalize those governments, and included in those penalties is a desire to say we will not allow food and medicine to move to those countries.

I hasten to say I have no difficulty at all and fully support the proposition that our country should impose economic sanctions on countries that behave outside the international norm, but those sanctions should never, in my judgment, include food and medicine. That is, in my judgment, an immoral policy. The proposition offered by the Senator from Connecticut today is just the first modest step in beginning a national discussion about whether 40 years of failure with the current embargo ought to be continued, or whether there ought to be some new evaluation of new strategies dealing with Cuba. It is very simple.

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

Mr. DORGAN. I hope my colleagues will support this modest and simple amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to yield 6 minutes to the distinguished chairman of the Foreign Relations Committee, Senator HELMS.

The PRESIDING OFFICER. Senator HELMS is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated.

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

Mr. HELMS. Mr. President, as I look around the Chamber, I see nobody except myself who is old enough to remember a Prime Minister of Great Britain who went over to Munich, before the United States entered World War II, sat with Adolph Hitler and made a deal with him. He came back and he told the British people: We can have peace in our time. I trust this man.

Castro's own daughter has publicly condemned him over and over for the atrocities he has committed against the Cuban people. He is a bloodthirsty tyrant; and it is well known that he is. That is why I support the motion to table the amendment offered by my friend, CHRIS DODD, who is a member of the Foreign Relations Committee. We work together amiably and effectively, I think. I do so for several practical reasons—including the one I have just stated—that I hope Senators will bear in mind as they consider Senator DODD's proposal.

First, the proposal is to create a national commission on Cuba. I would remind the Senators here, and those who may be watching by television in their offices, that such a panel already exists. It is called the Senate Foreign Relations Committee, consisting of 18 Senators, all duly elected representatives of the American people. There is a similar committee over in the House of Representatives.

The Senate committee has been quite active on Cuba, as my friend, Senator DODD, will testify. In this session alone, we have held hearings on Castro's repression of the Cuban people. We adopted a resolution supporting a United Nations resolution on Cuba and even approved language that would modify the U.S. embargo on Cuba. I do not support the latter proposal—which was the Ashcroft amendment—but it was reported out of committee as part of a broader foreign affairs bill. In short, we have a committee on Cuba consisting of elected representatives of the American people. I think it works just fine, thank you.

Secondly, what on Earth has Fidel Castro done to earn the forbearance of the United States? Does every cruel dictator in the world deserve a commission to study how U.S. foreign policy has done him wrong? Why not a national commission on Iraq or Libya or North Korea or China?

The problem is not that U.S. policy toward Cuba has not changed. The tragedy for 11 million Cubans is that Fidel Castro has not changed.

U.S. policy toward Cuba is based on sound, clear principles. Our economic and political relations will change when Cuba's regime frees all prisoners of conscience, legalizes political activity, permits free expression, and commits to democratic elections.

But that bar is too high for Fidel Castro. That is his problem. It is not our problem. But making unilateral concessions to a dictatorship on its last legs is the worst sort of appeasement. Neville Chamberlain would be proud of this proposition.

Third, why single out Cuba? Is there any Senator who does not expect the

next President of the United States to review our entire foreign policy across the board? A lot of Americans are counting the days when the United States has someone in the White House who will turn around our foreign policy for the better. That brings me to my fourth and final point.

It will be the prerogative of the next President of the United States to review U.S. foreign policy across the board and to formulate his own policies in close consultation with a new Congress. The next administration should not be saddled with the recommendations of a lameduck ''Clinton Commission'' on Cuba.

For these reasons, I hope Senators will vote to table the amendment of my friend, CHRIS DODD.

Mr. President, I yield the floor.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. Senator GRAHAM from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, 7 months and 75 minutes from today we will not be in this Senate Chamber. We will be standing, probably on the west-facing flank of the Capitol, hearing the next President of the United States being inaugurated into office.

What is the significance of that statement of fact and place to the debate we are having today?

The significance is that the issue before us today is not, What should be U.S. policy towards Cuba? The amendment that is before us proposes to establish a commission to try to answer the question, What should be U.S. policy towards Cuba?

In a few days, we are going to be debating a proposition to change the embargo as it relates to Cuba. But the question before us today on the issue of establishing this commission is, Who should have primary responsibility for establishing U.S. foreign policy and, specifically, foreign policy towards Cuba?

My answer to that question, of course, is, the people of the United States. The way in which the people of the United States will participate is not through an elite commission appointed by an administration in its last 7 months but, rather, through the electoral process which is going to take place in November of this year.

We are in the midst of a robust Presidential campaign in which many issues of domestic and foreign importance to the United States are being debated before the American people. Frankly, I think this has been one of the most constructive Presidential campaigns in recent years thus far. I hope it continues in that path from now to election day in November.

One of the issues which will certainly be debated during this Presidential campaign will be the issue of the United States relationship to Cuba. The American people will have an opportunity to participate, to understand, to add their opinions to this debate. Then they will decide. They will decide by the election of the next President of the United States of America.

Under our Constitution, the President has the primary responsibility for foreign policy. Why in the world would we today, on the day exactly 7 months before the next President will take the oath of office, support a proposition that would establish a commission dominated by members of the current President's administration, which would have the intention of shackling the range of options of the President that will be elected by the American people in November, thus frustrating the ability of the American people to influence what our policy should be relative to Cuba?

There are a lot of things that we can say about Cuba.

Clearly, Cuba is an authoritarian regime. Examples of that have already been cited. Cuba, within the last few weeks, has been cited again by the United Nations for its denial of human rights.

Cuba, within the last few days, has been again identified by Amnesty International as one of the egregious human rights violators.

Cuba has again been placed on the terrorist list of states, those states which support and harbor terrorist activities.

All of those issues are matters of public knowledge and record. All of those, I am certain, will be further debated at the appropriate time, when we commence the consideration of whether it is in U.S. national policy interests to loosen the embargo on Cuba.

But today the issue is not whether Cuba is an authoritarian state, a well-established principle but, rather, the question of whether we should lift from the hands of the American people and place into an appointed commission the primary responsibility for direction on our Cuba policy.

There is a ''common sense'' in these debates about Cuba, that the United States and Cuba are the only two nations in the world, that they are locked in a singular bilateral relationship.

The fact is, many countries in the world have various forms of relations with Cuba. Many of them have the type of relationship which I believe the advocates of this commission would like to see achieved for the United States; that is, open, political, and economic recognition and relationship. While the approaches to Cuba have been different among the countries of the world, the result of those approaches has been consistently the same.

What is the result of that policy, whether it is ours or the Canadians or the Spanish or a series of countries in Latin America? The result of that policy has been a continuation of 40 years of one of the most egregious violators of human rights, deniers of even the most basic principles of democracy, and a Communist economic system which has driven what had been one of the most affluent countries in Latin America into one of the most desperate countries in Latin America.

The idea that by the United States changing our policy, we are automatically going to have the effect of changing the policy of Fidel Castro in Cuba defies 40 years of other countries' efforts through an open, normal relationship with Cuba to achieve that result. I believe these are serious issues. They are issues which deserve to be decided by the American people through the electoral process.

The distinguished list of Americans cited by the proponent of this commission to establish such a commission signed their letter on September 30, 1998, almost 2 years ago. I wonder if these same distinguished citizens would be advocating this commission on the very eve of a Presidential election which will select a new President, whether they would advocate that in June of 2000 we should be removing from the hands of the American people and placing in the hands of this commission the primary responsibility to examine American policy towards Cuba; and, further, whether we should be establishing a commission which has such a narrow and quite obviously tilted orientation as to what the results would be.

If we look at what is required of the commission to evaluate, it is issues which are largely selected to determine in advance what the recommendations will be. For instance, missing from this list is what is one of the most fundamental questions of American policy towards Cuba; that is, what should we be doing now in order to influence the kind of environment that will exist in Cuba when the opportunity for real change is available. Will we have a Cuba that will make a change like Czechoslovakia, a velvet revolution from communism to democracy, or will we have a Romania, where thousands of people are killed, violence which scars the country even today.

The fact that some of these fundamental questions are left off the list of what should be the focus of American policy towards Cuba leaves me to believe that the purpose of this commission is to certify a foregone conclusion rather than do what the American people are going to do in the weeks between now and November, and that is have a thoughtful consideration of what are our real issues and interests in Cuba and how should we go about selecting a President who will carry out those real interests.

We are going to have an opportunity for a full and open debate. Some of that debate will occur soon and on this floor. Much of it will occur in the living rooms of the American people. We should allow the American people to decide this issue. In 7 months, we will be listening to a President inaugurated who, hopefully, in that inaugural speech, will make some comments

about his feeling as to what the American people desire relative to our policy towards Cuba.

I urge that we vote for the motion to table this misguided and mistimed proposition of a lame duck commission on Cuba at this time and that we let the American people and the next President of the United States provide the leadership on this important foreign policy issue.

Mr. SMITH of New Hampshire. Mr. President, I yield 10 minutes to the distinguished Senator from New Jersey, Mr. TORRICELLI.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. TORRICELLI. I thank the Senator from New Hampshire for yielding the time.

If this argument seems familiar to my colleagues, it is because it is. We have had this debate three times in as many years, always to the same bipartisan conclusion.

I approach it today from several perspectives; first, from the institutions. Is what we are proposing and arguing to the American people really fair? The American farmer is being told in the midst of an agricultural crisis that if only you could sell some crops to Cuba, your problems would be relieved—11 million people in the Caribbean who earn $10 a month. Rather than coming to this floor honestly and dealing with agricultural crises and agricultural policies which have left farmers in my State and most States in genuine trouble, instead we hold up this false promise.

The truth is, Cuba can buy agricultural products from every other nation in the world today. From Australia, Canada, Argentina, they can buy corn and they can buy wheat. They do not. Yet the false promise is held on this floor that somehow, magically, they would buy those products from us. If they don't buy them from Canada, for the same reason they will not buy them from the Dakotas or Nebraska or Iowa—Cuba has no money. The average Cuban earns $10 per month. The Nation is bankrupt. Yet somehow Castro, in the last totalitarian state in the Americas, the most repressive dictator of human rights possibly in the world, is being seen somehow as victimized and the United States is the aggressor.

This argument has been made so many times but never seems to register with my colleagues. Let me say it again: Since 1992, the United States has issued 158 licenses for medicine—virtually every license request filed. We have given $3 billion worth of humanitarian assistance to Cuba. There is no relationship between two peoples on Earth where one nation has given more food and medicine to another than the United States to Cuba. We have given more food and medicine to Cuba than we have given to our closest ally of Israel or other nations struggling in Latin America. We have given food and medicine.

Say what you will about the policy, but be fair to the United States of America. We are a generous people. This policy has a moral foundation. No Cuban is suffering because of the U.S. Government. They are suffering because of Fidel Castro and failed Marxism. We have said it every year, and every year we return to the same point. It is not right and it is not fair to the United States.

Then we hear the argument that this has failed for 40 years, how could we go on? This policy was instituted by Bill Clinton in 1993 on a bipartisan vote with the leadership of a Republican Congress and a Democratic administration. Until then, there essentially was no embargo. You can say 40 years as long as you want; it does not make it true.

Until 1993, corporations were trading through Europe. Every American corporation was able to trade with Cuba through European affiliates. Until 1990, the Soviet Union was putting $5 billion worth of aid into Cuba. There was no embargo. Is 7 years too long to take a stand for the freedom of the Cuban people? We waited 50 years with North Korea.

We fought apartheid with an embargo for 30 years—the international community. With Iraq, we have waited 12 years. We can't give 7 years to try to bring some hope to the Cuban people in this moment of extraordinary despair?

Why do you choose this moment? Why now? The Clinton administration has but 7 months left in office. A new President, with a mandate of the American people, will want his own foreign policy, be it GORE or Bush. Yet you would saddle this new administration with a commission not of its choosing, with a policy not of its directive for 4 years that do not belong to Bill Clinton?

What message is this to Fidel Castro? It is not as if things in Cuba have gotten better. If, indeed, my colleagues were coming to this floor and saying, you know, Senator, there has been an election, there is now an opposition threat, and the Cubans are now acting responsibly, they are finally recognizing the rights of our people and we must respond—in fairness to my colleagues, they don't even make that argument. Things are not getting better. Indeed, things are not even the same.

Human rights organizations have classified last year as the worst year in a decade for human rights in Cuba. This is the reality to which you respond. The U.N. Commission on Human Rights in Geneva voted to condemn Cuba several months ago, accusing it of ''continuing violations of human rights, fundamental freedoms, such as freedom of expression, association, and assembly.'' The U.S. State Department, a few months ago, called Cuba a totalitarian state that ''maintains a pervasive system of vigilance through undercover agents, informers, and rapid response brigades in neighborhood communities to root out any and all dissent.''

Since last November, Cuban police have detained 304 dissidents, restricted the movements of another 201, and have been holding 22 more for possible trials.

The Cuban statutes were changed last year to make it a felony to communicate with the U.S. Government, against the law to communicate with American Government agencies, or to be interviewed by the American media. This is the reality to which you are responding. I do not say it lightly, but it is a reward for deteriorating circumstances in Cuba.

Several years ago, in 1994, 72 men, women, and children attempted to leave Havana Harbor for Miami in a tugboat. They were intercepted. The Cuban police restricted their movements. They began to fire water hoses on the boat. Women held up 20 babies to show the police that they had infants on board, with a belief that this would stop the water hoses. Instead, the pressure increased. That day, 72 men, women, and infants went to the bottom of Havana Harbor. Several days later, the relatives asked permission to retrieve their bodies. They didn't get it that day; they haven't gotten it since. Those babies are at the bottom of Havana Harbor. This is Fidel Castro's Cuba. This is what you are responding to—a deteriorating, despicable situation.

There will come a change in American policy to Cuba. It is in the law. The burden is on Fidel Castro. It is the fault of his policies, not our own. Hold an election, allow a free press, allow free expression, release political prisoners, and everything is possible. You may disagree with that policy, but it is the law. It is bipartisan. But at least until you do, be fair to this country. We have not abused Cuba. Fidel Castro has abused Cuba.

Mr. DODD. Mr. President, how much time remains on either side?

The PRESIDING OFFICER. The Senator from Connecticut has 26 minutes. The Senator from New Hampshire has 11 minutes.

Mr. DODD. I yield 10 minutes to my colleague from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I am a very strong supporter of the amendment offered by my colleague from Connecticut. Very simply, it is a no-brainer. It is a bipartisan commission to look at our policy, which is supported by good Republicans—Howard Baker and Jack Danforth, former Senators of this body. It is not directed at agriculture, it is not directed at other points raised on this floor; it is just a bipartisan commission to reassess our policy with Cuba. Nothing could be more simple, direct, and appropriate than that.

I also want to speak about Cuba with respect to trade. We have targeted Fidel Castro for four decades. For the last 40 years, believe it or not, we have maintained a special category in our

trade and foreign policy with Cuba—a one-country category: Cuba. We have special legislation for trade with Cuba. We have special rules for travel to Cuba. We have a special system for claims on Cuba.

Why does Cuba get so much of our attention? When the United States began targeting Fidel Castro, we had very serious national security concerns. Castro was openly hostile to us. He was a Soviet client and just 90 miles away from us. Thanks to Soviet aid, he had military and economic muscle to make him someone to take seriously. Castro worked against the United States throughout the sixties, seventies, and eighties. Bankrolled by the Soviet Union, he exported revolution throughout the Western Hemisphere. He sent troops to support revolutionaries as far away as Africa. Castro backed international terrorists who targeted Americans. He was a clear adversary.

What is the situation today? Does Castro still favor revolution? I am sure he does. Does he still oppose American interests? Absolutely. But does he still have military and economic muscle to threaten our national security? The answer, obviously, is no.

The Soviet Union is now in the dustbin of history. Their demise cut off Castro's lifeline. Today, his economy is in shambles. With 11 million educated, dynamic people, Cuba produces only $22 billion a year. It only exports about $1.4 billion worth of goods. The Cuban economy remains stuck in the 1960s in terms of trade and technology.

Sugar is still the country's top export earner. Cuban farmers are forced to sell over half the country's agriculture output to the Government at below-market prices. Since Castro can no longer trade sugar for Soviet oil, his people suffer tremendously, for example, from rolling power blackouts. Since he defaulted on foreign debt payments in the 1980s, Cuba pays double-digit interest rates on short-term loans to finance sugar trade.

With this country in desperate financial shape, Castro is in no position to export revolution—none whatsoever. According to the Pentagon, Castro presents no real threat to our national security.

Times have changed. Forty years ago, Castro was a clear danger. Today, he is not a present danger. Has our policy toward Cuba changed? Not really. Cuba still occupies a unique position in American policy.

I believe it is time for the United States to have a normal relationship with Cuba, especially a normal trade relationship. I have cosponsored legislation which we passed here by an overwhelming margin last year to lift unilateral sanctions on food and medicine.

I believe we should go beyond this. We should repeal the laws that make Cuba a specific target. That includes the anti-Cuba laws we passed in 1992 and 1996, as well as other laws developed over the past 40 years. We should end our embargo of Cuba and eliminate the trade sanctions.

Last month, I introduced bipartisan legislation to end the Cuba trade embargo, the Trade Normalization With Cuba Act of 2000. Senator DODD, who is the main author of today's amendment, is one of the cosponsors of my bill to eliminate this special category we have created just for Cuba.

For the past 10 years, I have worked to normalize U.S. trade with China. I am working to end the Cuban embargo for many of the same reasons—first, and most importantly, to benefit the United States. Eliminating the embargo will provide economic opportunities for American workers, American farmers, and businesses.

Last week, a study was released on the impact of lifting the embargo on food and medicine—not the whole embargo, only on food and medicine. It concluded that American farmers and workers could sell $400 million in just agricultural products. The U.S. Department of Agriculture estimated a potential Cuban market of $1 billion.

The second reason to lift the embargo is to encourage the development of a Cuban private sector. Since he can no longer rely on Soviet subsidies, Castro has taken steps to allow for limited development of private business, mostly in service professions. Private business leads to a middle class which demands accountability of its government and a greater say in how things are decided.

The third reason to end the embargo is to increase our contacts. Normal relations allow us to bring our social and ethical values. That has an impact over the years.

Mr. President, we have in place a policy that has not worked for forty years. It was a different world in 1960. Ending the Cuba embargo is long overdue.

Mr. LEAHY. Mr. President, I have often expressed my opposition to our anachronistic and self-defeating policy toward Cuba, so I will be very brief. I strongly support this amendment and congratulate the senior Senator from Connecticut, Senator DODD, who has been the leader on this issue for quite some time.

It is profoundly ironic that the United States is about to lift sanctions against North Korea, where we have 37,000 American troops poised to go to war on a moment's notice, and yet we continue to impose an economic blockade against a tiny island that poses no security threat to the United States.

If the Elian Gonzalez fiasco has taught us anything, it is that Cubans and Americans are far more alike than different, and that the views of the Cuban-American community in Miami are both outdated and at odds with the overwhelming majority of Americans. Of course we abhor the repressive policies of Fidel Castro, but the issue is how best to prepare for the day when he is no longer ruling Cuba. That day is approaching, and the longer we wait to use the intervening period to build closer relations with that island nation, the worse it will be.

This amendment is extremely modest. As Senator DODD has said, it would normally be adopted on a voice vote. It should be. What is wrong with a commission, representing a wide range of views, to review a policy that has, by any objective standard, failed miserably? It is long overdue.

So Mr. President, I wholeheartedly support this amendment. When I visited Cuba a year ago the Cuban officials I met with repeatedly blamed the U.S. embargo for all that is wrong in Cuba. I could not disagree more. A great deal of the misery that the Cuban people suffer is caused by the absurd and oppressive policies of their own government. But the embargo is not blameless, and it is a convenient excuse.

We should eliminate that excuse. We should seek to promote democracy and better relations with Cuba through the power of our ideas and our economy, just as we are about to do with North Korea, and just as we are doing with China, Vietnam, and other countries with which we have profound disagreements. This amendment will set the stage for a new day in our relations with Cuba, and I urge other Senators to support it.

Mr. SMITH of New Hampshire. I yield 5 minutes to the Senator from Arizona, Mr. MCCAIN.

Mr. MCCAIN. I thank my colleague from New Hampshire.

I rise in opposition to the Dodd-Warner amendment. Let's make no mistake about this amendment. It is intended to presage a lifting of United States sanctions on Cuba. I do not believe the United States should change its policy toward Cuba. I believe Cuba should change its policy toward the United States of America.

I supported normalization of relations between the United States of America and Vietnam. That was based on a roadmap where, in return for certain specific actions taken by Vietnam, the United States would take actions in return. That took place. The Vietnamese troops left Cambodia. Reeducation camps were emptied. There was an increase in human rights and improvements made in a variety of ways which led to eventual normalization.

I don't expect Cuba to become a functioning democracy. It was a totalitarian, repressive government 30 years ago; it is a repressive, totalitarian government today. The latest example is two doctors who have been detained in Zimbabwe who wanted freedom, who are still not free, who are being brought back to Cuba for, obviously, horrific treatment because of their desire to no longer be associated with Castro's regime.

On July 23, 1999, Human Rights Watch issued a highly critical report on the human rights situation in Cuba. The report describes how Cuba has developed a highly effective machinery of repression and has used this to restrict severely the exercise of fundamental human rights, of expression, association, and assembly. According to the report: In recent years, Cuba has added

new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals to reform and placating visiting dignitaries with occasional releases of political prisoners.

I urge every Senator to read Human Rights' reports on Cuba before we take steps to improve relations.

This is the same regime that sent its troops to Africa to further the cause of communism there. This is the same regime that continues to repress and oppress its people.

Not too long ago, Mr. Castro decided to allow people to operate a restaurant within their own homes. Somehow that became a threat to the state, and Mr. Castro shut down even that rudimentary form of a free enterprise system.

It is not an accident that the automobile of choice in Cuba today is a 1956 Chevrolet.

It is deplorable that Mr. Castro and his government should encourage young women to engage in prostitution in order to gain hard currency for their regime.

The latest manifestation is the detainment of two decent men who are doctors who wanted freedom.

There is no freedom in Cuba.

The day that Castro decides to allow progress in human rights, in the free enterprise system, in the exercise of the basic rights of men and women that we try to guarantee to all men and women throughout the world, is the day I take the floor and ask that we consider a roadmap or certain incentives for Mr. Castro to become anything but the international pariah that he and his regime deservedly are branded as today.

I thank the Senator from New Hampshire. Again, I am more than willing to lay out a roadmap for Mr. Castro to follow, but there has not been one single indication that Mr. Castro is prepared to even grant the most fundamental and basic rights to the citizens of his country, which is the reason they continue to attempt to flee his regime at every opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Connecticut.

Mr. DODD. This amendment is about the establishment of a commission on U.S. Cuban policy. This commission was recommended by Howard Baker, Frank Carlucci, Henry Kissinger, George Shultz, Malcolm Wallop, and William Rogers. This is not lifting sanctions. This is not taking a position where we have endorsed free travel or somehow sanctioned what the Castro government is doing. It is a commission. It is a commission to analyze U.S. policy. That is all it is.

It is pathetic to hear the opposition discussing the issue. Have we reached a point where we can't even discuss United States policy with regard to Cuba? If we had followed that policy, Nixon never would have gone to China. We never would have established a roadmap of Vietnam. President Bush and President Carter wouldn't have been able to do anything in the Middle East. Ronald Reagan wouldn't have met with Gorbachev and Yeltsin. There is a long list. You can't even sit down and talk about this issue.

I find it stunning, at the beginning of the 21st century, that we are so obsessed with this one individual that we are willing to squander building a relationship in a post-Castro period with 11 million people of Cuba. That is stunning to me.

We have listened to Members of Congress. I argue the leading dissident in Cuba, who has done time in jail, has suffered, his family suffers; all of the things my colleague has talked about, this individual has suffered. Don't listen to me; listen to him. Listen to his words, inside Cuba, not living in the luxury of democracy and freedom here but living inside Cuba.

I read the letter, as follows:

DEAR FRIEND, I am writing to you and to other U.S. lawmakers to assure you that the great majority of dissident groups and leaders in Cuba do not support the unilateral economic sanctions imposed by the government of the United States against the Cuban government. This position is clearly reflected in the last paragraph of the ''We Are All United'' (''Todos Unidos'') proclamation approved last November 12th in Havana and signed by more than fifty dissident groups.

My friends and I recognize the moral and political support of many U.S. lawmakers for efforts to change Washington's policy towards Cuba that will end the current situation that harms the basis for free trade and coexistence between sovereign nations.

It is unfortunate that the government of Cuba still clings to an outdated and inefficient model that I believe is the fundamental cause for the great difficulties that the Cuban people suffer, but it is obvious that the current Cold War climate between our governments and the unilateral sanctions will continue to fuel the fire of totalitarianism in my country.

Moving forward towards fully normalized relations requires mutual respect between our two nations. Such as path will inevitably lead us to develop mutually beneficial relations that will assist the Cuban people in reconstructing our country while we preserve our independence, sovereignty and identity.

On behalf of the best interests of our people I invite you to support new proposals to end a conflict that has lasted more than forty years.

Sincerely,

ELIZARDO SANCHEZ SANTA CRUZ,
Presidente, Comision Cubana de Derechos Humanos y Reconciliacion Nacional.

Mr. President, again let me read a letter, if I may, signed by our colleagues a year and a half ago.

We the undersigned, recommend that you authorize the establishment of a National Bipartisan Commission to review our current U.S.-Cuba policy. This commission would follow the precedent and work program of the National Bipartisan Commission on Central America (the ''Kissinger Commission''), established by President Reagan in 1983, which made such a positive contribution to our foreign policy in that troubled region 15 years ago.

The letter goes on about all the reasons such a commission would make sense and how it should be formed.

More and more Americans from all sectors of our nation are becoming concerned about the far-reaching effects of our present U.S.-Cuba policy on United States interests and the Cuban people. Your establishment of this National Bipartisan Commission would demonstrate leadership and responsiveness to the American people.

Signed in this and a subsequent letter by the following Members: John WARNER, ROD GRAMS, CHUCK HAGEL, JIM JEFFORDS, MIKE ENZI, John Chafee, GORDON SMITH, CRAIG THOMAS, ROBERT KERREY, Dale Bumpers, RICK SANTORUM, myself, Dirk Kempthorne, PAT ROBERTS, KIT BOND, RICHARD LUGAR, PAT LEAHY, PAT MOYNIHAN, ARLEN SPECTER, JACK REED, THAD COCHRAN, PATTY MURRAY, PETE DOMENICI, and BARBARA BOXER.

That is about as bipartisan as it gets. That is a year and a half ago, with a significant number of our colleagues saying a commission makes some sense, to try to formulate a policy that would allow us at least to begin to analyze how our policy might improve in the coming years.

Those letters have already been printed in the RECORD earlier today.

Mr. President, last:

DEAR SENATOR WARNER, as Americans who have been engaged in the conduct of foreign relations in various positions over the past three decades, we believe that it is timely to conduct a review of the United States policy towards Cuba. We therefore encourage you and your colleagues to support the establishment of a National Bipartisan Commission on Cuba.

Signed by Howard Baker, former majority leader, U.S. Senate; Frank Carlucci, former Secretary of Defense under Republican administrations; Henry Kissinger, former Secretary of State; William Rogers, former Under Secretary of State in a Republican administration; Harry Shalaudeman, former Assistant Secretary of State under Republican administrations; and Malcolm Wallop, former conservative Republican Member of this body; Larry Eagleburger, former Secretary of State under President Bush.

Calling people Neville Chamberlain, citing all the horrors that go on that we know about in repressive governments—does anybody think these people, our colleagues here who signed these letters, former administration officials, myself, or others—somehow this is un-American for us to at least sit down in a cooler environment, to analyze how we might establish a better relationship with the nation of Cuba?

I really find it incredible. It is worrisome to me. It is worrisome to me that our own self-interest, the U.S. interest, could be so dominated by a relatively small group of people in this country who are able to provoke this kind of opposition to the simple idea of a commission that has been endorsed by leading Republican foreign policy experts as well as Democrats and Republicans in this Chamber across the board, representing the entire ideological spectrum.

What are we afraid of about a commission to look at these issues? That automatically it means we are going to be bound and shackled? What better timing than to have one right now, so we can absolutely provide some guidance? That is all it is. The new administration coming in sometime next spring, do they believe commission recommendations would bind them to some action? Have previous commissions bound other administrations? Cite one for me. Cite one, where a commission has bound this Congress to take action. There is not a single example of it. But this issue has become so inflamed here, you cannot even talk about a commission.

This amendment does not say lift the embargo on food and medicine. I support that. But that is not what this says. This amendment does not say you ought to travel freely to Cuba or any other country around the globe for that matter, although I support it. I don't like my Government telling me where I can't go. Let the Cuban Government tell me I can't come in, but don't have my Government tell me where I can't travel. In fact, it is about the only place in the world where our Government says that. We travel to all the other nations around the globe that harbor terrorists who are on the lists. The answer here is no.

No, this amendment merely says we ought to step back and take a cooler look at what our policy ought to be in the 21st century before we go much further and end up with a train wreck in Cuba, where we find people pouring to our shores, civil conflict persisting, and innocent and decent people in that country losing their lives.

Let me conclude on this point. I said earlier I have great respect for the exile community. I have great respect for what they have been through and what their families have been through. I have great respect for the people inside Cuba. I have been there. I have spent time with them. I have talked to people.

We owe it to them, we owe it to decent, good people who are not caught up in the foreign policies—I don't know how many of my colleagues saw the photograph yesterday of a mother and daughter embracing in Cuba. They would not give out their names because they went there illegally, because our Government prohibited that daughter from going to visit her mother 90 miles off our shore. A mother and daughter can travel to China, to Vietnam, Iran, Libya, almost anywhere else in the world, and we do not have a law prohibiting it. But that daughter could not visit her mother in Cuba unless she went illegally. I think we ought to review that policy. I don't think that makes me a radical or a revolutionary.

When we prohibit families from even spending time with each other, 90 miles off our shore, something is wrong. Something is wrong. The estimates are that thousands of Americans every year violate the laws of the United States by traveling to Cuba to see their family members. We ought not make their actions illegal. This amendment does not even address that issue. It just says let's look at the entire policy. That is all it does.

I suspect this amendment is going to lose. It is going to be tabled. I am saddened by that. I think it is a step backwards. As I said earlier, had we followed a similar policy with China and Vietnam and Korea, we would not have the kind of improvements we have seen today all across the globe. But because courageous and bold people did not let the past so cripple them they could not begin to deal with the future, there are prospects for peace on Northern Ireland and the Middle East today. There are even prospects for peace in the peninsula of Korea, even moving to improve substantially conditions in Vietnam and China. That is all because there were courageous, bold leaders. There were the Richard Nixons who did not listen to the voices here who said: You cannot go to China. It is an outrageous government. It does not deserve the presence of an American President.

It was a pretty compelling argument. But that President said: No, I think we ought to try something new. At least try—try. Because he tried, there is hope today for a billion more people—more than a billion people in the PRC.

Because we had some courageous people who said let's at least try to break new ground in Vietnam, we have a roadmap. I cannot even sit down to determine whether or not we can have a roadmap if this amendment is defeated, when it comes to Cuba.

George Miller, Albert Reynolds, Tony Blair—Prime Minister, Gerry Adams, David Trimble—these people are told by their constituents: Don't you dare sit down with those Catholics. Don't you dare sit down with those Protestants. Don't you dare go to Belfast.

They said: I am going to go anyway, and I am going to try. I am going to try to make a difference because I am not going to live in the past. I am not going to live back then and just recite the litany of every wrong. I am going to try to make a better future for my children.

And they went. Today the facts are things are improving and there is a chance for peace. There is a chance. With North Korea, it is the same thing; the Middle East, it is the same thing. It has failed. It has failed again, but people keep trying. All I am saying is let's try. Let's just try. Let's sit back ourselves and see if we can try and do something different. Don't the 11 million people on that island country who care about that issue deserve that much? Isn't it in the national interest?

It is telling that there are people here who are so fixated and obsessed with Fidel Castro that they even want to deny a father and son being together. They are so fixated they would say a father and son should not be allowed to be together. There are those of us who made the point there are good parents in bad countries, just as there are bad parents in good countries and fathers and sons, mothers and daughters, fathers and daughters, and mothers and sons ought to be together.

I never thought asking for a bipartisan commission would demand courage saying to people who may be supporters and backers: I disagree with you on this one because we are going to try.

I regret it is on this bill. I do not have any other choice. If I do not offer it here, I cannot offer it. It is not like there are other vehicles available to me. My colleagues know the other bills are appropriations bills, and I am prohibited from offering this on an appropriations bill without getting a supermajority vote. I do not like doing it. Don't tell me not to do it here when this bill is cluttered, by the way, with nonrelevant amendments. I would not be offering it on this bill if I had some other choice. I do not. I regret that. I do not normally offer nonrelevant amendments on bills, but when I was left with no other choice, I felt I had to do it on this bill, and I thought this was the right time, a transitional period.

This is not about Clinton appointments, when the President appointed Howard Baker and John Danforth. He did not appoint partisan people. That will be the case here, in my view. It deserves an effort.

I urge my colleagues to support this. There will be a tabling motion. I am hopeful we will win. I am not all that confident because of what I have been told privately by many colleagues: They agree with this, they think I am right, but, once again, they just cannot support it at this time.

When is the right time? When is the right hour when we can at least make a difference and do something a bit courageous to at least sit back and see if we cannot come up with some better ideas. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire has 6 minutes.

Mr. SMITH of New Hampshire. Mr. President, I yield 3 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to oppose this amendment to create a Commission on Cuba. I do so with some personal reluctance because of my deep affection and respect for my colleague from Connecticut who is the sponsor of the amendment and who I know is acting with the best of intentions. We simply have come to a different conclusion on this question.

Some might say: What can be the harm of a commission to study Cuban-American relations? I oppose the idea of a commission because I believe the current state of America's policy toward Cuba is right.

It has been sustained now over four decades. It began and has continued as

a bipartisan policy which originates from Castro's Communist takeover of that country in 1959, and his attempts to spread communism to other parts of this hemisphere and to the world.

Although I think our policy has helped prevent Castro's communism from expanding to the Americas, thanks to the strong leadership of ourselves and other countries, his regime continues to subject the Cuban people to a form of government that deprives them of their basic and inalienable human rights. He is now one of the last of less than a handful of old-style Communist leaders, and his regime's human rights record remains abysmal.

Throughout my years in the Senate, I have been a strong supporter of our policy toward Cuba, and I remain a strong supporter because I believe it is right. It is based on principle, and Castro has done nothing to justify a change in that policy. In fact, every time we give him an opportunity to show he has changed, he refuses to take that opportunity.

I quote from the State Department's most recent Annual Human Rights Report for Cuba, issued in 1999:

> Cuba is a totalitarian state controlled by President Fidel Castro. * * * The Government continued to control all significant means of production and remained the predominant employer. * * * The Government's human rights record remained poor. It continued systematically to violate the civil and political rights of its citizens. * * * The authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyers, often with the goal of coercing them into leaving the country. * * * The Government denied citizens the freedom of speech, press, assembly, and association. * * * The Government denied political dissidents and human rights advocates due process and subjected them to unfair trials.

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

Mr. LIEBERMAN. Mr. President, this regime has done nothing to justify a change in our policy toward it. For that reason, I will vote against this amendment. I thank the Chair and yield the floor.

Mr. L. CHAFEE. Mr. President, although I will vote to table this amendment, I would like to make it clear to my colleagues that I support the concept of establishment of a bipartisan commission to study U.S. policy towards Cuba.

For years, an often emotional and politically charged debate on our Cuba policy has gone on here in the U.S. In such an atmosphere, it is often prudent to let a bipartisan commission take a careful look at our policy, assess how well it has worked, and make recommendations for change, if necessary. I think such a solution would be appropriate with respect to our policy towards Cuba.

However, I am not convinced that this is the proper time and place to create such a commission. Indeed, under this amendment many of the commissioners would be appointed by a lame-duck President, infringing on the ability of the new President to develop his own Cuba policy.

It has become increasingly clear that the 39-year U.S. trade embargo has not succeeded in effecting change in Cuba. Fidel Castro's regime remains in power, and the Cuban people continue to suffer under his brutal dictatorship and a floundering economy. I believe a bipartisan commission would be useful in taking a fresh look at the efficacy of our embargo. Now, however, is not the time to do this.

Mr. HOLLINGS. Mr. President, today I will vote with against tabling Senator DODD's amendment which creates a commission to evaluate United States policy with respect to Cuba. Contrary to the opinion of some in this Chamber, this amendment does not represent a seachange in our country's position toward Cuba or the Castro regime. The Castro regime remains totalitarian and profoundly anti-democratic. My contempt for Castro and his despotic rule over Cuba has not changed; I remain committed to spreading democracy to our island neighbor to the south. As Chairman of the Commerce, State, Justice Appropriations Subcommittee, I was a leading supporter of TV Marti and Radio Marti since their inception. Just last year as ranking member of this subcommittee, I fought a House attempt to ground TV Marti. I have supported spreading democratic ideas to the Cuba people during my entire career in public policy. However, much to my display and disappointment, our Cuba policy to this point has not yielded the desired results. As I look for answers that explain why this policy has failed, I believe creating a commission may provide the key to understanding. I want an expert panel to review our policy towards Cuba to search for the facts. Only then can we accurately determine what policy changes, if any, should be pursued.

Many of my colleagues will remember the revolution in Cuba and the overthrow of the Batista regime. I remember it well. I also remember the United States at the brink of nuclear war in October 1962. American U–2 planes spotted Russian ballistic missiles sites on Cuba and tested the resolve of the young American President to respond to the threat. Many Americans, including this Senator, were hardwired to despise the Cuban regime as a result of these two tumultuous events.

In the 1970s and 1980s the Cuban regime destabilized Central America with inflammatory revolutionary rhetoric and aided socialist movements in the region. Cuban revolutionaries exported their vitriol to faraway Bolivia and Angola in Africa. The national security risk posed to our shores by Castro during the Cold War was palpable and I challenge anyone who believes otherwise. The hardline policies that successive administrations put in place to counter and neutralize the Castro regime were a necessary and appropriate response to that risk.

The political landscape is very different now. Just today I read about our thawing of relations with North Korea. The Clinton administration has formally eased ''wide-ranging sanctions'' imposed on North Korea nearly 50 years ago. This is something that I did not believe would happen for many years given the security concerns on the peninsula and the heavy presence of the United States military. This action is curious to me especially given our characterization of North Korea as a ''rogue'' state. It was reported in today's Washington Post that Secretary Albright has replaced the ''rogue state'' designation with the less confrontational term—''states of concern.'' Maybe this explains our departure in policy toward North Korea. Regardless, we are engaging a country that has the capability to threaten the United States in ways that Cuba will never be able to do.

My support for Senator DODD's Cuba amendment is a vote for a comprehensive review of U.S. foreign policy toward Cuba. This amendment is not flimflam election-year politicking. To the contrary, the commission makes recommendations to the next President of the United States and not the Clinton administration. The amendment provides for a commission composed of a dozen experts from a wide range of disciplines, half to be appointed by the President and half by the Congress. The commission will be bipartisan and should include heavyweights in American foreign policy—Henry Kissinger, George Shultz, and Howard Baker, for example—to provide distinction to the policy recommendations.

This panel would also make United States policy recommendations with respect to the indemnification of losses incurred by U.S. certified claimants with confiscated property in Cuba. Should we achieve the goal of political reform in Cuba, the United States government needs to prepare itself for the resulting confusion and complex legal questions. An ounce of prevention is worth a pound of cure. The regime in Cuba has been constant for many years but nonetheless we should be ready for an abrupt internal political change in Cuba. To refuse to plan for a post-Castro Cuba, indeed the current endgame of American foreign policy towards Cuba, is myopic. We need to be prepared for developments in Cuba and this Commission is an important first step.

It has been argued that the United States is not on trial here, and that the Castro government needs a public policy review. I do not take exception to this but rather believe that the commission should look at changes for the Cuban government to adopt. As a Senator charged with making foreign policy for this country, I support this amendment because it provides our

President with a road map of how to achieve its foreign policy goals with respect to Cuba. The President can accept or refuse the recommendations, whatever they may be. It would be the President's prerogative.

Mr. MCCAIN. I rise in opposition to the Dodd amendment establishing a commission to evaluate U.S.-Cuban relations.

Ordinarily, Mr. President, I find it difficult to rationalize opposing a study of a complex issue. I do not have such difficulties, however, with regards to the amendment before us today. Make no mistake, the commission proposed in the Dodd amendment is intended to presage a lifting of U.S. sanctions on Cuba, and to do so by presenting a false dichotomy involving United States policies in other regions of the world.

For 40 years, Fidel Castro has run Cuba as a totalitarian bastion in the Western Hemisphere, his policies in Latin America and the Caribbean and on the African continent have been and continue to be implacably hostile to U.S. interests. He was driven in that direction, as some would have us believe, by U.S. opposition to the revolution that he continues to seek to foster beyond his shores. Rather, he rose to power dedicated to undermining U.S. influence abroad and has never—not once—deviated from that path. The fact that his ability to act abroad has been severely curtailed since the demise of the Soviet Union has not dampened his ardor for spreading the gospel of Marx and Lenin wherever he finds a receptive audience.

Virtually every day, we are provided reminders of the anachronistic dictatorship near our shores. Most recently, the case of two Cuban doctors who defected in Zimbabwe—a country itself in the throes of turbulence stemming from its adherence to authoritarian policies—illustrates yet again the desire of the Cuban people for the freedom that swept that country's former allies in Eastern Europe and across Latin America. A 1999 report by Human Rights Watch on Cuba described its development of ''a highly effective machinery of repression'' that it has used ''to restrict severely the exercise of fundamental human rights of expression, association, and assembly.'' The report continues, noting that, ''in recent years, Cuba has added new repressive laws and continued prosecuting nonviolent dissidents while shrugging off international appeals for reform and placating visiting dignitaries with occasional releases of political prisoners.''

Similarly, the State Department's annual report on human rights states that the

> . . . authorities routinely continued to harass, threaten, arbitrarily arrest, detain, imprison, and defame human rights advocates and members of independent professional associations, including journalists, economists, doctors, and lawyer, often with the goal of coercing them into leaving the country.

Let me emphasize, Mr. President, that Cuba is not an authoritarian regime that holds promise of transitioning to a free-market economy with gradual democratization, such as has occurred in other countries. It remains a staunch Marxist dictatorship providing no freedom whatsoever. Rare instances where minor economic freedoms were permitted were rapidly retracted when it became obvious that capitalism provided a viable and desirable alternative to state socialism.

On the security front, we should not be deceived by the straw man argument that the absence of a military threat to the United States from Cuba undermines the current U.S. policy towards that country. Few among us believe such a threat exists. What does exist, however, is a continued effort at undermining democracy in Latin America and in Africa, and in undermining the U.S. position in those regions. Cuba's continued hosting of the Russian military's main signals intelligence facility at Lourdes remains a threat to U.S. national and economic security. According to the liberal Federation of American Scientists, the strategic significance of the Lourdes facility ''has possibly grown since 07 February 1996 [pursuant to a] directive from Russian President Boris Yeltsin directing the Russian intelligence community to step up the acquisition of American and other Western economic and trade secrets.''

Additionally, the United States must remain wary of the future of the Soviet-designed nuclear reactors at Cienfuegos. Any accident at these facilities—understanding that they remain uncompleted—would directly and severely impact the eastern seaboard of the United States.

The political and security situations vis-a-vis Cuba can be summarized by quoting directly from Secretary of Defense Cohen's May 1998 letter to then-Chairman of the Armed Services Committee STROM THURMOND:

> While the assessment notes that the direct conventional threat by the Cuban military has decreased, I remain concerned about the use of Cuba as a base for intelligence activities directed against the United States, the potential threat that Cuba may pose to neighboring islands, Castro's continued dictatorship that represses the Cuban people's desire for political and economic freedom, and the potential instability that could accompany the end of his regime depending on the circumstances under which Castro departs . . . Finally, I remain concerned about Cuba's potential to develop and produce biological agents, its biotechnology infrastructure, as well as the environmental health risks posed to the United States by potential accidents at the Juragua nuclear power facility.

Mr. President, I supported the establishment of diplomatic and trade relations with Vietnam because that country met a set of carefully established criteria that brought it in our direction, and did not force the United States to move in its direction. I would fully support a similar approach to Cuba. We don't need a commission to study our relations with Cuba; what we need is to establish a road map that the Castro regime must follow in order to facilitate a lifting of the sanctions it purports to find so odious. As with Saddam Hussein and Kim Il Sung, Castro has within his power the ability to fundamentally transform his country for the better and to reintroduce it fully into the community of nations. The ball is in Castro's court. Whether he possesses the wisdom to do what is right, unfortunately, is sadly unlikely.

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that on the expiration of the 2 minutes Senator WARNER, the chairman of the Armed Services Committee, be allowed to speak for 5 minutes.

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

Mr. SMITH of New Hampshire. Mr. President, in closing, I want to respond to a few remarks that have been made. The Sun-Sentinel, in an article entitled ''Why Trade With Such A Deadbeat?'' says:

> If the U.S. trade embargo is lifted and Castro gets fresh U.S. lines of credit to buy American products that Castro can't and won't repay, it will be the American taxpayer who will then be stuck with the bottom line.

Our colleagues should be reminded of the fact we will extend credit, but we will wind up paying for it because Castro will write off the debt and will not bother taking the time and trouble to pay us back.

Also, the School of International Studies, University of Miami, points out:

> Without major internal reforms in Cuba, the Castro Government and the military, not the Cuban people, will be the main beneficiary of lifting of the embargo.

I respond to my colleague who made a point of saying Nixon went to China in 1972. Look at China today: forced abortions and some of the worst human rights violations in the history of mankind. There is still a regime in power that represses human rights worse than any regime in history.

Let's compare that to Ronald Reagan who stood up to the Soviet Union and said: This is the evil empire, and I will not back down in doing the right thing, which is to keep the pressure on them until they fade away.

The differences in history are pretty obvious. It is not that difficult to understand. Cuba was a small country when Fidel Castro took power, and now 1.5 million people have left that country. We should not be working at all to remove the embargo from that country.

The PRESIDING OFFICER. The Senator's time has expired. Under the previous order, the Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I ask unanimous consent that I be recognized to speak on this issue for not to exceed about 6 minutes.

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

AMENDMENT NO. 3267

Mr. WARNER. Mr. President, the situation is as follows: For close to 2 or 3 years, I have been working with my good friend, Senator DODD, on a wide range of issues relating to Cuba. Senator DODD and I have spent a great deal of time studying and, indeed, traveling in relation to this matter. It is our belief that we should, as a nation, remove those legal impediments, to allow food and medicine to go into Cuba. We embarked on the effort to legislate, to have the Senate adopt measures to allow food and medicine to go into Cuba.

I remember one of our former distinguished colleagues, Malcolm Wallop, brought into my office some American physicians who had undertaken to travel down to Cuba to see for themselves the plight of these people who have been denied up-to-date, state-of-the-art medical equipment. Cuba has good doctors, but they have not the medical equipment nor the medicine. Anyway, those efforts failed.

In the course of the Elian Gonzalez case, it became apparent to me that America—outside of Florida and elsewhere—began to wake up to the relationship between the United States and Cuba and the inability, over 40 years, to succeed in our goal to allow that nation to receive a greater degree of democracy, trade, and other relationships.

So Senator DODD and I have at the desk an amendment, the Warner-Dodd amendment, calling for the appointment of the commission. It is essentially the same as the Dodd amendment that is up now.

But as a manager of this bill and, indeed, the chairman of the Armed Services Committee, I have to decide my priorities. My priorities are that this bill is in the interest of the security of this Nation; $300-plus billion providing all types of equipment for the men and women of the Armed Forces—salary, medical care for retirees. The committee has worked on this bill for 6 months.

This issue of the commission to determine the future relationships between the United States and Cuba is not germane. I thought perhaps we could discuss it, so I offered the amendment, and it is now the pending business. But it is clear to me that this piece of legislation could become an impediment for this bill being passed.

I have no alternative but to say two things. One, I remain philosophically attuned and in support of the Warner-Dodd amendment, which is at the desk. At some point in time, I hope to rejoin the effort, with others, to try to bring about some of the objectives in the Warner-Dodd amendment. But it has to be withdrawn at this time in order for this bill to move forward and the Dodd amendment to be considered.

AMENDMENT NO. 3267, WITHDRAWN

So at this time, Mr. President, I ask unanimous consent that the Warner-Dodd amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment No. 3267 is withdrawn.

Mr. WARNER. Mr. President, I thank my colleagues for their cooperation.

I see my colleague from Florida is here. I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. There is a previous order.

Under the previous order, the Senator from Washington is recognized to offer an amendment.

Mr. WARNER. If I have some time under the UC agreement, I yield it to my distinguished colleague from Florida.

AMENDMENT NO. 3475

Mr. MACK. Mr. President, I merely seek recognition to move to table the Dodd amendment No. 3475, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MACK. I understand that vote will take place at 3:15 p.m. among three stacked votes, I believe.

The PRESIDING OFFICER. There are four stacked votes; that is correct.

Mr. WARNER. Mr. President, consistent with what I said earlier, I will have to support the motion to table so that this amendment is not an impediment to the passage of the bill.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business and that the time not be counted against the time reserved for the Senator from Washington.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, let me first thank my colleague from Washington for her courtesy in allowing me to speak for a few minutes on a very important matter that is of great significance to parts of my State and other States, as well.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 2755 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. Under the previous order, the Senator from Washington is recognized to offer an amendment on which there will be 2 hours of debate equally divided. The Senator from Washington.

AMENDMENT NO. 3252

(Purpose: To repeal the restriction on the use of Department of Defense facilities for privately funded abortions)

Mrs. MURRAY. Mr. President, I call up my amendment at the desk, No. 3252, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Ms. SNOWE, Mrs. BOXER, Ms. MIKULSKI, Mr. SCHUMER, Mr. JEFFORDS, and Mr. DURBIN, proposes an amendment numbered 3252.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 743. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking ''RESTRICTION ON USE OF FUNDS—''.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add as cosponsors Senators BOXER, MIKULSKI, SCHUMER, JEFFORDS and DURBIN.

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

Mrs. MURRAY. I thank the Chair.

Mr. President, today we are offering the Murray-Snowe amendment. It is an amendment which would lift restrictions on privately funded abortions at military facilities overseas.

This is the identical amendment we have offered every year since 1995, and I assure my colleagues that we will continue to offer this amendment until we restore this important health care protection for our women who are serving abroad.

It is simply outrageous that today we deny military personnel and their dependents access to safe, affordable, and legal reproductive health care services. We ask these women to serve their country and defend our Government, but we deny them basic rights that are afforded all women in this country.

I come to the floor year after year during this DOD authorization in an effort to educate my colleagues in the hope of convincing a majority of them to stand up for all military personnel. I also offer this amendment to highlight the record of those who do stand up for women and their right to a safe and legal abortion at their own cost.

To be clear, this is not about Federal funding of abortion. Many of our military personnel serve in hostile areas or in countries that do not provide safe and legal abortion services. Military personnel and their families who serve us overseas should not be forced to seek back alley abortions or abortions in facilities that do not meet the same clinical standards we expect and demand in this country. Sadly, that is exactly the case today.

Protecting all military personnel and their dependents has always been a priority of the Department of Defense, which is why the Secretary of Defense supports the amendment Senator SNOWE and I are offering today. This

amendment is also supported by the American College of Obstetricians and Gynecologists because they recognize the danger that these women face outside this country.

Some Members will undoubtedly argue that women are afforded access to a legal and safe abortion with the current restriction in place. They will point out that under the current policy, a woman who needs an abortion can request transportation back to the United States for treatment. It is true that she can request a temporary leave from her commanding officer and will be transported at the expense of our military to a location where she would have access to an abortion. To me, that is unacceptable. It forces a woman to provide detailed medical evidence and records to her superior officer with no guarantee or protection that this information will be kept confidential. Then once she gets the commanding officer's permission, she needs to find transportation home, often on a military plane, such as a C–17.

I don't know of any other medical procedure that requires a soldier to have to endure such public scrutiny. If there are Members who believe that these women are protected and have access to a basic right that is guaranteed by our Constitution to a safe and legal abortion, I will tell my colleagues this is not the case. Do not be fooled. The current ban on privately funded abortions at military facilities overseas places the women who serve our country in great danger.

This amendment is not about Federal funding of abortions. This amendment does not require direct Federal procurement for abortion services. This amendment would, in fact, require the woman, not the taxpayer, to pay the cost of her care at a military facility. This amendment would simply allow the woman to use existing facilities that are currently operational to provide health care to our active duty personnel and their families.

This amendment does not call for providing any additional services. It is simply services that are already available. These clinics and hospitals are already functioning and providing care. There would be no added burden. For those who are concerned about Federal tax dollars being used to provide abortion services, I point out that the current practice results in more direct expenditures of Federal funds than simply allowing a woman to pay for the cost of abortion-related services at a military facility. Current policy requires transportation costs that in some cases could be far more expensive than a privately funded abortion.

I also point out that there is a direct, positive impact on our military readiness when a woman is forced to take extended leave to travel for an abortion.

As we all know, women are no longer simply support staff in the military. Women command troops and are in key military readiness positions. Their contributions are beyond dispute. While women serve side by side with their male counterparts, they are subjected to an archaic and seemingly mean-spirited health care restriction. Women in our military deserve more respect and better treatment.

I think it is also important to remind my colleagues that this amendment will not change the current conscience clause for medical personnel. Health care professionals who object to providing safe and legal health services to women could still refuse to perform an abortion. No one in the military would be forced to perform any procedures that he or she objected to as a matter of conscience.

The current policy places our women at risk. Because the current policy is so cumbersome, women could be forced to undergo an abortion later in their pregnancy when risks and complications increase. They can, of course, try to obtain safe and legal abortion services in the host country in which they are serving—if there are no language or cultural barriers that hinder their access.

We should not tolerate situations that are occurring, such as what occurred to a woman serving our country in Japan. Because of our current policy, she was denied access to abortion services at the military facility, even at her own expense, and she was forced to go off base to secure a safe and legal abortion. She had no escort and no help from the military as she went to a foreign facility. She didn't understand the medical questions or the instructions, and she was terrified. I have her letter, and I will read it into the RECORD later. Our Government should never have forced her, as she was serving us overseas, into that circumstance.

Regardless of what some of my colleagues may think about the constitutional ruling guaranteeing a woman the right to a safe abortion without unnecessary burdens or obstacles, this is the law of the land. While some may oppose this right to choose, the Supreme Court and a majority of Americans support this right. It is the law of the land. However, active duty servicewomen stationed overseas surrender this right when they make the decision to volunteer to defend all of us. It is sadly ironic that we send them overseas to protect our rights; yet in the process we rob them of vital constitutional protections.

I urge my colleagues to support the Murray-Snowe amendment. Please allow women in the military the right to make their own health care choices without being forced to violate privacy and jeopardize their health and their careers. This is and must remain a personal decision. Women should not be subject to the approval or disapproval of their coworkers.

I stress this is not about Federal funding of abortions. This is about protecting women serving overseas and providing privately funded, safe, and legal abortions. I urge my colleagues to support our women in uniform by restoring their right to choose.

I reserve the remainder of my time.

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

Mr. HUTCHINSON. Mr. President, as chairman of the Personnel Subcommittee on Armed Services, I rise in strong opposition to the Murray amendment which allows abortion on demand in military facilities overseas.

I oppose the pending amendment because, No. 1, it is unnecessary. It is a solution in search of a problem. No. 2, it violates the letter and spirit of existing Federal law; that is, the Hyde amendment which prohibits Federal funding of abortion. In fact, that is the issue involved in this amendment. It is a subsidizing of the abortion procedure. Third, if it were adopted, it would likely accomplish very little while providing a Federal endorsement of the practice that is opposed by tens of millions of Americans.

My colleagues contend that the Murray amendment is a banner of constitutional rights. I think that argument is disingenuous. The current statute does not preclude servicewomen, serving overseas, from obtaining abortions. Women serving overseas already have the opportunity to terminate their pregnancy because the Department of Defense will provide them transportation either to the United States or to another country where abortion is legal for only $10. That is the cost of the food on the flight.

To say there is a constitutional right that is abrogated is incorrect. In 1979, the Congress adopted what has come to be known as the Hyde amendment. The Hyde amendment has been upheld by the U.S. Supreme Court as constitutional. It prohibits the use of Federal funds for performing abortions. The Hyde amendment has broad support in the Congress, and in fact it has broad support by Americans in general.

I know my colleagues claim that Federal funds would not be used in these abortions, that women would pay for their own abortions, ostensibly by reimbursing the hospital, although that raises a host of questions that I hope we have time to pose for Senator MURRAY. But they can't possibly reimburse the hospital for the total cost of the abortion because the military hospital is 100-percent taxpayer funded. The building itself is built with taxpayer funds.

Do we intend, under the Murray amendment, to allocate a portion of the cost of the building of that hospital's facilities to the servicewoman seeking an abortion? The beds, the utilities, the salaries of those performing the procedure, these costs come out of the pockets of taxpayers, millions of whom believe abortion is a reprehensible practice.

Abortion should not be a fringe benefit to military service. We can't avoid the fact that adoption of the Murray amendment would be clearly inconsistent with the current U.S. statute

prohibiting the current funding of abortion. It not only departs from the letter of the Hyde amendment; it departs from the spirit of the Hyde amendment intended to protect the American taxpayer who has a conviction against the practice of abortion from being forced to subsidize and pay for the abortion procedure.

My colleagues contend that this is simply a matter of choice. Let's talk about choice for a moment. What about the choice of people who believe that abortion is inimical to their dearest values? What about the choice of taxpayers who don't want to subsidize the termination of life?

I find it significant that during 1993, when President Clinton liberalized the practice of abortion in military hospitals, killing of the unborn in military hospitals, every single military physician and nearly every military nurse refused to volunteer to perform such procedures. The President issued his executive memorandum permitting abortion on demand at military hospitals on January 22, 1993—ironically, the 20th anniversary of Roe v. Wade. The fact that no doctors and almost no nurses volunteered to perform this procedure I think indicates that such a scenario would likely repeat itself if the Murray amendment were adopted.

Since military health care professionals cannot be forced to perform such a procedure against their conscience, as Senator MURRAY has said, the military will then be forced into a position of having to contract out the performance of such procedures to a civilian physician, which would in itself violate the Hyde amendment by requiring the expenditure of taxpayers' funds to pay for that contracted physician.

Having to hire abortionists at U.S. military hospitals puts the U.S. military in the abortion business. I find that appalling, something that is not supported by the American people. It is not supported by people on either side of the choice issue, whether pro-choice or pro-life. They do not believe we ought to be expending American taxpayers' dollars in subsidizing abortion.

This amendment, whether it is intended or not, would have that result—from the fact that we cannot totally allocate those costs, we are using a military hospital building built by taxpayers' dollars, using doctors whose salaries are paid by taxpayers, using equipment, using support staff—of all being paid for by the taxpayer. There is no conceivable way to calculate what that person should pay to reimburse the Government. The result is that the taxpayers are going to be subsidizing the practice. If in fact doctors in the military react the way they did in 1993, when the President, by executive memorandum, issued the order that we were going to provide abortion on demand in military hospitals, if they react the same way, we would then be in the position of having to go into the civilian sector, contract with doctors who are willing to perform abortions, and pay them with American taxpayers' dollars—clearly, and explicitly, in violation of the Hyde amendment.

I find this whole debate to be an exercise in irony. The purpose of our Armed Forces is to defend and protect American lives. We should not then subvert this noble goal by using the military to terminate the lives of the innocent among us.

What the Murray amendment would do, in the opinion of this Senator, is to create a kind of legal myth: We are not subsidizing abortions, but we really are. We are saying we are not but in fact we know we are. Let's pretend we are not subsidizing abortions. We know they are in military hospitals performed by military doctors paid by American taxpayers. We know it is supported by taxes paid by American taxpayers. We know the equipment used is bought and paid for by American taxpayers. But we are not really subsidizing it. That is a legal myth and it simply does not measure up.

There is a concept called the slippery slope. I suggest allowing abortions to be performed in U.S. military hospitals overseas is just one little more slide down that slippery slope.

I ask a letter from Edwin F. O'Brien, the Archbishop for the Military Services, dated June 19, 2000, in opposition to the Murray amendment, be printed in the RECORD, and I reserve the remainder of my time.

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

ARCHDIOCESE FOR THE
MILITARY SERVICES, USA,
Washington, DC, June 19, 2000.

DEAR SENATOR: As one concerned with the moral well being of our Armed Services I write in regards to the FY 2001 National Defense Authorization Act, S. 2549.

Please oppose an amendment by Sen. Patty Murray that would pressure military physicians, nurses and associated medical personnel to perform all elective abortions. This amendment would compel taxpayer funded military hospitals and personnel to provide elective abortions and seeks to equate abortion with ordinary health care.

The life-destroying act of abortion is radically different from other medical procedures. Military medical personnel themselves have refused to take part of this procedure or even to work where it takes place. Military hospitals have an outstanding record of saving life, even in the most challenging times and conditions.

Please do not place this very heavy burden upon our wonderful men and women of America's Armed Services and please oppose any other amendments that would weaken the current law regarding funding of abortion for military personnel.

Thank you for your kind consideration of this message.

Sincerely,

EDWIN F. O'BRIEN,
Archbishop for the Military Services.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, I yield up to 10 minutes to my colleague from New Hampshire, Senator SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise to oppose the Murray amendment. Under current law, performing abortions at military medical facilities is banned, except for cases where the mother's life is in jeopardy or in the case of rape or incest. So what this amendment would do is strike this provision from the law, thereby, in my view, turning military medical treatment centers into abortion clinics. I think we have to think hard about that, whether or not that is really the purpose of military medical treatment centers because that is the bottom line. That is what this would do.

The House recently rejected a similar amendment by a vote of 221–195. It was offered by Representative LORETTA SANCHEZ of California. A number of pro-life Democrats joined with Republican colleagues to defeat this amendment.

In 1995, the House voted three times to keep abortion on demand out of military medical facilities before the pro-life provision was finally enacted into law. Over and over again in Congress, we had votes. Last year, I think it was 51–49. It was very close. I will not be surprised to see the Vice President step into the Chamber, anticipating a possible tie vote, because this administration is the most abortion-oriented administration in American history. I think we can be treated, probably, to that little scenario as well. I think that shows a stark difference between the two candidates for President of the United States, I might add.

When the 1993 policy permitting abortions in military facilities was promulgated, many military physicians as well as many nurses and supporting personnel refused to perform or assist in these abortions. In response, the administration sought to supplement staff with contract personnel to provide alternative means to provide abortion access.

This is a very sensitive situation. You may have a military nurse or person who is a member of the military who works at that hospital who may be opposed to abortions, does not want to perform them. So when that happens, the President now has asked that we get contract personnel to come in because people opposed to this on a moral basis, because of conscience, refuse to perform them. That is basically the way it is in American society today.

The dirty little secret about the abortion industry is the doctors who perform them are not really considered to be the top of their profession. In fact, it is usually the dregs who are performing the abortions, not the good doctors. So if this amendment were to be adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources, Government resources, would be used to search for, hire, and transport new personnel simply so abortions could be performed on demand.

It would be nice if we could spend a little time debating the defense budget on the Defense bill. I sat through 2 hours of one nongermane amendment a while ago on Cuba sanctions, now abortions on demand, where we are talking about bringing all kinds of new people, a new bureaucracy, if you will, who are to hire, transport, search for personnel to perform abortions because people of conscience in the military do not want to perform them, so we, therefore, have to replace them.

As the Congressional Research Service confirms, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs directed the Military Health Services System:

> . . . to provide other means of access if providing prepaid abortion services at a facility was not feasible.

This is absolutely wrong. It is wrong morally, No. 1. But it is also a waste of precious military resources, which are so much needed today. By the way, because of this amendment and other nongermane amendments, we are holding up the passage of this bill, which includes a pay raise for our military that this President has sent all over the world time and time again. So this is an unnecessary amendment. The DOD has not been made aware of a single problem arising as a result of this policy.

American taxpayers should not be required to pay for abortions. In 1979, the Hyde amendment was passed to prohibit the use of taxpayer moneys to fund abortions. In Harris v. McCray, the U.S. Supreme Court held the right to an abortion does not include the right to have the taxpayer moneys pay for it. It is DOD policy to obey the laws of the nations in which bases are located. Thus, even if the Murray amendment is adopted, abortions will still not be available on all military bases. Spain and Korea prohibit abortion, for example.

The ban is not intended to and does not block female military personnel from receiving an abortion. As the Senator from Arkansas has pointed out, DOD has a number of elective procedures for which it currently does not pay. As the Senator said, any woman can fly on a military aircraft for $10 on a space-available basis to have an abortion somewhere else, unfortunately.

In other words, the woman could still get an abortion if she wanted one, again, unfortunately. In fact, many women often travel back to the U.S. to receive their abortions. The question is, Should we pay for it at the hospital? That is the question. Should we hire more people, more support people just for the purpose of performing abortions in these military hospitals? I say the answer to that is no.

Some would argue the woman would be inconvenienced, that she would have to have her leave approved, she would have to get her transportation. But she could still get her abortion. I am not sorry, frankly, that someone has to be inconvenienced for having an abortion. Frankly, I wish somebody would give them the time and counsel to discuss this issue so they could fully realize what they are doing, taking the life of an unborn child who has no voice, who has no opportunity to say anything. I wish we would have that opportunity to provide that woman that kind of counseling so she would not do it and regret that decision for the rest of her life. Abortion should never be convenient because when a woman chooses an abortion, she is choosing to kill her baby. It is not a fetus, it is a baby. It is an unborn child. Her baby never had a choice.

Military treatment centers, which are dedicated to healing and nurturing life—healing and nurturing life—should not be taking the lives of unborn children. Also, these hospitals treat the combat wounded in war. Those who are hurt are treated. There have been so many hospitals throughout the years that have been so outstanding in their treatment, saving so many lives. The great attributes they have received for doing that should not now become a part of this abortion debate and be involved in killing innocent children, that some of the people who were treated in those hospitals, if not all, fought so they could be free, so those children could be born in freedom. Those people who were wounded and treated in those hospitals did not do it to take innocent lives. They did it to allow those innocent lives to be born into freedom.

That is the bitter irony of all this: the taking of the most innocent human life, a child in the womb, taking place in a hospital that treated those who fought to allow that child to be born into freedom.

What a dramatic irony that is. The bottom line is it is immoral to make hard-working taxpayers in America pay for abortions at military hospitals, and it is immoral to perform those abortions. I urge my colleagues to vote no on the Murray amendment.

I yield back the remainder of my time.

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

Mrs. MURRAY. Mr. President, my colleague and cosponsor, Senator SNOWE, is present in the Chamber. I will yield her time in just a moment.

I point out a woman's health care decision to have or not have an abortion should be with herself, her family, her doctor, and her religion. That is not the case in the military today. When a woman has to go to her commanding officer and request permission to fly home on a military transport, she no longer has the ability to make that decision on her own. It becomes a very public decision.

This amendment simply gives back her privacy and allows her to pay for at her own expense a health care procedure in a military hospital where she is safe and taken care of.

I am delighted my cosponsor, Senator SNOWE, is here, and I yield her as much time as she needs.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from Washington for, once again, assuming the leadership on this most important issue.

I rise today as a cosponsor of the Murray amendment to repeal the ban on privately-funded abortions at overseas military hospitals.

Last year, when I spoke on this amendment, I said that ''standing here I have the feeling of 'Deja vu all over again.'" I have that same sentiment today—and this year I can add that ''the more things change, the more they remain the same.'' For in the last year we have deployed more women overseas—6,000 more women than there were just a year ago.

And yet here we are, once again, having to argue a case that basically boils down to providing women who are serving their country overseas with the full range of constitutional rights, options, and choices that would be afforded them as American citizens on American soil.

In 1973, 27 years ago, the Supreme Court affirmed for the first time women's right to choose. This landmark decision was carefully crafted to be both balanced and responsible while holding the rights of women in America paramount in reproductive decisions. But this same right is not afforded to female members of our armed services or to female dependents who happen to be stationed overseas.

Current law prohibits abortions to be performed in domestic or international military treatment facilities except in cases of rape, incest, or if the life of the pregnant woman is endangered. The Department of Defense will only pay for the abortion when the life of the pregnant woman is endangered—in cases of rape or incest, the woman must pay for her own abortion. In no other instance is a woman permitted to have an abortion in a military facility.

The Murray-Snowe amendment would overturn the ban on privately funded abortions in overseas military treatment facilities and ensure that women and military dependents stationed overseas would have access to safe health care. Overturning this ban on privately-funded abortions will not result in federal funds being used to perform abortion at military hospitals.

The fact is that Federal law already states that Federal funding cannot be used to perform abortions. Federal law has banned the use of Federal funds for this purpose since 1979. But to say that our service women and the wives and daughters of our servicemen cannot use their own money to obtain an abortion at a military hospital overseas defies logic.

Every year opponents of the Murray-Snowe amendment argue that changing current law means that military personnel and military facilities will be

charged with performing abortions—and that this, in turn, means that American taxpayer funds will be used to subsidize abortion. This seemingly logical segue is absolutely and fundamentally incorrect.

Every hospital that performs a surgery—every physician that performs a procedure upon a patient—must figure out the cost of that procedure. This includes not only the time involved, but the materials, the overhead, the liability insurance. This is the fundamental and basic principle of covering one's costs.

I have faith that the Department of Defense will not do otherwise. This is the idea behind a privately-funded abortion—a woman's private funds, her own money pays for the procedure. But she has the opportunity to have this medical procedure—a medical procedure that is constitutionally guaranteed—in an American facility, performed by an American physician, and tended to by American nurses.

During last year's debate, opponents of repealing the current ban claimed that American taxpayers would be subsidizing the purchase of equipment for abortions, and would be training doctors to perform privately-funded abortions. This false argument effectively overlooks the fact that the Department of Defense has already invested in the equipment and training necessary because current law already provides access in cases of life of the mother, rape, or incest.

But the economic cost of this ban is not the only cost at issue here. What about the impact on a woman's health? A woman who is stationed overseas can be forced to delay the procedure for several weeks until she can travel to the United States or another overseas location in order to obtain the abortion. Every week that a woman delays an abortion increases the risk of the procedure.

The current law banning privately-funded abortions puts the health of these women at risk. They will be forced to seek out unsafe medical care in countries where the blood supply is not safe, where their procedures are antiquated, where their equipment may not be sterile. I do not believe it is right, on top of all the other sacrifices our military personnel are asked to make, to add unsafe medical care to the list.

I believe that a decision as fundamentally personal as whether or not to continue one's pregnancy only needs to be discussed between a woman, her family, and her physician. But yet, as current law stands, a woman who is facing the tragic decision of whether or not to have an abortion faces involving not just her family and her physician, but her—or her husband's—commanding officer, duty officer, miscellaneous transportation personnel, and any number of other persons who are totally and completely unrelated to her or her decision. Now she faces both the stress and grief of her decision—but she faces the judgment and willingness of many others who are totally and wholly unconnected to her personal and private situation.

Imagine having made the difficult decision to have an abortion and then being told that you have to return to the United States or go to a hospital that may or may not be clean and sanitary. That is the effect of current policy—if you have the money, if you leave your family, if you leave your support system, and come back here. Otherwise, your full range of choices consists of paying from your own money and taking your chances at some questionable hospital that may or may not be okay.

This of course, is only if the country you are stationed in has legal abortion. Otherwise you have no option. You have no access to your constitutionally protected right of abortion.

What is the freedom to choose? It is the freedom to make a decision without unnecessary government interference. Denying a woman the best available resources for her health care simply is not right. Current law does not provide a woman and her family the ability to make a choice. It gives the woman and her family no freedom of choice. It makes the choice for her.

In the year 2000, in the United States of America it is a fact that a woman's right to an abortion is the law of the land. The Supreme Court has spoken on that issue, and you can look it up. Denying women the right to a safe abortion because you disagree with the Supreme Court is wrong, but that is what current law does.

Military personnel stationed overseas still vote, still pay taxes, and are protected and punished under U.S. law. They protect the rights and ideals that this country stands for. Whether we agree with abortion or not, we all understand that safe and legal access to abortion is the law of the land. But the current ban on privately-funded abortions takes away the fundamental right of personal choice from American women stationed overseas. And I don't believe these women should be treated as second class citizens.

It never occurred to me that women's constitutional rights were territorial. It never occurred to me that when American women in our armed forces get their visas and passports stamped when they go abroad—that they are required to leave their fundamental, constitutional rights at the proverbial door. It never occurred to me that in order to find out what freedoms you have as an American, you had to check the time-zone you were in.

The United States willingly sends our service men and women into harms way—yet Congress takes it upon itself to deny 14 percent of our Armed Forces personnel—33,000 of whom are stationed overseas—the basic right to safe medical care. And we deny the basic right to safe medical care to more than 200,000 military dependents who are stationed overseas as well.

How can we do this to our service men and women and their families? It seems to me that they already sacrifice a great deal to serve their country without asking them to take unnecessary risks with their health as well. We should not ask our military personnel to leave their basic rights at the shoreline when we send them overseas.

I believe we owe our men and women in uniform and their families the option to receive the medical care they need in a safe environment. They do not deserve anything less. I urge my colleagues to join me in supporting the Murray-Snowe amendment.

Mr. President, I yield the floor.

RECESS

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

Thereupon, at 12:33 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SESSIONS).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

AMENDMENT NO. 3252

The PRESIDING OFFICER. We are now under controlled time. Who yields time?

The Senator from Washington.

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

The PRESIDING OFFICER. The Senator from Washington has 43 minutes remaining, and the opposition has 42 minutes.

Mrs. MURRAY. I thank the Chair.

Mr. President, I remind my colleagues of the issue we will be debating for the next 90 minutes. Basically, today a woman who serves in the military overseas at a facility, if she so desires to have an abortion—and it is her choice; it is her personal choice between herself and her family and her doctor and her religion—has to go to her commanding officer to ask for permission to come home to the United States to have a safe and legal abortion. Then she has to wait for military transport. She has to pay $10, as the opponents told us this morning, for food on that military transport, and come home in order to have a safe and legal abortion.

The pending amendment simply allows women who serve in our military overseas today to pay for their own medical choice decisions in a military hospital where it is safe and is a place where they can be assured they will be taken care of, as we should expect we would take care of all people who serve us in the military.

I have heard our opponents speak this morning on this amendment and say it is unnecessary. I have a letter

from a woman who served in our military services. I would like to share it with my colleagues who think it is unnecessary:

DEAR SENATOR: My name is Jessica, and I am a college student in Arizona. I am writing you regarding an experience I had as a member of the Air Force while stationed in Yokota Air Base, Japan.

Two years ago, as a young single woman, I found out I was pregnant. I knew I couldn't talk to my immediate supervisor because he was a Catholic priest. You see, my job in the armed services was ''Chaplain's Assistant.'' So instead, I went to the next level in my chain of command. In return for requesting time off, I was verbally reprimanded and told that I had sinned in the eyes of God and was going to hell if I didn't repent immediately.

The next day, I made an appointment with a doctor on base and told him I was pregnant and wanted an abortion. The doctor whispered that I was to walk very quietly to the front desk where the information would be waiting for me. The information was scribbled on a single sheet of paper with hand-drawn maps on it to three hospitals that would perform abortions.

When I arrived at the hospital, I was sent into a cubicle. None of the nurses spoke English, so I had no way of giving them my medical history. I had no Japanese friends to translate, and the Air Force would not provide any assistance. My first doctor did not speak English either, so I had no idea what the doctor did, or what medication he gave me. I was completely alone.

I will never forget the humiliation I felt. I couldn't speak the language, I was turned away by my American doctors on base whose hands were tied. The doctors on base weren't even allowed to give me information regarding this medical procedure. Although I served in the military, I was given no translators, no explanations, no transportation, and no help for a legal medical procedure.

I have never heard of any male soldiers being treated like this. In fact, I don't know of any medical treatments that male soldiers are denied. Perhaps the military recruiters should warn females before they enlist that the United States will discriminate against them due to their gender.

This letter is compelling. It says that a woman who is serving her country overseas, who is fighting for our rights, is basically denied health care services of her choice that she would be given in this country if she opted not to serve in the military.

I appeal to my colleagues to please make sure that the women who serve us overseas are given the same rights as the women who live in this country.

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

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I will respond to a number of things my colleague from Washington said.

While I do not know the specifics or the circumstances of the situation to which she made reference, I know it is a bad practice when we try to legislate by anecdote. I do know this as well, that much of the debate is centered around whether or not a woman's rights can be protected under current DOD policy. The insinuation has been that servicewomen experience a lack of support from their chain of command when requesting leave in order to obtain an abortion. That was the circumstance in the situation to which Senator MURRAY just made reference.

Such an argument impugns the professionalism of the officer corps. There are procedures in place and there are rights by which men and women in uniform can be protected. If, in fact, their rights are being disregarded by a commanding officer, there are means under current law by which those rights can be vindicated and the wrong righted.

I have great confidence in the professionalism of our officer corps. I fully expect any commanding officer to approve a service member's leave when properly requested, whatever the motivation for that request. If that is not done, then there should be a grievance filed, and I would stand in support of such an individual's right to make that request on a space-available basis. I believe the professional officer corps that we have is going to respond and treat that servicewoman properly and give her the rights she has under the law.

The other point I would make to those who would impugn the professionalism of our officer corps is that the commanding officer today may just likely be a woman. That woman seeking permission to receive approved leave for an abortion under current policy may just as well find they are dealing with a commanding officer who is in fact female.

At this time, I would like to yield 5 minutes to my distinguished colleague from the State of Kansas, Senator BROWNBACK.

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

Mr. BROWNBACK. I thank the Chair. I thank my colleague from Arkansas for leading this debate against this amendment. I rise in opposition to the Murray amendment.

On February 10, 1996, the National Defense Authorization Act for fiscal year 1996 was signed into law by President Clinton with a provision to prevent DOD medical treatment facilities from being used to perform abortions except where the life of the mother is endangered or in cases of rape or incest. That is the public law.

This provision reversed a Clinton administration policy instituted on January 22, 1993, permitting abortions to be performed at military facilities. Previously, from 1988 to 1993, the performance of abortions was not permitted at military hospitals except when the life of the mother was in danger.

That is a bit of the history around this issue.

The Murray amendment which would repeal the pro-life provision attempts to turn taxpayer-funded DOD medical treatment facilities into abortion clinics. Fortunately, the Senate refused to let the issue of abortion adversely affect our armed services and rejected this amendment last year by a vote of 51–49, and we should reject it again this year.

It is shameful that we would hold America's armed services hostage to abortion policies. Using the coercive power of government to force American taxpayers—American taxpayers, that is who we are talking about here—to fund health care facilities where abortions are performed would be a horrible precedent and would put many Americans in a difficult position—using my taxpayer money to fund abortions.

When the 1993 policy permitting abortions in military facilities was first promulgated, military physicians as well as nurses and support personnel refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions.

Therefore, if the Murray amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand but resources would be used to search for, hire, and transport new personnel simply so abortions could be performed.

In fact, according to CRS, a 1994 memorandum from the Assistant Secretary of Defense for Health Affairs says this:

Direct[ed] the Military Health Services System provide other means of access if providing prepaid abortion services at a facility was not feasible.

One argument used by supporters of abortion in military hospitals is that women in countries where abortion is not permitted will have nowhere else to turn to obtain an abortion. However, DOD policy requires military doctors to obey the abortion laws of the countries where they are providing services, so they still could not perform abortions in those locations. Military treatment centers which are dedicated to healing and nurturing life—healing and nurturing life, that is what this is about; in other words, what we should be about—should not be forced to facilitate the taking of the most innocent of all human life, that of the unborn.

As I speak of this, I ask forgiveness for our country, for the Nation, for the killing of this most innocent of life, the unborn.

I urge my colleagues to table the Murray amendment and free America's military from abortion politics and from performing these abortions at taxpayer-funded facilities. If passed, this amendment will effectively kill the DOD authorization bill, and on that ground as well, I urge my colleagues to reject this amendment.

I think we must get down to the very basics on this, as happens so often when it comes to these sorts of issues, and that is: Should we use taxpayer-funded facilities to perform abortions, making them abortion clinics? Is that something our citizens would want us to do, whether they were pro-life or pro-choice? I think the vast majority would say, no, we don't want it to take place in our facilities and this is a bad precedent for us to set.

I thank my colleague from Arkansas for leading this difficult and very important debate.

I yield back the time reserved for our side on this issue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

I start by asking the sponsor of this amendment, Senator MURRAY, of Washington, just a few questions so we can clarify what we are talking about.

Is it my understanding that the Senator's amendment is offering to women who are serving in the military the same constitutional right available to every woman in America?

Mrs. MURRAY. The Senator from Illinois is absolutely correct.

Mr. DURBIN. Secondly, is it my understanding that if a woman in the military wants to seek an abortion, the Senator's amendment says it would have to be at her cost completely, not at any cost to the Federal Government?

Mrs. MURRAY. That is right. Under this amendment, the woman would have to pay for the services in the military hospital on her own.

Mr. DURBIN. Third, does the Senator's amendment require every military hospital and every doctor in those hospitals to involve themselves in abortion procedures if it violates their own personal conscience or religious belief?

Mrs. MURRAY. I say to the Senator from Illinois, there is a conscience clause that allows any doctor to be excused from the procedure based on religion.

Mr. DURBIN. I thank the Senator from Washington.

I wanted to make those points clear. We are talking about a constitutional right which every woman in America enjoys, her right to control her reproductive health.

Make no mistake; it is a controversial right. There are people on this floor who do not believe the Supreme Court was right in establishing that, within the right of privacy, every woman should make that decision with her doctor and her conscience. These are people who oppose abortion either completely or want to limit it to certain circumstances.

What we are talking about here is whether or not a young woman who takes an oath to defend the United States of America and becomes part of our military service is going to give up her constitutional right to control her own reproductive health. That is the bottom line.

What Senator MURRAY is trying to say is, why would we treat women who volunteer to serve in the military as second class citizens? Why would we deny to daughters and sisters and mothers and wives who serve in the military the same constitutional right which every woman in America enjoys?

Those who oppose this amendment say women in the military should be treated as second class citizens; they should not have the same constitutional rights as any other woman in America.

Second, the question about whether the Government is paying for the abortion is always a controversial question. Some people who in conscience oppose abortion say: I don't want a penny of my taxes to be spent on abortion services. Senator MURRAY addresses this directly and says that any abortion procedure has to be paid for by the woman in uniform. She is paying for it out of her pocket. It isn't a matter of the Government paying for it. Should a woman choose an abortion procedure, they have to pay for it. In this case, Senator MURRAY makes that clear.

Finally, to argue we are going to turn military hospitals into abortion clinics and force doctors to perform abortions defiles the very language of the amendment. Senator MURRAY carefully included a conscience clause. If a doctor in a military hospital overseas should say: because of my personal religious beliefs or my conscience, I cannot perform an abortion procedure, there is absolutely no requirement in the Murray amendment that person be involved. The same conscience clause that applies in most hospitals in the United States applies in this amendment.

This is the bottom line: Men and women in uniform are asked to risk their lives in defense of our country. God bless them that they are willing to do that. But should women in the military also be asked to risk their health and their lives because they want to exercise their own constitutional right to decide about their own reproductive health care? That is the bottom line.

It really gets down to a very simple question: Why would we treat women in the military who have volunteered to serve this country as second-class citizens?

Sue Bailey, the Assistant Secretary of Defense for Health Affairs, recently wrote:

> The Department of Defense believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to a full range of reproductive health care, to include abortion. The availability of quality reproductive health care ought to be available to all female members of the military.

So we know where the military stands. The Department of Defense supports this amendment by Senator MURRAY.

There is a current provision in the law for servicewomen overseas, when they have their life at stake or they have been victims of rape or incest, to have an abortion service at a military hospital. This has been stated by those on the floor. But there is no provision, no protection whatever, for that same servicewoman who discovers during the course of her pregnancy that because of her own medical condition continuing the pregnancy may be a threat to her health. A doctor can diagnose during the course of a pregnancy the continuing that pregnancy might result in a young woman never being able to bear another child. Perhaps that baby she is carrying is so fatally deformed it will not survive. And according to those who oppose the Murray amendment, that servicewoman is on her own.

What is her recourse? Well, maybe she will turn to a doctor in that foreign country, hoping that she will get someone who is professional and can perform a service that won't harm her more than a continued pregnancy might. Frankly, the alternative is to get on a plane and fly to another location, another country, or back to the United States, wait for space available, or pay for it on commercial fare. Is that the kind of burden we want to impose on young women who volunteer to defend the United States, take away the constitutional right available to every American woman, to say to them, if you find yourself in a delicate or difficult medical situation, it is up to you, at your cost, to get out of that country and find a doctor, a hospital, a clinic, that can serve you? That is the bottom line, as far as I am concerned.

This is a question of simple fairness. It is a question of restoring a policy which was in the law between 1973 and 1988 and again from 1993 to 1996.

Senator MURRAY has said to those who oppose abortion—and many in this Chamber do—to those who oppose the Supreme Court's decision in Roe v. Wade, you are entitled to your point of view; You are entitled to make the speeches you want to make; But you are not entitled to deny to servicewomen overseas the same constitutional rights we give to every woman in America. We will debate abortion for many years to come, whether or not the Supreme Court sustains Roe v. Wade.

So long as it is the constitutional right in our country for women to consider their own privacy and their own reproductive health and make those personal decisions with their doctor, with their family, with their conscience, we should not deny that same right to women who are serving in the military.

The women in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, and their basic constitutional rights for a policy with no valid military purpose.

I rise in strong support of this amendment, a bipartisan amendment, by Senator MURRAY and Senator SNOWE of Maine. I hope my colleagues will show respect for the women who serve in our military by voting in favor of this amendment.

I yield the floor.

Mr. HUTCHINSON. Mr. President, one of the issues that has arisen during this debate is whether or not the Murray amendment violates the Hyde provision which prohibits Federal funding

for abortion. Proponents of the amendment argue, no, this doesn't violate Hyde because we are requiring a woman to pay for the abortion procedure.

I have raised the issue as to how exactly to calculate the cost of reimbursing the DOD for the expense of an abortion procedure, in a military hospital, when the facilities were built at taxpayers' expense, and the support staff were paid salaries out of public funds, in which the equipment has been paid for. How in the world would this be calculated?

Now, earlier it was suggested that is not really a problem. During the lunch break, we checked with the Department of Defense. I will share for the record what we found. It is currently not feasible with existing information systems and support capabilities to collect billing information relative to a specific encounter within the military health care system.

Procedures performed in military hospitals are assigned a diagnostic related group code, but these are ''assigned'' or ''allocated'' costs that don't necessarily reflect resources devoted to a specific case. Military infrastructure and overhead costs cannot, at the present time, be allocated on a case-by-case basis.

It is very clear that the Hyde amendment would be violated, that we would—whether we admit it or not, whether we promulgate this legal myth—be subsidizing abortion with taxpayers' money, in violation of the law of the land.

I yield 5 minutes to my colleague from Wyoming, Senator ENZI.

Mr. ENZI. Mr. President, I thank the Senator from Arkansas for his dedication to this issue and I thank the Senator from Kansas for his very careful presentation of a number of important issues that deal with this amendment.

Mr. President, I rise in opposition to the Murray amendment and I urge my colleagues to follow the course we have set over the last several years and reject this amendment.

Mr. President, the underlying legislation before us, the Department of Defense Authorization Act, is an extremely important piece of legislation. In conjunction with the accompanying appropriations bill, it provides for the essential funding needed by our brave men and women on whom we rely to dedicate their time and service, and sometimes even their very lives, to protect our great nation from aggressors who threaten our freedom, and security, and our very way of life. Our military personnel are tasked with protecting our lives and our manner of life, which according to our hallowed Declaration of Independence, guarantees to each American those fundamental rights of life, liberty, and the pursuit of happiness.

Rather than supporting our brave military men and women in their difficult task of protecting life and liberty, the Murray amendment would call on military personnel to use military facilities to take innocent human life through elective abortions. This proposal runs contrary to the mission of our armed services and should be rejected.

Mr. President, it is noteworthy that when President Clinton first promulgated his policy in 1993 directing that abortions be performed in military facilities, all military physicians and many nurses and support personnel refused to perform or assist in elective abortions. This is compelling evidence that military physicians want to be in the business of saving life, not performing elective abortions. We should honor the wishes of these military medical personnel and reject the Murray amendment.

Mr. President, this amendment even goes beyond the debate on abortion because it would essentially require tax funds to be used to aid in elective abortions. Military hospitals and medical clinics are built with American tax dollars. Military physicians, nurses, and other support personnel are paid by federal tax dollars. We have just heard how that billing is done. From an accounting standpoint the person does not pay for the costs involved with the medical hospitals and clinics. Military physicians, nurses and other support personnel are paid by Federal tax dollars. Even if the abortion procedure itself was not directly paid for by federal funds, federal tax dollars would have to be used to train military physicians to perform abortions.

Moreover, if military physicians refused to perform these elective abortions, and they were not required to violate their consciences, then civilian doctors and medical personnel would have to be hired to perform these elective abortions on military facilities. How does the accounting work for direct costs? Would these civilian medical personnel also have to be reimbursed with federal tax dollars?

In essence, the Murray amendment would require that American taxpayers help pay for elective abortions for military personnel. Regardless of one's position on the legality of abortion, it is not proper for Congress to use Americans' tax dollars to fund something that is as deeply controversial as abortion on demand.

I urge my colleagues to cast a vote for life and maintain the status quo by rejecting the Murray amendment. Abortions are available if the life of the mother is at stake, or if there has been rape or incest. But the elective abortion is another area that is controversial because of the funding that is available. So I do ask you to cast a vote for life and maintain the status quo, reject the Murray amendment.

I yield the floor. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey and 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I thank the Senator from Washington and the Senator from Maine. I congratulate each of them on this amendment.

There are good and sound arguments that people who serve in the Armed Forces of the United States deserve some special privilege. Their lives are at risk. They give months and years of their time in service to our Nation. Certainly, they deserve some special recognition and accommodation to their needs.

I know of no argument that people in service to our country, because they are in the Armed Forces, deserve less. Access to safe abortions is not a national privilege. It is not a benefit we extend to the few. It is, by order of the Supreme Court of the United States, a constitutionally mandated right. Yet people would come to the floor of the Senate and say those who take an oath to defend our Nation and our Constitution by putting their lives in harm's way deserve not those constitutional rights of other Americans but less.

To the extent my colleagues want to debate the law, fight on the constitutional issue, I respect them. To the extent they simply want to provide barriers when a woman wants to exercise her constitutional right while in service to our country, it does not speak well of the anti-abortion movement. Women in the Armed Forces serving abroad must arrange transportation, incur delays. Ironically, to those in the anti-abortion movement, these are women whose abortions get postponed to later stages of pregnancy and must have the personal dangers of travel while pregnant because of this prohibition.

In spite of words I heard said on this floor, there are no public funds involved. Women would pay for these procedures themselves. No providers of health care in a military hospital or other facility would be forced to do this against their will. This would be done only on a voluntary basis by regulation of the Armed Forces. It is voluntary; it is privately paid for; it is constitutional; and it is right.

How would we account for the expense, the Senator from Arkansas has raised. This was done in 1994 and 1996; it was done before 1993. In all those years, in hundreds and thousands of cases, we had no accounting difficulty. A woman is presented with a bill: Here is what it costs. Is it a private matter? You pay for it.

The Armed Forces themselves may be in the best position to speak for their own members. On May 7, 1999, Assistant Secretary of Defense Sue Bailey stated:

> The Department of Defense believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their constitutional right to the full range of reproductive healthcare. * * *

Exactly. Members of our Armed Forces ask for no special privileges. They ask for no special rights. They want to have the constitutional rights of all other Americans. It is not right. It is not fair. It is not even safe to ask a woman at this dangerous, important, critical moment of her own life to seek transportation to travel across continents to exercise the abortion rights that every other American can get from their own doctor at their own hospital.

No matter what side you are on in the abortion debate, this is just the right thing to do. I urge my colleagues on both sides of the aisle, on all sides of this debate, if ever there was a moment for unity on reproductive rights, I urge support for the Snowe-Murray amendment.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time to the Senator from California?

Mrs. BOXER. I believe, under the unanimous consent agreement, I am supposed to get 10 minutes at this time; is that correct?

The PRESIDING OFFICER. The Senator is correct. The Senator is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I thank Senator MURRAY for giving me these 10 minutes. I compliment her and Senator SNOWE for once again bringing this matter to the Senate. We have had very close votes. I believe, if people listened to the arguments on both sides, they would come down in favor of the Murray-Snowe amendment. I want to say why.

The Murray-Snowe amendment will repeal the law which says to servicewomen and military dependents who are stationed overseas that they are less than full American citizens; that they, in fact, no longer have the protections of the Constitution; and that, in fact, they do not deserve the full measure of that protection.

I don't want to overstate this, but I think it is almost unpatriotic to take the view that a woman who gives her life to her country every single day would be denied a right that every other woman has. No other woman in America is told: Talk to your boss about the problem you've got yourself into. Get his permission.

I say to my colleague from Arkansas, who says some of the commanding officers are women, I suppose about 2 percent are women. But that is not the point. Whether it is a man or a woman, no one else in America has to go get permission from their employer to get a safe abortion.

With all due respect to Senator BROWNBACK, who says this is about protecting the unborn, this is not about protecting the unborn. This is about protecting the rights of American women, who happen to be in the military, to have the same constitutional protections as any other woman. If we want to discuss the issue of whether a woman should have the right to choose, that is another conversation for another day or perhaps for another Supreme Court, which has upheld a woman's right to choose time and time and time again since 1973. Even Justices who were appointed by Republican Presidents have done so. So although my friends want to make this issue about the rights of the unborn, that is not what this is about. This is about making it difficult and really, in many ways, dangerous for women in the military to exercise their right to choose. I think that is a rather sick thing to do, if you want to know the truth.

How would you like to be a woman who finds herself with this unwanted pregnancy? She may decide to go to full term. That is her choice. She may choose that. But what if she doesn't? Now she is faced with a situation where she has to go to her boss and beg to get on a cargo plane—when there is a seat available, I might say.

So Senator TORRICELLI is right in his point; such could delay this procedure until it was more dangerous to her health, or she could choose not to be humiliated, embarrassed, and the rest, and go to an unsafe place in a country that may well be hostile to her, try to understand what the doctors and the nurses are saying, and subject herself to a dangerous situation. Why? Why would my colleagues want to do that to women in the military?

With all due respect to my colleagues, I do not doubt their sincerity. But for them to stand up and say that the DOD really doesn't know how to allocate these costs so Senator MURRAY is wrong on this point, Senator SNOWE is wrong on this point; we can't figure out really what this costs, that simply flies in the face of experience.

For many years, this is what had been done. It was no problem getting the women to pay their fair share of the costs associated with an abortion, a safe and legal abortion in a safe military hospital.

In the Murray amendment, no one is forced to be involved in this procedure if they have an objection based on conscience.

We have covered all the bases, if you will. I don't care who stands up here and waves a piece of paper and says they can't figure out what it costs. The military supports the Murray-Snowe amendment.

I will repeat that. The U.S. Department of Defense supports the Murray-Snowe amendment. Why? Because they care about the people in the military. They are advocates for people in the military. They do not think you should give up your rights because you put your life on the line for your country. On the contrary. They want to thank the women in the military for putting their lives on the line, and one way to do it is to ensure they will share in the benefits of this Nation, which include being protected by the Constitution of the United States of America.

The Supreme Court decision that occurred in 1973, which many of my colleagues do not like—Senator HARKIN and I had a very clear-cut amendment upholding the Supreme Court decision of 1973. We got 51 votes. Roe v. Wade got a 51-vote majority in the Senate, but it is hanging by a thread. And this attempt in this bill, which the majority side of the aisle supports, to stop women, who happen to be in the military, from their constitutional right to choose flies in the face of what the military says it wants to do for our people, which is to protect them when they are abroad.

This is simply about the rights of women, one particular group of women, the women I thought my friends on the other side of the aisle would particularly respect because of their respect for the military. This is telling those women in the military: You cannot have the same rights as anybody else.

I recall when we had a debate on the Washington, DC, appropriations bill. I happened to be the minority member who was bringing that bill forward. There were many restrictions on the poor women of Washington, DC, that were not put into any other bill. In other words, the people in my cities did not get stuck with particular rules that told them they could not use city money if they, in fact, wanted to exercise their right to choose.

I said to my friends on the other side of the aisle: Why are you picking on these poor women in Washington, DC? Do my colleagues know what the answer was? Because we can.

I rhetorically ask the same question: Why are we picking on women in the military and saying they are less than full citizens of this country, that they do not have the constitutional rights that other women have?

I suspect an honest answer coming back would be: Because we can take this right away; because we in the Senate have the power of the purse, and we are going to exercise that power because we can. And they will do it.

I am hoping one or two people on the other side will change their minds on this amendment if they are listening to this debate; given the fact that the military supports the Murray-Snowe amendment. I hope a couple of people will change their minds on this. Just because we can exercise our personal religious and moral beliefs on someone else does not mean we should do that.

We should respect people and know we have freedom of religion in this country. That does not mean we have a right to put our moral values and our decisions on someone else. We should respect them. They are going to decide this issue.

I can tell my colleagues that a decision to have an abortion is one that is very serious for our people. Women do not do it in a cavalier way. They think about it, and they talk about it with the people who love them, not their boss. That is what my colleagues make people do: Go to their boss and beg to get on a plane to get a safe abortion. It is shameful. It is just shameful. They

would not want that done to their children. I do not think so. They would want them to have the chance to do what they thought was right and have the opportunity of a safe, legal procedure.

Again, I say to Senators MURRAY and SNOWE that they are courageous to do this; they are right to do this. They lost a couple of votes on close vote counts, and they are not giving up.

I hope everyone who is watching this debate, be they a man or a woman, be they old or young, be they for a woman's right to choose or against it, understands what this debate is about. Nothing we do today, regardless of how this vote goes, will change the law governing a woman's right to choose. That was decided in 1973, and it has been upheld. It is a right.

This is not about the rights of the unborn. It is about the rights of women in the military to have the same constitutional protections as all the other women in our Nation.

I thank the Chair for his courtesy, and I thank Senator MURRAY for her courage. I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, the statement was made that the military supports the Murray amendment. Thus far during our debate, twice, a Dr. Sue Bailey, who is a former Under Secretary of Defense for Health, has been quoted. Notwithstanding whatever the Department of Defense might say today, I suspect were there to be a survey of U.S. men and women in uniform across the world, the vast majority would not favor turning U.S. military installations overseas into abortion providers.

I yield to the distinguished Senator from Oklahoma, Mr. NICKLES, such time as he may consume.

The PRESIDING OFFICER. The assistant majority leader.

Mr. NICKLES. Mr. President, I compliment my colleague from Arkansas, Senator HUTCHINSON, for his contribution to this debate. I want to make a couple of comments.

If we adopt the Murray-Snowe amendment, we will be turning military hospitals worldwide into abortion clinics. That is what it is about.

I heard somebody else say: We have to protect the constitutional right to choose. It is not the right to choose. The question is, are we going to turn military hospitals into abortion clinics?

I also heard the comment: The military supports this amendment. I would like to ask General Shelton that. I would like to ask Secretary Cohen that. I would like to ask former Secretary Dick Cheney that. I would like to ask Colin Powell that. I doubt that would be the case.

What about this constitutional right? I heard ''safe legal abortions.'' When did Congress pass a law? I do not believe Congress ever passed a law saying women have a right to an abortion. The Supreme Court came up with a decision in Roe v. Wade that ''legalized'' abortion, and by legalizing abortion they overturned State laws.

The majority of States—almost all States—had restrictions on abortions. The Supreme Court, in its infinite wisdom, said: States, you do not know enough, so we are going to legalize abortion.

I personally find it offensive anytime the Supreme Court goes into the lawmaking business. I read the Constitution to say Congress shall pass all laws—article I of the Constitution. It does not say, laws that are kind of complicated, Supreme Court, you go ahead and pass.

Now people are trying to take, in my opinion, a flawed Supreme Court decision and say we are going to turn that into a fringe benefit. Certainly, the Supreme Court did not say that, but my colleagues are saying: We want to have the right to have an abortion in government hospitals; this is a fringe benefit; let's pick it up, it is going to be paid for by the taxpayers.

These doctors, who are Federal doctors, are going to be trained to do what? Provide abortions. What is an abortion? It is the destruction of a human life. We are now going to turn this Supreme Court decision into a fringe benefit? The Supreme Court never said this was a fringe benefit. The Supreme Court never said the Government had to pay for it, or the taxpayers had to pay for it.

Who pays that doctor's salary? Who is going to train that doctor? Who is going to train the nurse? Who is going to make sure the facilities are there? The taxpayers are. The Supreme Court never said you have to turn this into a Federal paid fringe benefit at Federal expense.

I heard somebody else say this is not a debate about paying for it; they are willing to pay for it themselves. They do not pay for the training of the doctors. They do not pay for the building of the facilities or having the facilities there, and all the expenses associated with it.

Basically, they are asking that the Federal policy be to turn our military hospitals into abortion clinics with the acceptance, with the acknowledgment, with the prestige of the U.S. Government, that this is a procedure we will supply, as if it is just an ordinary fringe benefit.

It is dehumanizing life. It is devaluing life. It is just a fringe benefit? It is a destruction of life. We are going to have the taxpayers do that? We are going to mandate all military hospitals worldwide become abortion clinics?

We are going to mandate basically that these doctors, when they are recruited to go into military training, have to also be trained to perform abortions? I think that would be a serious mistake. I urge my colleagues, at the appropriate time, to vote in favor of the motion to table the Murray amendment.

Again, my compliments to my friend and colleague from Arkansas.

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

Mrs. MURRAY. Mr. President, I simply need to respond. The Murray-Snowe amendment is not asking for a fringe benefit. Let me make it very clear to everyone who is listening, what this amendment does is simply allow a woman who serves in the military overseas to pay for her own abortion services in a military hospital where it is safe and it is legal. It is not a fringe benefit. Health care choices for women who serve us overseas are not fringe benefits. They simply are the same right that is afforded to every woman who lives in this country.

Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I come to the floor today just to add a couple of other points to this very important debate.

I thank my colleagues from Washington and Maine for sponsoring this amendment. I will join with them in voting for this amendment.

I simply point out to our colleagues that while emotions and passions may run quite high on this issue, as has been expressed by various Members, I do not necessarily consider this an abortion vote one way or the other. This is about our military. This is about equal rights and equal protection for men and women who serve in the military. It is a pro-military vote. It is a health care vote.

We can debate, as we do regularly, and as the Senator from Oklahoma just pointed out, our differences of opinion on abortion. We have differences of opinion about whether we should be pro-choice, anti-choice, or pro-abortion. But this is an amendment concerning women who have signed up in the military, at some sacrifice to themselves and to their families, to serve our country in uniform.

As a member of the Armed Services Committee, it is so hard for me to understand how this Congress could take a constitutional right away from a woman in uniform by denying her health care she may need, and in some instances may be in desperate need of, while serving our country overseas. It is for no good reason that I can understand, nor can many of us understand.

We can debate the abortion issue on other bills, in other venues. We have resolutions. This is on our military bill. This is a readiness issue. We have reached out to women to serve in our Armed Forces. We have asked them to serve. Ten or fifteen percent of our Armed Forces are female.

Just recently I read, with great pride—and I hope many of our Members here have read this—that in our academies, the Army, the Air Force, and the Navy academies, 5 out of the top 10 graduates this year are women.

We are opening the doors of our military academies. Some of our best

trained people are female, getting ready to defend our Nation's principles for which so many died.

If, in fact, they are overseas and injured in the line of duty, and the woman happens to be pregnant and needs to terminate that pregnancy, they will have to go to their commanding officer, ask for permission, and be transported back on a cargo plane, if and when one is available, putting their health in jeopardy. It is not right. It is not fair.

I would like to correct the record. Secretary Cohen does support giving this health benefit to women who are in our military.

I would like to correct something else for the record. The Murray-Snowe amendment requires that women in uniform pay out of their own pockets for the procedure that they believe they need because of their health or that their doctor might recommend they need. In addition to paying out of their pocket, let me remind my colleagues, they are taxpayers. Their money does in fact build the hospitals and pay for the doctors. The last time I checked the Tax Code, both men and women pay taxes, not just the men of this Nation.

So for the readiness issue, for the military issue, I ask my colleagues, even those who are opposed to abortion on constitutional grounds, since it is a constitutional right, let us please have consideration for the women who are in uniform, who serve our country valiantly, and who may indeed find themselves in a foreign and strange land, in some instances, fighting for the principles we represent here. For them to not be able to get the health care they need because some Members of this body voted to take that right away from them, I do not want to be in that number.

Mr. President, I am proud to support this amendment. I urge all of my colleagues to join with us in supporting this important amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, a constitutional right has not been abridged. They in fact can seek an abortion, but it simply cannot be on military grounds, in military hospitals, or subsidized by the American taxpayer.

At this time, I yield such time as he might consume to my distinguished colleague on the Armed Services Committee, the Senator from Alabama, Mr. SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is indeed an important Defense authorization bill. We have worked on it for a long time. Unfortunately, it is now being jeopardized by an attempt to shove further and further abortion rights, abortion entitlements forward, to be paid for by the American taxpayers. That is a principle we ought not to confront, in my view.

As I see it, there has sort of been a quasi, uneasy truce among those who disagree about abortion. We have said the right exists and people can choose it, but we are not requiring that the American taxpayers pay for it. People on both sides may like to see that changed in various directions, but fundamentally that is where we are.

We have an important defense bill being jeopardized by this approach that says that taxpayers have to have the Army, Navy, and Marine hospitals converted into abortion clinics. I do not believe that is popular with the service. I know it is not popular with the physicians in the service. In fact, I am disappointed to hear that the Secretary of Defense—I now hear from this floor—favors this amendment.

Once again, we have politicians and bureaucrats in the Department of Defense playing political and ideological games with the morale and esprit de corps of the men and women in the military. I do not appreciate that.

Every physician who was called upon previously, when there was a period in which these abortions were to be performed in military hospitals, rejected that. Not one military physician, who swore an oath to preserve life and who had character and integrity that led them to conclude they ought not to do these abortions, would do so.

So there is unanimous support. I do not know why the Secretary of Defense ought to be doing this. I did not know that it happened. I knew that a bureaucrat, an Under Secretary of Defense, had said it was a constitutional right.

It is not a constitutional right to have the taxpayers provide a place for someone to conduct an elective surgery. That is not a constitutional right. It is a constitutional right, according to the Supreme Court, that no State can pass laws to stop someone from going out and seeking an abortion and having it. Basically, that is the current state of the law by the U.S. Supreme Court. That is the right.

It is not a right to have it paid for by the American citizens, many of whom deeply believe it is wrong. Overwhelmingly, a majority—apparently all physicians in the military—do not want to do this. Why are we forcing it? It is not good for military morale. It is not going to improve the self-image of the patriots who defend us every day. I feel strongly about that. I wish the Secretary of Defense had not come forward in that way.

What is the policy? What are we saying to our women in uniform today? The policy says: Join the service and you may be deployed. Most people may serve their whole career and never be deployed outside the United States but some are. So you may be deployed. We say to them: You have a full right to have an abortion, as any other American citizen. You have that right. We have regulations, implemented by the Clinton-Gore administration, to guarantee those rights. We say: But you must pay for that procedure. The taxpayers are not going to pay for it. If you are on foreign soil and there is not an American hospital nearby or an abortion clinic nearby, you will be given leave. You will be given free travel on military aircraft to come back to a place you think is appropriate to have your abortion. We are just not going to pay for it. We are not going to convert our hospitals, and we are not going to have our physicians who don't approve of this procedure be required to take training in and undertake that procedure.

That is the way it is. That is not a denial of constitutional rights. If it were, why don't we have a lawsuit and have the U.S. Supreme Court declare that is an unconstitutional policy? There is zero chance of having the Supreme Court declare the policy, as I have just stated it, unconstitutional. It is an absolutely bogus argument to say the current state of the law concerning abortions in military hospitals is unconstitutional. It is not so. It is inaccurate and wrong. It ought not to be said. If it is so, it will be reversed by the Supreme Court. But it will not be because it is not unconstitutional.

Someone suggested that this is oppressive to women. That is a very patronizing approach to women in the military. The women I know in the military are quite capable. They know how to make decisions. They are trained to make decisions. They are strong and capable. They are not going to be intimidated from taking a medical course they choose to take. It is not a question of asking permission of their commanding officer. They can have the abortion as they choose. If they want to be transported back to the United States on free travel, they have to ask for the free travel. They have to ask their commander, someone to give them the travel back on the aircraft. It is not begging the commanding officer for permission to have the abortion, which is a right protected by the Constitution.

It has been argued that we are here to place barriers in the way. No. The regulations guarantee the right of a woman in the military to have an abortion and guarantee the right to be transported back to a place where the abortion can be provided. It does not bar an abortion. How can daylight be turned to darkness in that way?

There are many deep beliefs on both sides of this issue. We need to be clear in how we think about it. If we think about it fairly, we will understand that the U.S. military guarantees and protects and will assist a woman to achieve an abortion. What we are saying is, we shall not be required to provide a hospital, doctors, and nurses to do so. I think that is a reasonable policy in this diverse world in which we live. We do not need to jeopardize the entire Defense bill by challenging the deeply held and honorable position of many Americans.

We need to reject this amendment. I think it is basically an attempt to shove, once again, the abortion barriers even further, to attempt to get around the Hyde amendment which flatly prohibits expenditure of Federal dollars to carry out abortions. The Hyde amendment is quite sane, quite reasonable, quite fair in light of the deeply held opinions of Americans.

Let us not go further. Let us reject the Murray amendment.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the amendment offered by Senators MURRAY and SNOWE. I am proud to be a cosponsor of this amendment.

This amendment would repeal the current ban on privately funded abortions at U.S. military facilities overseas.

I strongly support this amendment for three reasons. First of all, safe and legal access to abortion is the law. Second, women serving overseas should have access to the same range of medical services they would have if they were stationed here at home. Third, this amendment would protect the health and well-being of military women. It would ensure that they are not forced to seek alternative medical care in foreign countries without regard to the quality and safety of those health care services. We should not treat U.S. servicewomen as second-class citizens when it comes to receiving safe and legal medical care.

It is a matter of simple fairness that our servicewomen, as well as the spouses and dependents of servicemen, be able to exercise their right to make health care decisions when they are stationed abroad. Women who are stationed overseas are often totally dependent on their base hospitals for medical care. Most of the time, the only access to safe, quality medical care is in a military facility. We should not discriminate against female military personnel by denying safe abortion services just because they are stationed overseas. They should be able exercise the same freedoms they would enjoy at home. It is reprehensible to suggest that a woman should not be able use her own funds to pay for access to safe and quality medical care. Without this amendment, military women will continue to be treated like second-class citizens.

The current ban on access to reproductive services is yet another attempt to cut away at the constitutionally protected right of women to choose. It strips military women of the very rights they were recruited to protect. Abortion is a fundamental right for women in this country. It has been upheld repeatedly by the Supreme Court.

Let's be very clear. What we're talking about here today is the right of women to obtain a safe and legal abortion paid for with their own funds. We are not talking about using any taxpayer or federal money—we are talking about privately funded medical care. We are not talking about reversing the conscience clause—no military medical personnel would be compelled to perform an abortion against their wishes.

This is an issue of fairness and equality for the women who sacrifice every day to serve our nation. They deserve access to the same quality care that servicewomen stationed here at home—and every woman in America—has each day. I urge my colleagues to support this important amendment to the Fiscal Year 2001 Department of Defense Authorization Bill.

Mr. ROBB. Mr. President, the amendment offered by Senator MURRAY and Senator SNOWE renews our debate, once again about women's reproductive choice and access to safe, affordable, and legal reproductive health care services. I commend the sponsors of this amendment for their eloquent advocacy on behalf of women in uniform.

Mr. President, the Murray-Snowe amendment repeals the ban on privately funded abortions at overseas military medical facilities. Simply stated, this legislation would ensure that women service members and military dependents stationed overseas have access to the reproductive health care services guaranteed to all American women. Under the current policy, women who volunteer to serve their country and are stationed outside the United States have to surrender the protection of these rights. They can't use their own funds to obtain abortion services in our safe military medical facilities. It is ironic that active-duty service members who are sent abroad to protect and defend our rights are unnecessarily denied their own in the process.

Mr. President, the Supreme Court has, time and time again, affirmed that reproductive rights are constitutionally protected rights. Roe v. Wade is still the law of our land. Congress has even passed legislation making it illegal to prevent or hinder a woman's access to clinics that provide abortion services. And yet we are here again trying to protect the constitutional rights of a group of women who are willing to die to protect the constitutional rights of all Americans. This is a fight we shouldn't have to wage in this chamber, Mr. President.

I'd like to respond to some of the arguments that have been made against this amendment. This amendment does not advocate Federal funding of abortions. Women service members, not the American taxpayer, are entirely responsible for the cost of these services. Furthermore, as per current policy, this amendment would not force any individual service member to perform a procedure to which he or she objects.

I urge my colleagues to support this amendment and give military service members and their dependents the same protections whether stationed in this country or abroad. The women of our Armed Forces should not be forced to risk their health, safety, and well-being via back-alley abortions or substandard foreign health care services. The Murray-Snowe amendment provides the women who have volunteered to serve this Nation and are assigned to duty outside the United States with the range of constitutional rights that they have when they are on American soil. We owe this to our American soldiers, sailors, airmen, and marines. I urge my colleagues to support this amendment.

Mr. KENNEDY. Mr. President, I strongly support this amendment, and I commend my colleagues, Senator MURRAY and Senator SNOWE, for introducing it again this year. This is an issue of basic fairness for all of the women who have voluntarily dedicated their lives to protecting our country or who are dependents of military service members.

The current ban on abortions at U.S. military facilities overseas discriminates against women who are serving abroad in our armed forces. This ban is not fair to our servicewomen, and it is unacceptable. They are willing to risk their lives for our country, and it is wrong for our country to ask them to risk their lives to obtain the health care that is their constitutional right as American citizens.

Abortion is illegal in many of the countries where our servicewomen are based. The current ban on abortions endangers their health by limiting their access to reproductive care. Without proper care, abortion can be a life-threatening or permanently disabling procedure. It is unacceptable to expose our dedicated servicewomen to risks of infection, illness, infertility, and even death, when appropriate care can easily be made available to them.

Over 100,000 American women live on military bases overseas and rely on military hospitals for their health care. They should be able to depend on military base hospitals for all of their medical needs. They should not be forced to choose between lower quality medical care in a foreign country, or travelling back to the United States for the care they need. Forcing women to travel to another country or return to the United States to obtain an abortion imposes an unfair burden on them and can lead to excessive delays and increased risk.

Servicewomen in the United States do not face these burdens, since quality health care in non-military hospital facilities is readily available. It is unfair to ask those serving abroad to suffer a financial penalty and expose themselves to health risks that could be life-threatening.

Congress has an obligation to provide safe medical care for those serving our country both at home and abroad. This amendment does not ask that these procedures be paid for with federal funds. It simply asks that servicewomen overseas have the same access to all medical services as their counterparts at home.

Every woman in the United States has a constitutionally-guaranteed

right to choose whether or not to terminate her pregnancy. A woman's decision to have an abortion is a very difficult and extremely personal one, and it is wrong to impose an even heavier burden on women who serve our country overseas. It is time for Congress to end this double-standard for women serving abroad. I urge the Senate to support the Murray-Snowe amendment and correct this grave injustice.

Mrs. FEINSTEIN. Mr. President, as the Senate debates the FY 2001 Department of Defense authorization bill, I want to add my support for the amendment offered by Senators MURRAY and SNOWE to repeal the provision of current law that prohibits the use of DOD facilities for abortion services. This prohibition is particularly harsh for women who serve their country overseas.

Current law has two bans: (1) a ban on the use of any DOD funds to perform abortions, except if the life of the mother is endangered; and (2) a ban on using DOD facilities to perform an abortion except if the life of the mother were endangered or in the case of rape or incest. The Murray-Snowe amendment would repeal the second ban, on using a DOD facility to perform an abortion except where the life of the mother would be endangered or in the case of rape or incest.

This amendment does not force DOD to pay for abortions. It simply repeals the current ban on using DOD medical facilities. This ban works a particular hardship on military women stationed overseas because if they cannot use DOD facilities, they are forced to find private facilities, which may be unfamiliar, substandard, or far away.

I support this amendment for several reasons.

First, under several Supreme Court decisions, a woman clearly has a right to choose. A woman does not give up that right because she serves in the U.S. military or is married to someone serving in the military. Barring the use of U.S. military facilities creates a particular difficult barrier to exercising that constitutionally protected right when serving in another country.

Second, this prohibition in current law can endanger a woman's health, if she has to travel a long distance or wait to find an appropriate facility or physician. Women may not have ready access to private facilities in other countries. A woman stationed in that country or the wife of a service member might need to fly to the U.S. or to another country—at her own expense—to obtain an abortion because some countries have very restrictive laws on abortion. Most service members cannot easily bear the expense of jetting off across the globe for medical treatment.

If women do not have access to military facilities or to private facilities in the country where they are stationed, they could endanger their own health because of delay and the time it takes to get to a facility in another country or by being forced to get treatment by someone other than a licensed physician.

We know from personal experience in this country that when abortion is illegal, some women—especially desperate young women—resort to unsafe and life-threatening methods. If it were your wife, or your daughter, would you want her in the hands of an untrained, unknown person on the back streets of Seoul, South Korea? Or would you prefer that she be treated by a trained physician in a U.S. military facility? Under the current prohibition, women could put themselves at great risk by the hurdles required, by the possibility of using an untrained, unlicensed person and sometimes by a lack of knowledge of the seriousness of their condition.

People who serve our country agree to put their lives at risk to defend their country. They do not agree to put their health at risk with unknown medical facilities that may not meet U.S. standards. With this ban, we are asking these women to risk their lives doublefold.

Current law does not force any military physician to perform an abortion against his or her will. All branches have a ''conscience clause'' that permits medical personnel to choose not to perform the procedure. What we are talking about today is providing equal access to U.S. military medical facilities, wherever they are located, for a legal procedure paid for with one's own money.

The Department of Defense supports this amendment. A May 7 letter from Dr. Sue Bailey, the Assistant Secretary of Defense says the following:

> The Department believes it is unfair for female service members, particularly those members assigned to overseas locations, to be denied their Constitutional right to the full range of reproductive health care, to include abortions. The availability of quality reproductive health care ought to be available to all female members of the military.

Abortion is legal for American women. To deny American military women access to medical treatment they can trust is wrong. I urge my colleagues to vote the Murray-Snowe amendment.

Mr. HUTCHINSON. Mr. President, may I inquire as to how much remains on each side?

The PRESIDING OFFICER. The sponsor of the amendment has 10 minutes remaining; the opposition has 15 minutes remaining.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I will address a few of the issues that have been raised.

First, the Department of Defense stand on this: We have it confirmed that Secretary Cohen, the Secretary of Defense, does support this amendment. Several people have questioned Dr. Sue Bailey, who is Assistant Secretary of Defense, and wrote a very eloquent letter in support of this position. She did recently leave the Department. However, the Department's policy still is intact. Despite her being gone, the Department policy remains strongly the same.

Second, I keep hearing the question of taxpayer funds. Let me lay this out for everyone one more time. Current policy requires a woman who serves in the military overseas to go to her commanding officer and request permission for leave of absence. She cannot get free transport without giving them a reason why. She has to go to her commanding officer, most likely a male, explain to him that she needs abortion services, and then we provide her transportation back to the United States. Her transportation is usually on a C–17 or a military transport jet that I assume costs a lot more than an abortion procedure would in a military hospital.

What we are saying with this amendment is not to use taxpayer dollars, despite what the opponents keep asserting. We are simply asking that a woman who serves in the military overseas be allowed to pay for her own health care services in a military hospital so she can have access to a safe and legal abortion, just as women in this country do every day.

This is an issue of fairness. We are asking the women who serve in our military be allowed the services that every woman has a right to in this country. They are overseas fighting to protect our rights. Certainly, the least we can do is provide them rights as well.

I yield what time he needs to the Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Senator from Washington and Senator SNOWE. They have been doing an important job for the Nation.

We require an awful lot from the service men and women who serve us here and abroad. We ask them to volunteer to serve in the military. Then we send them all over the world to serve our Nation's interests. When we ask them to serve in foreign countries, the least we can do is to ensure they receive medical care equal to what they would receive in the United States. Servicewomen and their dependents who are fortunate enough to be stationed in the United States and who make the difficult decision to have an abortion can, at their own expense, get a legal abortion performed by a doctor in a modern, safe, American medical facility with people who speak English. Military women stationed overseas do not have that opportunity under current law.

That is what the Snowe-Murray amendment would change. The alternative of seeking an abortion from a host nation doctor who may or may not be trained to U.S. standards in a foreign facility where the staff may not even speak English is an unacceptable alternative. Our servicewomen deserve better.

This amendment is not about conferring a fringe benefit on military

women. It is, rather, a vote to remove a barrier to fair treatment of women in the military. This amendment does not require the Department of Defense to pay for abortions. As the Senator from Washington very clearly explained again, all the expenses would be paid for by those who seek the abortion.

The Defense Department calculates the cost of medical procedures in military health care facilities all the time. They routinely compute the cost of health care provided to military members and their families when seeking reimbursement, for instance, from insurance companies. Medical care, for instance, provided to a beneficiary who is injured in an automobile accident is routinely reimbursed by the insurance company of the driver at fault.

To say that we cannot calculate the indirect costs of medical care to the Government is simply not an accurate statement of what takes place already. The Defense Department calculates costs—direct and indirect—to the Government right now when it charges a third party for reimbursement.

There is no requirement in this bill—quite the opposite—that the Government pay for the abortion. It makes it very clear that the person who seeks the abortion must pay for the abortion.

Finally, we have heard about military doctors who have said in the past that they did not want to perform abortions. We heard one of our colleagues say that doctor after doctor said they did not want to perform an abortion.

That is why this amendment provides that abortions could only be performed by American military doctors who volunteer to perform abortions.

This amendment is about whether or not women who serve in the military are going to be treated as second-class citizens. That is what this amendment is about—whether it is going to be made more difficult for them when serving us abroad to exercise a constitutional right which the Supreme Court has conferred.

It is very intriguing to me that the opponents of this amendment speak about a woman being able to receive transportation back to this country. They don't seem to object to that; quite the opposite. They say: Look, we are making Government-provided transportation available to the woman. Why isn't the same objection being made to that?

The answer is because denial of access to a military hospital abroad for an American woman who chooses to have an abortion does not facilitate that procedure. And the opponents of this amendment, as a matter of fact, oppose this procedure. They want to make it more difficult. And forcing a woman to ask a commander to have leave and then, if transportation is going to be made available, provide transportation back to the United States to have an abortion, and then back across the ocean overseas, clearly makes it more difficult and in many cases more dangerous for that woman to have the procedure.

That is what this debate is all about. It is not about whether the Government is going to pay for the abortion or whether this is a fringe benefit. It is not. The woman must pay for it in that hospital by a doctor who voluntarily agrees to perform it.

This amendment is about whether or not we wish to remove a barrier which has been placed in front of a woman who chooses to exercise, at her own expense, that constitutional right.

I hope the votes will be here this time to remove this badge of second-class citizenship which now exists in the law which unduly, unfairly, and sometimes dangerously restricts the right of a woman who is serving us in our military to exercise her constitutional right.

I again thank my friend from Washington for her leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I yield myself all but the remaining 2 minutes of the time allotted to my side.

Let me clarify a couple of things from my perspective.

It has been alleged that if you have a servicewoman who is seeking an abortion under current policy, you put her on an aircraft, fly her back to the U.S. at taxpayers' expense, and therefore what is the difference? And the only reason we want to maintain the current policy is we want to put an impediment up to a woman having an abortion.

The current DOD policy for servicewomen seeking to obtain abortions is that they may fly on a space-available basis, if the aircraft are already making the trip for operational reasons—not for the purpose of facilitating abortions. Space-available transportation is available for any service member on leave regardless of what their motivation is.

These aircraft have been referred to repeatedly during the debate as ''cargo aircraft.'' In fact, these aircraft have passenger seats just as on civilian airlines.

I wish to propound a series of questions to the distinguished Senator from Washington, Mrs. MURRAY, on my time.

I ask the Senator exactly how she would calculate the cost of reimbursing DOD for the expense of an abortion procedure. Does she count only things consumed such as blood, bandages, and surgical tools, or would she compute the cost of using the facility, the salaries of the support staff, and the other medical equipment used to perform such a procedure?

Mrs. MURRAY. Mr. President, any hospital today has to calculate costs. Certainly I give a lot of credence to our military hospitals and to the military officials who run them to be able to do the same thing just as they have done prior to the time when women could have access to these abortions.

Mr. HUTCHINSON. Mr. President, I ask Senator MURRAY, if her proposal allows, as she argues, for a true calculation of the expenses, how much does she calculate the Government would be reimbursed for performing an abortion?

Mrs. MURRAY. Mr. President, that question goes directly to what the military is able to do, which is to themselves figure out what the cost is and bill it. It is an easy thing to do. They have done it before. It is not up to me to calculate the cost. Our military officials who run our hospitals are highly qualified individuals who have the ability to figure out what their costs are.

Mr. HUTCHINSON. After 1993, when the President, by Executive memorandum, ordered that military hospitals provide abortions overseas, there was, as the Senator from Washington knows, no physician who volunteered to do that. Where there would be no current doctors volunteering to perform abortions, does it envision the possibility of contracting civilian doctors to perform abortions in military facilities?

Mrs. MURRAY. Mr. President, we have the ability within our military hospitals right now to contract procurements of what our military personnel need. It would frighten me a great deal as a woman serving in the military if none of our military hospitals overseas knew how to perform an abortion in an emergency in case a woman's life is at risk, which we now need to know is available. If we are saying there are no doctors available anywhere in the entire world where we have service people available to perform that service, I would be frightened as a woman in the military service today if my life was at stake and there would not be a doctor available to help me.

Mr. HUTCHINSON. I take it that the answer is, yes, that the Senator envisions contracting doctors to perform.

Mrs. MURRAY. Just as we do with any other requirement in the military.

Mr. HUTCHINSON. In such an instance, would DOD then identify the contract physician?

Mrs. MURRAY. I would assume so. But, again, I would like to point out that we will bill the woman for the costs, whether it is contracted or not. She will be liable to pay.

Mr. HUTCHINSON. Is the Senator proposing that the Department of Defense perform elective abortion procedures in countries where abortions are prohibited by law?

Mrs. MURRAY. Our military hospitals overseas are on military facilities and go by American law. They would be performed in those facilities overseas on our property.

Mr. HUTCHINSON. I thank the Senator. I appreciate very much her candor in answering the questions. I think it has been illuminating.

I would like to go back on some of these questions. Frankly, it has been made very clear by the Department of Defense, as I stated earlier, that they do not currently have the ability to make these calculations on a case-by-case basis.

I quote once again that ''procedures performed in military hospitals are assigned a diagnostic-related group code, but these are assigned or allocated costs that do not necessarily reflect resources devoted to a specific case.''

That is very plain.

They further go on and say that military infrastructure and overhead costs cannot at the present time be allocated on a case-by-case basis.

As much as we would like to say and as much as I believe the proponents of this amendment are sincere, it is not currently possible for the Department of Defense to calculate what portion of the infrastructure, the equipment and facilities, should be allocated to an individual servicewoman seeking an abortion. That simply means we will, in fact, be subsidizing abortion procedures, and in doing so violate existing law.

I raise another issue as we think about Senator MURRAY's response to my questions. She said: Yes, in the case that you contract for a physician, it would be assumed that the proper defense would indemnify the contract physician. That means that the U.S. Department of Defense becomes the malpractice insurer for that abortion provider, that contract physician. It means that should there be a botched abortion, that doctor doesn't have to worry about malpractice because it is the U.S. Government that will, in fact, indemnify those costs. The Senator is correct; it is a terrible liability we would be assuming.

Senator MURRAY, in her response to my questions, also said it was her understanding that her amendment would allow elective abortion procedures to be performed in countries where abortion is prohibited by law. That is a very candid confession because that would dramatically change current DOD policy. This amendment would, in fact, allow abortions to be performed in countries where it is against the law. That includes South Korea, where we have 5,958 women serving. It includes Germany, where there are 3,013 women serving. Over 9,000 women serve overseas.

We are not just changing one Department of Defense policy. We are changing current policy that honors the laws of the countries in which these men and women are serving, a dramatic change from current policy and one of which my colleagues certainly need to be aware.

Much of this debate has been about providing abortions to military personnel overseas. The amendment would remove the restrictions on performing abortions at all military hospitals, even in the United States.

I urge my colleagues to look closely at the Murray amendment and exactly what it seeks to amend. I want my colleagues to be aware this amendment permits abortions at any military facility overseas or in the United States. This is not a simple refinement of current policy. This is not something dealing with the quality and fairness.

It can be argued that if it does not overturn current DOD policy regarding countries where abortion is illegal, you are only going to exacerbate any disparity that exists by saying some women overseas would be able to go to an American military facility and receive an abortion and others in countries where it was illegal would not. This is a dramatic change that would not only permit abortions in military facilities overseas but would also make a dramatic change in military facilities in the United States.

The arguments are clear and the arguments are persuasive. It is a mistake for this Congress to intervene and change current DOD policy, a policy that has worked well, a policy that accommodates women in uniform who desire to have an abortion, but without turning the American taxpayer into subsidizers of a practice that they find deeply, deeply offensive.

In Senator MURRAY's response to my question regarding what this amendment would do to our current policy regarding abortions in countries where it is illegal, we could have a dramatic and detrimental effect on our diplomatic relationships with our allies. Would Saudi Arabia continue to permit U.S. forces to remain if we permitted abortions at our facilities? How would the South Korean Government react to having abortions, which are illegal in South Korea, performed at the U.S. military facilities? These are serious issues. This is not something to be trifled about in a 2-hour debate on the floor of the Senate, as if we are trying to provide equity and to be fair to our women and military overseas.

The evidence is clear. The Murray amendment violates the Hyde provision in current law. The Hyde provision says we are not going to subsidize abortions; we are not going to spend public funds for abortions. It is a provision that has wide, broad, bipartisan support across this country. In fact, it is supported by both those who are pro-choice and those who are pro-life, who believe, even if a woman has this constitutional right, those who are offended by that, those who believe it is wrong, should not be required to subsidize it.

The Murray amendment chips away at that basic provision supported by the American people. It says she may have to pay something, but we are going to use taxpayer-funded facilities, taxpayer supported and paid for salaries, support staff, and equipment. If that is not subsidizing it, I am not sure what is. The Department of Defense has made it clear that trying to calculate the infrastructure, support staff, salaries, and everything else that goes into a military health care facility simply cannot currently, understandably, be computed on a case-by-case basis.

The issue about indemnification of contracted doctors is a serious issue that bears very serious consideration by this Senate. It is an issue that has not been previously raised. Senator MURRAY said, yes, if, as in 1993 when not one physician in the military volunteered to perform abortions when the President said we were going to offer these services in military facilities around the world, not one volunteered to do that, Senator MURRAY says in that circumstance, should that recur, under her amendment we will go out and contract. If we go out and contract physicians, it is a very clear and explicit violation of the Hyde amendment and, in addition, subjects the U.S. Government to untold liability.

I believe men and women of good will differ and do sincerely differ on the abortion issue. I do believe that men and women of good will, respecting the sincere convictions of others, do not believe those who are offended by the practice of abortion should be required to subsidize it. That is what is at issue. There can be no serious question. There can be no real debate that, in fact, by taking the step the Murray amendment suggests, we are going to put the U.S. military in the business of performing abortions. I don't believe that is supported by the American people. I don't believe that is in the spirit of the Hyde law. I don't believe that meets the criteria of the letter of that law.

It would be a terrible mistake down the slippery slope of providing abortion in this country to pass the Murray amendment and, in so doing, make millions and millions and millions of Americans who feel very deeply about this issue involuntary contributors to the practice of abortion by having this procedure done in military facilities not only overseas but here in the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I only have 33 seconds. I find it incredible that the argument has been made that if we allow women to pay for their own abortions in military facilities overseas, it will undermine our relationships with our host countries. We have sovereign law that covers our military facilities. If we were to flip that argument, we could simply say that in a country that provides abortions, if we don't provide them in our hospitals, it may also seriously undermine our credibility.

This amendment is about allowing the women overseas who serve our country and fight for us every day the same rights as the women in this country. I urge my colleagues to support this amendment and to send a message to the women who serve us overseas that we, too, will fight for their rights.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that when all debate time on the Murray amendment expires, there be an additional 20 minutes of debate relating to the hate crimes amendment, equally divided between Senators HATCH and KENNEDY. I further ask unanimous consent that following that debate, there be 4 minutes equally divided for closing remarks relative to the Murray amendment prior to the scheduled series of rollcall votes.

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

Mr. HUTCHINSON. I yield any remaining time on our side.

AMENDMENT NO. 3474

The PRESIDING OFFICER. All time has expired on the Murray amendment. Who yields time? The Senators from Massachusetts and Utah control time on the debate on the Hatch amendment.

Mr. KENNEDY. Mr. President, as I understand it, Senator HATCH will control 10 minutes; am I correct?

The PRESIDING OFFICER. The Senator is correct. Senator HATCH controls 10 minutes and Senator KENNEDY controls 10 minutes.

The Senator from Utah.

Mr. HATCH. Mr. President, I rise to speak in favor of the amendment that I have offered concerning the horrible crimes that are being committed in our country that have come to be known as hate crimes. They are violent crimes that are committed against a victim because of that victim's membership in a particular class or group. These crimes are abhorrent to me, and I believe to all Americans who think about it. They should be stopped. That is why I have offered this amendment.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent possible. Second, it provides assistance to State and local jurisdictions who lack the resources to carry out their duties of combating hate crimes.

Let me talk about the comprehensive study first. Under the Hate Crimes Statistics Act, data has been collected regarding the number of hate-motivated crimes that have been committed throughout the country. This data, however, has never been properly analyzed to determine whether States are abdicating their responsibility to investigate and prosecute hate crimes. My amendment calls for a comprehensive analysis of this raw data that would include a comparison of the records of different jurisdictions—some with hate crimes laws, others without—to determine whether there, in fact, is a problem with the way certain States are investigating and prosecuting these crimes.

Supporters of broad hate crimes legislation, like that proposed in the Kennedy amendment, claim that there are States and localities that are unwilling to investigate and prosecute hate crimes. It is unclear whether this claim is true. There is precious little evidence showing that there is a widespread problem with State and local police and prosecutors refusing to enforce the law when the victim is black, or a woman, or gay, or disabled.

At the hearing on hate crimes legislation that we held in the Judiciary Committee, Deputy Attorney General Eric Holder came to testify and explain the reasons why the Justice Department supports the expansive legislation proposed by Senator KENNEDY. I asked Mr. Holder the rather basic and straightforward question of whether he could identify ''any specific instances in which State law enforcement authorities have deliberately failed to enforce the law against the perpetrator of a crime.'' After he gave a somewhat non-responsive answer, I asked him again: ''Can you give me specific instances where the States have failed in their duty to investigate and prosecute hate crimes?'' Mr. Holder could not. He then indicated that he would go back to the Justice Department, conduct some research, and then provide the Judiciary Committee with the specific instances for which I asked.

In a subsequent response to written questions, the Justice Department identified three cases in which the Justice Department ''filed charges against defendants . . . after determining that the state response was inadequate to vindicate the federal interest.'' In addition, the Department identified two cases where the Justice Department determined that the State could not ''respond as effectively as the Federal Government because, for example, State penalties are less severe.'' These five cases hardly show wholesale abdication of prosecutorial responsibilities by State and local prosecutors. To the contrary, these cases show that State and local authorities are vigorously combating hate crimes and, where necessary, cooperating with Federal officials who may assist them in investigating, charging, and trying these defendants.

During the debate yesterday, Senator KENNEDY indicated that the Justice Department had produced additional examples of cases where State and local prosecutors have failed or refused to prosecute hate crimes. There are three of these additional cases. I have to say, however, that the three additional cases produced by the Justice Department and cited by Senator KENNEDY do not establish that State and local authorities are unwilling to combat hate crimes.

So where does that leave us? We are being asked to enact a broad federalization of all hate-motivated crimes that historically have been handled at the State and local level because, it is argued, States and local authorities are either unable or unwilling to prosecute them. My amendment's grant program addresses the first concern—that States and localities, because of a lack of resources, are unable to prosecute these crimes. If there is not enough money there, let's put enough money into the bill. I am not against increasing the sums. As for the second concern, we are being asked to conclude that States and localities are unwilling to prosecute hate-motivated crimes on the basis of eight cases—eight cases out of the thousands and thousands of criminal cases that are brought each year. Eight cases, I might add, that at the very least are equivocal on the issue of whether States and localities are failing or refusing to prosecute hate crimes.

Supporters of the Kennedy amendment also cite to the horrible beating death of Matthew Shepard in Laramie, WY, and the dragging death of James Byrd, Jr. in Jasper, TX, as evidence that there is a problem that Congress should address. But the Shepard and Byrd cases prove my point. Both were fully prosecuted by local authorities who sought and obtained convictions. In the Byrd case, the defendants were given the death penalty—something that would not be permitted under the Kennedy amendment.

This is not a case where my mind is made up; where no matter what evidence I am shown of dereliction by State and local authorities in the area of hate crimes, I would say that it is not enough, or is not sufficient for me to believe that there is a problem. I am open to the possibility that State and local authorities are not doing their part. I hope that is not true, but my mind is not made up. That is why my amendment calls for a comprehensive study that would carefully and thoroughly and objectively study the data we have collected to see if there is a disparity in the investigation and prosecution of hate crimes. If there is a problem with prosecution at the State level, then I am on record calling for an effective and responsible Federal response.

To summarize: My amendment calls for a comprehensive analysis of hate crimes statistics to determine whether, in fact, any State and local law enforcement authorities are unwilling, for whatever reason, to combat these horrific crimes. Even if the eight cases identified by the Justice Department did show that State and local authorities were unwilling to investigate and prosecute hate-motivated crimes, they still would only be eight cases out of the thousands and thousands of cases that are brought each year. They simply do not show a widespread problem regarding State and local prosecution of hate-motivated crime.

In fact, if you look at them it show that the system is working and the two bodies, the State and local prosecutors and the Federal prosecutors generally work together and they simply do not show a widespread problem regarding State and local prosecutions of hate-motivated crime.

Reasonable people should agree that an analysis of the hate crimes statistics that have been collected ought to be conducted to determine whether there is anything to the argument that State and local authorities are failing to combat hate crimes. If the study shows that State and local authorities are derelict in their duties when it comes to hate crimes, I will be the first to support legislation targeted at such government conduct.

The second main thing that my amendment does is create a grant program to help provide resources to States and local jurisdictions to investigate and prosecute hate-motivated crimes. Supporters of the Kennedy amendment claim that some State and local jurisdictions do not have adequate resources to combat hate crimes. They say that these jurisdictions, while willing to combat hate crimes, are unable to do so because they lack the resources. My amendment answers this very real concern. My amendment would equip States and localities with the resources necessary so that they can combat such crimes. And my Amendment would do so without federalizing every hate-motivated crime.

Now, I should make clear what my amendment does not do. It does not create a new federal crime. It does not federalize crimes motivated because of a person's membership in a particular class or group. Such federalization would, in my estimation, be unconstitutional and would unduly burden federal law enforcement, federal prosecutors and federal courts.

I must say that the serious constitutional questions that are raised by the Kennedy amendment's broad federalization of what are now State crimes is its greatest drawback. The intention of Senator KENNEDY's amendment—to combat hate-motivated crimes—is certainly praiseworthy. But the Kennedy amendment's method for achieving this laudable aim—by making a federal case out of every hate-motivated crime—is not. If enacted, the Kennedy amendment likely will be struck down as unconstitutional. As I discussed at length yesterday, Congress simply does not have the authority to enact such broad legislation under either Section 5 of the Fourteenth Amendment or the Commerce Clause. This is clear in light of the Supreme Court's decision last month in United States v. Morrison.

During the debate yesterday it was argued that the Thirteenth Amendment provides Congress with the authority to enact the Kennedy amendment. I respectfully disagree. The Thirteenth Amendment provides:

> Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.

Under this amendment, Congress is authorized to prohibit private action that constitutes a badge, incident or relic of slavery. An argument could perhaps be made that the failure or refusal by State authorities to investigate and prosecute crimes committed because the victim is an African-American constitutes a badge or incident or relic of slavery. But while this creative, Thirteenth Amendment argument possibly may work for federal regulation of hate crimes committed against African-Americans, it simply does not work for federal regulation of hate crimes against women, or gays, or the disabled, as the Thirteenth Amendment applies only to the badges or incidents or relics of slavery. At no time in our nation's history, thank goodness, have our laws sanctioned the enslavement of women, homosexuals or the disabled.

Supporters of the Kennedy amendment argued yesterday that the Justice Department has placed its stamp of approval on this creative, Thirteenth Amendment argument. I am fairly confident, however, notwithstanding the Justice Department's opinion, that the Supreme Court will not interpret the Thirteenth Amendment so expansively.

In conclusion, it is my hope that my colleagues who intend to vote for the Kennedy amendment will also support my amendment. While I strongly disagree with the approach taken by the Kennedy amendment, the two amendments are not inconsistent. My amendment provides for a strong and workable assistance program for State and local law enforcement. Indeed, it has the support of the National District Attorneys Association. Further, my amendment requires a comprehensive study so that we can really learn what, if any, problems and difficulties exist at the State and local level.

With that, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. ROBB. Mr. President, I rise to support the Smith-Kennedy legislation. This legislation will simply strengthen existing hate crime laws by enhancing the Federal Government's ability to assist State and local prosecutions. It is a little bit like Project Exile, which is so much in vogue and which has been practiced so successfully in Richmond, VA. This will allow the resources of the Department of Justice to be made available where appropriate to investigate and prosecute those in our society who commit acts of brutality based on hate. The dragging death of James Byrd, Jr., an African American man in Jasper, TX, the torture and death of Matthew Shepard, a homosexual male in Laramie, WY, shocked the national conscience. Hate crimes have occurred in the Commonwealth of Virginia as well.

In 1999, a man was sentenced to life in prison and fined $100,000 for his role in the death of an African American man who was beheaded and burned in Independence, VA. And a homosexual man was murdered and his severed head was left atop a footbridge near the James River in Richmond, VA. It is hard to imagine the pain and suffering of the victims and their families.

This legislation does not allow individuals to be prosecuted for their hateful thoughts; rather it allows them to be punished for their hateful acts. Willfully inflicting harm on another human being based on hate is not protected free speech. I urge my colleagues to support this amendment and demonstrate our commitment to eradicate the hate.

I reserve any time remaining to the Senator from Massachusetts.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 5 minutes to the Senator from Oregon.

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

Mr. SMITH of Oregon. Mr. President, I rise today as a cosponsor of the Kennedy-Smith amendment. I also rise to announce my support for the amendment offered by Senator HATCH. I ask my colleagues, in voting for Senator HATCH's amendment, to vote for Senator KENNEDY's as well. It is fine to study, but I think we know enough. We know that hate crimes are already committed in our society.

When I, as a human being, wake up to read headlines of a black man dragged to death and a gay man beaten to death, I want to do something. I believe in the separation of State governments and the Federal Government. I understand all of that. But doggone it, it is OK for the Federal Government to show up to work. It is time for us to say as Republicans and Democrats that we want to make a difference. We want our police officers to help not primarily but secondarily and to be there to teach, to prosecute, and to pursue those who commit the most malignant of crimes.

I say to my colleagues, there are two critical words, in my view, missing in Senator HATCH's amendment. The words are ''sexual orientation,'' as it applies to making it a Federal crime. I never thought I would be on the Senate floor saying this until I saw the report of Matthew Shepard's death. I began to ask myself what I could do.

Many in the Senate are reflexively inclined to vote no on the Kennedy amendment because of feelings of religious reluctance. I understand that because I shared those feelings for a long time. Then I happened upon a story in a book that I regard as Scripture. It is in the eighth chapter of John when the Founder of the Christian faith was confronted by the Pharisees and the Sadducees of His day with a hate crime. A woman who was caught in the very act was to be stoned to death. What did He do? His response was to speak in such a way to shame the self-righteous and

the sanctimonious to drop their stones, and He saved her life. We should do the same.

I do not believe on that day He endorsed her lifestyle anymore than I believe anyone here will be endorsing any lifestyle if they vote for the Kennedy-Smith amendment. I believe what my colleagues will be doing is following an example that says when it comes to violence and hatred, we can stand up for one another. No matter our distinctions, no matter our uniqueness, no matter our peculiarities, no matter how we pray or how we sin, we can stand up for each other, and we can stand up against hate.

I say to my colleagues: Vote for Senator HATCH's amendment. It is fine, but it does not go far enough, in my view, and it is time to go far enough to include this group of Americans who are not now included in a current Federal law.

The PRESIDING OFFICER. The time allocated to the Senator has expired.

Mr. SMITH of Oregon. Mr. President, I conclude with this plea: Put down the stone and cast a vote based on love, cast a vote against hatred and vote for the Kennedy-Smith amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, how much time does the Senator from Utah have?

The PRESIDING OFFICER. The Senator has 2 minutes 52 seconds remaining.

Mr. HATCH. Mr. President, the distinguished Senator from Oregon made my case. I decry what happened in the Matthew Shepard case. I decry what happened in the James Byrd case. Those horrific crimes, however, were investigated by local authorities and prosecuted by local prosecutors. In both instances, the local prosecutors obtained appropriate sentences—life terms in the case of the Shepard defendants and death sentences in the case of the Byrd defendants. Local law enforcement and local prosecutors did their jobs and investigated and prosecuted truly awful hate crimes.

All of these horrible examples of hate crimes were handled properly by State and local authorities. That is why my amendment is strongly supported by the National District Attorneys Association, the major organization that represents State and local prosecutors throughout the country.

The National District Attorneys Association has endorsed my amendment because State and local prosecutors believe that the assistance offered in my amendment would be very helpful to them as they seek to fight hate-motivated crime.

In a letter of support, the National District Attorneys Association also states that it strongly endorses my amendment because my amendment ''appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the Federal Government.''

I have at least a couple of problems with the Kennedy amendment. First, it is unconstitutional. The Morrison case, decided only a month ago, is directly on point and leads to the inexorable conclusion that the Kennedy amendment, if adopted, will be struck down as unconstitutional. Second, the Kennedy amendment is overbroad. It would make a federal case out of every single hate-motivated crime that occurs in this country—including all rapes and sexual assaults, which currently are prosecuted under State law. Can you imagine what will happen if our Federal courts are clogged with all the rape cases in this country that are currently being handled very well by State and local prosecutors? That is why the National District Attorneys Association is strongly supportive of what I am trying to do here today.

My amendment takes action with regard to the horrible crimes that are being committed in our country that have come to be known as hate crimes. They are violent crimes that are committed against a victim because of that victim's membership in a particular class or group. These crimes are abhorrent to me, and to all Americans. They should be stopped. That is why I have offered this amendment.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent possible. Second, it provides assistance to State and local jurisdictions who lack the resources to carry out their duties of combating hate crimes.

Let me talk about the comprehensive study first. Under the Hate Crimes Statistics Act, which I worked to get enacted in 1990, data has been collected regarding the number of hate-motivated crimes that have been committed throughout the country. This data, however, has never been properly analyzed to determine whether States are abdicating their responsibility to investigate and prosecute hate crimes. My amendment calls for a comprehensive analysis of this raw data that would include a comparison of the records of different jurisdictions—some with hate crimes laws, others without—to determine whether there, in fact, is a problem with the way certain States are investigating and prosecuting these crimes.

Supporters of broad hate crimes legislation, like that proposed in the Kennedy amendment, claim that there are States and localities that are unwilling to investigate and prosecute hate crimes. It is unclear whether this claim is true. There is little or no evidence showing that there is a widespread problem with State and local police and prosecutors refusing to enforce the law when the victim is black, or a woman, or gay, or disabled. Of the thousands—perhaps hundreds of thousands—of criminal cases that are brought every year, the Justice Department could identify only five cases where it believed that it could have done a better job than the States in prosecuting a particular hate crime. In each of these five cases, however, the States either investigated and prosecuted the hate crime themselves, or worked with the federal government to investigate and prosecute the hate crime. In none of these cases did the perpetrator of the hate crime escape the heavy hand of the law.

In United States v. Lee and Jarrad, a 1994 case from Georgia, the State obtained a guilty plea from one of the defendants and, after investigating the matter for several months, determined that there was insufficient evidence to prosecute the other defendant.

In United States v. Black and Clark, a 1991 case from California, the county sheriff—who lacked resources—ceded investigatory authority to the FBI after the federal government indicated its desire to investigate and prosecute the case. Because the defendants were charged federally, State prosecutors declined to bring State charges. My amendment would provide grants for similarly situated Sheriffs who operate on a tight budget.

In United States v. Bledsoe, a 1983 case from Kansas, the State prosecuted the defendant for homicide and, after a trial, the defendant was acquitted. The Justice Department then brought federal charges and obtained a life sentence.

In United States v. Mungia, Mungia and Martin, a Texas case, state prosecutors worked with federal prosecutors and agreed that federal charges were preferable because (1) the defendants could be tried jointly in federal court and (2) overcrowding in State prisons might have led to the defendants serving less than their full sentences.

And, in United States v. Lane and Pierce, a 1987 case from Colorado, State prosecutors worked with federal prosecutors and agreed that federal charges were preferable because most of the witnesses were in federal custody in several different States.

These five cases hardly show wholesale abdication of prosecutorial responsibility by State and local prosecutors. To the contrary, these cases show that State and local authorities are vigorously combating hate crimes and, where necessary, cooperating with federal officials who may assist them in investigating, charging, and trying these defendants.

During the debate yesterday, Senator KENNEDY indicated that the Justice Department had produced to the Judiciary Committee additional examples of cases where State and local prosecutors have failed or refused to prosecute hate crimes.

In fact, the Justice Department did identify three additional cases to Senator KENNEDY. However of these three additional cases produced by the Justice Department and cited by Senator

KENNEDY, none establishes that State and local authorities are unwilling to combat hate crimes.

In the 1984 case of United States v. Kila, the State authorities who were investigating the case requested that the Justice Department become involved in the case and bring federal charges. A federal jury then acquitted the defendants of the federal charges.

In a 1982 case that the Justice Department does not name, the defendant was acquitted of federal charges; the Justice Department does not state whether State charges were brought or whether the local prosecutors simply deferred to the federal prosecutors.

And, in United States v. Franklin, a 1980 case from Indiana, the defendant was acquitted of federal charges; again, the Justice Department does not state whether State charges were brought or whether local prosecutors deferred to federal prosecutors.

In summary, my amendment calls for a comprehensive analysis of hate crimes statistics to determine whether, in fact, any State and local law enforcement authorities are unwilling, for whatever reason, to combat these horrific crimes.

Even if the eight cases I have just discussed did show that State and local authorities were unwilling to investigate and prosecute hate-motivated crimes, they still would only be eight cases out of the thousands and thousands of cases that are brought each year. In no way do they show a widespread problem regarding State and local prosecution of hate-motivated crime. Reasonable people should agree that an analysis of the hate crimes statistics that have been collected ought to be conducted to determine whether there is anything to the argument that State and local authorities are failing to combat hate rimes. If the study shows that State and local authorities are derelict in their duties when it comes to hate crimes, I will be the first to support legislation targeted at such government conduct.

The second main thing that my amendment does is create a grant program to help provide resources to States and local jurisdictions to investigate and prosecute hate-motivated crimes. Supporters of the Kennedy amendment claim that some State and local jurisdictions do not have adequate resources to combat hate crimes. They say that these jurisdictions, while willing to combat hate crimes, are unable to do so because they lack the resources. My amendment seeks to answer this very real concern. My amendment would equip States and localities with the resources necessary so that they can combat such crimes. And my amendment would do so without federalizing every hate-motivated crime.

Now, I should make clear what my amendment does not do. It does not create a new federal crime. It does not federalize crimes motivated because of a persons's membership in a particular class or group. Such federalization would, in my estimation, be unconstitutional and would unduly burden federal law enforcement, federal prosecutors and federal courts.

I must say that the serious constitutional questions that are raised by the Kennedy amendment's broad federalization of what now are State crimes is its greatest drawback. The intention of Senator KENNDY's amendment—to combat hate-motivated crimes—is certainly praiseworthy. But the Kennedy amendment's method for achieving this laudable aim—by making a federal case out of every hate-motivated crime—is not. If enacted, the Kennedy amendment likely will be struck down as unconstitutional. As I discussed at length yesterday, Congress simply does not have the authority to enact such broad legislation under either Section 5 of the 14th amendment or the commerce clause. This is clear in light of the Supreme Court's decision last month in United States v. Morrison.

During the debate yesterday it was argued that the 13th amendment provides Congress with the authority to enact the legislation proposed in the Kennedy amendment. I respectfully disagree. The 13th amendment provides: ''Neither slavery nor involuntary servitude except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have the power to enforce this article by appropriate legislation.'' An argument could perhaps be made that the failure or refusal by State authorities to investigate and prosecute crimes committed because the victim is an African-American constitutes at badge or incident of slavery. But while this creative 13th amendment argument possibly may work for federal regulation of hate crimes committed against African-Americans, it simply does not work for federal regulation of hate crimes against women, or gays, or the disabled, as the 13th amendment applies only to the badges or incidents or relics of slavery. At no time in our nation's history, thank goodness, have our laws sanctioned the enslavement of women, homosexuals, or the disabled.

Supporters of the Kennedy amendment argued yesterday that the Justice Department has placed its stamp of approval on this creative 13th amendment argument. I am fairly confident, however, notwithstanding the Justice Department's opinion, that the Supreme Court will not interpret the 13th amendment so expansively.

In conclusion, I urge my colleagues to vote against the Kennedy amendment. It almost certainly is unconstitutional, given the current state of constitutional law. In addition, it is bad policy to enact a broad federalization of what traditionally have been State crimes—crimes that are, by all accounts, being vigorously investigated and prosecuted at the State and local level.

I also would urge my colleagues to vote in favor of the amendment that I have offered. It calls for a study of the way States are dealing with the problem of hate crimes and provides grants to States so they will have the resources to continue their efforts. And, my amendment has the added benefit of being constitutional. For the reasons that I have stated, I urge my colleagues to vote in favor of my amendment.

I commend Senator KENNEDY and those who are supporting his amendment in the sense that all of us should be against this type of tyranny, this type of criminal activity that is motivated by hate, this type of mean, venal, vile conduct that lessens our society. But nobody should make the mistake of not understanding that I do not think the case has been made that States and localities are unwilling to combat hate crimes. In the cases I have seen, the evidence is to the contrary: States and localities are leading the fight against hate-motivated crimes. The only way to resolve this issue regarding the willingness of the States to engage in the fight against hate crimes is to do what I suggest: conduct a thoroughgoing study of the hate crimes statistics that we do have to see if, in fact, States and local jurisdictions are not doing their jobs. I, for one, do not believe that the case has been made against local prosecutors.

The PRESIDING OFFICER (Mr. GORTON). The Senator's time has expired. The Senator from Massachusetts has 3 minutes.

Mr. KENNEDY. I yield to the Senator from New York.

Mr. SCHUMER. Mr. President, I thank the Senator from Massachusetts for yielding, and I thank the Senator from Oregon for his leadership.

Right above the Presiding Officer's chair it says: E Pluribus Unum, the motto of the United States, Out of Many One. Every hate crime puts a dagger into the heart of America, puts a dagger into our national motto, Out of Many One.

We have federalized so many crimes—gun crimes, drug crimes, car jacking, capital crimes. Why, we might ask, is the only crime we do not want to federalize that of hate?

Ask yourself that question, my colleagues. Why? They are every bit as troubling to America as other crimes, perhaps more so because they strike at the very fabric of what this country is about: E Pluribus Unum.

I urge my colleagues to support the Kennedy-Smith amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself the remaining time.

Mr. President, hate crimes are a national disgrace, and they attack everything for which this country stands. We, as a Congress, must take a clear and unequivocal stand. We have the opportunity to do so this afternoon. It ought to be bipartisan, and it ought to be an overwhelming statement of law.

As a country and as a people, we are committed to equal protection under the law. We all take pride in that. We do not say we have equal protection under the law only if you are a white male. We do not say we have equal protection under the law if you have no disability. We are not going to say we have equal protection under the law only if you are ''straight.''

We say equal protection under the law must apply to all Americans. That is what this is about. The Hatch amendment is a study. We are beyond studying. The American people want action on hate crimes. That is what our amendment does, very simply.

We ought to have the support of the overwhelming majority of the Members of this body. Hate crimes are rooted in hatred and bigotry. If America is ever going to be America, we should root out hatred and bigotry. We do not have all of the answers, but we ought to be able to use the full force of our power to make sure we are going to do everything we can—that we are not going to stand alongside but are going to be involved in freeing this country from hate crimes. Our amendment will do so.

The PRESIDING OFFICER. All time of the amendment has expired.

AMENDMENT NO. 3252

The PRESIDING OFFICER. Under the previous order, we will revert to the Murray amendment, on which there are 4 minutes equally divided.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on an amendment that will simply allow a woman who serves us overseas in the military to go to a military facility, if she so chooses, to have an abortion that is safe and legal.

Current law requires that a woman who serves us overseas go to her commanding officer and ask for permission to fly home on a military transport, at taxpayer expense—as I say, at taxpayer expense—to fly home on a military jet to have access to what is legally given to every woman in this country today.

I heard our opponents say that this is an issue of taxpayer-funded abortions. I disagree. The amendment disagrees. This will say that women will pay for their own abortions in the military facilities.

We ask women to serve us, to fight for our rights, to go overseas in conditions that are often intolerable, to fight for this country. In return, we tell them that a decision that should be theirs, and their families, along with their physician and their own religion, is no longer a private issue for them.

From women who serve us, we take away a right that has been established in this country for many years, and we tell them, if you serve in the military, that right is taken away from you. We are asking them to fight for our rights, but we are essentially taking away their rights.

This restores that right to women who serve us overseas, to have an abortion, if they so choose. This applies to military families—to wives and daughters, as well.

I ask my colleagues to simply say to the women who serve us overseas that we support you as much as we ask you to support us.

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

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I hope everybody will read the Murray amendment. In fact, there is nowhere in this amendment that it says a woman who is seeking an abortion overseas has to pay for it. There is nowhere that it says that. But the current policy in fact is that servicewomen serving overseas do not forfeit their right to obtain an abortion. They may request leave. They fly to the United States, or another country, on a military aircraft, on a space-available basis. The flights are for $10.

This amendment should be tabled for a number of reasons. It violates the Hyde amendment. The Department of Defense has said you cannot calculate reimbursement on a case-by-case basis, even if it did say a woman was going to pay.

As Senator MURRAY said, you would have to contract with physicians. That puts us in the position of violating the Hyde amendment by paying these physicians to come into military hospitals to perform abortions.

It is going to create untold diplomatic dilemmas because, as Senator MURRAY said, her amendment will require abortions to be performed in countries that prohibit abortions, such as Saudi Arabia and South Korea. It is going to be a thumb in the eye of our allies. It is going to create untold diplomatic problems.

Finally, it turns military hospitals into abortion providers. That is not what we want. That is not what the American people want. It is going to make millions and millions of Americans, pro-life Americans, who have deeply held beliefs about this issue, subsidizers of a practice they find offensive and morally wrong.

I ask my colleagues to join me in tabling the Murray amendment. I move to table the amendment, Mr. President, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to table Murray amendment No. 3252. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—50

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

NAYS—49

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

NOT VOTING—1

Inhofe

The motion was agreed to.

Mr. HUTCHINSON. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3474

The PRESIDING OFFICER. Under the previous order, there are 4 minutes of debate equally divided before a vote on an amendment by the Senator from Utah, Mr. HATCH.

The Senator from Utah.

Mr. HATCH. Mr. President, what happened to James Byrd and Matthew Shepard should not happen in a great nation such as ours. Hate crimes are abysmal. They are horrible. We should all be against them.

My amendment does two things. First, it requires that a comprehensive analysis be conducted to determine whether or not State and local jurisdictions are failing or refusing to prosecute hate-motivated crimes to the fullest extent of the law. Second, it provides monetary assistance to State and local jurisdictions who lack the resources to combat hate crimes.

My amendment is strongly supported by the National District Attorneys Association, the major organization that represents State and local prosecutors throughout the country. The National District Attorneys Association endorsed my amendment because State and local prosecutors believe that the assistance offered in my amendment would be helpful to them as they seek to fight hate-motivated crime.

In a letter, the National District Attorneys Association also states that it strongly endorses my amendment because my amendment ''appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the Federal Government.''

I ask unanimous consent to have that letter printed in the RECORD.

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

NATIONAL DISTRICT ATTORNEYS ASSOCIATION,
Alexandria, VA, June 20, 2000.

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

DEAR CHAIRMAN HATCH: As President of the National District Attorneys Association I want to offer our strong support for your Hate Crimes amendment to the Department of Defense Authorization bill.

I am aware that several hate crimes proposals are under consideration by the Senate and want to take this opportunity to particularly emphasize the necessity for your concept to be adopted. What you would provide to local law enforcement is the ability to respond more effectively, and more efficiently, in the face of a crime, that in addition to the physical wounds and injuries of the victims', could very well pose a serious threat to the tranquility and safety of our community as well.

As you well know the majority of hate crime cases, despite any federal interest or efforts, have been, and will remain, the providence of local law enforcement efforts. The emergency grants provisions and access to federal technical assistance that you are proposing would provide invaluable assistance to us. When faced with tragedies such as those in Texas or Wyoming the ability to call upon extra resources could make all the difference, particularly in our smaller jurisdictions.

Moreover, your recognition of the necessity to provide this help under sometimes more expansive state hate crimes statutes, appropriately recognizes that local law enforcement has the primary responsibility to safeguard their citizens while working as a team with the federal government.

Sincerely,

STUART VANMEVEREN,
District Attorney, 8th Judicial District, Fort Collins, Colorado, President.

Mr. HATCH. Supporters of the Kennedy amendment want to enact a broad federalization of all hate-motivated crimes because, they argue, some State and local authorities are unable to investigate and prosecute hate crimes because of the lack of resources.

My amendment will solve this problem by establishing a grant program to provide financial assistance to State and local jurisdictions for the investigation and prosecution of hate crimes.

Supporters of the Kennedy amendment also argue that we should make a Federal case out of every hate-motivated crime because some States and locales are unwilling to engage in the fight against hate crimes. There is little or no evidence, however, that shows that States and localities are being derelict in their duties to enforce the law.

Supporters of the Kennedy amendment cite the horrible beating death of Matthew Shepard in Laramie, WY, and the dragging death of James Byrd, Jr. in Jasper, TX, as evidence that there is a problem that Congress should address. The Shepard and Byrd cases, however, both were fully prosecuted by local authorities who sought and obtained convictions. In the Byrd case, local prosecutors obtained the death penalty—something that would not be permitted under the Kennedy amendment.

Moreover, the Justice Department has identified only eight cases in which, in the Justice Department's view, States or localities were unwilling to investigate and prosecute a hate-motivated crime. Of the thousands and thousands of criminal cases that are brought each year, the Justice Department could identify only eight cases. These eight cases, I might add, are at the very least equivocal on the issue of whether States and localities are failing or refusing to prosecute hate crimes.

Because the evidence is so scarce on the issue of whether States and localities are unwilling to combat hate crimes, my amendment provides for a comprehensive study to see if there really is a problem with State and local prosecution of hate crimes. Studying this issue to see if there really is a problem seems to me to be a reasonable course of action.

Even if it could be clearly shown that States and localities were failing or refusing to investigate and prosecute hate crimes, the approach taken by the Kennedy amendment raises serious constitutional questions, especially in light of the Supreme Court's recent decision last month in United States v. Morrison. As written, the Kennedy amendment likely would be held to be unconstitutional under the commerce clause, the 13th amendment, the 14th amendment, and quite possibly, the 1st amendment.

In conclusion, it is my hope that those of my colleagues who intend to vote for the Kennedy amendment also will support my amendment. While I disagree with the approach taken by Senator KENNEDY, our two amendments are not inconsistent. My amendment provides for an effective and workable assistance program for State and local law enforcement, a program that enjoys the strong support of the National District Attorneys Association. And, it requires a comprehensive study so that we can really learn what, if any, problems and difficulties exist at the State and local level.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield 1 minute to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment which will give jurisdiction to the Federal Government over hate crimes. Ordinarily, I support jurisdiction for the district attorney. Senator HATCH points out the National District Attorneys Association has taken on a position. I was a long-term member of that association as district attorney of Philadelphia. The fact is, prosecutors are county officials of the State system. There are great pressures against prosecutions where there is a matter of sexual orientation, or where there may be a matter of race, or where there may be a matter of religion or other hate-related crimes.

That is why I believe this is a unique field where the Federal Government ought to be involved. Ordinarily, it should be up to the local prosecutor. That is a principle to which I subscribe. But here it ought to be a matter for the Federal Government.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. Mr. President, I rise in opposition to the Hatch amendment and in support of the approach taken by Senator KENNEDY. I do so because I believe that an 18-month study is no adequate substitute for the prompt, vigorous, assurance of civil rights for every American.

The crimes described in Senator KENNEDY's approach are not ordinary offenses. They strike at the heart of a pluralistic society. They strike at all of us, not just the individual victims. We need to look no further, colleagues, than to the Balkans to see what happens when the genie of intolerance and hate is unleashed upon an unhappy land.

We must not let that happen. We must not. We fought a civil war in our country to establish the basic principle that certain rights should be guaranteed to every American, regardless of their State of residency. We fight to reestablish that principle once again today.

Mr. President, if a study is in order, let it be in addition to establishing these basic rights, not as a replacement therefore.

Now is the time for action. I urge my colleagues to oppose the Hatch amendment and to support Senator KENNEDY in his approach.

Mr. BYRD. Mr. President, I oppose the amendment offered by Senator KENNEDY to expand the definitions of federally protected hate crimes.

I am concerned that this amendment would be challenged on Constitutional grounds and would not stand up to the scrutiny. I believe that categorizing hate crimes based on race, religion, or ethnicity as ''badges and incidents'' of slavery and relying on the Thirteenth Amendment is a tenuous argument. Furthermore, recent Supreme Court decisions finding that legislation federalizing what are traditionally State crimes exceeded Congress' powers under the Fourteenth Amendment, raise Constitutional concerns about the Kennedy amendment. The Kennedy amendment seeks to criminalize private conduct under the Fourteenth Amendment. In United States v. Morrison, the United States Supreme Court reaffirmed that legislation enacted by Congress under the Fourteenth Amendment may only criminalize State action, not individual action. I fear the Kennedy amendment will not survive a court challenge.

I further oppose the Kennedy amendment because I feel it did not go far enough in providing penalties for hate crimes. It did not include the death penalty for the newly created federal hate crimes.

I support Senator HATCH'S amendment that will allow for study and analysis of this important issue and provide additional resources for state and local entities in investigating and prosecuting existing hate crime statutes.

Mr. WARNER. Mr. President, I rise today to discuss two amendments to S. 2549, the Department of Defense Authorization bill. Specifically, I wish to discuss Senator KENNEDY's amendment and Senator HATCH's amendment, both of which deal with hate crimes.

Typically defined, a hate crime is a crime in which the perpetrator intentionally selects a victim because of the victim's actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation.

Mr. President, I deplore all acts of violence. But, I must say, that I personally find hate crimes to be particularly horrific. Crimes committed against someone simply because of that person's race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation are, in fact, different types of crimes.

In 1998, James Byrd, Jr. was beaten, tied to the back of a pickup truck, and dragged to death along a Texas road. Why? for one reason and one reason only: Mr. Byrd was black.

Later in 1998, Matthew Shepard was beaten, tied to a fence in Wyoming, and left to die. Why? For one reason and on reason only: Mr. Shepard was homosexual.

These brutal murders shocked me and shocked our Nation. James Byrd and Matthew Shepard were killed not for what they did, but simply because who they were.

Our country's greatest strength is its diversity. While it is true that certain people might not approve or might not agree with another person's religion or sexual orientation, or might not like someone's color, we must not, I repeat, we must not tolerate acts of violence that spur from one individual's intolerance of a particular group.

Hate crimes do tear at the fiber of who we are in this country. The United States is a country of inclusion, not exclusion. Hate crimes, unlike other acts of violence, are meant to not just torture and punish the victim, such crimes are meant to send a resounding message to the community that differences are not acceptable.

In 1990, I was pleased to vote in support of the Hate Crimes Statistic Act. This act required the Attorney General of the United States to gather and publish data about crimes ''that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity.'' In addition, in 1994, I was pleased to support the Violence Against Women's Act. This important legislation provides funding for many important programs, including funding to prosecute offenders, funding to help victims of violence, grants for training of victim advocates and counselors and grants for battered women's shelters, to name but a few.

Presently before the United States Senate is an amendment offered by Senator KENNEDY, entitled the Local Law Enforcement Enhancement Act of 2000. This legislation, essentially, would amend current law to make it a federal crime to willfully cause bodily injury to any person because of the victim's actual or perceived race, color, national origin, religion, gender, sexual orientation or disability. This is a great expansion of federal jurisdiction. Current federal hate crimes law covers race, religion, and national origin so long as the victim is engaged in one of six federally protected activities. The Kennedy amendment would expand federal jurisdiction into certain murder, assault and battery cases and possibly all rape cases.

As a United States Senator, I believe that before the Congress passes legislation that would vastly expand federal criminal jurisdiction, we must take into consideration two important factors: the need for the legislation and the constitutionality of the legislation.

The horrific murders of James Byrd and Matthew Shepard certainly cause strong emotional feelings that would lead me to believe that the expansion of federal hate crimes law is necessary. However, once the emotional feelings somewhat subside, we are left with the facts. In this case, the facts are not yet present to indicate a need for federal legislation.

All states have laws that prohibit murder, battery, assault, and other willful injuries. Most states, 43 I believe, have hate crimes statutes, although these states differ in what groups are covered. Since 1990, with the passage of the Hate Crimes Statistics Act, we have learned about the number of hate crimes that are occurring. These statistics, however, do not show whether states are, in fact, not prosecuting crimes under their hate crimes statutes or are not prosecuting crimes being committed against certain groups of people. If states are prosecuting such crimes, a vast expansion of federal jurisdiction is unnecessary.

Moreover, it is also interesting to point out that in some circumstances the Kennedy amendment, if it became law, would in fact result in a weaker punishment for a hate crimes perpetrator than state law. For example, the Kennedy amendment states that where the crime is murder, the convicted defendant shall be imprisoned for any term of years or for life. It does not authorize the death penalty for the most heinous crimes. Two of the three murderers of James Byrd were prosecuted, convicted and sentenced to death in Texas. The third was sentenced to life in prison.

In addition to analyzing the need for the expansion of federal criminal jurisdiction, I believe that members of Congress have a duty to evaluate the constitutionality of particular legislation before passing such legislation. I have some grave concerns about the constitutionality of the Kennedy amendment.

Congress must have constitutional authority to enact legislation. Article I, section 8 of the Constitution provides a laundry list of Congress' power to enact legislation. One such power in that list is the power to regulate interstate commerce.

From the New Deal era to the mid 1990s, the United States Supreme Court broadly interpreted Congress' authority for enacting legislation pursuant to the commerce clause. In fact, for approximately 60 years following the passage of New Deal legislation, the Supreme Court did not overturn one piece of congressionally passed legislation on the grounds that Congress exceeded its authority to enact legislation under the commerce clause.

In the past few years, however, the Supreme Court, in the cases of United States v. Lopez and United States v. Morrison, issued opinions that places some serious boundaries on Congress' authority to enact legislation under the commerce clause. Just this year, in the Morrison case, the Supreme Court struck down a provision of the Violence Against Women's Act—a bill that I supported in 1994.

The plaintiff in the Morrison case was allegedly raped by three students at a major university in my home state. She brought a civil suit in federal court under a provision in the Violence Against Women's Act that provides federal civil remedies for victims of gender motivated violence. The Supreme Court stated that this provision of VAWA was unconstitutional, holding that the Congress exceeded its authority under the commerce clause in enacting this legislation.

Now, I am not going to get intimately involved in a legal analysis of the Morrison case and its application to the Kennedy amendment. It is important, however, to point out one particular quotation in the majority opinion. Writing for the majority, Chief Justice Rehnquist stated ''if Congress may regulate gender-motivated violence, it would be able to regulate murder or any other type of violence since gender-motivated violence, as a subset of all violent crime, is certain to have lesser economic impacts than the larger class of which it is a part.'' 20000 U.S. Lexis 3422, *31 (2000). Based on the Morrison case, I have serious concerns about the constitutionality of Senator KENNEDY's amendment.

I believe that a federal role in combating hate crimes is appropriate. I support Senator HATCH's amendment to study the success of States in investigating and prosecuting hate crimes. I also support provisions in Senator HATCH's amendment that will provide assistance and federal grants to States and localities to help assist them in their investigation and prosecution of hate crimes.

Let me be clear, if a federal study indicates that states and localities have

not been successful in investigating and prosecuting hate crimes, I will be the first person to join Senator KENNEDY in trying to find a constitutional federal hate crimes solution. At this time, however, I must reluctantly vote against Senator KENNEDY's amendment in light of my concerns about the necessity and constitutionality of this legislation.

Mr. DEWINE. Mr. President, I began my public career prosecuting individuals who committed violent crimes against our fellow citizens. And, that's why I believe that people who commit violent crimes should be punished.

The debate about hate crimes legislation is about fighting crime. It is about fighting violence. It is about taking a stand against crime and violence.

The amendments that we're debating here today would permit states to take full advantage of the investigative resources of the federal government in prosecuting these cases. And, should a state be unwilling or unable to prosecute a case itself, the federal government is there to make sure that these kinds of violent criminals are brought to the bar of justice.

A country that so righteously protects free speech, even when such speech is abhorrent, must vigorously act as a nation, so that when vicious speech is turned into despicable acts—acts that lead to violence and to death—such acts do not go unpunished.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 3474. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—50

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

NAYS—49

Akaka	Conrad	Harkin
Baucus	Daschle	Hollings
Bayh	Dodd	Inouye
Biden	Dorgan	Jeffords
Bingaman	Durbin	Johnson
Boxer	Edwards	Kennedy
Breaux	Feingold	Kerrey
Bryan	Feinstein	Kerry
Chafee, L.	Fitzgerald	Kohl
Cleland	Graham	Landrieu
Lautenberg	Reed	Specter
Leahy	Reid	Torricelli
Levin	Robb	Voinovich
Lieberman	Rockefeller	Wellstone
Lincoln	Sarbanes	Wyden
Mikulski	Schumer	
Murray	Snowe	

NOT VOTING—1

Inhofe

The amendment (No. 3474) was agreed to.

Mr. BYRD. Mr. President, I hope the Chair is watching for Senators who are trying to get order. I have asked for order here six or eight times, and it has not been noticed. I hope they will be more alert.

Second, I hope the Chair will clear the well.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I urge there be order in the Senate.

The PRESIDING OFFICER. We will suspend until the well is cleared. The well has not been cleared.

Mr. BYRD. Mr. President, Senators should show respect to the Chair. When the Chair asks that the well be cleared, Senators should listen and clear the well.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3473

The PRESIDING OFFICER. There are now 4 minutes equally divided on the Kennedy amendment. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe we have 2 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I yield 1 minute to the Senator from Oregon and 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, I say to my colleagues, we have a chance to make a difference today, to vote for an amendment that will actually help a category of Americans who need our help. I believe we have a duty to stand up against hate. I believe the law is a teacher. I believe we can teach all Americans that we will protect all Americans.

I also believe those who feel reluctant to support this amendment for religious reasons, remember the example of the Founder of the Christian faith who when a woman caught in adultery was brought to Him spoke in a way that the sanctimonious dropped their stones. He spoke in a way that saved her life. He did not endorse her lifestyle, but He saved her life.

I believe the Federal Government ought to show up to work when it comes to hate crimes, even if it includes the language of ''sexual orientation.'' It is about time we include them. Even if one does not agree with all that they ask for, help them with this.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to say I believe the time has come to adopt the Kennedy legislation. In effect, the study has been done. We know that since the early 1990s, there have been 60,000 hate crimes in this country. We know that young men such as Matthew Shepard, just because they are gay, can be beaten until they are killed. We know that a U.S. postal worker can be shot and killed simply because he happens to be a Filipino American. We see people targeted for specific crimes.

I authored the original hate crimes legislation in 1993. It had two loopholes: It excluded sex and sexual orientation. This legislation corrects it, and it only applies in pursuance of a Federal right. This legislation extends that. I urge its adoption. I thank the Chair.

Mr. LAUTENBERG. Mr. President, I rise today to express my strong support for the Kennedy/Smith Hate Crimes Prevention Amendment.

Recent events in the news have unfortunately offered a number of disturbing examples of why this legislation is so badly needed.

All of my colleagues remember that terrible day in August of last year, when a hate-filled gunman, Buford Furrow, opened fire with a semiautomatic rifle at a Jewish Community Center near Los Angeles. We all remember that line of frightened children, holding hands as policemen led them to safety. Furrow's rampage wounded three children, a teenager and a 68-year-old receptionist.

And he later used a handgun to kill a Filipino postal worker. There is every indication that Mr. Furrow, a white supremacist, was motivated by racial hatred.

Then there was the brutal attack in August 1998 on Matthew Shepard, a gay student at the University of Wyoming. Matthew was savagely beaten to death by two homophobic thugs who tied him to a fence and tortured him.

That assault came just a few months after the horrific attack on James Byrd Jr., who was chained to a pickup truck, dragged along a Texas road and killed by avowed racists motivated by prejudice.

Earlier this year, I had the privilege of meeting Matthew Shepard's parents, and the family of James Byrd Jr. at a ceremony honoring victims of crime. They are truly remarkable people, because they've turned their loss into a source of strength for others. They have devoted themselves to helping others—victims of crime everywhere—even while coping with their own personal tragedies.

That's an example that this Congress should follow. Crimes that target race, or sexual orientation, or gender, or religion are the ugliest expressions of ignorance and hate. We need stronger

federal laws to deal with these crimes and the people who commit them.

Mr. President, current federal law is just too restrictive to allow federal prosecutors to try hate-crimes cases effectively. In 1994, a jury acquitted three white supremacists who had assaulted African-Americans. After the trial, jurors said it was clear the defendants had acted out of racial hatred.

But prosecutors had to prove more than that. They had to prove that the defendants intended to prevent the African-American victims from participating in a federally protected activity—a major roadblock for the prosecution's case.

The Kennedy/Smith amendment would remove that element from federal hate-crimes law. It would also allow federal prosecutors to prosecute violent crimes based on a victim's sexual orientation, gender or disability.

Mr. President, as all of us here know, no area of the country is free from hate crimes. In my home state of New Jersey, there were at least four incidents of hate-related violence between January 12 last year and January 15 this year. One of the victims was a 16-year-old gay high school student who was badly beaten.

The Kennedy/Smith amendment would bring the full force of this country's legal system to bear on incidents like this. I hope my colleagues will join me in supporting this legislation to protect American citizens from crime motivated by bigotry and intolerance.

Mr. KERRY. Mr. President, in October 1998, I stood on the steps of the U.S. Capitol Building at a candlelight vigil for Matthew Shepard, the young gay man who was beaten and left for dead on a lonely Wyoming roadway. Two thugs were arrested, charged and convicted of murdering Matthew Shepard because of his sexual orientation. Tens of thousands of people—gay and straight, black and white, young and old, Americans all—came to the Capitol with only a few hours notice to encourage the passage of a Federal hate crimes law.

The evening was memorable. We expressed our passionate conviction and knowledge that there is no room in our country for the kind of vicious, terrible, pathetic, ignorant hatred that took the life of Matthew Shepard, or of James Byrd, or of Barry Winchell, or of Brandon Teena. And the Congress responded. We came close to extending the federal hate crimes law that year, but the provision was dropped in conference.

So, we came back again to guarantee that crimes will not be tolerated when they are motivated by other people's limitations. We are here to reaffirm that hate crimes are indeed an insult to our civilization. We are here for once and for all to make certain that there will be no period of indifference, as there was initially when the country ignored the burning of black churches or overlooked the spray-painted swastikas in synagogues; or suggested that the undiluted lethal hatred is someone else's problem, some other community's responsibility.

We must accept the national responsibility for fighting hate crimes and commit—each of us in our words, in our hearts and in our actions—to insure that the lesson of Matthew Shepard and scores of others is not forgotten. Mr. President, I understand that we cannot legislate racism and hatred out of existence, but we can empower our local law enforcement officials to prosecute hate crimes. And we can empower our local communities to be free of violence and fear brought about by hate crimes.

Look to the 58 high schools in my own beautiful, progressive state of Massachusetts where 22 percent of gay students say they skip school because they feel unsafe there and fully 31 percent of gay students had been threatened or actually physically attacked for being gay. Matthew Shepard is not the exception to the rule—his tragic death is rather the extreme example of what happens on a daily basis in our schools, on our streets and in our communities. That is why we have an obligation to pass laws that make clear our determination to root out this hatred.

And today we will have carried the day in passing the Kennedy-Smith amendment.

It is my belief that Americans always act when confronted by an inherently unethical wrong. They stare down those who want us to live in fear and declare boldly that we will not live in a country where private prejudice undermines public law.

American heroes such as Martin Luther King did this when he preached in Birmingham and Memphis, when he thundered his protest and assuaged those who feared his dreams. He taught us to look hatred in the face and overcome it. Harvey Milk did this in San Francisco, when he brushed aside hatred, suspicion, fear and death threats to serve his city. Even as he foretold his own assassination, Harvey Milk prayed that ''if a bullet should enter my brain, let that bullet destroy every closet door.'' He knew that true citizenship belongs only to an enlightened people, unwavered by passion or prejudice—and it exists in a country which recognizes no one particular aspect of humanity before another.

Mr. President, we must root out hatred wherever we find it, whether on Laramie Road in Wyoming, or on a back road in Jasper, Texas, or in the Shenandoah National Park. That kind of hatred is the real enemy of our civilization. The day is here, Mr. President, when we can rightly celebrate our passage of this amendment to the hate crime prevention act to treat all Americans equally and with dignity, to allow all Americans to enjoy the inalienable rights framed in the Declaration of Independence—the rights of life, liberty and the pursuit of happiness.

This indeed will be a happy day.

Mr. KERRY. Mr. President, today's vote on hate crimes legislation marks a monumental day in our history. The U.S. Senate definitively voted in support of expanded hate crimes legislation because standing law has proven inadequate in the protection of many victimized groups. The 30-year-old Federal statute currently used to prosecute hate violence does not cover hate violence based on sexual orientation, gender or disability and requires that the victim be participating in a federally protected activity. The Kennedy-Smith amendment addresses and corrects these gaps in the law. Not only is this bill the right thing to do, but Americans overwhelmingly support it. Law enforcement groups, as well as 80 civil rights and religious organizations support this bill, in addition to a 1998 poll showing that this Hate Crimes Prevention Act is favored 2 to 1 by a majority of voters. This bill protects all Americans and ensures equal justice for all victims of hate violence, regardless of their race, religion, sexual orientation, national origin, gender, or disability—and regardless of where they live.

Mr. DODD. Mr. President, I was back in Connecticut yesterday and was unable to participate in the debate on the Kennedy-Smith amendment pertaining to hate crimes prevention. I want to take this opportunity to share my views on this most crucial issue.

The Federal Bureau of Investigation recently released its latest statistics documenting hate crimes in our country. This report establishes that over 7,500 hate crimes occurred during 1998. The FBI found that 4,321 crimes were motivated by racial bias, 1,390 because of religion, 1,260 because of sexual orientation, and 754 by ethnicity or national origin. But hate crime statistics do not tell the whole story. Behind each and every one of these numbers is a person, a family and a community targeted and forever changed by these willful acts of violence.

We as a nation know of some of these hate crimes. We know of the brutal dragging death in 1998 of James Byrd Jr., in Jasper, Texas. We know about the senseless beating of Matthew Shepard in Laramie, Wyoming in 1998. And we cannot forget the vicious acts of an armed assailant who fatally shot five people in a Jewish Community Center in Los Angeles earlier this year.

Joseph Healy, a 71-year-old Roman Catholic priest who was in Pittsburgh counseling victims of crime was gunned down in March at a fast food restaurant. Father Healy was a native of Bridgeport, Connecticut. He was killed in a racially motivated shooting. Father Healy and four other white men were shot; three of the five men died. Court documents revealed that the gunman shot the victims with ''malicious intent towards white males.''

Then there's the case of Heather Washington, a young, well respected African-American kindergarten teacher from Hartford, who along with her

boyfriend was chased at high speeds on a Connecticut highway last month. The couple was pursued by a white male who yelled epithets such as ''white power,'' shot at the vehicle's tires, and rear-ended the couple's car with his own vehicle. The couple was able to escape the assailant. However, they were not able to escape the constant fear that a similar incident could happen at any time.

These are examples of the bias crimes that are committed every day in America. Every day people across the nation continue to be victims of crimes motivated by bigotry. We owe it to these victims to ensure that the perpetrators of these crimes are brought to justice.

We should not wait until these brutal and shocking crimes make national headlines. Congress has the ability, the opportunity, and the duty to do something about this epidemic now. This problem cannot and should not be ignored.

In response to these disturbing acts, I am pleased to be an original cosponsor of S. 622, the Federal Hate Crimes Prevention Act of 1999, introduced by my longtime friend and colleague Senator KENNEDY.

I believe that all people, regardless of background or belief, deserve to be protected from discrimination. We must unite now to send an unequivocal message that hate will not be tolerated in our communities. Hate crimes deserve separate and strong penalties because they injure all of us. The perpetrator of a hate crime may wield a bat against a single person, but that perpetrator strikes at the morals that hold our society together. Hate destroys what's good, what's great about America. It is just and fitting for Congress to impose sanctions against criminals who are motivated by blind bigotry. These incidences tear the very fabric of our society and they cannot be tolerated. I admit that laws have little power to change the hearts and minds of people, but Congress can ensure that those who harbor hateful thoughts are punished when they act on those thoughts. I urge my colleagues to vote in favor of the Kennedy-Smith amendment.

Mr. LEAHY. Mr. President, violent crime motivated by prejudice is a tragedy that demands attention from all of us. It is not a new problem, but recent incidents of violent crimes motivated by hate and bigotry have shocked the American conscience and made it painfully clear that we as a nation still have serious work to do in protecting all Americans from these crimes and in ensuring equal rights for all our citizens. The answer to hate and bigotry must ultimately be found in increased respect and tolerance. But strengthening our federal hate crimes legislation is a step in the right direction.

Bigotry and hatred are corrosive elements in any society, but especially in a country as diverse and open as ours. We need to make clear that a bigoted attack on one or some of us diminishes each of us, and it diminishes our nation. As a nation, we must say loudly and clearly that we will defend ourselves against such violence. All Americans have the right to live, travel and gather where they choose. In the past we have responded as a nation to deter and to punish violent denials of civil rights. We have enacted federal laws to protect the civil rights of all of our citizens for more than 100 years. The Local Law Enforcement Enhancement Act of 2000 continues that great and honorable tradition.

This legislation strengthens current law by making it easier for federal authorities to investigate and prosecute crimes based on race, color, religion, and national origin. It also focuses the attention and resources of the federal government on the problem of hate crimes committed against people because of their sexual orientation, gender, or disability. This bill will strengthen Federal jurisdiction over hate crimes as a backup, but not a substitute, for state and local law enforcement. In a sign that this legislation respects the proper balance between Federal and local authority, the bill has received strong bipartisan support from state and local law enforcement organizations across the country. This support from law enforcement is particularly significant to me as a former prosecutor. Indeed, it has convinced me that we should pass this powerful law enforcement tool without further delay.

This bill accomplishes a critically important goal—protecting all of our citizens—without compromising our constitutional responsibilities. It is a tool for combating acts of violence and threats of violence motivated by hatred and bigotry. But it does not target pure speech, however offensive or disagreeable. The Constitution does not permit us in Congress to prohibit the expression of an idea simply because we disagree with it. As Justice Holmes wrote, the Constitution protects not just freedom for the thought and expression we agree with, but freedom for the thought that we hate. I am devoted to that principle, and I am confident that this bill does not contradict it.

I commend Senator KENNEDY and Senator SMITH for their leadership on this bill, and I am proud to have been an original cosponsor. Senator KENNEDY has been a leader on civil rights for the better part of four decades and has worked hard to tailor this needed remedy to the narrowing restrictions of the current activist Supreme Court. Senator SMITH is someone I am getting to know better through our work on the Innocence Protection Act. He is becoming a worthy successor in the great tradition of Senators of conscience like Senator Mark Hatfield.

Now is the time to pass this important legislation. I had hoped that this legislation would become law last year, when it passed the Senate as part of the Commerce-Justice-State appropriations bill. But despite the best efforts of the President, and us all, the majority declined to allow it to become law.

Since that failure, the need for this bill has become even more clear. Just two months ago, a white man named Richard Scott Baumhammers apparently went on a racially and ethnically motivated rampage that left his suburban Pittsburgh community in shock. First, he allegedly shot his next-door neighbor, a Jewish woman, six times and then set her house on fire. He then traveled throughout the Pittsburgh suburbs, shooting and killing two Asian-Americans in a Chinese restaurant, an African-American at a karate school, and an Indian man at an Indian-owned grocery. He also shot at two synagogues during his awful journey. This incident followed only a month after Ronald Taylor, an African-American man in the Pittsburgh area, apparently shot and killed three white people during a shooting spree in which he appears to have targeted whites. Policy investigators who searched Taylor's apartment after the shooting found writings showing anti-Semitic and anti-white bias.

These ugly incidents join the numerous other recent examples of violent crimes motivated by hate and bigotry that have motivated us to strengthen our hate crimes laws. None of us can forget the story of James Byrd, Jr., who was so brutally murdered in Texas for no reason other than his race. Nor can we erase last summer's images of small children at a Jewish community center in Los Angeles fleeing a gunman who sprayed the building with 70 bullets from a submachine gun. When he surrendered, the gunman said that his rampage had been motivated by his hatred of Jews.

And of course, we are still deeply affected and saddened by the terrible fate of Matthew Shepard, killed two years ago in Wyoming as a result of his sexual orientation. Last year, Judy Shepard, Matthew Shepard's mother, called upon Congress to pass this legislation without delay. Let me close by quoting her eloquent words:

> Today, we have it within our power to send a very different message than the one received by the people who killed my son. It is time to stop living in denial and to address a real problem that is destroying families like mine, James Byrd, Jr.'s . . . and many others across America. . . . We need to decide what kind of nation we want to be. One that treats all people with dignity and respect, or one that allows some people and their family members to be marginalized.

Mr. HARKIN. Mr. President, I want to express my strong support for this amendment. I am a cosponsor because I believe that our society must enforce a message of tolerance—not hate. State and local law enforcement should not have to shoulder the burden of investigating and prosecuting hate crimes alone. This amendment allows the Federal Government to stand behind them in their effort to put a stop to hate-motivated violence.

This amendment would authorize the Department of Justice to assist law enforcement officers across the country in addressing acts of hate violence by

removing unnecessary obstacles to federal involvement and, where appropriate, by providing authority for federal involvement in crimes directed at individuals because of their race, color religion, national origin, gender, sexual orientation or disability.

Because of my long involvement in the area of disability rights and the fact that this year marks the Tenth Anniversary of the Americans with Disabilities Act, I want to focus my remarks on hate crimes' impact on Americans with disabilities. Prejudice against people with disabilities takes many forms. Such bias often results in discriminatory actions in employment, housing, and public accommodations. Laws like the Fair Housing Amendments Act, the ADA, and the Rehabilitation Act are designed to protect people with disabilities from such prejudice

Sadly, disability bias can also manifest itself in the form of violence. It is imperative that the Federal Government send a message that these expressions of hatred are not acceptable in our society.

For example, a man with mental disabilities from New Jersey was kidnaped by a group of nine men and women and was tortured for three hours, then dumped somewhere with a pillowcase over his head. While captive, he was taped to a chair, his head was shaved, his clothing was cut to shreds, and he was punched, whipped with a string of beads, beaten with a toilet brush, and, possibly, sexually assaulted. Prosecutors believe the attack was motivated by disability bias.

In the state of Maine, a husband and wife were both living openly with AIDS, struggling to raise their children. Their youngest daughter was also infected with HIV. The family had broken their silence to participate in HIV/AIDS education programs that would inform their community about the tragic reality of HIV infection in their lives. As a result of the publicity, the windows of their home were shot out and the husband was forcibly removed from his car at a traffic light and severely beaten.

Twenty-one states and the District of Columbia have included people with disabilities as a protected class under their hate crimes statutes. However, state protection is neither uniform nor comprehensive. The Federal Government must send the message that hate crimes committed on the basis of disability are as intolerable as those committed because of a person's race, national origin, or religion. And, federal resources and comprehensive coverage would give this message meaning and substance. Thus, it is critical that people with disabilities share in the protection of the federal hate crimes statute.

This legislation will also provide local and state law enforcement officials with the resources necessary to investigate and prosecute hate crimes. In consultation with victim services organizations, including nonprofit organizations that provide services to victims with disabilities, local law enforcement officials can apply for grants when they lack the necessary resources to investigate and prosecute hate crimes. The amendment also includes grants for the training of law enforcement officials in identifying and preventing hate crimes committed by juveniles. Again, so often hate crimes on the basis of disability go unrecognized. These grants will help police identify crimes committed because of disability bias in the first place.

Mr. President, for this reason and others, this amendment is vitally important. Millions of Americans would benefit from its passage. And the public clearly recognizes this.

This amendment is a constructive and sensible response to a serious problem that continues to plague our Nation—violence motivated by prejudice. It deserves full support, and I am hopeful that the President will have an opportunity to sign this legislation into law this year.

Ms. SNOWE. Mr. President, I rise today to support Senator KENNEDY's amendment to the fiscal year 2001 Department of Defense Authorization Act. This amendment, the Local Law Enforcement Enhancement Act, is a new version of the Hate Crimes Prevention Act, of which I am a cosponsor.

Mr. President, there is nothing so ugly as hate. It saddens me that at the brink of a new century, when our country is in a time of almost unprecedented prosperity—when more people than ever before are educated, when major medical breakthroughs seem to occur almost on a daily basis—that we are still faced with racism and prejudice in our society.

Current law permits Federal prosecution of a hate crime only if the crime was motivated by bias based on religion, national origin, or color, and the assailant intended to prevent the victim from exercising a ''federally protected right'' such as voting, jury duty, attending school, or conducting interstate commerce. These tandem requirements substantially limit the potential for federal prosecution of hate crimes.

Most crimes against victims based on their gender, disability, or sexual orientation are now only covered under State law, unless such crimes are committed within a Federal jurisdiction such as an assault on a Federal official, on an Indian reservation, or in a national park. While more than 40 States have hate crimes statutes in effect, only 22 States have hate crimes legislation that addresses gender, and only 21 States have hate crimes legislation that address sexual orientation or disability.

The amendment before us today would expand Federal jurisdiction and increase the Federal role in the investigation and prosecution of hate crimes.

Under this legislation, hate crimes that cause death or bodily injury because of prejudice can be investigated and prosecuted by the Federal Government, regardless of whether the victim was exercising a federally protected right. The bill defines a hate crime as a violent act causing death or bodily injury ''because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person.''

I believe that one of our country's greatest strengths is Congress's ability to balance strong State's rights against a Federal Government that unites these separate States. I also believe that the Federal Government has a duty to provide leadership on issues of great moral imperative, especially in the area of civil rights.

Hate crimes go beyond the standard criminal motivation. We are all familiar with the horrible stories of James Byrd, Jr., who was chained to a truck and dragged to his death because of his race, of Matthew Shepard, who was beaten and tied to a wooden fence and died in freezing temperatures because of his sexual orientation, and of the attack last August at a Jewish community center because of religion.

There is no doubt that crime is morally and legally wrong and there is no one in this chamber who could possible argue otherwise. And I understand the argument that opponents of the amendment have: How can the law punish a crime for more than what it actually and literally is?

But hate crimes are not just about the crime itself, they are about the motivation. And there is something especially pernicious about a crime that occurs because of who somebody is. There is something all the more horrific when a crime happens because of the victim's race, or color, or religion. Hate crimes are meant to send a message to a group: ''you had better be careful because you are not accepted here.''

The Federal Bureau of Investigation reports that in 1998—the latest data available—almost 8,000 crimes were motivated by hate or prejudice. Over half of these crimes were motivated by racial bias; nearly 20 percent of these crimes were because of religious bias; and 16 percent of these crimes were a result of sexual-orientation bias. Twenty-five of these crimes happened simply because the victim was disabled, and 754 because of the ethnicity or national origin of the victim.

The amendment before us today is not about creating a special class of crime. It is not about policing our ideas or beliefs; it is about the criminal action that some people take on the basis of these beliefs. We cannot make it a crime to hate someone. But we can make it a crime to attack because a person specifically hates who the victim is or what the victim represents.

One of my favorite sayings is ''As Maine goes . . . so goes the Nation.'' This adage proves true again with the Hate Crimes Prevention Act and with Senator KENNEDY's amendment. I am proud that the Hate Crimes Prevention

Act, and today's amendment, are largely based on Maine's 1992 Civil Rights Law, which was enacted while my husband, John R. McKernan, was Governor of the State. And I am proud that the Hate Crimes Prevention Act is supported by our current Attorney General, Andrew Ketterer.

Mr. President, our laws are a direct reflection of our priorities as a nation. And I, along with the vast majority of Americans I would venture to say, fundamentally believe that crimes of hate and prejudice should not be tolerated in our society.

That is why I support prosecuting hate crimes to the fullest possible extent. The amendment before us today will expand the ability of the Federal Government to prosecute these immoral and pernicious crimes. I urge my colleagues to support it.

Mrs. FEINSTEIN. Mr. President, no one should be victimized because of his or her skin color, national origin, religious beliefs, gender, sexual orientation, or disability.

In furtherance of this belief, I sponsored in 1993 the Hate Crimes Sentencing Enhancement Act, which required the U.S. Sentencing Commission to provide sentencing enhancements of no less than three offense levels for crimes determined beyond a reasonable doubt to be hate crimes. The Act increased the penalties for hate crimes directed at individuals not only because of their perceived race, color, religion, and national origin, but also on account of their gender, disability or sexual orientation.

Today, I am proud to be the cosponsor of the Kennedy hate crimes amendment, which would build on this effort by expanding the Justice Department's authority to prosecute defendants for violent crimes based on the victim's race, color, religion or national origin.

This important amendment would also allow the Federal government to provide assistance in state investigations of crimes against another based on the victim's gender, disability, or sexual orientation.

Sadly, hate crimes occur more often than we might think. According to the U.S. Department of Justice, there have been nearly 60,000 hate crime incidents reported since 1991. In 1998 alone, the last year for which we have statistics, nearly 8,000 hate crime incidents were reported in the United States. That is almost one such crime per hour.

In the same year, more than 2,100 Californians fell victim to a hate crime. That's a shocking number when one considers the motivation behind a hate crime. These are truly among the ugliest of crimes, in which the perpetrator thinks the victim is less of a human being because of his or her gender, skin color, religion, sexual orientation or disability.

Even more disturbing is that nearly two-thirds of these crimes are committed by our nation's youth and young adults. The need to send a strong message of mutual tolerance and respect to our youngsters has become all too clear in recent years.

One of the most high profile hate crime cases in California involved two young Northern California men, Benjamin Matthew Williams, age 31, and his younger brother James Tyler Williams, age 29. The two brothers became poster boys for our Nation's summer of hate last year. Both men were charged with the double slaying of a prominent gay couple who lived about 180 miles north of Sacramento.

The men are also prime suspects in the wave of arson that hit three Sacramento-area synagogues two weeks before the killings, causing more than $1 million in damage. When investigators searched the Williams brothers' home, they found a treasure trove of white-supremacist, anti-gay, anti-Semitic literature. They also found a ''hit list'' of 32 prominent Jewish and civic leaders in the Sacramento area, apparently compiled after the synagogue fires.

Hate crimes not only affect the victim who is targeted, but also shakes the foundation of an entire community that identifies with the victim. I grow increasingly concerned when I hear reports about the proliferation of hate in our nation, because California, the state I represent, has one of the most diverse communities in the world.

Our state has greatly benefitted from the contributions of persons from countries as nearby as Mexico and El Salvador, and as far away as India and Ethiopia. It is only through our willingness to live among each other and to respect our individual differences and gifts, that we can continue to build from the strength of our diversity.

That is why Senator KENNEDY's amendment is so important. Not only would it broaden the protection offered by Federal law to people not covered by hate crime legislation, but it will provide vital Federal assistance and training grants to states investigating these crimes.

Specifically, this legislation would compensate for two limitations in the current law: First, even in the most blatant cases of racial, ethnic, or religious violence, no Federal jurisdiction exists unless the victim was targeted while exercising one of a limited number of federally protected activities. Second, current law provides no coverage for violent hate crimes based on the victim's sexual orientation, gender or disability.

Unfortunately, there are those who would stop short of supporting this legislation because it extends protections to those targeted on account of their sexual orientation. This is especially disturbing given the fact that crimes against gays, lesbians and bisexuals ranked third in reported hate crimes in 1998, registering 1,260 or 15.6 percent of all reported incidents. Even in light of the growing number and severity of these horrific events, Congress has not seen fit to enact important Federal hate crime measures to ensure that justice is served.

I wonder, how many cases go unsolved because of the Federal government's inability to participate in the investigation and prosecution of a hate crime?

How many people have chosen not to report a serious hate crime out of fear of retribution because there is no state or federal protection?

How many more people, and families, and communities, need to be victimized by these most horrendous acts before our colleagues realize that now is time to act?

Since those who commit hate crimes seek out a category of people, rather than a particular individual, anyone of us at anytime can become a victim of a hate crime. I believe the Kennedy hate crimes amendment would send the right message: that those who commit violent acts because the victim is of a certain gender, religion, race, sexual orientation, or disability will be prosecuted because everyone—I repeat—everyone has a right to be free from violence and fear when they are going to school, work, travel, or doing something as simple as going to a movie.

While I rise in strong support for the Kennedy amendment, I must also express my opposition to the amendment offered by my friend from Utah, Mr. HATCH. While well-intentioned, the Hatch amendment would not extend protection to people targeted because of their sexual orientation, gender or disability in states that have not enacted hate crime laws or have limited their laws to crimes motivated by race, national origin or religion.

Moreover, the Hatch amendment would permit the Federal government to address hate crimes only in those very limited circumstances in which the offender crosses a state line to commit an act of hate violence. This amendment would, therefore, fail to address the majority of cases we confront today in which a hate crime results in death or serious bodily harm.

As elected leaders, it is incumbent upon us to set an example—not just by expressing outrage about these crimes—but by strengthening legislation and bolstering the ability of law enforcement—whether state or Federal—to combat hate crimes.

How many more people will become victims of hate before we act? I believe the time has come to affirm our support for the diversity that makes our nation so great. The time has come to enact a sensible hate crime measure to address this problem of violent bigotry and hate. The time has come to enact the Local Law Enforcement Enhancement Act of 2000.

Mr. SARBANES. Mr. President, I rise today to express my strong support for the Local Law Enforcement Enhancement Act of 2000, Senator KENNEDY's amendment to the Department of Defense authorization bill. As a cosponsor of Senator KENNEDY's Hate Crimes Prevention Act, I believe that it is past time for Congress to act to prevent future tragedies.

While as a Nation we have made significant progress in reducing discrimination and increasing opportunities for all Americans, regrettably the impact of past discrimination continues to be felt. Far too often, we hear reports of violent hate-related incidents in this country. It seems inconceivable that, in the year 2000, such crimes can still be so pervasive. Statistics from my own State of Maryland unfortunately indicate that the incidence of bias-motivated violence may be on the rise. The number of reported incidents of hate or bias-motivated violence in Maryland rose by 11.6 percent in 1999. Of the 457 verified incidents of bias-motivated violence that year, 335 were committed against individuals on the basis of their race (approximately 73%), 63 on the basis of religion (14%), 38 on the basis of sexual orientation (8%), 17 on the basis of ethnicity (4%), and 4 on the basis of the victim's disability (1%).

Data gathered under the Federal Hate Crime Statistics Act is also sobering. Beginning in 1991, the Act requires the Justice Department to collect information from law enforcement agencies across the country on crimes motivated by a victim's race, religion, sexual orientation, or ethnicity. Congress expanded the Act in 1994 to also require the collection of data for crimes based upon the victim's disability. The Department of Justice has reported that, for 1998, 7,755 bias-motivated crimes were committed against 9,722 victims by 7,489 known offenders.

Beyond these stark statistics, stories of heinous crimes continue to make headlines across the country. In 1998, James Byrd, Jr., an African-American man, was walking home along a rural Texas road when he was beaten and then dragged behind a pickup truck to his death. Later than same year, Matthew Shephard, a gay University of Wyoming Student, was beaten, tied to a fence, and left to die in a rural part of the state. And just last year, a gunman entered a Jewish community center in California, opened fire on workers and children attending a day care center, and later killed a Filipino-American postal worker.

It is nearly impossible to imagine such crimes occurring in a country that is said to lead the world in equal opportunity for its citizens. Franklin Delano Roosevelt once described America as a ''nation of many nationalities, many religions—bound together by a single unity, the unity of freedom and equality.'' But, as the stories of James Byrd, Matthew Shephard, and the California Jewish community center all too clearly show, we are not living up to President Roosevelt's vision of America. The Federal government cannot ignore the thousands of hate crimes that are committed in the United States each and every year as long as people are afraid to walk down our streets because of their religion, or the color of their skin, or their sexual orientation.

I had the great honor of serving, during my time in the House of Representatives, with Shirley Chisholm, the first African-American woman elected to Congress, who said: ''Laws will not eliminate prejudice from the hearts of human beings. But that is no reason to allow prejudice to continue to be enshrined in our laws to perpetuate injustice through inaction.''

Senator KENNEDY's amendment includes crucial provisions designed to help the Federal government stop bias-motivated crimes. This amendment would extend Federal law to prohibit crimes committed against victims because of their gender, sexual orientation, or disability. Moreover, the amendment would also remove requirements of existing law that prohibit Federal government action unless the crime victim is engaged in certain ''federally protected activities.''

It is true that this legislation will not drastically increase the number of crimes subject to Federal prosecution. Criminal law is a matter largely enforced by the states, and the sponsors of this amendment have been careful to ensure that the Federal government will only step in and prosecute a crime if a state cannot adequately do so itself. And certainly, as Congresswoman Chisholm eloquently stated, we cannot erase the hatred and bigotry in people's hearts by passing this amendment today. But the balanced approach of Senator KENNEDY's amendment will allow the Federal government to intervene in the small number of hate crimes cases where a Federal prosecution is necessary to insure that justice is served.

Mr. President, I urge my Senate colleagues to join me in supporting the Kennedy hate crimes amendment. We have an invaluable opportunity to make a statement that the United States government will not tolerate crimes motivated by bigotry and prejudice, and that the ''the unity of freedom and equality'' binds together all Americans—regardless of their race, religion, nationality, gender, sexual orientation, or disability.

Mrs. BOXER. Mr. President, one year ago, three synagogues in the Sacramento, California area were attacked by arsonists. Two weeks later, a gay couple was killed at their home in nearby Redding, California. Two nights after these brutal murders, a Sacramento women's health care clinic was firebombed.

These vicious crimes shocked the people of Sacramento. At the same time, it moved many members of the community to speak out and take action. Led by the late mayor Joe Serna, thousands of residents joined a Unity Rally at the Sacramento Convention Center and pledged to work together to prevent future hate crimes.

Out of this rally grew the ''United We Build'' project, which is bearing fruit this week. In the name of tolerance and unity, hundreds of volunteers are gathering and setting to work on community projects: planting gardens, cleaning up schools and parks, and refurbishing churches and senior centers. The week's events will culminate on Sunday with a Jewish Food Faire at one of the targeted synagogues and an afternoon rally at the State Capitol.

Mr. President, every community in America should take inspiration from the people of Sacramento. They have turned their shock, anger, and fear into positive actions. From the ashes of hatred and intolerance, they have emerged stronger and more unified than ever before.

Hate crimes seek to stigmatize persecuted groups and isolate them from the larger society. We must turn the tables to isolate those who preach hatred and commit hate crimes. This will not be easy: Today hate groups flood the Internet with venom, and hateful individuals flood the talk shows with vitriol.

To stop hate crimes, we must of course catch and prosecute the perpetrators. But we must do more than that. We must each act to root hatred and intolerance out of our daily lives. We must have zero tolerance for intolerance. If a friend or family member uses hateful speech, we must have the courage to say that this is unacceptable. If a neighbor or co-worker takes an action designed to hurt another because of that person's race or religion or sexual orientation, we must stand with the victim, not the aggressor.

Congress can pass laws to prevent and prosecute hate crimes. I voted to pass such legislation today, and I will do so again. But laws alone cannot wipe the stain of hatred off the American landscape. To do this—to truly secure the blessings of liberty for all Americans—we must each take every opportunity to teach tolerance and act against hatred.

Mr. ROCKEFELLER. Mr. President, I believe it is vital to make a clear statement against all violent hate crimes against individuals because of race, color, religion, national origin, gender, sexual orientation, or disability. This is a basic point, and the number of hate crimes in our country is truly disturbing. When such a case claims headlines and dominates national news for a few days or a few weeks, people are troubled and sad. But we can and we should do more to oppose hate crimes.

My hope is that having leaders at all levels, including the U.S. Senate, speak against such hate crimes will send a powerful message that such violent behavior should not be tolerated. No one in our country should be afraid of violence because of their race, religion, color, national origin, gender, sexual orientation, or disability. When such crimes occur, families are devastated and entire communities are stunned and hurt.

In addition to sending a strong message, the Kennedy amendment would offer federal help to combat violent hate crimes, including up to $100,000 in

federal grants to state and local law enforcement officials to cover the expenses of investigating and prosecuting such crimes. Federal grants would also encourage cooperation and coordination with the community groups and schools that could be affected. The bipartisan Kennedy amendment is a balanced attempt to combat hate crimes by helping state and local officials.

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

The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that the next series of votes be limited to 10 minutes each.

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

The Senator from Utah.

Mr. HATCH. Mr. President, I admire my colleagues. I feel very much the same as they do about these heinous crimes, but I have absolute confidence that our State and local governments are taking care of them.

The problem with the Kennedy amendment is that it is unconstitutional and it is bad policy.

First, the Kennedy amendment is unconstitutional because it seeks to make a Federal crime of purely private conduct committed by an individual against a person because of that person's race, color, religion, national origin, gender, disability, or sexual orientation. This broad federalization of what are now State crimes would be unconstitutional under the commerce clause, the 13th amendment, the 14th amendment, and, possibly, the 1st amendment. This is clear in light of the Supreme Court's recent decision just last month in United States v. Morrison.

As Senators, we have a real duty to consider whether the legislation we enact is constitutional, and not just try to get away with all we can and hope the Supreme Court will fix it for us.

Secondly, the Kennedy amendment is bad policy. It would make a Federal crime out of every rape and sexual assault—crimes committed because of the victim's gender—and, as such, would seriously burden Federal law enforcement agencies, Federal prosecutors, and Federal courts.

In addition, the Kennedy amendment would not permit the death penalty to be imposed, even in cases of the most heinous hate crimes, such as the Byrd case, where State law permits prosecutors to seek the death penalty.

Finally, the Kennedy amendment, by broadly federalizing what now are State crimes, would allow the Justice Department to unnecessarily intrude in the work of State and local police and prosecutors without any real justification for doing so right now. That is why we need to do this study while at the same time providing monies to help the State and local prosecutors to do a better job.

The Kennedy amendment is unconstitutional, and it is bad policy. I urge my colleagues to vote against it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3473. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) is necessarily absent.

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—57

Akaka	Feingold	Mack
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Hollings	Reed
Boxer	Inouye	Reid
Breaux	Jeffords	Robb
Bryan	Johnson	Rockefeller
Burns	Kennedy	Roth
Chafee, L.	Kerrey	Sarbanes
Cleland	Kerry	Schumer
Collins	Kohl	Smith (OR)
Conrad	Landrieu	Snowe
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Torricelli
Dorgan	Lieberman	Voinovich
Durbin	Lincoln	Wellstone
Edwards	Lugar	Wyden

NAYS—42

Abraham	Enzi	Lott
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Bennett	Gorton	Murkowski
Bond	Gramm	Nickles
Brownback	Grams	Roberts
Bunning	Grassley	Santorum
Byrd	Gregg	Sessions
Campbell	Hagel	Shelby
Cochran	Hatch	Smith (NH)
Coverdell	Helms	Thomas
Craig	Hutchinson	Thompson
Crapo	Hutchison	Thurmond
Domenici	Kyl	Warner

NOT VOTING—1

Inhofe

The amendment (No. 3473) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3475

The VICE PRESIDENT. Under the previous order, the Senate will now debate for 4 minutes evenly divided the Dodd amendment relating to Cuba. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, this amendment establishes a 12-member bipartisan commission to review Cuba policy and make recommendations with respect to how that policy might be altered to best serve the interests of the United States.

Mr. President, I will not read the documents, but I will leave them for my colleagues' consideration: A letter signed by Howard Baker, Frank Carlucci, Henry Kissinger, Malcolm Wallop, along with 26 colleagues, 16 from the floor, a letter from George Shultz, and one from the leading dissident groups inside Cuba calling for the commission to try to take a look at U.S.-Cuban policy.

It is time to stop, in my view, the absurd fixation we have on one individual and to remove an important foreign policy issue from the small but powerful group that doesn't allow us to think what is in our best interest as a nation. We ought to listen to foreign policy experts. This commission is not predetermined; it is not shackled. It may very well come back and recommend a continuation of the embargo. But it seems to me we ought to at least listen.

We are watching the Koreans come together. We are watching advances in the Middle East. Today, we are watching efforts around the world to bring people together to resolve historic differences.

Today, Pete Peterson, former POW, represents U.S. interests as our Ambassador in Vietnam. Does that mean we agree with the policies of the Vietnamese Government? No. We recognize, by trying to tear down the walls that have historically divided us, we can try to build a better relationship between the two countries. We will soon be voting on whether or not to have a trading relationship with China. We are watching improvements in the Middle East. Northern Ireland brings hope for resolving differences.

All I am asking with this amendment—it has been recommended by Secretaries of Defense, Secretaries of State, 26 of our colleagues, in a bipartisan letter to the President only a few months ago—is to establish a commission to examine U.S.-Cuban policies to see if we can't come up with some better answers than the historic debate which has divided us on this issue.

I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield myself 1 minute.

It is not our fault that Cuba is repressive. It is Castro who is to blame. Appeasing Castro by instituting the commission whose stealth objective is to lift the embargo without Castro having undertaken any reforms is nothing more than a unilateral and unwarranted concession to a regime which refuses to concede even the smallest effort to reform human rights.

This is not the appropriate vehicle for this bill, the Armed Services Committee. There are other important things with which we need to deal. Cuba should first change its policy toward its own people, and after that, the United States can change its policy toward Cuba.

I yield to Senator MACK.

Mr. MACK. Mr. President, I ask my colleagues on both sides of the aisle to vote to table this amendment. It is blatantly political in its nature. Of the 12 positions, 8 will be determined by the Democratic Party and 4 by the Republicans; 6 by the President, 2 by the majority in each of the Houses, 1 by the

minority in each. That is 8 of 12—two-thirds.

We should not, today, be telling the next President of the United States what his policy should be with respect to Cuba. This Congress and this President should not be doing that.

Third, I only had the opportunity to speak with Frank Carlucci and Howard Baker. While they accept the concept of a commission, they don't support one that is so blatantly political, and they don't support one being established at this time.

I ask my colleagues to vote against this amendment, and I move to table the amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. DODD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the amendment No. 3475. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—59

Abraham	Gorton	Nickles
Allard	Graham	Reid
Ashcroft	Gramm	Robb
Bennett	Grassley	Roberts
Bond	Gregg	Roth
Brownback	Hagel	Santorum
Bryan	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Chafee, L.	Inhofe	Snowe
Cochran	Kohl	Specter
Collins	Kyl	Stevens
Coverdell	Lieberman	Thomas
Craig	Lott	Thompson
Crapo	Lugar	Thurmond
DeWine	Mack	Torricelli
Domenici	McCain	Voinovich
Enzi	McConnell	Warner
Frist	Murkowski	

NAYS—41

Akaka	Edwards	Lautenberg
Baucus	Feingold	Leahy
Bayh	Feinstein	Levin
Biden	Fitzgerald	Lincoln
Bingaman	Grams	Mikulski
Boxer	Harkin	Moynihan
Breaux	Hollings	Murray
Byrd	Inouye	Reed
Cleland	Jeffords	Rockefeller
Conrad	Johnson	Sarbanes
Daschle	Kennedy	Schumer
Dodd	Kerrey	Wellstone
Dorgan	Kerry	Wyden
Durbin	Landrieu	

The motion to table was agreed to.

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

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

The PRESIDING OFFICER. The Senator from California.

CONGRATULATING THE LOS ANGELES LAKERS ON WINNING THE 2000 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 324, introduced earlier today by Senator BOXER and myself.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 324) to commend and congratulate the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2000 National Basketball Association Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I join my distinguished colleague from California, Senator BARBARA BOXER, in commending and congratulating the Los Angeles Lakers for their outstanding season which was culminated last night in winning the 2000 National Basketball Association Championship.

Without a doubt, the Los Angeles Lakers are one of the finest franchises in the history of professional sports. In defeating a gritty and hard-nosed Indiana Pacers team last night, the Lakers captured their twelfth NBA Championship in the true spirit of their ''Showtime'' years.

The Los Angeles Lakers are a true sporting dynasty. They are the second winningest team in NBA history. Their record of 67–15, the best regular season record in the NBA's Eastern and Western Conference.

Led by coach Phil Jackson, Shaquille O'Neal and Kobe Bryant the Lakers are a formidable opponent. Shaquille O'Neal was named league Most Valuable Player, led the league in scoring and field goal percentage, won the IBM Award for greatest overall contribution to a team, and became just the sixth player in the game's history to be a unanimous selection to the All–NBA First team.

Shaquille O'Neal also was named Most Valuable Player of the 2000 All Star game scoring 22 points and collecting 9 rebounds. And he also dominated the 2000 playoffs scoring 38 points per game in the NBA Finals on his way to winning the Most Valuable Player award.

Another top player was the 21-year-old phenom, Kobe Bryant, who overcame injuries to average more than 22 points a game in the regular season and be named to the NBA All-Defensive First Team. Kobe Bryant's eight point performance in the overtime of game 4 led the Lakers to one of the most dramatic wins in playoff history.

Coach Phil Jackson, winner of seven NBA Championship rings and a playoff winning percentage of .718, has proven to be one of the most innovative and adaptable coaches in the NBA.

And when you add to this terrific trio and strong supporting cast—including Glenn Rice, A.C. Green, Ron Harper, Robert Horry, Rick Fox, Derrick Fisher, Brian Shaw, Devean George, Tyronn Lue, John Celestand, Travis Knight, and John Salley—the recipe for a championship was written.

I also congratulate team owner Dr. Jerry Buss, General Manager Jerry West and all the others who worked so hard to return the championship magic to the City of Angels. But most of all, I would like to congratulate the myriad of Lakers fans who have pulled for this team through it all.

The 1999–2000 Los Angeles Lakers will go down in history with those legendary teams of the past. And we can add the names of Shaquille O'Neal and Kobe Bryan to the tapestry of Laker greats: George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, and the incomparable Earvin ''Magic'' Johnson.

These Lakers demonstrated immeasurable determination, heart, stamina, and an amazing comeback ability in their drive for the championship. They have made the City of Los Angeles and the State of California proud.

The Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century. In the years ahead, I have no doubt that this team will add numerous championship banners to the rafters of the Staples Center.

Senator BOXER and I thought it would be fitting of offer this resolution today.

I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, with no intervening action.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the Los Angeles Lakers are one of the greatest sports franchises ever;

Whereas the Los Angeles Lakers have won 12 National Basketball Association Championships;

Whereas the Los Angeles Lakers are the second winningest team in National Basketball Association history;

Whereas the Los Angeles Lakers, at 67–15, posted the best regular season record in the National Basketball Association;

Whereas the Los Angeles Lakers have fielded such superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin ''Magic'' Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal led the league in scoring and field goal percentage on his way to winning the National Basketball Association's Most Valuable Player award, winning the IBM Award for greatest overall contribution to a team, and becoming just the sixth player in the history of the game to be a unanimous selection to the All-National Basketball Association First Team;

Whereas Shaquille O'Neal was named Most Valuable Player of the 2000 All Star game, scoring 22 points and collecting 9 rebounds;

Whereas Shaquille O'Neal dominated the 2000, playoffs averaging 38 points per game and winning the Most Valuable Player award in the National Basketball Association Finals;

Whereas Kobe Bryant overcame injuries to average more than 22 points a game in the regular season and be named to the National Basketball Association All-Defensive First Team;

Whereas Kobe Bryant's 8-point performance in the overtime of Game 4 led the Los Angeles Lakers to 1 of the most dramatic wins in playoff history;

Whereas Coach Phil Jackson, who has won 7 National Basketball Association rings and the highest playoff winning percentage in league history, has proven to be 1 of the most innovative and adaptable coaches in the National Basketball Association;

Whereas the Los Angeles Lakers epitomize Los Angeles pride with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California helped make winning the National Basketball Association Championship possible; and

Whereas the Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century: Now, therefore, be it

Resolved, That the United States Senate congratulates the Los Angeles Lakers on winning the 2000 National Basketball Association Championship Title.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001—Continued

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENTS NOS. 3477 THROUGH 3490, EN BLOC

Mr. WARNER. Mr. President, my distinguished colleague, Senator LEVIN, and I are prepared to address a series of amendments which have been agreed to on both sides on the authorization bill for the armed services of the United States.

Consequently, I send a series of amendments to the desk which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to any of these amendments be printed in the RECORD.

Mr. LEVIN. I have no objection.

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

The amendments (Nos. 3477 through 3490) were agreed to, en bloc, as follows:

AMENDMENT NO. 3477

(Purpose: To set aside $20,000,000 for the Joint Technology Information Center Initiative; and to offset that amount by reducing the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) by $20,000,000)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE.

Of the amount authorized to be appropriated under section 201(4)—

(1) $20,000,000 shall be available for the Joint Technology Information Center Initiative; and

(2) the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) is reduced by $20,000,000.

AMENDMENT NO. 3478

(Purpose: To authorize the establishment of United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches)

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. UNITED STATES-RUSSIAN FEDERATION JOINT DATA EXCHANGE CENTER ON EARLY WARNING SYSTEMS AND NOTIFICATION OF MISSILE LAUNCHES.

(a) AUTHORITY.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

(b) SPECIFIC ACTIONS.—The actions that the Secretary jointly undertakes for the establishment of the center may include the renovation of a mutually agreed upon facility to be made available by the Russian Federation and the provision of such equipment and supplies as may be necessary to commence the operation of the center.

AMENDMENT NO. 3479

(Purpose: To provide back pay for persons who, while serving as members of the Navy or the Marine Corps during World War II, were unable to accept approved promotions by reason of being interned as prisoners of war)

On page 239, after line 22, insert the following:

SEC. 656. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(1) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(2) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

AMENDMENT NO. 3480

(Purpose: To provide for full implementation of certain student loan repayment programs as incentives for Federal employee recruitment and retention)

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.

(a) STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting ''(20 U.S.C. 1071 et seq.)'' before the semicolon;

(2) in clause (ii), by striking ''part E of title IV of the Higher Education Act of 1965'' and inserting ''part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)''; and

(3) in clause (iii), by striking ''part C of title VII of Public Health Service Act or under part B of title VIII of such Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)''.

(b) PERSONNEL COVERED.—

(1) INELIGIBLE PERSONNEL.—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

''(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(2) PERSONNEL RECRUITED OR RETAINED.—Section 5379(b)(1) of title 5, United States Code, is amended by striking ''professional, technical, or administrative''.

(c) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 60 days after the date of enactment of this

Act, the Director of the Office of Personnel Management (referred to in this section as the ''Director'') shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) FINAL REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

''(A) the number of Federal employees selected to receive benefits under this section;

''(B) the job classifications for the recipients; and

''(C) the cost to the Federal Government of providing the benefits.

''(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).''.

AMENDMENT NO. 3481

(Purpose: To make available $33,000,000 for the operation of current Tethered Aerostat Radar System (TARS) sites)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. TETHERED AEROSTAT RADAR SYSTEM (TARS) SITES.

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

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, up to $33,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

AMENDMENT NO. 3482

(Purpose: To make available, with an offset, $7,000,000 for procurement, Defense-Wide, for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces)

On page 32, after line 24, add the following:

SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYSTEMS SPECIAL WARFARE RIGID INFLATABLE BOATS AND HIGH-SPEED ASSAULT CRAFT.

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide, is hereby increased by $7,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), $7,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) OFFSET.—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force, is hereby reduced by $7,000,000.

AMENDMENT NO. 3483

(Purpose: To authorize, with an offset, $5,000,000 for research, development, test, and evaluation Defense-wide for Explosives Demilitarization Technology (PE603104D) for research into ammunition risk analysis capabilities)

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AMMUNITION RISK ANALYSIS CAPABILITIES.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Explosives Demilitarization Technology (PE603104D) is hereby increased by $5,000,000, with the amount of such increase available for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $5,000,000.

AMENDMENT NO. 3484

(Purpose: To permit members of the National Guard to participate in athletic competitions and to modify authorities relating to participation of such members in small arms competition)

On page 200, following line 23, add the following:

SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting ''prepare for and'' before ''participate''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) prepare for and participate in qualifying athletic competitions.''.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

''(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).''.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

''(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.''.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

''(e) In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

''504. National Guard schools; small arms competitions; athletic competitions.''.

AMENDMENT NO. 3485

(Purpose: To amend title 5, United States Code to provide for realignment of the Department of Defense workforce)

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1115. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2005''.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after ''transfer of function,'' the following: ''restructuring of the workforce (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions in accordance with the strategic plan required under section 1118 of the National Defense Authorization Act for Fiscal Year 2001),''.

(c) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting ''objective and nonpersonal'' after ''similar''; and

(2) by adding at the end the following:

''A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.''.

(d) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

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

''(1) shall be paid in a lump-sum or in installments;'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).''.

(e) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after ''employment with the Government of the United States'' the following: '', or who commences work for an agency of the United States through a personal services contract with the United States,''.

SEC. 1116. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or (j)'' in the first sentence and inserting ''(j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and '', (b)(1)(B), or (d)''.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

SEC. 1117. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.''.

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking ''if necessary'' and all that follows through the end and inserting ''if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

"§ 4107. Restrictions".

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

''4107. Restrictions.''.

SEC. 1118. STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, and before exercising any of the authorities provided or extended by the amendments made by sections 1115 through 1117, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of such authorities. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DOD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

AMENDMENT NO. 3486

(Purpose: To provide for a blue ribbon advisory panel to examine Department of Defense policies on the privacy of individual medical records)

On page 270, between lines 16 and 17, insert the following:

SEC. 743. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT OF DEFENSE POLICIES REGARDING THE PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

(a) ESTABLISHMENT.—(1) There is hereby established an advisory panel to be known as the Blue Ribbon Advisory Panel on Department of Defense Policies Regarding the Privacy of Individual Medical Records (in this section referred to as the ''Panel'').

(2)(A) The Panel shall be composed of 7 members appointed by the President, of whom—

(i) at least one shall be a member of a consumer organization;

(ii) at least one shall be a medical professional;

(iii) at least one shall have a background in medical ethics; and

(iv) at least one shall be a member of the Armed Forces.

(B) The appointments of the members of the Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) No later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(4) The Panel shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Panel shall conduct a thorough study of all matters relating to the policies and practices of the Department of Defense regarding the privacy of individual medical records.

(2) Not later than April 30, 2001, the Panel shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for such legislation and administrative actions as it considers appropriate to ensure the privacy of individual medical records.

(c) POWERS.—(1) The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

(2) The Panel may secure directly from the Department of Defense, and any other Federal department or agency, such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairman of the Panel, the Secretary of Defense, or the head of such department or agency, shall furnish such information to the Panel.

(3) The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) The Panel may accept, use, and dispose of gifts or donations of services or property.

(5) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report under subsection (b)(2).

(e) FUNDING.—(1) Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Panel such sums as the Panel may require for its activities under this section.

(2) Any sums made available under paragraph (1) shall remain available, without fiscal year limitation, until expended.

AMENDMENT NO. 3487

(Purpose: To expand the authority of the Secretary of Defense to exempt geodetic products of the Department of Defense from public disclosure.)

On page 353, between lines 15 and 16, insert the following:

SEC. 914. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking ''or reveal military operational or contingency plans'' and inserting '', reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities''.

AMENDMENT NO. 3488

(Purpose: To make available, with an offset, an additional $2,100,000 for the conversion of the configuration of certain AGM–65 Maverick missiles)

On page 31, after line 25, add the following:

SEC. 132. CONVERSION OF AGM–65 MAVERICK MISSILES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by $2,100,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), $2,100,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM–65B and AGM–65G configurations to Maverick missiles in the AGM–65H and AGM–65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $2,100,000, with the amount of the reduction applicable to amounts available under that section for ALE–50 Code Decoys.

AMENDMENT NO. 3489

(Purpose: To set aside for the procurement of rapid intravenous infusion pumps $6,000,000 of the amount authorized to be appropriated for the Army for other procurement; and to offset that addition by reducing by $6,000,000 the amount authorized to be appropriated for the Army for other procurement for the family of medium tactical vehicles.)

On page 25, between lines 13 and 14, insert the following:

SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.

Of the amount authorized to be appropriated under section 101(5)—

(1) $6,000,000 shall be available for the procurement of rapid intravenous infusion pumps; and

(2) the amount provided for the family of medium tactical vehicles is hereby reduced by $6,000,000.

AMENDMENT NO. 3490

(Purpose: To set aside funds for the Mounted Urban Combat Training site, Fort Knox, Kentucky, and for overhaul of MK–45 5-inch guns)

On page 58, between lines 7 and 8, insert the following:

SEC. 313. MOUNTED URBAN COMBAT TRAINING SITE, FORT KNOX, KENTUCKY.

Of the total amount authorized to be appropriated under section 301(1) for training range upgrades, $4,000,000 is available for the Mounted Urban Combat Training site, Fort Knox, Kentucky.

SEC. 314. MK–45 OVERHAUL.

Of the total amount authorized to be appropriated under section 301(1) for maintenance, $12,000,000 is available for overhaul of MK–45 5-inch guns.

AMENDMENT NO. 3485

Mr. VOINOVICH. Mr. President, on June 6th, Senator DEWINE and I introduced legislation to help the Department of Defense move ahead towards addressing their future workforce needs. Our bill, the Department of Defense Civilian Workforce Realignment Act of 2000, gives the Department of Defense the necessary flexibility to adequately manage its civilian workforce and align its human capital to meet the demands of the post-cold war environment.

The amendment that Senator DEWINE and I are offering today adds the modified language of our bill to this DOD authorization bill so that the U.S. military can more adequately prepare for tomorrow's challenges.

Mr. President, before I speak on the amendment itself, I would like to discuss the human capital crisis that is confronting the Federal Government. Since July of last year, the Oversight of Government Management Subcommittee, which I chair, has held six hearings on federal workforce issues. Some of the issues we have examined include management reform initiatives, Federal employee training needs and the effectiveness of employee incentive programs.

One point that I have emphasized at each of these hearings is that the employees of the Federal Government

ment
should be treated as its most valued resource. In reality, Mr. President, Federal employees and human capital management have been long overlooked.

In fact, this past March, Comptroller General David Walker testified before the Oversight Subcommittee that the government's human capital management systems could earn the GAO's ''high-risk'' designation in January 2001. While there are several reasons why the Federal Government's human capital management is in such disarray, there are suggestions that an improper execution of government downsizing has played a larger role than has been previously recognized.

Walker stated that ''(GAO's) reviews have found, for example, that a lack of adequate strategic and workforce planning during the initial rounds of downsizing by some agencies may have affected their ability to achieve organizational missions. Some agencies reported that downsizing in general led to such negative effects as a loss of institutional memory and an increase in work backlogs. Although [GAO] found that an agency's planning for downsizing improved as their downsizing efforts continued, it is by no means clear that the current workforce is adequately balanced to properly execute agencies' missions today, nor that adequate plans are in place to ensure the appropriate balance in the future.''

Furthermore, the Comptroller General testified that it appeared that many Federal agencies had cut back on training as they were downsizing; the very time they should have been expanding their training budgets and activities to better ensure that their remaining employees were able to effectively do their jobs.

While the problems associated with the downsizing of the last decade are becoming more apparent, the United States is faced with an even greater potential threat to the Government's human capital situation in this decade—massive numbers of retirements of Federal employees. By 2004, 32 percent of the Federal workforce will be eligible for regular retirement, and an additional 21 percent will be eligible for early retirement. That's a potential loss of over 900,000 experienced employees.

Mr. President, any other public- or private-sector manager who faced the loss of more than half of his or her workforce would recognize that immediate action was necessary to ensure the long-term viability of their business or organization. And over the next few years, the United States must seriously address this growing human capital crisis in the Federal Government workforce. It will not be easy—years of downsizing and hiring freezes have taken their toll, as will a pending retirement-exodus for ''baby boomer'' Federal employees. Add to that the lure of a strong private sector economy drawing more young workers away from government service, and the Federal Government will only find it harder to attract and retain the technology-savvy workforce that will be necessary to run the government in the 21st Century.

To meet this challenge, Senator DEWINE and I are offering this amendment that will help one critical department of our Federal Government—the Department of Defense—get a head start in addressing their future workforce needs. As I stated earlier, this amendment gives the Department of Defense the latitude it needs to manage its civilian workforce as well as reshape its human capital for the 21st century. What the Defense Department is able to accomplish via this amendment may serve as a model for use throughout the government.

During the last decade, the Defense Department underwent a massive civilian workforce downsizing program that saw a cut of more than 280,000 positions. In addition, the Defense Department—like other Federal departments—was subject to hiring restrictions. Taken together, these two factors have inhibited the development of mid-level career, civilian professionals within the DOD.

The extent of this problem is exhibited in the fact that right now, the Department is seriously understaffed in certain key occupations, such as computer experts and foreign language specialists. The lack of such professionals has the potential to affect the Defense Department's ability to respond effectively and rapidly to threats to our national security.

Our amendment will assist the Department in shaping the ''skills mix'' of the current workforce in order to address shortfalls brought about by years of downsizing, and to meet the need for new skills in emerging technological and professional areas. In testimony before the Oversight Subcommittee, Comptroller General Walker recognized the need for such actions, noting that, ''(I)n cutting back on the hiring of new staff in order to reduce the number of their employees, agencies also reduced the influx of new people with the new competencies needed to sustain excellence.''

So what will workforce shaping mean to the Department of Defense? In the United States Air Force, workforce shaping will allow the Air Force research labs to meet changing requirements in their mission. For example, at Brooks Air Force Base in San Antonio, they need fewer psychologists and more aerospace engineers; at Rome Air Force Base in Rome, New York, they need computer scientists rather than operations research analysts; and at Wright-Patterson Air Force Based in Dayton, Ohio, they need more materials engineers rather than physicists.

Also, at Wright-Patterson Air Force Base, there is a need to move from the mechanical/aeronautical engineering skills that their senior engineers possess to skills that are more focused on emerging technologies in electrical engineering, such as space operations, lasers, optics, advanced materials and directed energy fields. Changing the skills requirements at Wright-Patterson will help the Base meet their needs for the next 10 to 15 years.

The U.S. Army Materiel Command determined that employees at two of its locations—St. Louis, Missouri and Chambersburg, Pennsylvania—possessed the wrong computer skills to meet the Army's new information technology requirements. Switching from COBAL to a more commercially-oriented computer language, the Army found that their employee's skills did not match the new requirements, nor were their skills readily transferable. Subsequently, this mission was contracted to a private company. Almost 450 Federal jobs were eliminated with many of those scheduled for involuntary separation by reduction in force.

If Voluntary Separation Incentive Pay (VSIP) had been available for reshaping and realignment, the Army may have been able to save some of these employees from involuntary separation by using VSIP to increase voluntary separations. The use of VSIP also could have allowed for the retention of Federal jobs since the Army could have provided separation incentives to the COBAL-trained workers and hired new, commercially-oriented technology workers in their place. Instead, the Army contracted with a private company to meet the mission requirement in a timely manner, and the existing workforce was involuntarily separated.

Even so, the most immediate problem facing the Defense Department is the need to address its serious demographic challenges. The average Defense employee is 45 years old and more than a third of the Department's workforce is age 51 or older. In the Department of the Air Force, for example, 45 percent of the workforce will be eligible for either regular retirement or early retirement by 2005.

Wright-Patterson Air Force Base is an excellent example of the demographic challenge facing many military installations across the country. Wright-Patterson is the headquarters of the Air Force Material Command, and employs 22,700 civilian federal workers. By 2005, 40 percent of the workforce will be age 55 or older. Another 19 percent will be between 50 and 54 years of age. Thirty-three percent will be in their forties. Only six percent will be age 35 to 39, and less than two percent will be under the age of 34. According to these numbers, by 2005, 60 percent of Wright-Patterson's civilian employees will be eligible for either early or regular retirement.

Although a mass exodus of all retirement-eligible employees is not anticipated, there is a genuine concern that a significant portion of the civilian workforce at Wright-Patterson and

elsewhere in the Department of Defense, including hundreds of key leaders and employees with crucial expertise, could decide to retire, leaving the remaining workforce without experienced leadership and absent essential institutional knowledge.

This combination of factors poses a serious challenge to the long-term effectiveness of the civilian component of the Defense Department, and by implication, the national security of the United States. Military base leaders, and indeed the entire Defense establishment, need to be given the flexibility to hire new employees so they can develop another generation of civilian leaders and employees who will be able to provide critical support to our men and women in uniform.

That is the purpose of our amendment. It addresses the current skills and age imbalance in the federal workforce before the increase in retirements of senior public employees begins in the next five years. If we wait for this ''retirement bubble'' to burst before we start to hire new employees, then we will have fewer seasoned individuals left in the federal workforce who can provide adequate training and mentoring.

Our amendment will allow the Defense Department to conduct a smoother transition by not waiting for these retirements before bringing new employees into the Department over the next five years with the skills the U.S. needs for the future. As they are hired, the new employees will have the opportunity to work with and learn from their more experienced colleagues, and invaluable institutional knowledge will be passed along.

As I was drafting this proposal, I wanted to make sure that those who would be most impacted by it—Department of Defense civilian employees—would have an opportunity to comment on it. I contacted the American Federation of Government Employees and asked them to provide their opinion of this proposal. After thoroughly reviewing it, AFGE informed me that they did have concerns that the Defense Department might believe this bill authorized them to hire outside contractors to perform work that is currently being done by government employees.

I want to state—emphatically—that this is not the purpose or intent of this amendment. Let me repeat: it is not the intent of this amendment, nor should any intent be construed, to allow the Defense Department to circumvent their obligations to our civilian workforce. The purpose of this amendment is to help the Department ''rightsize and revitalize'' its civilian workforce, not reduce the number of federal full-time equivalent employees. I encourage management officials at the Department of Defense to work closely with the Department's union representatives on the implementation of this measure.

In addition, this amendment allows the early retirement and separation pay authorities to be exercised only for workforce realignment, or for purposes specified in this amendment, or as they exist in current law.

We are not seeking to establish a program to address problems of individual employees' performance. Employee performance problems will continue to be handled by managers, who must use the performance management system under existing law—a system that gives affected employees particular procedural and substantive rights.

Further, our amendment stipulates that the offer of early retirement or separation pay may only be used under a consistent and well-documented application of relevant, objective nonpersonal criteria. Thus, under the amendment, as in existing law, an individual employee may not be ''targeted'' for early retirement or separation pay for the purpose of providing benefits to or affecting the removal of that employee.

Mr. President, our amendment would also require that, no later than six months after this bill becomes law, the Secretary of Defense shall develop a strategic plan for the exercise of the authorities provided by this amendment, and that these authorities cannot be exercised until that strategic plan has been submitted to Congress. This plan shall be consistent with the strategic plan developed by the Department pursuant to the Government Performance and Results Act.

We further expect that the Department's annual Results Act performance reports will include an assessment of the effectiveness and usefulness of these authorities and how the exercise of these authorities in helping the Department achieve its mission, meet its performance goals, and fulfill its strategic plan. Senator DEWINE and I included this section because during the 1990s, many Federal agencies downsized their workforces without first determining their human resources requirements. The purpose of this section is to make sure that the authorities provided by this act are not exercised haphazardly, but in the context of the Department's strategic plan and future requirements.

As a fiscal conservative, I believe that the monetary cost of this amendment pales in comparison to the costs we will incur if we do not begin to address our human capital issue immediately.

We cannot forget that within five years, hundreds of thousands of federal employees will begin to retire. Most of these future retirees have decades of expertise and vital institutional knowledge, and once they are out of the workforce, so too is their ability to train a new generation of federal workers.

It would be incredibly short-sighted if, in an attempt to save money, we simply wait for these hundreds of thousands of defense employees to retire before we even start to consider hiring their replacements. If we do nothing, I believe we will be left in a position where the civilian component of the Defense Department will be subject to an ''experience gap'' that will take years to overcome and which would be measured not in dollars but in diminished national security.

We must give the Department of Defense the tools it needs to bring in new federal employees, with the skills necessary to meet the challenges of tomorrow. While this amendment does not address all of the human capital needs of the Defense Department, it is an important first step and will help ensure that the Department of Defense recruits and retains a quality civilian workforce so that our armed forces may remain the best in the world. It is extremely important to the future vitality of the Department's civilian workforce and the national security of the United States that we address the human capital crisis while we have the opportunity.

I urge my colleagues to support this amendment.

Mr. LIEBERMAN. Mr. President, I rise to discuss provisions (Section 906) in the FY 2001 National Defense Authorization Act (S. 2549) aimed at supporting efforts within the Department of Defense to develop a set of operational concepts, sometimes referred to as ''Network Centric Warfare,'' that seek to exploit the power of information and US superiority in information technologies to maintain dominance and improve interoperability on the battlefield. I am very pleased to have been joined in the development of these provisions by my able colleagues, Senators ROBERTS and BINGAMAN. This concept of operations generates increased combat power by networking sensors, decision makers and shooters to achieve shared situational awareness, increased speed of command, higher tempo of synchronized operations, greater lethality, increased survivability, and more efficient support operations. In the words of Vice Admiral Arthur Cebrowski, the President of the Naval War College, ''Network Centric Warfare is an embodiment of the emerging theory of warfare for the Information Age.''

As we strive to transform our military to meet the challenges and threats of the new century, it is clear that we must make better use of our huge advantages in information technology, sensors, networks, and computing to achieve battlefield dominance. Network Centric Warfare exploits these advantages not only by identifying, developing, and utilizing the best new networking and sensing technologies, but also by adjusting our existing doctrine, tactics, training and even acquisition, planning, and programming to reflect the network centric concepts of operations. A truly networked force can be lighter, faster, more precise, more Joint and more able to respond to contingencies ranging from peacekeeping to major regional conflicts.

In Joint Vision 2020, the Joint Chiefs of Staff highlight the critical role that information and information systems will play in future operations, stating:

* * * the ongoing ''information revolution'' is creating not only a quantitative, but a qualitative change in the information environment that by 2020 will result in profound changes in the conduct of military operations. In fact, advances in information capabilities are proceeding so rapidly that there is a risk of outstripping our ability to capture ideas, formulate operational concepts, and develop the capacity to assess results. While the goal of achieving information superiority will not change, the nature, scope, and ''rules'' of the quest are changing radically.

Information superiority provides the joint force a competitive advantage only when it is effectively translated into superior knowledge and decisions. The joint force must be able to take advantage of superior information converted to superior knowledge to achieve ''decision superiority''—better decisions arrived at and implemented faster than an opponent can react, or in a noncombat situation, at a tempo that allows the force to shape the situation or react to changes and accomplish its mission. Decision superiority does not automatically result from information superiority. Organizational and doctrinal adaptation, relevant training and experience, and the proper command and control mechanisms and tools are equally necessary.

The legislation in Section 906 of S. 2549 explores many of the facets of this Joint vision of a networked force and operations.

It is clear that there have been chronic difficulties and deficiencies in our recent military operations, including Kosovo, associated with Service-centric boundaries and segmentation of operational areas by Service, which have resulted in a number of interoperability failures and inefficiencies. Reports have suggested that we continue to have difficulty collecting, processing, and disseminating critical information to our battlefields. These shortfalls, for example, severely limited our ability to make full use of the capabilities of our JSTARS aircraft or to effectively strike mobile targets. Earlier in this session, the Armed Services Committee received testimony concerning Kosovo operations from Lieutenant General Michael Short, the Commander of Allied Air Forces in Southern Europe, where he highlighted improvements made within the Air Force to move targeting information from intelligence assets (for example, U–2s) to some combat aircraft. But he also pointed out the need to expand these efforts,

* * * we need to be able to do that across the fleet, to move information to A–10s and F–16s and F/A–18s and F–14s, everything we have got, * * * to rapidly respond to the emerging situation.

It is also clear that these problems do not all stem from technological deficiencies. In fact, many of the interoperability difficulties that we see today result from force and organizational structures, doctrine, and tactics that have not kept pace with technological change. Admiral James Ellis, the Commander-in-Chief of Allied Forces in Southern Europe, highlighted these problems for the Committee, stating about the Kosovo operation,

There are clearly opportunities for us to, through firewalls and the like, to pass data, * * * that we were not able to during this effort that require attention as well, so that at a staff level as well as at a planning and execution level we have the ability to communicate as freely as we need to in order to ensure that we've got the security and the capability that the alliance is capable of delivering.

The networking of our military assets and the training of our personnel and transformation of our forces to adapt to an information-centric environment will be critical for future military operations. Theater Missile Defense is an excellent example of the need for this type of network centric approach. Given the global proliferation of missile technology and weapons of mass destruction, we are moving toward a robust missile defense capability to protect our warfighters deployed overseas. The Theater Missile Defense mission depends on the seamless linking of multiple Joint assets and on the timely passing of critical information between sensors and shooters. Earlier this year, Lieutenant General Ron Kadish testified that we have got ''some long work ahead'' to make our various Theater Missile Defense efforts interoperable. We must all work to ensure that we develop the space-based and airborne sensing systems, interoperable networking and communications systems, and Joint operations and organizations needed to perform this vital mission.

After extensive discussions with a variety of Agency and Service officials, I believe that although there are many innovative efforts underway throughout the Department to develop network centric technologies and systems, as well as to establish mechanisms to integrate information systems, sensors, weapon systems and decision makers, these efforts are too often underfunded, low-priority, and not coordinated across Services. In many cases, they will unfortunately continue the legacy of interoperability problems that we all know exist today. To paraphrase one senior Air Force officer, we are not making the necessary fundamental changes—we are still nibbling at the edges.

The legislation incorporated into the Defense bill calls for DoD to provide three reports to Congress detailing efforts in moving towards Network Centric forces and operations.

Section 906(b) calls for a report focusing on the broad development and implementation of Network Centric Warfare concepts in the Department of Defense. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are asked to report on their current and planned efforts to coordinate all DoD activities in Network Centric Warfare to show how they are moving toward a truly Joint, networked force. The report calls for the development of a set of metrics as discussed in Section 906(b)(2)(C) to be used to monitor our progress towards a Joint, network centric force and the attainment of fully integrated Joint command and control capabilities, both in technology and organizational structure. These metrics will then be used in more detailed case studies described in Section 906(b)(2)(E)—focusing on Service interoperability and fratricide reduction.

The legislation also requires the Department to report on how it is moving towards Joint Requirements and Acquisition policies and increasing Joint authority in this area to ensure that future forces will be truly seamless, interoperable, and network-centric, as described in Sections 906(b)(2) (F) through (I). Many view these Joint activities as being critically necessary to achieving networked systems and operations. Unless we move away from a system designed to protect individual Service interests and procurement programs, we will always be faced with solving interoperability problems between systems. For example, strengthening the Joint oversight of the requirements for and acquisition of all systems directly involved in Joint Task Forces interoperability would provide a sounder method for acquiring these systems. We need to move away from a Cold War based, platform-centric acquisition system that is slow, cumbersome, and Service-centric. As part of this review, we ask DoD to examine the speed at which it can acquire new technologies and whether the personnel making key decisions on information systems procurement are technically trained or at least supported by the finest technical talent available. We also need to ensure that Service acquisition systems are responsive to the establishment of Joint interoperability standards in networking, computing, and communications, as well as best commercial practices.

In the operations support area, DoD can follow the example of the private sector—which has embraced network centric operations to improve efficiency in an increasingly competitive environment. Companies as different as IBM and WalMart are both moving to streamline and unify their networks and to make their distribution, inventory control and personnel management systems more modern and information-centric. Successful firms are not only buying the newest technology, they are also changing their operations and business plans to deal with the new networked environments. Section 906(b)(2)(J) calls for the Department to study private sector efforts in these areas and evaluate their past successes and failures as they can inform future DoD activities.

Section 906(c) describes the second report, which examines the use of the Joint Experimentation Program in developing Network Centric Warfare concepts. Network Centric Warfare is inherently Joint, and the Commander in

Chief of Joint Forces Command is in the best position to develop new operational concepts and test the new technologies that support it. The report calls for a description of how the Joint Experimentation Program and the results of its activities are to be used to develop new Joint Requirements, Doctrine, and Acquisition programs to support network centric operations. It also requires the development and description of a plan to use the Joint Experimentation program to identify impediments to the development of a joint information network, including the linking of Service intranets, as well as redesigning force structures to leverage new network centric operational concepts.

The final report, described in Section 906(d), focuses on the coordination of Service and Agency Science and Technology investments in the development of future Joint Network Centric Warfare capabilities. In moving towards a more Joint, networked force we must continue to ensure that we provide our nation's warfighters with the best technologies. We must increase our investments in areas such as sensors, networking protocols, human-machine interfaces, training, and other technologies outlined in Section 906(d)(2)(A), especially in the face of declining S&T budgets. The report requires the Undersecretary of Defense for Acquisition, Technology, and Logistics to explain how S&T investments supporting network centric operations will be coordinated across the Agencies and Services to eliminate redundancy and better address critical warfighter, technology, and R&D needs. This is more important than ever as we develop our next generation of weapon systems—better coordination and establishment of common standards in the technology development stages can only help to alleviate future interoperability problems.

The Undersecretary's planning and evaluation of investments in S&T for a network centric force must also address the role of the operator in a network centric system. We must pay more attention to the training of our combat and support personnel so that they can make the best use of information technologies, as well as investing more in research on learning and cognitive processes so that our training systems and human-machine interfaces are optimized.

The investments recommended in the report should also accommodate the incredible pace of change in information technologies that is currently driven by the commercial sector. To address this, Section 906(d)(2)(B) calls for an analysis of how commercially driven revolutions in information technology are modifying the DoD's investment strategy and incorporation of dual-use technologies.

I believe this legislation will help focus the Pentagon and Congress' attention on the need to move our military into a more information savvy and networked force. I hope that these three key reports set forth the needed organizational, policy, and legislative changes necessary to achieve this transformation for decision makers in the military, Administration, and in Congress. I believe that our future military operations must be network centric to preserve our technological and operational superiority. I look forward to receiving plans and proposals to help get us there efficiently and effectively.

Mr. DEWINE. Mr. President, earlier today, I voted to table Senator MURRAY's amendment to the FY2001 Department of Defense authorization bill. This amendment, which was successfully tabled, would have allowed for the performance of abortion services on our military bases. It is clear to me, Mr. President, that this amendment would have violated the spirit of the Hyde law, which prohibits Government-funded abortions.

Proponents of the amendment attempted to get around this prohibition by requiring that women receiving abortions on military installations pay for their own abortions. But, Mr. President, this simply does not eliminate government involvement in the delivery of abortion services. Military doctors would have to perform the abortions voluntarily, or our Armed Forces would have to contract with private doctors to perform the abortions.

Mr. President, we cannot turn our military bases into abortion clinics. Clearly, the federal government is prohibited from the provision of abortions, and should not be in the business of facilitating any abortion services on our military bases. Our federal government has no role to play in providing abortion services. It is that simple.

Mr. WARNER. Mr. President, if I may inquire, as I understand it, today the Senate will not further consider the armed services bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I thank the Chair, and I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 2522 by title.

The assistant legislative clerk read as follows:

A bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, the pending bill provides $13.4 billion for foreign assistance programs. By comparison, last year the Senate voted 97–2 for a $12.6 billion bill and the President signed a $13.7 billion bill. Given the budget constraints, the fact that we are just below last year's final level is a tribute to Senator STEVENS' and Senator BYRD's adept management of allocations.

I think the bill strikes a good balance between meeting emerging requirements yet requiring accountability for the funds we make available.

In terms of meeting emerging global needs, we have invested $651 million in a new, global health initiative which will help ramp up immunizations and combat malaria, tuberculosis, polio, and AIDS. Senator LEAHY deserves special recognition for his efforts to establish this initiative with adequate funding. The committee's interest in health began several years ago when we earmarked $25 million for polio programs. The administration's initial howls of protest have been silenced since we are on the verge of wiping out the disease thanks largely to the public-private collaboration between the Rotary Club and international donors.

We have a unique opportunity, if not responsibility, to replicate the success of this public-private partnership in other health areas, given recent generous support for vaccination research and programs by pharmaceutical companies and the Gates Foundation.

The bill also increases funding for key countries in the Balkans struggling to accelerate economic and political reforms. The administration requested $195 million in a supplemental and $610 million for 2001. Instead of adding to emergency spending, the committee has increased the overall amount made available for fiscal year 2001 to $635 million rather than add to emergency spending. I do not think the region needs more money so much as it requires better management of American resources. With $635 million, I think we have more than adequately responded to the needs of the region.

Within this increase we were able to provide $89 million for Montenegro and $60 million for Croatia, which in each case combined the Supplemental and 2001 request. Our assistance to the government in Montenegro is a lifeline as they struggle to address mounting political and economic pressure applied by the regime in Belgrade. Within the last few weeks we have seen an escalation of political violence which can be traced to Belgrade including the assassination of a presidential bodyguard and an attack on a member of the political opposition. We need to be clear about U.S. support for the embattled Montenegrin Government.

Croatia's recent elections renew prospects for real reforms and real growth, which I expect our funding help encourage. I commend the new government for making serious commitments to allow for the return of refugees, suspend support for extremists in Bosnia, and press forward with political and

economic reforms. To give the new government some leverage, the bill includes those commitments as benchmarks for releasing our assistance.

As the Croatian provisions illustrate, this bill is not just about spending. It is fundamentally about accountability—we must have more confidence that the resources we commit will, in fact, achieve results.

U.S. resources cannot singlehandedly rebuild, rehabilitate, reform, or develop a nation, but we can assure that aid is effectively administered and we must guarantee our partners—including other donors, recipients, and nongovernment organizations—all share the burden and share our commitment to free market economics and democracy.

I think it is pretty clear in Kosovo we are off track. Last year, we earmarked $150 million for Kosovo with the requirement that our pledge would not exceed 15 percent of the total committed by European and other donors. We also made clear we would not assume any responsibility for major infrastructure reconstruction. The initial affect of this conditionality was positive, and the Secretary of State was able to determine that other donors pledged enough to meet at least 85 percent of the resource requirements. Unfortunately, those pledges have been slow to materialize. Donor support for roads, clinics, schools, utilities, courts, and industry is imperceptible.

Instead of supporting an effort to build up Kosova, we are building up a U.N. bureaucracy—and a pretty incompetent one at that. UNMIK is like a huge Macy's Thanksgiving Day float—bloated and detached—drifting far above the crowd—fluttering in a confetti cloud of rulings, edicts, ordinances, and injunctions.

Few Kosovars I talk with can point to a single meaningful accomplishment. Instead, they suggest Serb rule has been supplanted by the United Nations—a more benign influence, perhaps, but every bit as indifferent and irrelevant to real Kosovar needs.

And, we are expected to pay the lion's share for this waste. For months, the committee has been besieged by requests to release funds because of urgent shortfalls and gaps other donors have failed to fill.

We are making the same mistake we made in Bosnia. And it isn't just the U.N.'s failure. Within weeks of setting up a mission, AID set off on a course to fund large-scale contracts with groups that had no local experience or no inclination to build up and to leave behind a strengthened local civic society.

To address these problems, the bill structures new conditions on our support for Kosovo. This year, we have modified language so that U.S. actual expenditures do not exceed 15 percent of the total actual expenditures by all donors. And, we require that 50 percent of all resources flow through local nongovernment organizations which know what they are doing and have the only, real prospect of making a difference at the community level.

Turning to Russia, the new Putin government is untested in many respects, but not in its ability to wage a ruthless war against civilians in Chechnya. After creating 440,000 refugees, Moscow not only is limiting access by international relief workers, they have stonewalled international attempts to allow investigations of alleged war crimes and atrocities.

The Clinton administration has made a bad situation worse. Not only did they refuse to vote in support the U.N. Human Rights Commissioner's call for an international investigation and tribunal, the Bureau of Refugees and the U.S. Embassy in Moscow have rejected requests to support the courageous relief workers operating in the region. The Department argues they don't want to encourage groups to enter unsafe areas. This is both disingenuous and unjust—these groups are already in Chechnya and Ingushetia desperate for contributions. What the administration refuses to admit is they simply don't want to challenge or upset the Russians. This is a dangerous, longstanding pattern which compromises our values and our interests.

Russia's war against the Chechen people makes me wonder what kind of democracy the administration has helped fund with more than $5 billion in assistance.

Over the years, and including administration veto threats, we have tried—and often failed—to establish benchmarks and conditions on U.S. aid to Russia. This year, we have conditioned further support to the Russian Government upon certification that the Putin government is allowing relief workers unimpeded access in Chechnya and Ingushetia. We also require certification that the Russian Government is fully cooperating with international investigations of war crimes and atrocities committed in Chechnya and relief efforts. Finally, of money made available to Russia, we have earmarked $10 million for nongovernment organization relief operations in Chechnya and Ingushetia.

Turning to our hemisphere, after spending more than $2 billion in Haiti, most of us are frustrated by the fact that it remains the poorest country in the hemisphere with political assassinations and violence a staple of daily life. Only real political change holds out hope of producing stability and economic progress, so we have conditioned further assistance upon certification that the Preval government has allowed free and fair elections to proceed and that a parliament is seated on schedule this month.

That may prove difficult given yesterday's news. Apparently, according to the New York Times, Haiti's top election official fled the country, ''fearing for his life after he refused to approve results for last month's contested legislative and local elections.''

Now, let me take a moment to describe the committee's treatment of the Colombia supplemental request. Our disposition of Plan Colombia differs from the request in four ways.

First, within the Foreign Operations area, the overall funding is lower. The administration requested $1,073,500,000. The Committee has appropriated $934,100,000.

Second, that lower funding level is primarily a result of providing a different helicopter package. The request was for 30 Blackhawks at a cost of $388 million. We have provided 60 Huey IIs at a cost of $118.5 million. These numbers include the first year's operating costs.

Third, with the savings in the helicopter package we were able to invest in a regional strategy and substantially increase aid to Bolivia, Ecuador, and Peru. I felt the administration's singular focus on Colombia guaranteed that the production and trafficking problem would simply be pushed across the border. The bill's regional emphasis on interdiction and development keeps Colombian traffickers from becoming a moving target. We more than doubled the regional request of $76 million and provided $205 million.

This level allowed us to fully fund Bolivia's request of $120 million for both alternative development and interdiction programs. With an impressive track record in eradication of coca and alternative development, Bolivia deserves our continued support as the government completes the task. The results in Bolivia are truly noteworthy, almost to the point of being astonishing.

Similarly, we nearly tripled the support for Ecuador while increasing aid to the Peruvian Government as well.

Fourth and finally, we added $50 million to the $93 million request for human rights monitoring. As the military pressure picks up, so will the likelihood of abuses, so we have expanded witness, prosecutor, and judicial protection programs as well as support to monitoring groups. We have also conditioned aid on the Secretary of State certifying that the Colombian military is in full compliance with their own laws requiring the prosecution of military officers in civilian courts for alleged human rights abuses. This should help end the pattern of allowing these cases to be dropped in military courts.

In addition to supplemental funds for Colombia, the administration also submitted a $193 million supplemental request for Mozambique, only $10 million dedicated to meeting immediate disaster needs. While there is no question the flooding in Mozambique was a disaster, the question the committee had to consider was whether the requested funds were for immediate urgent needs or long-term rehabilitation and reconstruction which should be addressed in the fiscal year 2001 regular spending bill. What we chose to provide in emergency spending will offer immediate relief on a one-time basis, rather than support the longer-term reconstruction and rehabilitation needs which can be

covered by the increase we provided in the 2001 development assistance.

Finally, the committee was asked to support a $210 million supplemental package for a contribution to the Heavily Indebted Poor Countries Initiative Trust Fund. The committee has provided an initial commitment of $75 million pending authorization legislation currently being considered by the Banking Committee.

With that, let me pass the baton to my friend and colleague, Senator LEAHY, with whom I have enjoyed working on this legislation each year during our time together, as either chairman or the ranking member. I express my gratitude to him for his friendship and the cooperative way in which we have proceeded every year.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Kentucky for his gracious comments.

I am very pleased to join my friend from Kentucky, Senator MCCONNELL, who as chairman of the Foreign Operations Subcommittee has done a superb job getting this bill to the floor.

The Appropriations Committee reported this bill on May 9 after very little debate. The fact that it sailed through our committee was a reflection of the bipartisan way the bill was put together. We did everything possible to accommodate the wishes of Senators on both sides of the aisle.

This bill is $780 million above last year's Senate foreign operations bill. We increased funding for global health programs, which many Senators support.

We increased export assistance. We increased funding for a number of other important programs. That is the good news. But this bill is $350 million below last year's enacted level, and $1.7 billion below the President's 2001 budget request.

We were not able to fully fund several programs that have broad support, such as the Peace Corps, but I expect that more will be done in the conference committee.

The bill also does not respond adequately to the emergency disaster needs in Mozambique, which was devastated by floods earlier this year. We provided only $25 million out of a request of $193 million. I cannot help but compare the billions we have spent to relieve the suffering of people in Bosnia and Kosovo, with our minuscule aid to Southern Africa.

The bill provides only $75 million of the $435 million in emergency supplemental and fiscal year 2001 funding for debt relief for the poorest countries, which has bipartisan support in both the House and Senate. This is an international initiative led by the United States. We need to do our share.

We also fell short on the International Development Association, the soft-loan window of the World Bank. We are about $85 million short.

I have some real concerns about the way the World Bank is handling staff complaints of misconduct, such as harassment and retaliation.

I am preparing some proposals for the World Bank to address these problems.

Several Senators, both Democrats and Republicans, have written to me urging more funding for the Global Environment Facility, which supports programs to protect the ozone, reduce ocean pollution, and protect biodiversity. We were only able to provide $50 million, out of a request of $175 million.

Some have complained that the GEF is funding the Kyoto Protocol. Those critics owe it to the GEF to specify which activities they oppose, rather than making vague objections that are not based on facts. We need to find common ground on addressing these critical environmental problems.

Finally, I want to address the emergency funding for Colombia, which was attached to this bill in the committee. I want to help Colombia, which is facing threats from left-wing guerrillas, right-wing paramilitaries, and drug traffickers allied with both.

I also have a lot of respect for Colombia's President Pastrana. We are already giving hundreds of millions of dollars to Colombia.

But I cannot endorse a proposal that would vastly increase our military involvement in Colombia that is so poorly thought out and suffers from so many unanswered questions.

Although the administration does not like to talk about it, this is only the first billion-dollar installment of a multiyear, open-ended commitment of many more billions of dollars.

Nobody can say what they expect this to cost, what we can expect to achieve, in what period of time, how intensifying a war that cannot be won will lead to peace, or what the risks are to hundreds of American military and civilian personnel in Colombia or to Colombian civilians. I have asked the Administration these questions, but their answers are vague at best.

Even the goal is vague. If it is to stop the flow of illegal drugs into the United States, that is wishful thinking. If it is to defeat the guerrillas, this is not the way to do it. I think the American people deserve better answers before we spend billions of their tax dollars on another civil war in South America.

Having said that, I very much appreciate Chairman MCCONNELL's willingness to include a number of conditions on the aid, which have strong bipartisan support. If this Colombia aid passes, these human rights conditions and reporting requirements are essential to ensure that the aid is not misused and that human rights are protected.

As with many other appropriations bills, we are going to need to get a higher allocation if the President is going to sign this bill. But as the Chairman of the Appropriations Committee, Senator STEVENS, has said, this is one step in the process. I believe it is a good start and that we should pass this bill. There is no reason why we cannot wrap it up very quickly.

With the distinguished chairman on the floor, I tell him that on my side of the aisle, I urge anybody who has amendments to get them over here and let us try to wrap it up in the morning so that by early tomorrow afternoon we can go on to a different bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say in response to the suggestion of the Senator from Vermont, I believe we now do have a consent agreement that will allow us to move ahead, not quite as rapidly as the Senator from Vermont and I had hoped.

Mr. LEAHY. Mr. President, I must say that the Senator from Kentucky would probably like to do it at the same speed I would but we are both realists in this regard.

Mr. MCCONNELL. I believe this will move us toward a completion, hopefully by early evening tomorrow.

Therefore, Mr. President, I ask unanimous consent that all first-degree amendments to the pending bill must be filed at the desk by 3 p.m. on Wednesday.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JUNE 21, 2000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask unanimous 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 Senator GRAHAM of Florida be recognized in morning business for up to 40 minutes, to be followed by Senator VOINOVICH for 40 minutes, and the Senate then resume consideration of the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. I further ask unanimous consent that when the Senate resumes the bill at approximately 11 a.m., Senator WELLSTONE be recognized to offer his amendment regarding Colombia, no second-degree amendments be in order prior to a vote in relation to the amendment, and there be 90 minutes for debate prior to the vote under the control of Senator WELLSTONE and 45 minutes under the control of myself.

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

Mr. MCCONNELL. Mr. President, in light of that, there will be no further rollcall votes this evening.

We have the Senator from Alabama on the floor ready to offer an amendment and to talk about that some tonight. I believe the occupant of the Chair is also interested in discussing an amendment of his own tonight.

Mr. LEAHY. Mr. President, before we go to the Senator from Alabama, as I understand it, anything we may do tonight would be simply in the form of discussing amendments and then laid aside.

I see the distinguished Senator from Alabama on the floor.

I don't want to delay that any further.

I yield the floor.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—Resumed

AMENDMENT NO. 3492

(Purpose: To provide an additional condition on assistance for Colombia)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. SESSIONS) proposes an amendment numbered 3492.

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

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

The amendment is as follows:

On page 144, strike line 22 and insert the following: aiding and abetting these groups; and

(D) the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to resolve effectively the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

Mr. SESSIONS. Mr. President, I would like to talk a little about this amendment tonight, in general terms, and talk a little more precisely about it in the morning. Therefore, I ask unanimous consent that there be time tomorrow for me to have approximately 30 minutes sometime during the day to speak on the amendment, unless some others would want more time on the other side.

Mr. MCCONNELL. Mr. President, will the 30 minutes for the Senator from Alabama come after the consideration of the Wellstone amendment, which we have already locked in?

Mr. SESSIONS. Yes. That would be satisfactory to me, and such other accommodations we can make to make it better for the managers.

Mr. LEAHY. Will the Senator from Alabama amend that to request that this side have an equal amount of time on his amendment tomorrow, which we may or may not use?

Mr. SESSIONS. I will.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am troubled by our efforts, which I support, to help the nation of Colombia.

I serve on the Narcotics Committee. I serve on the Armed Services Committee. Over quite a number of months, we have had testimony and hearings involving this issue. I have become quite concerned about the stability of the nation of Colombia. I believe it is a democracy, and it is one of the oldest in the Western Hemisphere. It is worthy of our support.

I believe Colombia is in a critical point in its history with over 50 percent of its territory—or at least over 40 or perhaps 50 percent of its territory—under the hands of insurgent forces. This great nation is in trouble.

I hope we can devise a way to effectively assist them in their efforts to preserve democracy and freedom, economic growth and prosperity, and safety and freedom for their people.

That is the intent of my amendment. It goes to an issue that I think is important.

This is the problem we are dealing with. The President, his State Department, and his representatives have testified and said repeatedly that our goal here is to reduce drugs in America and to save lives in America.

Our goal is to fight drug dealers in Colombia. Our goal is to help defoliate and destroy coca production in Colombia. The administration has steadfastly avoided and refused to say that this Nation, the United States of America, stands with the democratically-elected Government of Panama against two major Marxist organizations that seek to overthrow the Government of Colombia, and have actually occupied large portions of that nation.

It is baffling to me why this is so. I do not understand what it is. Maybe it is an effort to appease the hard left in this country. Maybe it is an effort to appease certain liberal Members of this Senate who just can't see giving money to fight a left-wing guerrilla group anywhere in the world. Indeed, I can't recall an instance in which this administration has ever given any money to support democratically-elected governments, or other kinds of governments, for that matter, against left-wing Marxist guerrillas.

These guerrilla groups have been involved in Colombia for many years. They have destabilized the country. They have undermined economic progress. They have provided cover and protection for drug dealers. They have in fact damaged Colombia substantially.

I believe it is time for us to encourage Colombia to stand up to these organizations, to retake this country, and to preserve democracy in the country. It is a serious matter, in my view.

Colombia has been an ally. We have encouraged them to enter into peace negotiations, and President Pastrana has tried his best to negotiate with these guerrilla groups. In fact, Colombia has given a piece of their territory, I am informed, the size of Senator LEAHY's State of Vermont to the guerrillas as a cease-fire zone, a safe zone in which they can operate without fear, and that the duly constituted Government of Colombia would not enter there and do something about it while they attempt to establish peace. But this concession, this appeasement to the guerrilla groups, has not appeased them. It has not caused them to be less violent or aggressive. But in fact it appears it has encouraged them in some ways.

I believe Colombia is at the point where they can achieve stability. I believe they can drive home, through a combination of diplomacy and military efforts to these insurgent forces, that war is not going to pay off, that war is a dead-end street for everyone, that they are willing to accept divergent views in their democracy, that they are willing to hear from the underlying concerns of the guerrilla groups. In fact, President Pastrana has said that over and over again. But fundamentally they have to send a message that they are willing to pay the price, that they are going to produce an army capable of putting these guerrillas on the defensive, and that they will take back their territory and unify their country.

There are also right-wing para-military groups in the country, a right-wing militia, that is involved in terrorist-type acts and violations of human rights. They also need to be defeated and disbanded before Colombia can be unified. There can be no higher goal than that, from my perspective, for our country at this critical point in time.

What are our goals? Why won't the President discuss them plainly? Our goal in Colombia is to produce regional stability. The collapse of Colombia can undermine nearby nations, whether Bolivia or Peru or other countries that border it. It can have a tremendous adverse effect on their stability.

Instability in Columbia, should it occur, would knock down and damage one of our strongest trading partners. Colombia has 40 million people. Those people trade with the United States to a heavy degree. It would be a tragedy if they were to sink into chaos and could not maintain a viable economy. We have a self-interest in that, but we have a real human interest in trying to make sure we utilize our abilities, our resources, to help that nation to right itself and take back its territory.

As I had occasion to say to President Pastrana recently: I want to see that we help. I want to help you strengthen your country. But I would like you to think about a great American. I would like you to think about Abraham Lincoln, who was faced with division of his country. Nearly 50 percent of his country had fallen under the hands of the Southern States. He had to make a big, tough decision. That decision was whether he was going to accede to that, was he going to allow the United

States to be divided. He decided no, and he rallied the American people.

In the course of it, as I told Senator BIDEN, at one point when we discussed it, he had the occasion to have my grandfather killed at Antietam, who fought for the South at that time. But that was a tough war. It was a tough decision. But in the long run, this country is better because we are unified today.

I do not believe we can achieve any lasting ability to reduce drugs being imported into this country from Colombia if Colombia cannot control its territory. How is it possible we can expect we will make any progress at all if Colombia cannot control nearly 50 percent of its territory? It boggles the mind.

I have been a Federal prosecutor for 15 years. Prosecuting drug cases was a big part of my work starting in the mid-1970s, through the 1980s and through the early 1990s. At one point, I chaired the committee in the Department of Justice on narcotics. I had briefings from everybody. During the time I was working on this issue, we believed and worked extraordinarily hard to achieve the end of drugs in America by stopping drug production in South America. Colombia, for well over 20 years, has been the primary source of cocaine for this country. They remain so. In fact, cocaine production in Colombia has exploded. It has more than doubled in the last 3 years. It is a dramatic increase. That is a concern of ours.

I believe we can, I believe Colombia can, make some progress in reducing that supply. My best judgment tells me that after years of experience and observation, this Nation is not going to solve its drug problem by getting other countries in South America to reduce their production. In fact, an ounce of cocaine sells in the United States for maybe $150. The cost of the coca leaf utilized to make that $150 product is about 30 cents. Farmers in South America are making a lot of money producing coca at 30 cents for those leaves. They could pay them $2, $3, $4, 10 times what they are paying now for coca leaf, and these farmers would yield to the temptation and produce coca.

I do not believe this market of illegal cocaine is going to be eliminated from our country by efforts to shut off production in South America. The reason countries need to shut off the production of cocaine—and Bolivia and Peru have made progress in that regard—is to preserve the integrity of their own country. They do not want to allow illegal Mafia-type drug cartels to gain wealth and power to destabilize their countries in democracy and turn it into chaos and violence as has so often occurred. They have a sincere interest in achieving that goal, but that interest has to be understood to be primarily their own interest.

This administration refuses to talk about the real situation in Colombia. It refuses to be honest with the American people. Their foreign policy request was $1.6 billion. That has been approved in the House. This bill wisely reduces that, I believe, to a little less than $1 billion. They are requesting this much money to make a government that our Nation, the President, and the Secretary of State will not assert to be a country we support in their efforts against these guerrilla groups. I believe that is wrong. I think we need to be more clear eyed, more honest about our foreign policy. I believe that would be the healthy approach. It will help the American people to understand exactly what their money is being spent for. It will help them to understand what our goals are in the region. It will help them to understand whether or not we are achieving those goals.

If we do so correctly, we could utilize this money to inspire President Pastrana and the people of Colombia to rise up, take back their country, to preserve their democracy, take back their territory from those who don't believe in democratic elections, who kidnap, kill, protect drug dealers, who rob and steal. That is what is going on.

We can do something about it. We have an opportunity to utilize the wealth of this country to encourage that kind of end result. If we do so, it would be a magnificent thing for the country. To say we will spend $1 or $2 billion in Colombia, give it to a country we don't even support in their efforts to take back their territory, is typical of the kind of disingenuousness that has characterized this administration's foreign policy. It is not healthy. It should not be done.

Therefore, I have offered a simple amendment that will say one thing: Mr. President, you can spend this money, but you have to publicly state and assert and certify to this Congress that you support the duly elected Government of Colombia in their efforts against the Marxist, drug dealing insurgents who are bent on destroying the nation.

This is more important than many know. I thank the distinguished Senator from Kentucky for allowing me to have this time, and more than that, for his leadership on a foreign operations bill that protects the interests of the United States. It is frugal, as frugal can be in this day and age. He has done his best to contain excessive spending and has improved and reduced this spending bill. I appreciate his leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from Alabama. We look forward to dealing with his amendment tomorrow.

In that regard, the Senator from Pennsylvania, Mr. SPECTER, has an amendment related to cooperation with Cuba on drug interdiction that he would like to have considered after the Sessions amendment is disposed of tomorrow. That has been cleared on both sides of the aisle.

Therefore, I ask unanimous consent that the Specter amendment be taken up after the disposition of the Sessions amendment on tomorrow.

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

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the pending Sessions amendment be set aside so I can offer an amendment for consideration at this time.

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

AMENDMENT NO. 3493

(Purpose: To make available funds for India)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 3493.

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

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

The amendment is as follows:

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

SEC. ___. AVAILABILITY OF APPROPRIATED FUNDS FOR INDIA.

Funds appropriated by this Act (other than funds appropriated under the heading ''FOREIGN MILITARY FINANCING PROGRAM'') may be made available for assistance for India notwithstanding any other provision of law: *Provided*, That, for the purpose of this section, the term ''assistance'' includes any direct loan, credit, insurance, or guarantee of the Export-Import Bank of the United States or its agents: *Provided further*, That, during fiscal year 2001, section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(E)) may not apply to India.

Mr. BROWNBACK. Mr. President, I wanted to spend some time discussing what this amendment is about. I think at the outset, the best way to capture it is to compare it to what is taking place in the news today. This is an amendment about lifting economic sanctions on India. The administration has the authority—we provided it last year and the year before—for them to lift the economic sanctions this country has against India. Those sanctions were automatically put in place after India tested nuclear weapons. We have been providing them the authority and flexibility to be able to deal with India broadly. The administration was provided that waiver authority last year and it has chosen not to use it. So currently this country, the United States of America, has economic sanctions against India, another democracy in the world.

In today's newspaper, the administration is stating they will lift economic sanctions against North Korea. This is the country that has the most

weapons proliferation taking place anywhere in the world, proliferation of weapons of mass destruction. It is a country on the terrorist list. It is on the big 7 terrorist list of state sponsors of terrorism. This is the country that has a number of different violations, a country where we have been at war.

There have been some different things taking place in North Korea. I am not saying I am opposed to the administration doing this. I am just saying it is quite odd, and very striking, that at the time the administration is proposing to lift economic sanctions, they continue to insist on economic sanctions against India, the second most populous nation in the world, soon to be the most populous nation in the world; a nation we trade with, a nation that is a democracy, a nation that has a free press, a nation that I think, in the future, stands to be a very strong strategic critical ally of the United States. That is India. They will be a partner of ours, working to hold stability in south Asia. Not that they don't have problems, not that we don't have issues associated with that, but this is a democracy with a free press, with capital markets, that has a number of similar aspirations to those of the United States. At the same time we are lifting economic sanctions against North Korea, this administration is going to leave them on India.

My amendment is simple. It would suspend economic sanctions against India—suspend them. While we provided the administration with the waiver authority so they could do it, they have chosen not to. By this amendment, we, the Congress, would be lifting these economic sanctions against India.

I want to say as well what this amendment does not do. My amendment does not suspend any military or dual-use technology assistance to India. The President has national security waiver authority for military-related sanctions, but we are not dealing with military-related sanctions. He has authority to waive the prohibition on sales of defense articles, but we are not doing that here. We are not dealing with defense services, foreign military financing, or dual-use technologies.

If the administration really wants to get to the Comprehensive Test Ban Treaty with India and say we want to force you to sign the CTBT, wouldn't it be better to use the military set of sanctions rather than economic sanctions that the administration is currently using? Plus, if you think about this for a moment, is it likely we are going to force India, by economic sanctions, to sign CTBT? They are a democracy. How will their people react if their leaders are seen as capitulating to U.S. economic pressure to sign something their leaders are saying they needed to do? Is that a way we are actually going to be able to force India to do this? I think not.

Plus, this is a much bigger country with much broader issues than simply the U.S. issue of CTBT. We have a broad array of issues with India. We need to grow this relationship rapidly. To hold the entire relationship hostage to one issue is bad foreign policy on our part. It is hurting us. I think it will hurt India and hurt our ability to shape things in that part of the world.

I was hopeful that during the President's recent trip to India, he would use that chance to remove the economic sanctions on India. He was there for a number of days and had the opportunity to do that. It would help set up the atmosphere for a more aggressive, broad-based relationship with India. This was a way to leapfrog this relationship forward. This trip did improve relations with India, but he could have done so much more that he failed to do. A number of us were terribly disappointed that he did not make more use of the broad waiver authority he now has. He used it very sparingly. This was waiver authority that I fought last year to give him.

There should be no more economic sanctions on India, period. The United States should not do that. Yet the Clinton-Gore administration continues to hold up international financial institution loans which are destined for infrastructure projects which would help sustain the economic activities in rural areas where the bulk of India's poor population lives. More than a third of India's population lives in poverty today. U.S. opposition to development loans to India impedes the growth of vital infrastructure, employment, and living standards in the poorest parts of India. That is not the way to improve U.S.-India relations. These loans are being held up by the administration until India signs the CTBT.

The President of the United States has more appropriate carrots, as I mentioned at the outset, particularly in the noneconomic area, and particularly those associated with military functions, which could be used rather than these sanctions which hit the poorest people in India. Nuclear proliferation is a vitally important issue, but it should not be the only issue on which we deal with a country such as India, the largest democracy in the world.

This is all the more outrageous in view of the news I mentioned about lifting the economic sanctions on North Korea, a country which is run by one of the world's most notorious dictators, a country on the state sponsorship of terrorism list, as I mentioned, a country developing nuclear weapons and which is a direct threat to the United States and our east Asian allies.

Think about this for a moment. We are considering right now putting up a missile defense system, putting it in Alaska, and part of the reason is because of what we are fearing from North Korea. Yet we are going to lift economic sanctions there, but we are not going to do it against India? The contrast here is outrageous.

There are even recent newspapers reports out that I want to submit for the RECORD about the development of nuclear material. This was in a newspaper in Japan, about North Korea's secret underground facility producing uranium for use in its weapons programs. These are weapons programs. They are the largest proliferator around the world.

I ask unanimous consent to have this document printed in the RECORD.

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

[From the Tokyo Sankei Shimbun, June 9, 2000]

SANKEI SHIMBUN: DPRK SECRET UNDERGROUND FACILITY PRODUCING URANIUM

(By Katsuhior Kuroda)

SEOUL, 8 June.—North Korea has reportedly utilized natural uranium produced in the country as raw material for its nuclear weapons development program. Meanwhile, Sankei Shimbun has obtained a detailed report on North Korea's secret underground plant for refining natural uranium and its material production procedures. The secret underground plant is widely called ''Mt. Chonma Power Plant,'' located at Mt. Chonma in North Phyongan Province. North Korea has operated the plant in secret since the end of 1989 for uranium production for the nuclear weapons program, the report said.

EX-MILITARY OFFICIAL WHO FLED TO CHINA UNVEILS EXISTENCE OF PLANT

The report was drawn up based on statements made by North Korean military official Yi Chun-song [name as transliterated], 66, during interrogation by Chinese authorities. Yi is former vice director of the operation bureau of North Korean Ministry of People's Armed Forces who served as commander in chief at a missile station. He fled from North Korea to China last year and was held in Chinese authorities' custody.

The report said that the ''Mt. Chonma facility'' has a uranium refining capacity of 1.3 grams a day. By simple calculation, the production during the past 10 years of operation would amount to approximately 5 kg. Concerning North Korea's uranium production plants, there are some unconfirmed information including plants in Pakchon and Pyonsan, but this is the first time that an accurate location and details of the inside of the facility were unveiled.

According to the report, the ''Mt. Chonma facility'' is built in a large tunnel under the 1,116-meter mountain. Soldiers of the 2d Division of the Engineering Bureau of the Ministry of People's Armed Forces started constructing the facility in 1984 and completed the work in 1986. The uranium-producing operations started in 1989.

Approximately 400 people, including 35 engineers and 100 managers, are working at the plant. The rest are physical laborers who were all political prisoners sentenced to life in prison. The uranium minerals are brought into the facility from mines in Songchon, South Phyongan Province, and Sohung, North Hwanghae Province, by the transportation unit of the Ministry of People's Armed Forces.

The report said that the arched entrance of the tunnel is 7 meters wide and 6 meters high. A pathway of about 2.5 km is connected to the entrance, and there is a corner at the end of the pathway. Making a 90-degree right turn and going along the path about 1 km, you will find a 6-km-long main tunnel with a width of 15 meters and height of 6 meters. The inside surface of the tunnels is covered by aluminum plates, and there are 3-meter-wide drains and ventilation openings there.

The underground plant is comprised of 10 areas—two concentration grounds measuring 3,000 square meters each, a drying room of 400 square meters, four 400 square-meter-wide dissolution rooms for uranium extraction and refining, a room for packing uranium into containers, storage for the finished products, and a room where the workers change into anti-radiation suit or take breaks.

The report said there is a waste disposal facility in the plant in addition to the areas mentioned above. The packed uranium products are carried out of the facility through a passage at the end of the tunnel and transported to an underground storage area in Anju by helicopter. The report added that although forests in the Kumchangri area, 30 km southeast of Chonma, were polluted by water discharged from the Chonma facility, the United States could not detect the Chonma plant despite the technical team's inspections in Kumchangri.

According to Yi's career record attached to the report, Yi graduated from P'yongyang University of Technology, and studied at Frunze (now Bishkek) military university of the former USSR from 1958 to 1962. A South Korean source said that Yi attempted to defect to a third country after fleeing to China, but it is highly likely that he was sent back to North Korea by Chinese authorities.

Mr. BROWNBACK. The U.S. has real, legitimate political and economic security interests with India. We need to engage India on all levels as soon as possible. In fact, seizing the opportunity we have to build greater ties should be one of our main foreign policy goals. That is one that is not taking place. We are, after all, the two most populous democratic nations in the world. Our relationship should be based on shared values and institutions, economic collaboration including enhanced trade and investment, and the goal of regional stability across Asia.

I ask the President and other Members to take into consideration how we treat India versus China as well. In China, we are on a very aggressive relationship economically. We will be considering later in this body normalizing permanent trade relations with China. We are saying we need to be engaged with them on a number of different issues. With India we then say no, we are going to put economic sanctions against you, whereas with China we are trying to open up. And China is the one that has missiles pointed this way, that threatens Taiwan, that has weapons proliferation. Religious persecution itself takes place on that continent. I myself have visited with Buddhists who have fled out of Tibet into Katmandu, a number of them walking over the Himalayas in the wintertime to get to freedom. Yet look at how we treat China. We are going to do everything favorable for China, but for India we are going to put on economic sanctions. The contrast is stark.

Again, as a major foreign policy objective, we should be looking to India over the next several years to build up this strategic relationship in some respects as an offset to China and what China is doing in South Asia and what China is aspiring to around the world.

I do not think anybody is sanguine about where China is heading today. We are going to need partners, and India is a key one for us to look at. It is tough for us to convince them of that if we are going to leave economic sanctions on them. One of the ways to reduce our dependency on China economically is to lift economic sanctions on India and try to build up that relationship even more.

These are the key reasons that I put forward this amendment. The differences are so stark as to how we treat China and North Korea versus India. Ask yourself why. I fail to see the reasons for this policy of seeking to reward China, a country that has openly and continually challenged United States interests and values, while at the same time ignoring and punishing India.

As the example of North Korea which I mentioned earlier, the inequity of this situation is striking. Why reward a country that is aggressively working against everything for which we stand and, at the same time, punish and blackmail a country with which we share basic values and interests?

We should be engaging India as the strategic partner it can become. To do so, we should not be maintaining economic sanctions which serve only to impede the development of this relationship. Maintaining economic sanctions on India which affect the poorest parts of the country is not the way to go about this.

The Prime Minister of India, I understand, will be in Washington this fall. I believe it is incumbent upon us to lift these sanctions, and if the administration will not do it, which they have shown to date they will not, then we should.

AMENDMENT NO. 3493 WITHDRAWN

Mr. BROWNBACK. Mr. President, I understand there is a rule XVI problem with the amendment I have put forward. While I would dearly want to have a vote on the amendment on this bill, I understand it will be a problem.

Therefore, reluctantly and regrettably, because I do think this body should take up this issue, I withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. BROWNBACK. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Kansas for his remarks, to which I listened carefully. He made a number of very important points.

MORNING BUSINESS

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

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

ACKNOWLEDGMENT OF SENATOR ENZI'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today I have the pleasure to announce that Senator MIKE ENZI, of Wyoming, has earned his second Golden Gavel award.

Since the 1960's, the Senate has recognized those dedicated Members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

Senator ENZI is not only the first in his class to earn the Golden Gavel award, but has time and time again offered his services to preside during late night sessions, on short notice, or when a great understanding of parliamentary procedure is needed.

On behalf of the Senate, I extend our sincere appreciation to Senator ENZI for his efforts and commitment to presiding during the 106th Congress.

COMMENDING DAVID REDLINGER AND THE NATIONAL PEACE ESSAY CONTEST

Mr. DASCHLE. Mr. President, when I was in high school, there was a great deal of discussion in the Senate and across the country about our country's role in preserving and promoting world peace. With the end of the cold war, the focus of that debate has changed dramatically. The arms race with the Soviet Union and the threat of communism spreading in Europe are, thankfully, a part of our history. The challenge of promoting peace, however, is as relevant today as it was at the height of the Cuban Missile Crisis.

From Northern Ireland to the Middle East; from Africa to Asia, too many innocent lives are destroyed by war and violence. We must be creative in developing and adapting strategies for peace. Thankfully, there are young people from across the country who have given thoughtful consideration to how to create and sustain peace in the world. The National Peace Essay Contest recognizes high school students who have articulated a commitment to peace, and I am pleased to have the opportunity to recognize one of those young people.

Tomorrow, I will meet with David Redlinger of Watertown, South Dakota who is this year's South Dakota winner of the National Peace Essay Contest. David's essay on Tajikistan and Sudan is eloquent, and demonstrates his commitment to the fight for peace in the world. I would like to congratulate David, and I ask that his essay be inserted into the RECORD.

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

COMMITMENT TO PEACE FOR THE 21ST CENTURY

(By David J. Redlinger)

In 1991, statues crumbled along with the tyrannical governments that erected these symbols of the Cold War. As chaos manifested the potential for instability became a

reality. The United States then felt obligated to help to mold new democracies and promote regional security for these new nations. As globalization and the interdependency of nation takes priority, cooperation must be used as the guiding principle for the foreign policy of nations, in the benefit of both security and democracy. Unfortunately, self-interest is the dominating determinate in the formulation of foreign policy which leads to hypocritical and paradoxical policies toward other nations. In 1991, the United States was faced with injustices in Tajikistan and Sudan stemming from the polarization of the work and the lack of cooperation amongst nations. The changing nature of conflicts toward regionalism, coupled with the United States' domestic pressures to create foreign policy for the sole benefit of America, led to perpetuated inaction that has threatened both regional security and the promotion of democracy, supposedly the cornerstone to United States' foreign policy. More than just symbols of communism's bygone era crumbled in 1991; the foundation of foreign policy for the leader of the free world was also denigrated.

Regional instability pervades attempts to form legitimate governments. Tajikistan is juxtaposed with the extremely unstable areas of Afghanistan, Pakistan, China, and the other former Soviet Republics. Daniel Pipes wrote, ''Peace and stability in the region depend in large part on Afghanistan, and its future will be determined by developments in Tajikistan.'' The fragile balance of power that has existed in the region could easily be upset. With new nuclear powers, such as Afghanistan, Pakistan, and China, it is necessary that the United States form policies that would help mitigate proliferation and support regional security.

Barnett R. Rubin, Director of the Center for the Study Central Asia at Columbia University, in testimony stated that, ''. . . structural conditions virtually guaranteed that inevitable disputes over the future of the country would escalate into chaotic and bloody warfare, and that neighboring states would act, sometimes brutally, to protect their own security.'' The inability to solve these quandaries between the national themselves can lead to the destabilization of the region. The United States never took an appropriate stance for the promotion of regional security. Mr. Rubin calls for the integration of Tajikistan into a coalition of Central Asian countries to render stabilization of the region. The United States' policy must direct attention towards this region if peace and stability are to be established. Intervention, not inaction,will best reduce the animosity amongst the countries.

Democratic ideas are also critical to peace. Unfortunately, United States' policy did not help the struggling new democracy of Tajikistan. Davlat Khudonazarov, a Presidential candidate in Tajikistan of 1991 recalls in testimony to congress, ''At political meetings I would talk about America and about American values, about the values of American democracy. It was my hope that these ideas would become a symbol of truth for my people, truth and justice for my people. Unfortunately, we received no help from the outside.'' The leader of the free world did not fulfill its duty in promoting democracy to a country that was asking for it. United States' policy remained selfish and domestically oriented in 1994 and never answered Tajikistan's cries for help.

This inaction led to Tajikistan's thrust into political turmoil, an estimated 500,000 to 600,000 internally displaced people, and left more than 1 million innocent civilians dead. The United States never seized the opportunity for the advancement of democratic ideals in Tajikistan. Furthermore, regional security was compromised because of the absence of meaningful U.S. policies.

Said Akhmedow, Senior Lecturer of Philosophy at Tajik State University and Chairman of the Committee for Religion of the Council of Ministers of Tajikistan, relates the conflict most significantly to both religious and political struggles after the fall of communism. Mr. Akhmedov credits the political differences of the Party of Islamic Renaissance of Tajikistan (PIRT) and the Democratic Party of Tajikistan (DPT) to the social differences between these two groups. Democratic modernists were pitted against the Islamic traditionalists in the fight for control of the country, while inversely the democratic forces did not. The United States neglected to form policies to promote the democratic ideals. Thus, Tajikistan was left to fight for itself without the tools a free society could utilize. America, because of domestic pressures, was unable to promote the democratic ideals Davlat Kludonazarov and other Tajiks has asked for. Therefore, Tajikistan lost its autonomy to the repression of democracy and the destabilization of the region.

Sudan has also been plagued by struggle. The conflict has resulted in a total of 6 million people displaced, over 1 million injured, and the worst famine in the world this century. The war continues because, as according to Francis Deng, a former ambassador from Sudan, it is a ''zero-su?n conflict.'' Lengthy wars cannot reach resolution without significant intervention. The United States has not implemented effective policies that have resulted in the necessary change for the Sudanese people. The universal goals of regional security and the promotion of democracy have been discarded for a conflict which, ''. . . Even by the tortured yardstick of Africa, a continent riven by armed conflict, the scarcely visible war ravaging southern Sudan has surpassed most measures . . . The conflict rates as the continent's most deadly . . .'' The Sudanese People's Liberation Army (SPLA) of the southern part of the country who are generally moderate Muslims have been in conflict with the Northern Islamic Front (NIF), Islamic fundamentalists and seek to have the SPLA assimilate culturally.

In the region, Kenya, Egypt, and Uganda have all felt the effects of the conflict. Kenya has felt the economic impact of refugees, while Egypt has felt a security threat from the Islamic fundamentalists. Uganda on the other hand was politically drawn into the conflict because of President Museveni's support of the SPLA. The security of the region can easily become weakened when all these factors collide. The extension of the civil war outside the borders of Sudan means that a full scale war could easily ignite in the hot desert sand. The United States never intervened with peacekeepers or policies that would marginalize the African conflict. Instead, domestic issues and pressures took precedence, while NGO's were expected to provide humanitarian aid. Conflicts as lengthy as Sudan's war require third party intervention into the root of the conflict, and not simply surface level corrections with humanitarian aid. Clearly, Uganda cannot make effective and fair foreign policy to support Sudan, but the United States, because of its nonpartial status, can provide for the protection of the Sudanese, help to establish fair peace accords, and can objectively examine the situation and formulate policies to best support the goal of regional security.

Most recently the United States formed the wrong agenda which jeopardized its relations with Sudan. As Donald Patterson, the last United States Ambassador to Sudan, wrote, ''The Clinton administration's continuing criticism of Sudan, its call for a cease-fire, and the lead it had taken in the United Nations to bring about the adoption of resolutions condemning Sudan put additional strains on U.S.-Sudanese relations.'' The damage to relations could have easily been avoided if cooperation would have been used. Instead, the policies were formed in the sole interests of the United States.

This is not the most advantageous way to support democratic reforms of emerging nations. Sudan has many Islamic fundamentalists who resist the modernization and liberalization of their country. This is the root cause of the hostility. The country in the mid-1980's was going through a ''transitional'' period where a new constitution was established along with a new government. Political fragmentation between the NIF, SPLA, and others led to a lack of cohesiveness that is necessary for a new government. This allowed for the strengthening of Islamic fundamentalist ideas and the subsequent loss of budding democratic ideals. If the United States had cultivated its relationship with the Sudanese, then the prospects for a true democracy would have had more time to flourish. Both regional security and democratic ideals were compromised because of the United States' lack of legitimate and meaningful foreign policy directed towards Sudan.

In the future, conflicts will continue to be defined by root causes of religious and social differences, but to reduce the animosity amongst these nations, it is imperative that the United States establish policy with the cooperation as the guiding principle. With globalization, only through cooperation can effective policies be created. The post-Soviet world, specifically for Tajikistan and Sudan, has meant difficulty for the formulation of United States' foreign policy. The principle of cooperation was often placed second behind the self-interests of the United States. Future conflicts, similar to Tajikistan and Sudan, deserve the United States' help and cooperation in the rendering of both regional security and the promotion of democracy. Only through these goals will the society of the 21st Century attain true and lasting peace.

BIBLIOGRAPHY

Akhmedov Said. ''Tajikistan II: The Regional Conflict in Confessional and International Context.'' Conflicting Loyalties and the State in the Post-Soviet Russia and Eurasia. Ed. Michael Waller, Alexi Malashenko, and Bruno Coppieters. London: Frank Cass Publications, 1998.

Ali, Nada Mustafa M. ''The Invisible Economy, Survival, and Empowerment: Five Cases from Atbara, Sudan.'' Middle Eastern Women and the Invisible Economy. Ed. Richard A. Lobban, Jr. Gainesville: University Press of Florida, 1998.

Anderson, G. Norman. Sudan In Crisis: The Failure of Democracy. Gainesville: University Press of Florida, 1999.

Atkin, Muriel. ''Thwarted Democratization in Tajikistan.'' Conflict, Cleavage, and Change in Central Asia and the Caucasus. Ed. Karen Dawisha and Bruce Parrot. New York: Cambridge University Press, 1997.

Burr, J. Millard and Robert O. Collins. Requiem for the Sudan: War, Drought and Disaster Relief on the Nile. Boulder: Westview Press, 1995.

Gretsky, Sergei, ''Russia and Tajikistan.'' Regional Power Rivalries in the New Eurasia, Russia, Turkey, and Iran. Ed. Alvin Z. Rubinstein, Oles M. Smolansky and M.E. Sharp. New York: Armonk, 1995.

Howd, Aimee. ''The Other Genocidal War.'' Insight 10 May 1999; 45–47.

Keith, Linda Camp. ''The United Nations International Covenant on Civil and Political Rights: Does it Make a Difference in

Human Rights Behavior.'' Journal of Peace Research, 36.1 (1999): 95–113.

Lesch, Ann Mosely. The Sudan—Contested National Identities. Bloomington: Indiana University Press, 1998.

—''Sudan: The Torn Country.'' Current History. May 1999; 218–222.

Parmelee, Jennifer. ''Sudan's Hidden Disaster.'' Washington Post 28 Jan. 1994. Lexis-Nexis. Online 7 Jan. 2000.

Patterson, Donald. Inside Sudan: Political Islam, Conflict, and Catastrophe. Boulder Westview Press, 1999.

Pipes, Daniel. ''The Event of Our Era: Former Soviet Muslim Republics Change the Middle East.'' Central Asia and the World: Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan, and Turkmenistan. Ed. Michael Mandelbaum. New York: Council on Foreign Relations Press, 1994.

Shalita, Nicholas. The Sudan Conflict (1983–).'' The True Cost of Conflict; Seven Recent Wars and Their Effects on Society. Ed. Michael Cranna. New York: The Free Press, 1994.

Sidahmed, Abdel Salam. Politics and Islam in Contemporary Sudan. New York: St. Martin's Press, 1990.

United States. Cong. House, Subcommittee on Europe and the Middle East of the Committee of Foreign Affairs. Developments in Tajikistan. 103rd Cong. 2nd sess. Washington: GPO, 1994.

REMEMBERING KOREAN WAR VETERANS

Mr. DASCHLE. Mr. President, this weekend we will commemorate an important day in American history. June 25th, the 50th anniversary of the start of the Korean War, will provide all Americans the opportunity to pause and remember the men and women who fought and died in the Korean War.

Some historians refer to the Korean War as the ''forgotten war.'' Perhaps the reason the Korean War has receded in our memories is because it was unlike either the war that preceded it or the war that followed it. Rationing brought World War II into every American home. And television brought the Vietnam War into every home with unforgettable images and daily updates.

But Korea was different. Except for those who actually fought there, Korea was a distant land and eventually, a distant memory. Today, as we remember those who served in Korea, it is fitting that we remember what happened in Korea, and why we fought there.

The wall of the Korean War Veterans Memorial in Washington, DC, bears an inscription that reads, ''Freedom is not free.'' And in the case of South Korea, the price of repelling communist aggression and preserving freedom was very high indeed. Nearly one-and-a-half million Americans fought to prevent the spread of communism into South Korea. It was the bloodiest armed conflict in which our nation has ever engaged. In three years, 54,246 Americans died in Korea—nearly as many as were killed during the 15 years of the Vietnam War.

The nobility of their sacrifice is now recorded for all of history in the Korean War Veterans Memorial. As you walk through the memorial and look into the faces of the 19 soldier-statues, you can feel the danger surrounding them. But you can also feel the courage with which our troops confronted that danger. It is a fitting tribute, indeed, to the sacrifices of those who fought and died in Korea.

But there is also another tribute half a world away. And that is democracy in the Republic of South Korea. Over the last five decades, the special relationship between our two nations that was forged in war has grown into a genuine partnership. Our two nations are more prosperous, and the world is safer, because of it.

The historic summit in North Korea earlier this month offers new hope for a reduction in tensions and enhanced stability in the region. We can dream of a day when Korea is unified under a democratic government and freedom is allowed to thrive.

As we continue to move forward, however, we pause today to remember how the free world won an important battle in the struggle against communism in South Korea. Let us not forget that it is the responsibility of all those who value freedom to remember that struggle and to honor those who fought it. The enormous sacrifices they made for our country should never be forgotten.

SUBMITTING CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the Chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for continuing disability reviews (CDRs) and adoption assistance.

I hereby submit revisions to the 2001 Senate Appropriations Committee allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

[Dollars in millions]

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	$541,095	$547,279
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	868,882	889,053
Adjustments		
General purpose discretionary	+470	+408
Highways		
Mass transit		
Mandatory		
Total	+470	+408
Revised Allocation:		
General purpose discretionary	541,565	547,687
Highways		26,920
Mass transit		4,639
Mandatory	327,787	310,215
Total	869,352	889,461

[Dollars in millions]

	Budget authority	Outlays	Surplus
Current Allocation: Budget Resolution	$1,467,200	$1,446,000	$57,200
Adjustments: CDRs and adoption assistance	+470	+408	−408
Revised Allocation: Budget Resolution	1,467,670	1,446,408	56,792

IN SUPPORT OF UNDERGROUND PARKING FACILITIES

Mr. MOYNIHAN. Mr. President, today on the East Front of the Capitol ground is being broken for the new Capitol Visitor Center, a project that will take at least five years and hundreds of millions of dollars to complete. Nearly a century ago, in March 1901, the Senate Committee on the District of Columbia embarked on another project. The Committee was directed by Senate Resolution 139 to ''report to the Senate plans for the development and improvement of the entire park system of the District of Columbia * * *. (F)or the purpose of preparing such plans the committee * * * may secure the services of such experts as may be necessary for a proper consideration of the subject.''

And secure ''such experts'' the committee did. The Committee formed what came to be known as the McMillan Commission, named for committee chairman, Senator James McMillan of Michigan. The Commission's membership was a ''who's who'' of late 19th and early 20th-century architecture, landscape design, and art: Daniel Burnham, Frederick Law Olmsted, Jr., Charles F. McKim, and Augustus St. Gaudens. The commission traveled that summer to Rome, Venice, Vienna, Budapest, Paris, and London, studying the landscapes, architecture, and public spaces of the grandest cities in the world. The McMillan Commission returned and, building on the plan of French Engineer Pierre Charles L'Enfant, fashioned the city of Washington as we now know it.

We are particularly indebted today for the commission's preservation of the Mall. When the members left for Europe, the Congress had just given the Pennsylvania Railroad a 400-foot wide swath of the Mall for a new station and trackage. It is hard to imagine our city without the uninterrupted stretch of greenery from the Capitol to the Washington Monument, but such would have been the result. Fortunately, when in London, Daniel Burnham was able to convince Pennsylvania Railroad president Cassatt that a site on Massachusetts Avenue would provide a much grander entrance to the city. President Cassatt assented and Daniel Burnham gave us Union Station.

But the focus of the Commission's work was the District's park system. The Commission noted in its report:

Aside from the pleasure and the positive benefits to health that the people derive from public parks, in a capital city like Washington there is a distinct use of public spaces as the indispensable means of giving

dignity to Government buildings and of making suitable connections between the great departments . . . (V)istas and axes; sites for monuments and museums; parks and pleasure gardens; fountains and canals; in a word all that goes to make a city a magnificent and consistent work of art were regarded as essential in the plans made by L'Enfant under the direction of the first President and his Secretary of State.

Washington and Jefferson might be disappointed at the affliction now imposed on much of the Capitol Grounds by the automobile.

At the foot of Pennsylvania Avenue is a scar of angle-parked cars, in parking spaces made available temporarily during construction of the Thurgood Marshall Federal Judiciary Building. Once completed, spaces in the building's garage would be made available to Senate employees and Pennsylvania Avenue would be restored. Not so. Despite the ready and convenient availability of the city's Metrorail system, an extraordinary number of Capitol Hill employees drive to work. The demand for spaces has simply risen to meet the available supply, and the unit block of the Nation's main street remains a disaster.

During the 103rd Congress and thereafter I proposed the ''Arc of Park,'' legislation that would almost completely eliminate surface parking. Under my proposal the Architect of the Capitol would be instructed to eliminate the unsightly lots, and reconstruct them as public parks, landscaped in the fashion of the Capitol Grounds. A key element of my proposal was that—to the extent we continue to offer it—parking must be put underground. I rise today to emphasize the need for us to remain focused—as we break ground for the Visitor's Center—on a project currently being designed: an underground parking structure.

One year ago the Architect of the Capitol received approval from Chairman MCCONNELL of the Rules Committee to proceed with preliminary design for an underground garage to be located on Square 724, which is just North of the Dirksen and Hart buildings. Upon completion it will replace the existing lot of surpassing ugliness. By getting cars off the streets and underground it will bring us nearer to the pedestrian walkways and parks McMillan—and before him L'Enfant—envisioned.

The final garage will include three levels with capacity for 1210 parking spaces. The 1981 report on the Master Plan identified Square 724 as the site for a future Senate office building. Thus the garage will be designed and constructed to accommodate an eight story office building on top of it, should the need for such building ever arise. The current plan, however, would be to top the garage with a simply landscaped plaza. Upon approving advancement with the design of the new structure, Chairman MCCONNELL stated that, ''Square 724 appears to offer the most cost-effective opportunity for phased growth of Senate garage parking within the Capitol Complex.'' I understand that this time next year, after I have left this Body, the Architect of the Capitol will ask Congress to appropriate the funds needed to actually build Phase I of the garage, which will accommodate 500 cars. And then funding will be crucial—with the Russell garage in dire need of renovation and the Capitol Visitor Center expected to displace some parking. I urge you to support the Architect in his request.

Today, as we break ground on a new project, one that will nearly double the size of the Capitol, let us not forget the grand vision of the McMillan Commission from a century ago. Washington is the capital of the most powerful nation on earth, and deserves to look it.

THE F.I.R.E. ACT

Mr. BURNS. Mr. President, I rise today to bring attention to America's local fire fighters who put their lives on the line every day protecting the lives and property of their fellow citizens. When the call comes in, they answer without question or hesitation. Unfortunately, local and volunteer fire departments are in dire need of financial support. The health and safety of fire fighters and the public is jeopardized because many departments cannot afford to purchase protective gear and equipment, provide adequate training, and are short staffed. It is time for Congress to lend them a helping hand.

That is why I have cosponsored a bill in the Senate called the Firefighter Investment and Response Enhancement or FIRE Act. This bill, S. 1941, authorizes a program granting up to one billion dollars for local fire departments across our great country. The money would be available to volunteer, combination, and paid departments. It would help pay for much needed equipment, training, EMS expenses, apparatus and arson prevention efforts and a variety of education programs.

Wildfires across America and Montana are a growing threat. The FIRE Act is especially critical for rural states such as Montana as we rely heavily upon our volunteer firefighters to protect those things we hold dear. Quite often these volunteer departments are the only line of defense in these rural communities. It's time we provide them with the needed funds for proper training and equipment to better protect their communities.

I offer my sincere gratitude to our Nation's fire fighters who put their lives on the line every day to protect the property and safety of their neighbors. They too deserve a helping hand in their time of need.

I commend Senators DODD and DEWINE for introducing this important legislation, and urge all my colleagues who have not done so to sign onto this bill. I would like to encourage the Committee to hold hearings on S. 1941 and suggest that we continue to move this bill forward toward ultimate passage.

Thank you Mr. President, I yield the floor.

GUN VICTIMS OF TUESDAY, JUNE 20, 1999

Mr. LAUTENBERG. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

These names come from a report prepared by the United States Conference of Mayors. The report includes data on firearm deaths from 100 U.S. cities between April 20, 1999 and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio, with a population of about 11,800.

But the list does not include gun deaths from some major cities like New York and Los Angeles.

The following are the names of some of the people who were killed by gunfire one year ago today—on June 20, 1999:

Ed Barron, 20, St. Louis, Missouri, Wayne Burton, 21, Baltimore, Maryland, Nigal H. Cox, 27, Houston, Texas, Jermaine Davis, 39, Philadelphia, Pennsylvania, Myron Frenney, 22, Houston, Texas, Jose N. Garcia, 18, Chicago, Illinois, Agustin B. Gonzalez, 21, Houston, Texas, Fernando Gonzalez-Cenkeros, 35, Tulsa, Oklahoma, Jovel D. Gwinn, 22, Kansas City, Missouri, Roshon Hollinger, 5, Atlanta, Georgia, Antwaune Johnson, 29, Denver, Colorado, Edward Johnson, 36, Philadelphia, Pennsylvania, Loris Larson, 35, St. Louis, Missouri, Robert Mirabela, 20, Chicago, Illinois, Frederick Rathers, 16, Memphis, Tennessee, Coartney Robinson, 20, Dallas, Texas, Arnold Webb, 30, Detroit, Michigan.

In the name of those who died, we will continue the fight to pass gun safety measures.

I yield the floor.

ARREST OF VLADIMIR GUSINSKY IN RUSSIA

Mr. LIEBERMAN. Mr. President, I rise today to express my deep concern about the recent arrest in Russia of Vladimir Gusinsky and its negative impact on press freedom and democracy under the leadership of President Putin.

Mr. Gusinsky runs Media Most, a major conglomerate of Russian media organizations, including NTV, Russia's only television network not under state control. Media Most is a relatively independent force in Russian news reporting, and its outlets have offered hard-hitting, often critical accounts of Russia's brutal campaign in

Chechnya, as well as reports on alleged Government corruption. Besides being an important media and business executive, Mr. Gusinsky is a also a leading figure in the Russian Jewish community, serving as President of the Russian Jewish Congress.

On May 11, just days after President Putin's inauguration, Russian federal agents in a major show of force raided several of Media Most's corporate offices, raising immediate concerns about the direction of press freedom in the new government. These concerns intensified on Tuesday June 13 when a Russian prosecutor called Mr. Gusinsky in for questioning, and then arrested him on suspicion of embezzling millions of dollars worth of federal property. On June 16, Mr. Gusinsky was released from prison after the prosecutor formally charged him with embezzlement.

It is very difficult for anyone to address fully the specifics of such charges, and the Russian government's case against Mr. Gusinsky, when so little information has been made available by the Russian government. However, the circumstances of the case raise serious concerns about the initial direction of press freedom and democracy under President Putin. As one of the opening acts of the new Administration, the government chose to carry out a heavy-handed, much publicized raid on an organization led by high profile Government critic. It chose to arrest the leader of an organization, Media Most, that is one of the few outlets of independent news about controversial Russian government policies. The fact that this arrest took place while President Putin was traveling abroad, and that he publicly speculated that the arrest might have been excessive, serves to make the situation and the Government's policy even more confusing and unsettling. Moreover, this case in not occurring in a vacuum. After President Putin's election, but before his inauguration, there were disturbing signs of government hostility toward Radio Free Europe/Radio Liberty, evident in the harassment of RFE/RL correspondent Andrei Babitsky.

I am encouraged to see that prominent Russians have been speaking out about the arrest of Mr. Gusinsky, and that our Government is signaling its concern too. I echo the New York Times editorial on June 15 that this is ''A Chilling Prosecution in Moscow.'' I would ask unanimous consent that this piece, as well as similar editorials from the June 15 editions of the Washington Post and the Wall Street Journal, be printed in full in the RECORD.

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

[From The New York Times, June 15, 2000]

A CHILLING PROSECUTION IN MOSCOW

While President Vladimir Putin is traveling through Europe this week extolling the virtues of Russian democracy, his colleagues in the Kremlin have been acting like Stalinists. The arrest and detention of Vladimir Gusinsky, the owner of media properties that have carried critical coverage of the government, is an assault against the principle of a free press. Whatever the merits of the alleged embezzlement case against Mr. Gusinsky, there was no need to haul him off to prison, an action that cannot help but stir fear in a nation all too familiar with the arbitrary exercise of state power.

If the rule of law prevailed in Russia, and Mr. Gusinsky could count on a presumption of innocence, quick release on bail and a fair trial, his arrest might seem less ominous. But Russia lacks a fully independent judicial system, and the government still uses criminal prosecution as a political weapon. He is charged with embezzling at least $10 million in federal property, apparently involving his purchase of a state-owned television station in St. Petersburg. He says the accusations are false.

There is a stench of political retaliation about this case. Mr. Gusinsky's company, Media-Most, owns numerous newspapers and magazines as well as Russia's only independent television network. Their coverage of the war in Chechnya has been aggressive and skeptical, and they have not been hesitant to investigate government corruption and other misconduct. Last month heavily armed federal agents raided the Media-Most office in Moscow, the first signal that the Kremlin might be trying to intimidate Mr. Gusinsky.

Mr. Putin seemed surprised by the arrest, calling it ''a dubious present'' when he arrived in Madrid on Tuesday. That offers little comfort to anyone concerned about Russia's fragile freedoms. If the arrest was meant to embarrass Mr. Putin while he is visiting Western Europe, it is disturbing evidence of palace intrigue and political instability in the Kremlin. If Mr. Putin received advance notification about the arrest and failed to order the use of less draconian tactics, he has done a disservice to the press freedoms he says he supports.

[From the Washington Post, June 15, 2000]

MR. PUTIN SHOWS HIS KGB FACE

The most recent defining act of Russia's new president, Vladimir Putin, is more Soviet than democratic. In an apparent effort to intimidate the press, Mr. Putin has engaged in police-state tactics so crude that even his severest critics seem stunned. For those who wonder whether Mr. Putin's Russia will move toward joining civilized Europe, and whether it will nurture the legal protections that could attract investment and encourage prosperity, the latest news is ominous.

On Tuesday Mr. Putin's prosecutors summoned Russia's leading media tycoon, ostensibly simply to answer some questions about an ongoing case. When Vladimir Gusinsky appeared, without lawyers, the government threw him into the Moscow hellhole known as Butyrka Prison. He remains there, though he has not yet been formally charged with any crime.

The case has significance beyond the rights of any one person. Mr. Gusinsky heads a media company that owns the only Russian television network not under Kremlin control. The company also owns a radio station and publishes a daily newspaper and a weekly magazine (the last in partnership with Newsweek, which is owned by The Washington Post Co.). All of these properties have challenged official orthodoxy by reporting an official corruption and on Mr. Putin's savage war in Chechnya. The arrest will be seen, and no doubt was intended, as an attempt to silence President Putin's critics. ''There is a pattern here, and we have seen it for some time,'' U.S. Deputy Secretary of State Strobe Talbott told The Post yesterday. ''It has a look and feel to it that does not resonate rule of law. It resonates muscle; it resonates power; it resonates intimidation.''

Some Russian officials have presented the arrest as a normal, even commendable, sign of Mr. Putin's determination to fight corruption and establish a ''rule of law.'' Mr. Gusinsky is one of a band of Russian businessmen who became wealthy after the Soviet Union's dissolution in 1991 in part by exploiting close ties to those in power. Whether a plausible case can be made against Mr. Gusinsky or any of the other oligarchs is something we cannot judge. But that Mr. Putin's government should choose as its first target the only businessman who has dared challenge Mr. Putin (and by far not the wealthiest of the oligarchs) shows that this affair is not about the rule of law.

Mr. Putin's KGB background is widely known, but when he ascended to power, many analysts expected him to wield power with some subtlety. The audacity of the government's assault is almost as stunning as the assault itself. The arrest is a slap at President Clinton, who recently in Moscow urged Mr. Putin to respect freedom of the press and who chose to speak on Mr. Gusinsky's radio station. With how much spine will Mr. Clinton and other Western leaders who have been even more eager to embrace Mr. Putin, such as Britain's Tony Blair, now respond? Many Russians will be watching.

[From the Wall Street Journal, June 15, 2000]

PUTIN V. GUSINSKY

The arrest Tuesday of mogul Vladimir Gusinsky is either the first salvo in a Kremlin war against rent-seeking oligarchs or a return to the Soviet-era practice of taking political prisoners. It was either carried out with the knowledge of the Russian President, or (as he says) it was done behind his back while he is on a foreign trip. However you serve it, it doesn't look good.

Mr. Gusinsky may fit the stereotype of a Russian oligarch, but his arrest is significant because his Media-Most group includes Russia's only independent national television channel, NTV. While state television in Russia often has all the objectivity of a broadcast in Castro's Cuba. NTV is regarded as relatively objective in its news coverage. In commentary, however, NTV and other Media-Most holdings have been fiercely critical of the Kremlin, President Putlin and the war in Chechnya, which remains his main policy achievement to date. For this reason, any campaign against Media-Most, wittingly or not, sends a chill throughout Russia's free press.

The allegations against Mr. Gusinsky are unclear. A statement said he is accused of embezzling $10 million from the state, though no details were given. Even taking the explanation of embezzlement at face value, one is left with the question of just what is the Kremlin's agenda. After all, as the chief of the oligarchs and Gusinsky rival Boris Berezovsky noted. ''There is no doubt that any person who did business in Russia over the last 10 years broke the law, directly or indirectly in part because of the contradictory nature of Russia law.'' Mr. Berezovsky may be thinking, there but for the grace of the Kremlin go I, but he has a point.

The lack of precise laws and enforcement and the ease with which insider contacts could be parlayed into millions has contributed to the moral turpitude and general disregard for law and fair play in much of the Russian establishment. Now even Boris Yeltsin's daughters are under investigation

by Swiss authorities for allegedly running up large credit card bills at the expense of a Swiss company that was awarded lucrative Kremlin building contracts.

In Moscow yesterday, 17 prominent businessmen, including Mr. Berezovsky, wrote an open letter to the prosecutor general, saying Mr. Gusinsky's arrest threatens to destroy confidence in Russian as a place to do business. ''Until yesterday we believed we live in a democratic country.'' they wrote. ''Today we have serious doubts about that.''

If Mr. Putin really want to tackle corruption, he may have to put the worst offenders in jail. But more important, he will have to overhaul the Russian legal system and its enforcement mechanisms and reduce the bureaucracy and regulation that give rise to so much graft and make government more transparent. Since most successful or powerful people in Russia have something to hide. It is not hard for the Kremlin to wield the ''law'' as a political weapon to badger its enemies. But that's not cracking down on corruption; that's just cracking down.

[From the Financial Times, June 15, 2000]

PUTIN'S PRESSURE

A move by Vladimir Putin, Russia's new president, to clip the wings of his country's formidable business barons was widely anticipated. If he is going to reassert the power of the state over the financial oligarchs who usurped much of its authority during the Kremlin rule of Boris Yeltsin, that is necessary. But the decision to arrest Vladimir Gusinsky, the media tycoon, raises a number of questions.

He is neither one of the most powerful nor one of the most notorious of that group. His real claim to fame is that his Media-Most group owns the television station NTV and Sevodnya newspaper among others—outspoken critics of Mr. Putin's government. In particular, they have questioned the conduct of the war in Chechnya. They have undoubtedly reflected the inclinations of their owner but they have also been healthily outspoken. In so doing, they have been helping ensure that the press acts as a critic of government—an essential element in Russia's slow progress towards democracy.

Mr. Gusinsky now appears to be paying the price. Although his arrest is ostensibly on suspicion of fraud and the illegal acquisition of state property worth $10m, the action follows a particularly heavy-handed raid by security police, armed to the teeth and wearing balaclava helmets, on his headquarters—all suggesting a deliberate campaign of intimidation. Other actions by Mr. Putin's administration indicate a similarly harsh attitude to any sign of media opposition. The TV station controlled by Yuri Luzhkov, Moscow's mayor, is having to fight in the courts to renew its license. The registration system for new publications has been greatly tightened.

The president does not appear to be a believer in glasnost, the openness introduced by Mikhail Gorbachev into the Russian media. More than any other reform, that probably guaranteed the end of Communist rule and the Soviet Union. By allowing exposure of the iniquities, incompetence and corruption of the previous regime, glasnost ensured there was no going back. By definition, however, glasnost was inimical to the old KGB security service—Mr. Putin's secretive former employer.

President Bill Clinton has already expressed his concern about signs of restrictions on press freedom in Russia. When Gerhard Schroeder, the German chancellor, meets Mr. Putin today, he should do the same, in strong terms. The Russian president has said he knew nothing of Mr. Gusinsky's arrest. He should have done, particularly in view of the widespread protests that followed. An unfettered press is an essential part of a market economy. He has a lot to learn.

ADDITIONAL STATEMENTS

WEST VIRGINIA DAY

● Mr. ROCKEFELLER. Mr. President, today we celebrate West Virginia's 137th year as a state. West Virginia joined the Union in the midst of the Civil War when President Lincoln admitted it to the Union as the 35th state on June 20, 1863.

The spirit of pride and determination that gave the first West Virginians the courage to start anew can still be seen in the ever-innovative and evolving ways that West Virginians have adapted to changing economics and culture. This is apparent in the transitions of the coal and steel industries as well as in the increasing cultivation of the tourism industry. However, through the continual change, West Virginians have held a heritage that remains rich in song, craft, and tradition. It is as visible at the State Fair of West Virginia in Lewisburg, the Appalachian Heritage Festival in Shepherdstown, and the Tamarack Arts Center in Beckley as it is at Bob's Grocery in Lindside. The state has an abundance of coal, steel, forests, rivers, and mountains, but her greatest resource has always been her people.

This natural charm of West Virginians is reflected in the scenic treasures that crown the state. Though born during a time of turmoil, present-day West Virginia is an emblem of peace and tranquility. Ernest W. James captured it perfectly:

There autumn hillsides are bright with scarlet trees;
And in the spring, the robins sing,
While apple blossoms whisper in the breeze
And where the sun draws rainbows in the mist
of waterfalls and mountain rills,
My heart will be always in the West Virginia hills.

So on this, West Virginia's 137th birthday, I am enormously proud to invite my colleagues to join me in recognizing and celebrating this West Virginia Day.●

ALASKA RECIPIENTS OF PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

● Mr. MURKOWSKI. Mr. President, I have come to the Senate floor today to congratulate three exceptional teachers in Alaska—Douglas Heetderks of Anchorage, Lura Hegg of Palmer, and Gretchen Murphy of Fairbanks. President Clinton named these Alaskans as recipients of the 1999 Presidential Awards for Excellence in Mathematics and Science Teaching. This is our Nation's highest honor for mathematics and science teachers in grades K through 12.

Each year, a national panel of distinguished scientists, mathematicians and educators recommends one elementary and one secondary math teacher and one elementary and one secondary science teacher from each state or territory to receive a presidential award. The 1999 recipients were selected from among 650 finalists.

The Presidential Awards for Excellence in Mathematics and Science Teaching Program is administered by the National Science Foundation (NSF) on behalf of the White House. The program was established in 1983 and is designed to recognize and reward outstanding teachers. In addition to a presidential citation and a trip to Washington, DC, each recipient's school receives a NSF grant of $7,500 to be used under the direction of the teacher, to supplement other resources for improving science or mathematics programs in their school system.

Douglas Heetderks, Lura Hegg and Gretchen Murphy are exceptional and highly dedicated teachers. Douglas Heetderks teaches Elementary Science at Susitna Elementary in Anchorage; Lura Hegg teaches Secondary Science at Colony Middle School in Palmer; and Gretchen Murphy teaches Elementary Math at University Park Elementary School in Fairbanks. In addition to having extensive knowledge of math and science, they have demonstrated an understanding of how students learn and have the ability to engage students, foster curiosity and generate excitement. Mr. Heetderks, Ms. Hegg, and Ms. Murphy have displayed an experimental and innovative attitude in their approach to teaching and are highly respected for their leadership.

Mr. President, our nation's future depends on today's teachers. Currently, 40 percent of America's 4th graders read below the basic level on national reading tests. On international tests, the nation's 12th graders rank last in Advanced Physics compared with students in 18 other countries. And one-third of all incoming college freshmen must enroll in a remedial reading, writing, or mathematics class before taking regular courses.

If we are to turn these dismal statistics around we are going to need more and talented teachers like Mr. Heetderks, Ms. Hegg and Ms. Murphy. I applaud them for their hard work and dedication to our children. They are educating those who will lead this country in creating, developing, and putting to work new ideas and technology.●

LIEUTENANT GENERAL RONALD B. BLANCK

● Mr. INOUYE. Mr. President, I would like to take a moment to honor Lieutenant General Ronald B. Blanck as he retires from the United States Army after more than thirty-two years of active duty service. For the last four years, General Blanck has served as

the United States Army Surgeon General and Commander, U.S. Army Medical Command General. During his tenure, he had significant oversight of eight Department of Defense activities as well as the management of the Army's $6.6 billion, worldwide integrated health system.

Beginning his career as a general medical officer in Vietnam, General Blanck went on to hold a variety of executive positions that include: professor and teaching chief in graduate medical education at the Uniformed Services University; medical consultant to the Army Surgeon General; Commander of Walter Reed Army Medical Center and the North Atlantic Regional Medical Command; and finally as the U.S. Army's 39th Surgeon General. General Blanck has met every challenge with enthusiasm and zeal. His team-building, compassion, and vision have resulted in greater cooperation among the Federal Health Services and improved delivery of medical care to our nation's military, past and present.

General Blanck guided the Armed Forces Institute of Pathology (AFIP) through a period of re-engineering and instituted collaborative missions with the Department of State, Department of Treasury, Federal Bureau of Investigation, Drug Enforcement Agency, National Aeronautic and Space Administration, National Transportation and Safety Board, and the Veterans Administration. These partnerships have fostered unparalleled advances in science and facilitated the reputation of AFIP as being known as the ''People's Institute.''

He re-energized the Army Medical Department and instituted best business practices to ensure the provision of comprehensive, quality healthcare to service members, retired and active, and their family members. Faced with a military medical end-strength reduction of 34%, a reduction in Army medical treatment facilities of 45%, and medical force structure requirements reduction of 77%, General Blanck met the challenge. His brilliant leadership, compassionate vision and unprecedented achievements will guide the Army Medical Department and the entire federal health care system into the new millenium.

General Blanck's contributions to Persian Gulf Illness and Anthrax programs, his interactions with Congress and the Office of the Assistant Secretary of Defense (Health Affairs), and his commitment to the delivery of world-class medical care in support of contingency operations, national emergencies, and potential weapons of mass destruction scenarios are unsurpassed. Mr. President, while General Blanck's many meritorious awards and decorations demonstrate his contributions in a tangible way, it is the legacy he leaves behind for the Army Medical Corps, the United States Army, and the Department of Defense for which we are most appreciative. It is with pride that I congratulate General Blanck on his outstanding career of exemplary service.●

PACENTRO, ITALY, REUNION 2000

● Mr. ABRAHAM. Mr. President, on July 2, 2000, a very special event will take place in Sterling Heights, Michigan: the first reunion of United States citizens who trace their roots back to the town of Pacentro, Italy. Over 800 people will attend the event, some of them with ancestors who immigrated to the United States over 150 years ago. In addition, the Mayor of Pacentro himself, Mr. Fernando Caparso, will be attending the event. I rise today to welcome Mr. Caparso to the State of Michigan.

Pacentro is a small town located east of Rome. It sits in the Abruzzo region in the province of L'Aquila. Born in medieval times, the town is famous for its three castle towers, the oldest of which was built by Count Boarmondo and dates back to the thirteenth century. Another dates from the fifteenth century, and is recognized as the loveliest castle in the region. More recently, Pacentro has gained fame as the birthplace of the rock star Madonna's grandparents.

Mr. Caparso was born there on February 12, 1951, to Antonio and Rosina Fabiilli. He was one of five children; three sisters remain in Pacentro and the oldest sister resides in Washington, Michigan.

After completing high school in Pacentro, Mr. Caparso graduated from Liceo Classico Ocidio in Sulmona, Italy. He followed his studies there at La Sapienza University in Rome, where he received a doctorate degree. Finally, he attended Gabriele d'Annunzio University in Chieti, where he specialized in sports medicine. Mr. Caparso is presently caring for three towns in the Abruzzo region: Secinaro, Gagliano Aterno and Castel Di Ieri.

The sport of soccer has also played a very large role in Mr. Caparso's life. While completing his studies, he always played for an amateur team in the Peligna Valley Region. And, when his playing days were behind him, he became a referee. Mr. Caparso has refereed women's major league games throughout Italy, and is currently the President of the Sulmona Referee Administration.

Mr. Caparso was elected Mayor of Pacentro in 1999. Having decided that the city needed a better administration, an administration which tended to the needs of all its citizens, he further decided to do something about it. Mr. Caparso was elected Mayor along with a list of conservative councilmen.

Mr. President, I am sure that the Pacentro, Italy, Reunion 2000 will be a wonderful success. I know that a great number of individuals have put their hearts and souls into this reunion, and I applaud their many efforts. On behalf of the entire United States Senate, I welcome Mr. Fernando Caparso, Mayor of Pacentro, Italy, to the State of Michigan.●

CAPTAIN JOSEPH P. AVVEDUTI

● Mr. LEVIN. Mr. President, I rise to honor Captain Joseph P. Avveduti who is retiring from the U.S. Navy in July after thirty years of outstanding service to our nation. From September 1995 to August 1996, Avveduti commanded the U.S.S. *Kalamazoo.* This ship is named after Kalamazoo, Michigan and the history of its service is of particular interest to Michigan residents.

Captain Avveduti graduated from the United States Naval Academy in 1974. Following his graduation he was designated a Naval Aviator and went on to command several Helicopter Anti-Submarine Squadrons. Among his many leadership positions, Captain Avveduti served as the Executive Officer of U.S.S. *Independence* from January 1993 to June 1995. In 1997, Captain Avveduti graduated from the National War College in Washington, D.C. He currently holds the Chief of Naval Operations Chair at that institution where he serves as a great role model for the many young men and women in the Navy. During his career, Captain Avveduti received the Legion of Merit, the Bronze Star, three Meritorious Service Medals, the Air Medal and various campaign and service medals.

Mr. President, Captain Joseph Avveduti's service to the U.S. Navy, and in particular his command of the U.S.S. *Kalamazoo,* is to be commended. The United States will lose a respected and well accomplished naval officer upon Captain Avveduti's retirement. I know my Senate colleagues will join me in congratulating Captain Avveduti on his outstanding service.●

TRIBUTE TO LIEUTENANT COLONEL DAVID ARMAND DEKEYSER

● Mr. SESSIONS. Mr. President. It is with great pleasure that I rise today to pay tribute to Lieutenant Colonel David A. DeKeyser for his dedicated military service to our country.

LTC DeKeyser retired on June 5, 2000 from the United States Army Reserve after serving 28 distinguished years as an officer in the Transportation Corps. I have known him well for many years and since I joined the Senate in 1997, he has served as my Chief of Staff. I came to know LTC DeKeyser personally during the 1970's and 1980's when we were both assigned to the 1184th Transportation Terminal Unit (TTU) in Mobile, Alabama. For 8 years we trained at monthly drills and annual training. We have worked with one another since that time in a series of increasingly important and difficult assignments.

LTC DeKeyser was born March 21, 1950 in Mobile, Alabama. He was commissioned as a Second Lieutenant in 1972 from Auburn University. Throughout his career—with duty assignments in Europe, the United States, the Middle East during Operation Desert

Storm, and most recently with duty at the United States Transportation Command—he consistently distinguished himself. During times of peace and war, in both command and staff positions, he has achieved excellence. He was activated with the 1184th TTU for duty during the Gulf War and spent 6 months away from his family in Kuwait. LTC DeKeyser was decorated with the Joint Service Commendation Medal, and the Southwest Asia Service Medal. His other notable military awards include the Legion of Merit, the Defense Meritorious Medal, and two awards of the Meritorious Service Medal.

LTC DeKeyser's professionalism and leadership as a military officer earned him the respect and admiration of his soldiers, fellow officers, and members of the U.S. Congress. No officer was better liked or respected—from the newest private to the commanding officer—than LTC DeKeyser. He is known for his integrity, compassion, humor, and ability to inspire men and women from all walks of life. These are the qualities of a soldier who deserves the thanks of a grateful nation for a job well done. In addition, he made notable contributions in his community as a member of various civic organizations to include the Gulf of Mexico Fishery Management Council, the Alabama Coastal Resources Advisory Council, the Mobile Area Chamber of Commerce, the Alabama-Mississippi Sea Grant Consortium Advisory Committee, Goodwill Industries Board of Directors, the American Heart Association Board of Directors, the Mobile Jaycees, and the Reserve Officers Association.

Armand has served his country for 28 years in the Army but he has also provided magnificent services to the Nation in a number of other crucial government assignments.

I know about these because we are partners. In the 1980's, I asked him to leave his business career to serve as a law enforcement coordinator for the office of the United States Attorney. As was typical of Armand's nature he eagerly looked to expand our work and we decided to initiate a ''Weed and Seed'' program in an attempt to revitalize the Martin Luther King area of Mobile.

This historic neighborhood had fallen victim to decay, crime and drugs. Working with our other law enforcement coordinator, Eric Day, Armand gave himself to the project with his typical enthusiasm. Mr. President. I can say that the program was a great success. I once told Armand, when they put you in the grave, your work to make this neighborhood a much better place may be your greatest accomplishment.

Later in 1994, I was elected Attorney General of Alabama and I asked him to leave his beloved Mobile to come to Montgomery to serve as my Administrative Officer.

When we took office, we faced a huge financial problem as a result of terrible financial management. Armand responded with great effectiveness—closing several off-site offices, disposing of one-half of the office automobiles, reducing staff, and helping us reorganize. Personnel was reduced by one-third and legal work improved

Then, when I was elected to the U.S. Senate, I asked him to serve as my Chief of Staff. Once again, he agreed. He has done a magnificent job and there can be no doubt that his military service has played a key role in helping our office achieve the high level of effectiveness that we currently enjoy.

Armand is a soldier's soldier. He has given his best to the Army. It has caused him to be away from home and family and called for personal sacrifice. But, for 28 years, he has answered the call and served with great distinction.

I salute Armand for his faithfulness to the nation, and wish him, his wonderful wife Beverly, and sons David and Phillip many wonderful years of happiness and good health in his retirement.●

TIM RUSSERT'S ADDRESS TO HARVARD LAW SCHOOL

● Mr. MOYNIHAN. Mr. President, Tim Russert, who served for many years as a member of the Senate staff, and who now serves the Nation as moderator of ''Meet The Press'' gave the Class Day Address this past Wednesday at the Harvard Law School. It is wonderfully reflective and just as emphatically exhorting. I ask that it be printed in today's RECORD.

The address follows:

ADDRESS BY TIM RUSSERT, HARVARD LAW SCHOOL CLASS DAY, JUNE 7, 2000

Well today I finally got into Harvard. And I thank you. But most respectfully my perspective is different today than when I applied to law school 27 years ago.

You have chosen for your class day speaker the son of a man who never finished high school . . . who worked two jobs—as a truck driver and sanitation man—for 37 years and never complained.

And so may I dare suggest to you I now believe that my dad taught me more by the quiet eloquence of his hard work and his basic decency than I learned from 16 years of formal education.

With that caveat, let me begin.

Former White House Chief of Staff John Sununu. Legend has it, in 1991 he encountered some difficult times. He approached the First Lady Barbara Bush and said ''Barbara . . . I need your advice . . . your wisdom . . . your counsel . . . why is it that people here seem to take such an instant dislike to me?'' She replied, ''because it saves time John.''

Justice Frankfurter said it this way. ''Wisdom too often never comes and so one ought not to reject it merely because it comes late.'' In that humble spirit. Congratulations!

But before you can begin to move on to the next phase of your lives—you must undergo the last grueling hurdle in your career here at Harvard Law school.

The Class Day Address.

Let me be honest with you about my experiences with class day or commencement addresses. I've been through several of my own and I've sat through dozens of others. And I can't recall a single word or phrase from any of those informed, inspirational and seemingly interminable addresses. Despite that, others wiser and more learned than I, have decided there continues to be virtue in this tradition so I will speak to you, but I will try not to delay you too long.

In 1985, I was granted an extraordinary opportunity—a private audience with the Holy Father.

I'll never forget it. The door opened—and there was the Pope—dressed in white. He walked solemnly into the room, at that time it seemed as large as this field. I was there to convince His Holiness it was in his interest to appear on the Today show. But my thoughts soon turned away from Bryant Gumbel's career and NBC's ratings toward the idea of salvation. As I stood there with the Vicar of Christ, I simply blurted, ''Bless me Father!'' He put his arm around my shoulder and whispered—you are the one called Timothy''—I said yes, ''the man from NBC''—''yes, yes, that's me.'' ''They tell me you are a very important man.'' Somewhat taken aback, I said, ''Your Holiness, with all due respect, there are only two of us in this room, and I am certainly a distant second.'' He looked at me and said ''right.'' That was not the last time I pleaded nolo contendere.

In preparing for this afternoon, I had thought about presenting a scholarly essay on the media coverage of the private lives of Presidents and their interns, but I demurred because as you've been taught res ipse loquitor.

Television has a very hard time conveying complicated issues. It is a medium that seems to seek out simplicity over nuance.

It is said that David Brinkley recently reminisced that the way television news would cover Moses in the year 2000 would be as follows: ''Moses came down from the mountaintop today with the 10 commandments . . . here is Sam Donaldson with the three most important.''

So let me skip the temptation of crafting an article for your law review or honing a compelling oral argument.

Let me instead take a few minutes to have a conversation with you.

You have chosen a profession and a university that is unique and you made the choice deliberately.

The education you've received at Harvard Law School isn't meant to be the same as you could have received at medical, engineering or business school.

You've been given an education that says it's not enough to have skill. Not even enough to have read all the books, mastered all the briefs or shepardized all the cases.

The oath you will take, the ethics you must abide by, demand more than that.

Embarking on a legal career will bring some uncertainty, insecurity, apprehension. But fear not. I've overcome worse. You should try being a Buffalo Bills fan in Washington! I actually took Meet the Press to the Super Bowl one year. At the end of the program, I looked into the camera and said, ''It's now in God's hands. And God is good. And God is just. Please God, please make three a charm. One time. Go Bills!

My colleague Tom Brokaw turned to me and said, ''you Irish Catholics from South Buffalo are shameless.''

Well, as I moped back from the stadium after the Dallas Cowboys snuck by 38–10. The first person I saw was Brokaw—he came up put his arm around me and said, ''Well, pal, I guess God is a Southern Baptist.'' I've had the opportunity to work for Senators and Governors, meet Popes and interview Presidents—I do know one thing to be true. The values you have been taught, the struggles you have survived and the diploma you are about to receive tomorrow, have prepared

you to compete with anybody, anywhere in the world.

But let us not forget—and Harvard Law graduates, if you hear anything, hear this—it is people, not degrees, who defend, protect and help those in need.

You will be the foot soldiers—the frontline of our legal system dealing day in and day out with the problems and needs of the ordinary folks, the common citizens—the ones the Court calls plaintiffs and defendants.

Even if you choose to be a super lawyer/lobbyist in Washington . . . a rainmaker on Wall Street . . . the clerk of a prestigious court you must do your part that true justice prevails for everyone.

Recall the admonition of Justice Learned Hand ''If we are to keep our democracy, there must be one commandmant:

Thou shalt not ration justice. Your contributions as a lawyer can be significant. You can help save lives, protect the innocent, convict the guilty, provide prosperity, guarantee justice and train young minds.

In words of an American Olympics coach, ''You were born to be players. You were meant to be here. At this time. At this moment. Seize it.''

And so, too, with the Harvard Law graduates of 2000. You were born to be players in this extraordinary game called life, in this extraordinary vocation called the law.

So go climb that ladder of success and work and live in comfort. And enjoy yourself.

You earned it. For that is the American dream. But please do this work and your honorable profession one small favor. Remember the people struggling along side you and below you. The people who haven't had the same opportunity, the same blessings, the same education.

Recognize, comprehend, understand the society into which you are now venturing . . .

13 children a day are shot dead in the United States of America. We—you—have an obligation to at least ask why?

Be it criminal law, family law, corporate law, poverty law, politics, litigation, academic—you cannot—you must not—ignore these problems. They threaten the very foundation of our system of jurisprudence—the very fabric of our society.

These are the real numbers—real problems—involving real people.

Liberals may call it doing good; conservatives may call it enlightened self-interest.

Whatever your ideology, reach down and see if there isn't someone you can't pull up a rung or two—someone old, someone sick, someone lonely, someone uneducated, someone defenseless. Give them a hand. Give them a chance. Give them a start—give them protection. Give them their dignity. Indeed there is a simple truth. ''No exercise is better for the human heart that reaching down to lift up another.''

That's what I believe it means to be a Harvard Law School graduate—a lawyer in the year 2000. For the good of all of us, and most important to me—my 14-year-old son, Luke—please build a future we all can be proud of.

And one last thing, laugh at yourself . . . keep your sense of humor.

One of your alumni, John Kennedy class of 1940, used to send these words to his close friends:

''There are three things which are real.

God . . . human folly and laughter. The first two are beyond our comprehension so we must do what we can with the third.'' A friend once told me. The United States is the only country he knows that puts the pursuit of happiness right after life and liberty among our God given nights.

Laughter and liberty—they go well together.

Have an interesting and rewarding career and a wonderful and fulfilling life.

Thank you for inviting me to share your class day. I now have the best of both worlds: a Jesuit education and a Harvard baseball cap!

Take care.●

CONGRATULATIONS TO SCOTT GOMEZ OF ANCHORAGE

● Mr. MURKOWSKI. Mr. President, I rise today to congratulate the National Hockey League's Rookie of the Year, Scott Gomez of the Stanley Cup champion New Jersey Devils. Scott was born and raised in Anchorage, Alaska and is only the eighteenth Alaskan to play in the National Hockey League and the first to make such a huge impact in his first year.

This past Thursday, Scott was awarded the Calder Trophy for best rookie performance in the 1999–2000 season. He led all rookies with 19 goals and 51 assists in 82 regular season games. During the playoffs, he earned 10 points. Past winners of the Calder include Bobby Orr and Ray Bourque.

Scott Gomez is an amazing young man. At the age of only 20, he has accomplished his lifelong dream of playing in the National Hockey League and winning the Stanley Cup, all in one year. He was a rising star in Anchorage where he began playing as a child. From very early on, it was evident that he would be a big star in the NHL. He was twice named Player of the Year by the Anchorage Daily News/State Coaches. In his junior year of high school, he led the Alaska All-Stars team, ages 16–17, to the USA Hockey Tier I national championship. After graduating from East High School in Anchorage, Scott played for Team USA in the World Junior Championship. In addition to this, he is the first Latino to play in the NHL. His father, Carlos, is Mexican and his mother, Dalia, is Colombian.

Mr. President, Scott Gomez is a wonderful example of a young, talented Alaskan who, I am sure, will continue to impress us all in the years to come.●

50TH ANNIVERSARY REUNION OF ''COMPANY K''

● Mr. DODD. Mr. President, I rise today to pay tribute to the men of the National Guard's 169th Infantry Regiment of the 43rd Division, or Company K, as they were called, who answered the call to serve their country 50 years ago in securing peace and democracy in Germany during the Korean War. The men of Company K were an elite group of civilian soldiers hailing from Middlesex County in my home state of Connecticut.

When Communist-led North Korea invaded South Korea on June 25, 1950, President Truman decided to strengthen United States forces by calling up the National Guard. Worried that the Korean attack was only a diversion for a planned Soviet attack on Berlin, the Truman administration deployed troops in Germany to thwart any plans for aggression. In order to make this possible, Truman relied heavily on support from the National Guard.

Company K, headquartered in Middletown, Connecticut, became part of this defense effort and reported for roll call on September 5, 1950, officially becoming part of the United States Army. While training at the A.P. Hill Military Reservation in Virginia, Company K received word from Major General Kenneth F. Cramer that they were to report for duty in Germany. It was July 10, 1951, 12:10 p.m.

The Major General recalled the history of the 43rd, noting that never before had it been assigned such a task. It was to be the first time in history that a National Guard division went to Europe in peace time. Major General Cramer said to his troops:

> We are now participating in a determined effort by western civilization to maintain its freedoms and to preserve the peace through the cooperative effort under the Atlantic Pact. . . . As we move into Europe, the eyes of that continent will be upon us. All these people will judge the America of today by us. By our conduct, by our appearance, by our soldierly qualities, we must make certain that their judgments are most favorable to our own country, whose ambassadors we shall be.

And great representatives of America they were. On January 4, 1952, the Hartford Courant wrote that the 43rd Division had become an elite force of respectable and dutiful soldiers. They further praised them for their consideration towards the people of Germany, among whom they lived and interacted on a daily basis.

Company K stayed in Germany for more than two and a half years. Through their efforts there in building defense systems, organizing the border defenses, and strengthening the NATO forces, they successfully helped to prevent any Soviet attacks.

The soldiers of the Company put the preservation of freedom and democratic society ahead of themselves. They proved that their loyalty to our society's ideals and their desire for peace was their first priority. As such, our nation could not have asked for finer ambassadors in Europe.

On June 25, 2000, the members of Company K will be celebrating their 50th Anniversary Reunion gathering. I am grateful to them for their actions 50 years ago and on behalf of the people of Connecticut, and the nation as a whole, I wish to extend a heartfelt thank you to the men of Company K. I hope that their reunion is a success and I wish them well in the future.●

A TRIBUTE TO DR. DENISE DAVIS-COTTON

● Mr. ABRAHAM. Mr. President, I rise today to recognize Dr. Denise Davis-Cotton, who will be honored this morning during the Millennium Commencement Ceremony at Detroit Symphony Orchestra Hall. Dr. Davis-Cotton is

being honored for her many contributions to the Detroit Public School System. In particular, she will be honored for her role as the founding principal of the Detroit High School for the Fine and Performing Arts, and for the work she has done in this capacity.

In founding the Detroit High School for the Fine and Performing Arts, which opened its doors to students in the fall of 1992, Dr. Davis-Cotton established a unique center for learning: a small inner city public school dedicated primarily to the study of the arts. She designed the school curriculum, developed its program components, and wrote the philosophy and mission statement for the school, all of which are based upon a strong commitment to the study of the arts.

After an initial application process, students are asked to audition in one of the following areas: instrumental music, vocal music, speech and theater, dance or visual arts. Only after this audition are students accepted to the school. Upon acceptance, students partake in a rigorous college preparatory curriculum, along with an intensive study in their selected art field.

The results of this demanding program have been resoundingly successful. 100 percent of the first graduating class received acceptance to college; the school holds a 97 percent student retention rate; a 95 percent student attendance rate; and the Class of 2000 had an overall grade point average of 3.08. Mr. President, the 107 students who comprised the Class of 1998 were awarded seven and a half million dollars in scholarships and grants for higher education. The school has had national champions in Academic Games and the Tri-Math-A-Lon, and its Forensics Team has won the Michigan State Championship four consecutive years.

Another important aspect of the Detroit High School for the Fine and Performing Arts is the unique relationship the school has formed with the Detroit Symphony Orchestra. Through this partnership, students have been given the opportunity to work with jazz greats Brandford Marsalis and Frank Foster; award winning composer Alvin Singleton; Detroit Symphony Orchestra Music Director Neeme Jarvi; and Detroit Symphony Orchestra Assistant Conductor Ya-Hui-Wang. In addition to instrumental students studying privately with members of the Detroit Symphony Orchestra, an annual joint concert is presented featuring Detroit High School for the Fine and Performing Arts and Detroit Symphony Orchestra.

This partnership was taken to an even higher level in 1996. With financial assistance from the Detroit Medical Center, an $80 million dollar project was undertaken, to be called Orchestra Place. Orchestra Place, when completed, will be an office, retail, education and arts complex centered around the historic home of the Detroit Symphony, Orchestra Hall. It will also include the new home of the Detroit High School for the Fine and Performing Arts. It is expected to be an important regional performing arts complex, which will offer professional and student performances in the world class Orchestra Hall.

Mr. President, all of these many accomplishments would not have been possible were it not for the many efforts and the incredible vision of Dr. Denise Davis-Cotton. Not only has she provided the youth of Detroit with an entirely new opportunity in education, she has also provided the nation with a blueprint for success in inner city public education. On behalf of the entire United States Senate, I congratulate Dr. Davis-Cotton on her many contributions to the State of Michigan, and wish her continued success in the future.●

COMMENDING FOUR BRAVE COAST GUARDSMEN

● Mr. MURKOWSKI. Mr President, I rise today to commend a helicopter crew from the Coast Guard Air Station in Sitka, Alaska. These four brave men rescued three fishermen from a fierce storm at sea last November. Pilot Lt. Robert Yerex, co-pilot Lt. James O'Keefe, and Petty Officers Third Class Christian Blanco and Noel Hutton flew their helicopter into 40- to 60-knot winds and pulled three fishermen from 35- to 40-foot high swells. The Coast Guard awarded this intrepid crew the Distinguished Flying Cross, the highest peace time honor that can be awarded, earlier this month.

On November 12, 1999, the four-member crew of the *Becca Dawn* was caught in a storm 160 miles southwest of Sitka, on the coast of Southeast Alaska. The storm caused the 52-foot vessel to begin sinking so quickly the crew had no time to radio a mayday. Instead, an emergency position-indicating radio beacon was triggered. The signal from the beacon was picked up by the Coast Guard and the helicopter crew was immediately sent out. When they arrived, they found the fishermen had already abandoned ship.

The storm made the rescue extremely difficult. The gusting winds made it extremely difficult to maintain the helicopter's stability, and blowing snow made visibility extremely low.

Once the Coast Guard crew arrived on the scene they pulled up three of the four crew members. This operation took thirty minutes. With winds gusting to 60 knots, the crew of the bucking helicopter became nauseous, but persevered in their search for the missing fourth fisherman in the cold, turbulent water. They only returned to land at the last moment, almost out of fuel, when staying longer would have made them into casualties themselves. Unfortunately, the fourth fisherman was never found and is presumed lost at sea.

Obviously, this brand of courage and tenacity is worthy of the Distinguished Flying Cross and I am very proud of my fellow Coast Guardsmen and Alaskans and I congratulate their hard work and dedication. All Coast Guardsmen pride themselves on being ''always ready,'' and these four courageous rescuers showed just what that spirit is all about. I salute them.●

MESSAGE FROM THE HOUSE

At 2:15 p.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 bill, without amendment:

S. 1967. An act to make technical corrections to the status of certain land held in trust for the Mississippi Band of Choctaw Indians, to take certain land into trust for that Band, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 946. An act to restore Federal recognition to the Indians of the Graton Rancheria of California.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

H.R. 3084. An act to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 352. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation.

ENROLLED BILLS SIGNED

A message from the House of Representatives, delivered by one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

H.J. Res. 101. A joint resolution recognizing the 225th birthday of the United States Army.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 946. An act to restore Federal recognition to the Indians of the Graton Rancheria of California; to the Committee on Indian Affairs.

H.R. 2778. An act to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3292. An act to provide for the establishment of the Cat Island National Wildlife Refuge in West Feliciana Parish, Louisiana; to the Committee on Environment and Public Works.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 352. A concurrent resolution expressing the sense of the Congress regarding manipulation of the mass media and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation; to the Committee on Foreign Relations.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 20, 2000, he had presented to the President of the United States the following enrolled bills:

S. 761. An act to facilitate the use of electronic records and signatures in interstate or foreign commerce.

S. 2722. An act to authorize the award of the Medal of Honor to Ed W. Freeman, James K. Okubo, and Andrew J. Smith.

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–9263. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report involving exports to Chad and Cameroon; to the Committee on Banking, Housing, and Urban Affairs.

EC–9264. A communication from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting, pursuant to law, the corrected 2000 annual report of the Board; to the Committee on Finance.

EC–9265. A communcation from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Refugee Resettlement Program for fiscal year 1998; to the Committee on the Judiciary.

EC–9266. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, a notice relative to an A–76 study of the Pentagon Heating and Refrigeration Plant; to the Committee on Armed Services.

EC–9267. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a notice relative to a pilot program for revitalization of DOD laboratories; to the Committee on Armed Services.

EC–9268. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of an export license to Australia; to the Committee on Foreign Relations.

EC–9269. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of an export license to Russia; to the Committee on Foreign Relations.

EC–9270. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the notice of the proposed issuance of export licenses to Germany, Italy, Russia, and Kazakstan; to the Committee on Foreign Relations.

EC–9271. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the report of the Inspector General for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9272. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the report of the IG for the period October 1, 1999 through March 31, 2000; to the Committee on Governmental Affairs.

EC–9273. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The Review of Quantum Meruit Payments Made By District of Columbia Government Agencies''; to the Committee on Governmental Affairs.

EC–9274. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–345 entitled ''Approval of the Extension of the Term of District Cablevision Limited Partnership's Franchise Act of 2000'' adopted on May 3, 2000; to the Committee on Governmental Affairs.

EC–9275. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–352 entitled ''Emergency and Non-Emergency Number Telephone Calling Systems Fund Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9276. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–353 entitled ''Procurement Practices Human Care Agreement Amendment Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9277. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–354 entitled ''Closing of Public Alleys in Square 4335, S.O. 98–234, Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9278. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–355 entitled ''Solid Waste Transfer Facility Site Selection Advisory Panel Report Deadline Extension Temporary Amendment Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9279. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 13–356 entitled ''Tenant Protection Temporary Amendment Act of 2000'' approved on May 3, 2000; to the Committee on Governmental Affairs.

EC–9280. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Addition of Gamma-Hydroxybutyric Acid to Schedule I; Extension of Application of Order Form Requirement for Certain Persons'' received on June 16, 2000; to the Committee on the Judiciary.

EC–9281. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Electronic Filing'' received on June 16, 2000; to the Committee on Rules and Administration.

EC–9282. A communication from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Addition of Persons Blocked Pursuant to 31 CFR Part 538, 31 CFR Part 597'' (RIN:31 CFR chapter V, Appendix) received on June 19, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9283. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule 17Ac2–2 and Form TA–2'' (RIN:3235–AH44) received on June 5, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9284. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Offer and Sale of Securities to Canadian Tax-Deferred Retirement Savings Accounts'' (RIN:3235–AH32) received on June 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9285. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing and Urban Development (Federal Housing Commissioner), transmitting, pursuant to law, the report of a rule entitled ''Tenant Participation in Multifamily Housing Projects'' (RIN:2502–AH32(FR–4403–F–02)) received on June 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9286. A communication from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing and Urban Development (Federal Housing Commissioner), transmitting, pursuant to law, the report of a rule entitled ''Public Housing Assessment System (PHAS); Technical Correction'' (RIN:2577–AC08(FR–4497–C–06)) received on June 6, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9287. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule ''12 CFR Parts 716 and 741; Privacy of Consumer Financial Information; Requirements for Insurance'' received on June 7, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9288. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule ''12 CFR Part 714; Leasing'' received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9289. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule ''12 CFR Part 707; Truth in Savings'' received on June 14, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–9290. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 1, 2000; to the Committee on Governmental Affairs.

EC–9291. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received

on June 7, 2000; to the Committee on Governmental Affairs.

EC–9292. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of procurement list additions received on June 14, 2000; to the Committee on Governmental Affairs.

EC–9293. A communication from the Acting Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Circular 97–18'' received on May 31, 2000; to the Committee on Governmental Affairs.

EC–9294. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled ''Public Use of NARA Facilities'' (RIN:3095–AA06) received on June 2, 2000; to the Committee on Governmental Affairs.

EC–9295. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of the rule entitled ''Records Declassification'' (RIN:3095–AA67) received on June 2, 2000; to the Committee on Governmental Affairs.

EC–9296. A communication from the Director of the Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of the rule entitled ''Employment in the Senior Executive Service'' (RIN:3206–AI58) received on May 24, 2000; to the Committee on Governmental Affairs.

EC–9297. A communication from the Director of the Office of Executive Resources Management, Office of Personnel Management, transmitting, pursuant to law, the report of the rule entitled ''Federal Employees Health Benefits Program and Department of Defense Demonstration Project Amendment to 5 CFR Part 890'' (RIN:3206–AI63) received on June 5, 2000; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment and with a preamble:

S. Res. 277: A resolution commemorating the 30th anniversary of the policy of Indian self-determination.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

By Mr. LUGAR for the Committee on Agriculture, Nutrition, and Forestry.

Christopher A. McLean, of Nebraska, to be Administrator, Rural Utilities Service, Department of Agriculture.

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for the remainder of the term expiring October 13, 2000.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Michael V. Dunn, of Iowa, to be a Member of the Farm Credit Administration Board, Farm Credit Administration for a term expiring October 13, 2006. (Reappointment)

(The above nomination was reported without recommendation. The nominee has agreed to appear before any duly constituted committee of the United States Senate.)

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. BENNETT (for himself, and Mr. HATCH):

S. 2754. A bill to provide for the exchange of certain land in the State of Utah; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, and Mr. DOMENICI):

S. 2755. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROBB:

S. 2756. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 2757. A bill to provide for the transfer of other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. ROBB, Mr. CONRAD, Mr. CHAFEE, Mr. BAUCUS, Mr. ROCKFELLER, and Mrs. LINCOLN):

S. 2758. A bill to amend title XVIII of the Social Security act to provide coverage of outpatient prescription drugs under the medicare program; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or act upon), as indicated:

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 324. A resolution to commend and congratulate the Los Angeles Lakers for their outstanding drive, discipline, and mastery in winning the 2000 National Basketball Association Championship; considered and agreed to.

By Mr. ABRAHAM:

S. Res. 325. A resolution welcoming King Mohammed VI of Morocco upon his first official visit to the United States, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself and Mr. HATCH):

S. 2754. A bill to provide for the exchange of certain land in the State of Utah; to the Committee on Energy and Natural Resources.

UTAH WEST DESERT LAND EXCHANGE ACT OF 2000

Mr. BENNETT. Mr. President, today I rise to introduce the Utah West Desert Land Exchange Act of 2000. I am pleased that my friend and colleague, Senator HATCH, joins me in introducing this important legislation.

The Utah Enabling Act of 1894 granted to the state four sections, each section approximately 640 acres in size, in each 36 square-mile township. These lands were granted for the support of the public schools, and accordingly are referred to as school trust lands. The location of these lands, as they are not contiguous to each other, has made management by the state difficult. In addition, as school trust lands are interspersed with Federal lands, Federal land designations, such as wilderness study area, have further complicated the state's ability to manage its lands.

The Utah West Desert Land Exchange Act of 2000 seeks to resolve these problems through an equal-value, equal-acreage land exchange between the state of Utah and the Federal Government. The lands that will be exchanged are located within the West Desert region of Utah. Each party will exchange approximately 106,000 acres. The Federal government will receive state lands located within wilderness study areas, lands identified as having wilderness characteristics in the Bureau of Land Management's Utah Wilderness Inventory, and lands identified for acquisition in the Washington County Habitat Conservation Plan. The state will receive federal lands that are more appropriate to carry out its mandate to generate revenue for Utah's public schools.

I would like to address two issues some have raised about this land exchange. The first issue is regarding land valuation. Both the state of Utah and the Department of the Interior firmly believe that this exchange is approximately equivalent in value. The parties have reached this conclusion after many months of thorough research and evaluation of the parcels to be exchanged. The process of research and evaluation included review of comparable sales, mineral potential, access, and topography. One may ask why each parcel of land was not appraised individually. The answer is that for many of the 175 state parcels it would have cost more to have appraised those lands than their agreed upon value. Please note that the average value of the school trust lands outside of Washington County is $85 per-acre; if each individual parcel was required to be formally appraised the high appraisal costs would place this land exchange, and all of its benefits, in jeopardy. Nevertheless both the state of Utah and the Department of the Interior have maintained their fiduciary responsibility by putting together a package that is equal, in both value and acreage.

The second issue that has been raised is in regard to the LaVerkin tract. Governor Leavitt, in his testimony before the United States House of Representatives Committee on Resources, stated: ''I want to assure you the state of Utah will be sensitive to local needs as this tract is developed, and will comply with, and participate in, local planning and zoning decisions. Also, you can be assured the scenic views at the entrance to Zion National Park will be protected to the maximum extent practicable,'' It is my hope that this commitment made by Governor Levitt will satisfy those concerned by the exchange of the LaVerkin tract.

The Utah West Desert Land Exchange Act of 2000 is the result of over 12 months of negotiations between the state of Utah and the Department of the Interior. For too long the school trust lands in the West Desert have been held captive by neighboring federal lands, unable to produce the revenue that are legally required to for Utah's schools. This bill provides that Congress with an opportunity to reduce the state of Utah's holdings in Federal wilderness study areas and other sensitive areas while increasing lands that are more suitable for long-term economic development to the state of Utah for its school children. Additionally, the Federal Government will consolidate its ownership in the existing wilderness study area, which will allow for more consistent management. This bill is a win-win proposal, and the right thing to do. I look forward to working with my colleagues to pass this legislation in the remaining months of the session.

Mr. HATCH. Mr. President, I rise today to announce my support for the West Desert Wilderness Land Exchange Act, introduced by my good friend and colleague, Senator ROBERT BENNETT. This is a proposal of importance to the citizens of my home state of Utah and to all Americans.

Utah is the home to some of the most environmentally diverse lands in the nation. These lands contain environmentally significant plants, animals, geology, and many priceless archaeological sites.

This legislation will transfer 106,000 acres of state school trust lands that are currently held within Wilderness Study Areas to areas where they may better benefit Utah schools. School trust lands are intended to raise revenue for Utah's schools. The economic benefits of these lands are vital to Utah schools and their funding. Trapped within Wilderness Study Areas, these lands have not been able to be developed, and Utah's school children have been left holding the short end of the stick. This proposal will allow for a land swap between the Department of the Interior and the State of Utah, and both parties have given their blessing to this proposal.

The lands that will be given to the Department of the Interior are home to a variety of endangered and threatened species of plants and animals. A few of these are: the desert tortoise, the chuckawalla, purple-spined hedgehog cactus, and the golden and bald eagles. These lands also contain some of the most magnificent vistas in the western United States with views of Zions National Park, Elephant Butte, and the Deep Creek Mountains. This land exchange will preserve the unparalleled landscapes characteristic of Utah.

The Utah State School Lands Trust was established at the time Utah became a state with lands deeded to the trust by the federal government for the purpose of creating a reliable source of income to support our state's educational system. Every student in Utah benefits from the resources made available by the school trust lands. It is a critical source of support for Utah education.

This proposal, therefore, has the backing of all major Utah educational organizations, including the Utah PTA and Utah Education Association. This land exchange will unlock our school trust lands for the long-term benefit of Utah's school children. And, quite frankly, we will never be able to designate more wilderness in Utah without protecting the integrity of our Utah State School Lands Trust.

This is one proposal where everyone benefits—our schools as well as our environmental interests. It is a logical proposal; it is a fair proposal. I urge my colleagues to support this legislation, and I look forward to working with them on this important piece of legislation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2755. A bill to further continued economic viability in the communities on the southern High Plains by promoting sustainable groundwater management of the southern Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

THE SOUTHERN HIGH PLAINS GROUNDWATER RESOURCE CONSERVATION ACT

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation which will bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland: the southern High Plains stretching from the middle of Kansas through Oklahoma and the Texas Panhandle and including eastern portions of the State of Colorado, and the eastern counties of my home state of New Mexico. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala aquifer, which allows for irrigated agriculture.

The Natural Resource & Conservation Service estimates that there are over six million acres of irrigated farmland overlying the southern Ogallala. These farms use between six and nine million acre-feet of water each year. The problem is that current use of the aquifer is not sustainable, and it is being depleted rapidly.

As shown on this U.S. Geological Survey Map, the High Plains Aquifer, which is mostly the Ogallala Aquifer, starts in South Dakota, encompasses most of Nebraska and parts of Wyoming, and then continues down into the southern High Plains.

This next chart shows the change in water levels in the aquifer over a seventeen year period from 1980 to 1997. As shown by the gray and blue markings on this map, the northern portion of this aquifer is in pretty good shape. The rate of water recharge from rainfall and irrigation water from the Platte River, for the most part matches or is greater than the rate of water depletions.

However, the story is quite different in the southern High Plains. In just the 17 years characterized on this map, we have seen large areas of the southern aquifer experience a 10 to 20 foot drop in their water table. That is shown in the dark orange areas on the map. More alarming is that for an almost equal area, as depicted in red on the map, the drop in the water table has been 40 feet or greater.

These changes in the level of the water table mean that it takes more wells at a greater pumping cost to produce the same amount of water, and that's if the wells don't go completely dry. This raises the serious question about the viability of continued farming on the southern High Plains. However, while irrigated agriculture uses the lion's share of the water, farm viability is only part of the economic story. This aquifer is also the primary source for municipal water on the southern High Plains. Diminishing productivity from municipal wells and the increased cost of pumping can place huge strains on local and county resources.

The insecurity of groundwater resources on the southern High Plains is a multi-state issue with significant economic and social consequences for America as a nation. We must act now to help steer the communities on the southern High Plains toward a sustainable use of the Ogallala aquifer. Ignoring the problem and allowing continuing uses to go unabated invites tremendous economic dislocation for a large section of our country.

To address this issue I am introducing the Southern High Plains Groundwater Resource Conservation Act. This bill creates three levels of approach to the problem.

First, it recognizes that to guide government decision makers and private investors, accurate, up-to-date, scientific information about the groundwater resources in their area is necessary. Therefore it calls upon the United States Geological Survey to initiate a comprehensive hydrogeologic mapping, modeling, and monitoring program for the Southern Ogallala, to provide a report to Congress and to the relevant states with maps and information on a county by county basis, and to renew and update that report every year.

Second, it acknowledges that an effective water conservation plan can only be measured against a multi-year goal. Also, modeling by the U.S.G.S. indicates that groundwater conservation is not economically effective if implemented on a small scale basis. Measures must be implemented over a sufficiently large area in order to see a long-term groundwater savings, and return on the investment in conservation. To ensure groundwater savings over an appropriate area, this bill would authorize the Secretary of Agriculture to provide planning assistance, on a cost-share basis, to states, tribes, counties, conservation districts, or other local government units to create water conservation plans designed to benefit their groundwater resource over at least 20 years.

Finally, if the Secretary certifies that such a plan is in place, this bill would provide two primary forms of assistance for groundwater conservation on individual farms. They are a cost-share assistance program to upgrade the water use efficiency of farming equipment, and the creation of an ''Irrigated Land Reserve.''

The cost-share program is based on the knowledge that, while significant water savings could be made from moving farms from historical row or center-pivot irrigation to more modern techniques, the upfront cost is often prohibitive to family farmers. However, estimates by the Natural Resources Conservation Service and the High Plains Underground Water Conservation District in Lubbock, Texas, are that an initial $20,000 in Federal investment in equipment on a cost-share basis would save between 325 to nearly 490 acre-feet of water over a ten year period. A bargain price, considering water prices on the West.

The Irrigated Land Reserve in this bill, is designed to convert 10 percent, or approximately 600,000 acres, of the irrigated farmland on the southern High Plains to dryland agriculture. Dryland agriculture, obviously, is less productive than irrigation. So this bill would provide for a rental rate to farmers to ease the economic impact of changing over. It is estimated that when fully implemented this program would save between 600,000 and 900,000 acre-feet of water per year at a cost of $33 to $50 per acre-foot.

These two programs, the cost-share program for water conservation, and enrollment in an Irrigated Land Reserve are completely voluntary. However, from the interest I have received in discussions with farmers on the southern High Plains, I expect that there will be no shortage of participants.

The program outlined in this bill would cost $70 million per year if fully implemented. Given the opportunity to move the southern High Plains communities to a sustainable use of their groundwater without massive dislocations in their economy, I think it will be an investment worth making.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2755

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Southern High Plains Groundwater Resource Conservation Act.''

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress Finds that—

(1) A reliable source of groundwater is an essential element of the economy of the communities on the High Plains.

(2) The High Plains Aquifer and the Ogallala Aquifer are closely related hydrogeographic structures. The High Plains Aquifer consists largely of the Ogallala Aquifer with small components of other geologic units.

(3) The High Plains Aquifer experienced a dramatic decline in water table levels in the latter half of the twentieth century. The Average weighted decline in the aquifer from 1950 to 1997 was 12.6 feet (USGS Fact Sheet 124–99, Dec. 1999).

(4) The decline in water table levels is especially pronounced in the Southern Ogallala Aquifer, reporting that large areas in the states of Kansas, New Mexico, and Texas experienced declines of over 100 feet in that period (USGS Fact Sheet 124–99, Dec. 1999).

(5) The saturated thickness of the High Plains Aquifer has declined by over 50% in some areas (1186 USGS Circular 27, 1999). Furthermore, the Survey has reported that the percentage of the High Plains Aquifer which has a saturated thickness of 100 feet or more declined from 54 percent to 51 percent in the period from 1980 to 1997 (USGS Fact Sheet 124–99, Dec. 1999).

(6) The decreased water levels in the High Plains Aquifer coupled with higher pumping lift costs raise concerns about the long-term sustainability of irrigated agriculture in the High Plains. (''External Effects of Irrigators' Pumping Decisions, High Plains Aquifer,'' Alley and Schefter, American Geophysical Union paper #7W0326; Water Resources Research, Vol. 23, No. 7 1123–1130, July 1987).

(7) Hydrological modeling by the United States Geological Survey indicates that in the context of sustained high groundwater use in the surrounding region, reductions in groundwater pumping at the single farm level or at a very local level of up to 100 square miles, have a very time limited impact on conserving the level of the local water table, thus creating a disincentive for individual water users to invest in water conservation measures. (''External Effects of Irrigators' Pumping Decisions, High Plains Aquifer,'' Alley and Schefter, American Geophysical Union, paper #7W0326; Water Resources Research, Vol. 23, No. 7 1123–1130, July 1987).

(8) Incentives must be created for conservation of groundwater on a regional scale, in order to achieve an agricultural economy on the Southern High Plains that is sustainable.

(9) For water conservation incentives to function, federal, state, tribal, and local water policy makers, and individual groundwater users must have access to reliable information concerning aquifer recharge rates, extraction rates, and water table levels at the local and regional levels on an ongoing basis.

(b) PURPOSES.—To promote groundwater conservation on the Southern High Plains in order to extend the usable life of the Southern Ogallala Aquifer.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(a) HIGH PLAINS AQIFER:—The term ''High Plains Aquifer'' is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, titled Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

(b) HIGH PLAINS.—The term ''High Plains'' refers to the approximately 174,000 square miles of land surface overlying the High Plains Aquifer in the states of New Mexico, Colorado, Wyoming, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

(c) SOUTHERN OGALLALA AQUIFER.—The term ''Southern Ogallala Aquifer'' refers to that part of the High Plains Aquifer lying below 39 degrees north latitude which underlies the states of New Mexico, Texas, and Oklahoma, Colorado, and Kansas.

(d) SOUTHERN HIGH PLANS—The term ''Southern High Plains'' refers to the portions of the states of New Mexico, Texas, and Oklahoma, Colorado, and Kansas which overlie the Southern Ogallala Aquifer.

(e) SECRETARY.—The term ''Secretary'' refers to either the secretary of the Interior or the Secretary of Agriculture as appropriate.

(f) The term ''water conservation measures'' includes measures which enhance the groundwater recharge rate of a given piece of land, or which increase water use efficiencies.

SEC. 4. HYDROLOGIC MAPPING, MODELING, AND MONITORING.

(a) The Secretary of the Interior, working though the United States Geological Survey, shall develop a comprehensive hydrogeologic mapping, modeling, and monitoring program for the Southern Ogallala Aquifer. The program shall include on a county-by-county basis—

(1) A map of the hydrological configuration of the Aquifer; and

(2) An analysis of:

(A) the current and past rate at which groundwater is being withdrawn and recharged, and the net rate of decrease or increase in aquifer storage;

(B) the factors controlling the rate of horizontal migration of water within the Aquifer;

(C) the degree to which aquifer compaction caused by pumping and recharge methods in impacting the storage and recharge capacity of the groundwater body; and

(D) the current and past rate of loss of saturated thickness within the Aquifer.

(b) ANNUAL REPORT.—One year after the enactment of this Act, and once per year thereafter, the Secretary shall submit a report on the status of the Southern Ogallala Aquifer to the Senate Committee on Energy and Natural Resources, to the House Committee on Resources, and to the Governors of the States of New Mexico, Oklahoma, Texas, Colorado, and Kansas.

SEC. 5. GROUNDWATER CONSERVATION ASSISTANCE.

(a) FEDERAL ASSISTANCE.—The Secretary of Agriculture, working through the Natural Resources Conservation Service, is hereby authorized and directed to establish a groundwater conservation assistance program for Southern Ogallala Aquifer.

(b) DESIGN AND PLANNING.—The Secretary shall provide financial and technical assistance, including modeling and engineering design to states, tribes, and counties, conservation districts, or other political subdivisions recognized under state law, for the development of comprehensive groundwater conservation plans within the Southern High Plains. This assistance shall be provided on a cost share basis ensuring that:

(1) The federal funding for the development of any given plan shall not exceed fifty percent of the cost; and

(2) The federal funding for groundwater water conservation planning for any one county, conservation district, or similar political subdivision recognized under state law shall not exceed $50,000.

(c) CERTIFICATION.—The Secretary shall create a certification process for comprehensive groundwater conservation plans developed under this program, or developed independently by states, tribes, counties, or other political subdivisions recognized under state law. To be certified, a plan must:

(1) Cover a sufficient geographic area to provide a benefit to the groundwater resource over at least a 20 year time scale; and

(2) Include a set of goals for water conservation; and

(3) Include a process for an annual evaluation of the plan's implementation to allow for modifications if goals are not being met.

SEC. 6. IMPLEMENTATION ASSISTANCE.

Farming operations within jurisdictions which have a certified conservation plan in accordance with subsection (5)(c) of this title shall be eligible for:

(a) WATER CONSERVATION COST-SHARE ASSISTANCE.—The Secretary, working through the Natural Resources Conservation Service, may provide grants to individual farming operations of up to $50,000 for implementing on farm water conservation measures including the improvement of irrigation systems and the purchase of new equipment: *Provided,* that the Federal share of the water conservation investment in any one operation be no greater than 50%: *Provided further,* that each water conservation measure be in accordance with a conservation plan certified under section 5(c) of this title.

(b) IRRIGATED LAND RESERVE.—Through the 2020 calendar year, the Secretary shall formulate and carry out the enrollment of lands in a groundwater conservation reserve program through the use of multiple year contracts for irrigated lands which would result in significant per acre savings of groundwater resources if converted to dryland agriculture.

(c) CONSERVATION RESERVE PROGRAM ENHANCEMENT.—Lands eligible for the Conservation Reserve Program established under 16 U.S.C. 3831 which would result in significant per acre savings of groundwater resources if removed from agricultural production shall be awarded 20 Conservation Reserve Program bid points, to be designated as groundwater conservation points, in addition to any other ratings the lands may receive.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $70,000,000 annually through the fiscal year 2020 to carry out this Act. Of that total amount:

(1) There are authorized to be appropriated $5 million annually through the fiscal year 2020 for hydrogeologic mapping, modeling, and monitoring under this Act;

(2) There are authorized to be appropriated $5 million annually through fiscal year 2020 for groundwater conservation planning, design, and plan certification under this Act;

(3) There are authorized to be appropriated $30 million annually through fiscal year 2020 for cost-share assistance for on farm water conservation measures; and

(4) There are authorized to be appropriated $30 million annually through fiscal year 2020 for enrollment of lands in an Irrigated Lands Reserve.

By Mr. ROBB:

S. 2756. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in the Fund to carry out projects to promote the recovery of waters of the United States from damage resulting from violations of that Act, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL CLEAN WATER TRUST FUND ACT 0F 2000

● Mr. ROBB. Mr. President, I'm introducing a bill that will help clean up and restore our nation's waters. This bill, The National Clean Water Trust Fund Act of 2000, creates a trust fund from fines, penalties and other monies collected through enforcement of the Clean Water Act. The money deposited into the National Clean Water Trust Fund would be used to address the pollution problems that initiated those enforcement actions.

A highly publicized case in Virginia illustrated the need for this legislation. On August 8 1997, U.S. District Court Judge Rebecca Smith issued a $12.6 million judgement against Smithfield Foods for polluting the Pagan River in Isle of Wight County, Virginia. The judge stated in her opinion that the civil penalty imposed on Smithfield should be directed toward the restoration of the Pagan and James Rivers, tributaries to the Chesapeake Bay. Unfortunately, due to current federal law, the court had no discretion over the damages, and the fine was deposited into the Treasury's general fund, defeating the very spirit of the Clean Water Act.

Today, there is no guarantee that fines or other money levied against parties who violate provisions in the Clean Water Act will be used to correct short and long term damage from water pollution. Instead the money is directed into the fund of the U.S. Treasury with no provision that it be used to improve the quality of our water. Pollution from spills or illegal discharges can have a profound effect on our environment and can degrade our public water supplies, and recreational areas. Water pollution causes long term damage to fish and shellfish habitat and destroys the livelihood of watermen, and leads to the long term degradation of scenic areas. While the Environmental Protection Agency's enforcement activities are extracting large sums of money from industry and others through enforcement of the Clean Water Act, we are missing an opportunity to pay for the cleanup and restoration of pollution problems for which the penalties were levied. To ensure the successful implementation of the Clean Water Act, we should put these enforcement funds to work and actually clean up the nation's waters.

This legislation will establish a National Clean Water Trust Fund within the U.S. Treasury to earmark fines, penalties, and other funds, including consent decrees, obtained through enforcement of the Clean Water Act that would otherwise be placed into the Treasury's general fund. The EPA Administrator would be authorized, after consultation with the States, to prioritize and carry out projects to restore and recover waters of the United States using the funds collected from the violations of the Clean Water Act. This legislation would not preempt citizen suits or in any way preclude EPA's authority to undertake and complete supplemental environmental projects as part of settlements related to violations of the Clean Water Act or any other legislation. The bill also provides court discretion over civil penalties from Clean Water Act violations to be used to carry out mitigation and restoration projects. In this bill, EPA is directed to give priority consideration to projects in the watershed where the original violation was discovered. With this legislation, we can avoid another predicament like the one faced in Virginia.

Mr. President, it only makes sense that fines occurring from violations of the Clean Water Act be used to restore the waters that were damaged. This bill provides a real opportunity to improve the quality of our nation's waters.

Mr. President, I ask unanimous consent that the full 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. 2756

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Clean Water Trust Fund Act of 2000''.

SEC. 2. NATIONAL CLEAN WATER TRUST FUND.

Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended by adding at the end the following:

''(h) NATIONAL CLEAN WATER TRUST FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury a National Clean Water Trust Fund (referred to in this subsection as the 'Fund') consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

''(2) TRANSFER OF AMOUNTS.—For fiscal year 2001, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other funds obtained through judgments from courts of the United States for enforcement actions conducted under this section and section 505(a)(1), excluding any amounts ordered to be used to carry out mitigation projects under this section or section 505(a).

''(3) INVESTMENT OF AMOUNTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary's judgment, required to meet current withdrawals.

''(B) ADMINISTRATION.—The obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, the obligations shall be credited to the

Fund in accordance with section 9602 of the Internal Revenue Code of 1986.

''(4) USE OF AMOUNTS FOR REMEDIAL PROJECTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in appropriations Acts, to the Administrator to carry out projects to restore and recover waters of the United States from damage resulting from violations of this Act that are subject to enforcement actions under this section or from the discharge of pollutants into the waters of the United States, including—

''(i) soil and water conservation projects;

''(ii) wetland restoration projects; and

''(iii) such other similar projects as the Administrator determines to be appropriate.

''(B) CONDITION FOR USE OF FUNDS.—Amounts in the Fund shall be available under subparagraph (A) only for a project conducted in the watershed, or in a watershed adjacent to the watershed, in which a violation of this Act described in subparagraph (A) results in the institution of an enforcement action.

''(5) SELECTION OF PROJECTS.—

''(A) PRIORITY.—In selecting projects to carry out under this subsection, the Administrator shall give priority to a project described in paragraph (4) that is located in the watershed, or in a watershed adjacent to the watershed, in which there occurred a violation under this Act for which an enforcement action was brought that resulted in the payment of any amount into the general fund of the Treasury.

''(B) CONSULTATION WITH STATES.—In selecting a project to carry out under this section, the Administrator shall consult with the State in which the Administrator is considering carrying out the project.

''(C) ALLOCATION OF AMOUNTS.—In determining an amount to allocate to carry out a project to restore and recover waters of the United States from damage described in paragraph (4), the Administrator shall, in the case of a priority project described in subparagraph (A), take into account the total amount deposited in the general fund of the Treasury as a result of enforcement actions conducted with respect to the violation under this section or section 505(a)(1).

''(6) IMPLEMENTATION.—The Administrator may carry out a project under this subsection directly or by making grants to, or entering into contracts with, another Federal agency, a State agency, a political subdivision of a State, or any other public or private entity.

''(7) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this subsection, and every 2 years thereafter, the Administrator shall submit to Congress a report on implementation of this subsection.''.

SEC. 3. USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.

(a) IN GENERAL.—Section 309(d) of the Federal Water Pollution Control Act (33 U.S.C. 1319(d)) is amended by inserting after the second sentence the following: ''The court may order that a civil penalty be used for carrying out mitigation, restoration, or other projects that are consistent with the purposes of this Act and that enhance public health or the environment.''.

(b) CONFORMING AMENDMENT.—Section 505(a) of the Federal Water Pollution Control Act (33 U.S.C. 1365(a)) is amended in the last sentence by inserting before the period at the end the following: '', including ordering the use of a civil penalty for carrying out mitigation, restoration, or other projects in accordance with section 309(d)''.

By Mr. DOMENICI:

S. 2757. A bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington; to the Committee on Energy and Natural Resources.

LAND TRANSFER AND WITHDRAWAL OF CERTAIN LANDS IN MELROSE AIR FORCE RANGE, NEW MEXICO

Mr. DOMENICI. Mr. President, I rise today to offer legislation that would allow for the transfer of administrative jurisdiction over the Melrose Air Force Range in New Mexico and the Yakima Training Center in Washington to the appropriate Service in the Defense Department. Both of these affected areas are public domain lands under the Department of Interior. This legislation simply transfers authority from the Department of Interior to the Secretary of the Air Force in the case of the Melrose Range and to the Secretary of the Army in the case of the Yakima Training Center.

Transfer and conversion of the lands to real property is proposed in lieu of the more customary withdrawal pursuant to the Act of February 28, 1958. The affected lands are multiple parcels of public domain lands within a large block of Military Service acquired real property. Enactment on this transfer would provide for simplified management of these lands by the respective Defense Department Service.

Melrose Air Force Range in Roosevelt County, New Mexico, is comprised of six parcels of public land, totaling about 6,714 acres. Over 1,118 acres are utilized as bomb impact zone; the remainder is required as a safety buffer. The transfer is needed to provide the Air Force with complete control over land uses on the Range. This should serve to minimize potential safety concerns, liability of the United States, and land use conflicts that could interfere with the training mission.

The lands have been used as part of the Range since 1957, under lease or other arrangement with the State of New Mexico which had ownership of the lands at the time. Expansion of the Range was authorized by Public Law 89–568, in September 1966. In 1970 and 1973, the Bureau of Land Management (BLM) acquired the lands through a land exchange with the State. During this same period, a land acquisition program to enlarge the Range was being conducted by the Air Force through the U.S. Army Corps of Engineers. The BLM exchange was undertaken in aid of that effort. In 1975, the U.S. Army Corps, on behalf of the Air Force, applied for withdrawal of the lands that the BLM had acquired.

The lands that would be transferred through enactment of this legislation are an integral part of the Range, and continue to be suitable for training purposes. These lands will continue to be needed for Air Force training for the foreseeable future.

The second installation affected by this legislation is the Yakima Training Center in Kittitas County, Washington. Congress authorized a 63,000 acre expansion of the existing Center by the National Defense Authorization Act for fiscal years 1992 and 1993 and the Military Construction Appropriations Act of 1992.

The lands to be transferred at the Center consist of 19 scattered small tracts of public lands totaling 6,649 acres within the expansion area. The remaining approximately 56,400 acres of real property within the expansion have already been acquired by the Army. There are an additional 3,090 acres of public domain mineral estate associated with the acquired land to be withdrawn from the general mining laws.

In conclusion, Mr. President, this bill provides for the transfer of public domain lands to the Secretaries of the appropriate military service to complete the acquisitions at both installations as authorized by previous Acts of Congress. The consolidation of these lands as real property with the surrounding military acquired lands would provide a common management situation for the Military Service. This should serve to increase the efficiency and effectiveness of their range operations and natural resource management.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD following my statement.

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

S. 2757

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

SECTION 1. LAND TRANSFER AND WITHDRAWAL, MELROSE AIR FORCE RANGE, NEW MEXICO, AND YAKIMA TRAINING CENTER, WASHINGTON.

(a) MELROSE AIR FORCE RANGE, NEW MEXICO.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Air Force:

NEW MEXICO PRIME MERIDIAN

T. 1 N., R. 30 E.
Sec. 2: S½.
Sec. 11: All.
Sec. 20: S½SE¼.
Sec. 28: All.
T. 1 S., R. 30 E.
Sec. 2: Lots 1–12, S½.
Sec. 3: Lots 1–12, S½.
Sec. 4: Lots 1–12, S½.
Sec. 6: Lots 1 and 2.
Sec. 9: N½, N½S½.
Sec. 10: N½, N½S½.
Sec. 11: N½, N½S½.
T. 2 N., R. 30 E.
Sec. 20: E½SE¼.
Sec. 21: SW¼, W½SE¼.
Sec. 28: W½E½, W½.
Sec. 29: E½E½.
Sec. 32: E½E½.
Sec. 33: W½E½, NW¼, S½SW¼.
Aggregating 6,713.90 acres, more or less.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) is withdrawn from all forms of appropriation under the public land laws, including the mining laws and the mineral and geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.).

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Air Force may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraph (1), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on Melrose Air Force Range, New Mexico.

(b) YAKIMA TRAINING CENTER, WASHINGTON.—

(1) TRANSFER.—Administrative jurisdiction over the surface estate of the following lands is hereby transferred from the Secretary of the Interior to the Secretary of the Army:

WILLAMETTE MERIDIAN

T. 17 N., R. 20 E.
Sec. 22: S½.
Sec. 24: S½SW¼ and that portion of the E½ lying south of the Interstate Highway 90 right-of-way.
Sec. 26: All.
T. 16 N., R. 21 E.
Sec. 4: SW¼SW¼.
Sec. 12: SW¼.
Sec. 18: Lots 1, 2, 3, and 4, E½ and E½W½.
T. 17 N., R. 21 E.
Sec. 30: Lots 3 and 4.
Sec. 32: NE¼SE¼.
T. 16 N., R. 22 E.
Sec. 2: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 4: Lots 1, 2, 3, and 4, S½N½ and S½.
Sec. 10: All.
Sec. 14: All.
Sec. 20: SE¼SW¼.
Sec. 22: All.
Sec. 26: N½.
Sec. 28: N½.
T. 16 N., R. 23 E.
Sec. 18: Lots 3 and 4, E½SW¼, W½SE¼, and that portion of the E½SE¼ lying westerly of the westerly right-of-way line of Huntzinger Road.
Sec. 20: That portion of the SW¼ lying westerly of the easterly right-of-way line of the railroad.
Sec. 30: Lots 1 and 2, NE¼ and E½NW¼.
Aggregating 6,640.02 acres.

(2) STATUS OF SURFACE ESTATE.—Upon transfer of the surface estate of the lands described in paragraph (1), the surface estate shall be treated as real property subject to the Federal Property and Administrative Services Act of 1949 (40 U.S.C 471 et seq.).

(3) WITHDRAWAL OF MINERAL ESTATE.—Subject to valid existing rights, the mineral estate of the lands described in paragraph (1) and of the following lands are withdrawn from all forms of appropriation under the public land laws, including the mining laws and the geothermal leasing laws, but not the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.):

WILLAMETTE MERIDIAN

T. 16 N., R. 20 E.
Sec. 12: All.
Sec. 18: Lot 4 and SE¼.
Sec. 20: S½.
T. 16 N., R. 21 E.
Sec. 4: Lots 1, 2, 3, and 4, S½NE½.
Sec. 8: All.
T. 16 N., R. 22 E.
Sec. 12: All.
T. 17 N., R. 21 E.
Sec. 32: S½SE¼.
Sec. 34: W½.
Aggregating 3,090.80 acres.

(4) USE OF MINERAL MATERIALS.—Notwithstanding any other provision of this subsection or the Act of July 31, 1947, the Secretary of the Army may use, without application to the Secretary of the Interior, the sand, gravel, or similar mineral material resources on the lands described in paragraphs (1) and (3), of the type subject to disposition under the Act of July 31, 1947, when the use of such resources is required for construction needs on the Yakima Training Center, Washington.

By Mr. GRAHAM (for himself, Mr. BRYAN, Mr. ROBB, Mr. CONRAD, Mr. L. CHAFEE, Mr. BAUCUS, Mr. ROCKFELLER, and Mrs. LINCOLN):

S. 2758. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the Medicare Program; to the Committee on Finance.

THE MEDICARE OUTPATIENT DRUG ACT (THE MOD ACT)

Mr. GRAHAM. Mr. President, I rise today with Senators BRYAN, ROBB, CONRAD, CHAFEE, BAUCUS, ROCKEFELLER, and LINCOLN to introduce the Medicare Outpatient Drug Act of 2000.

We are all aware of the fundamental changes in Americans' life expectancy throughout the century. When Medicare was created in 1965, the average life expectancy for a woman who reached the age of 65 was 80 and for a man 78 years of age. In 1998, the life expectancy jumped to 84 years for a woman and 81 for a man. Projections for the year 2100 assume that the average life span for an individual who reaches 65 will be 94 years for a woman and 91 for a man.

These statistics paint a clear picture—seniors are living longer and to ensure their quality of life, they must have guaranteed access to prescription medications. The Republicans say that they want a prescription drug benefit. The Democrats say that they want a prescription drug benefit. The question facing both parties is this: Do they really want a benefit or just an election year bully pulpit? If the answer is a benefit, we're here today to help.

On far too many occasions in the last few years, important legislation has been knocked off the tracks by election year, partisan train wrecks. We hope that this year can be different. That is why we are offering a new Medicare prescription drug benefit—one that we believe represents a workable compromise between the Democratic and Republican positions.

Our Proposal—the Medicare Outpatient Drug Act of 2000—is centrist. It is bipartisan. It is innovative. And we think it can pass Congress this year. I must mention that this effort has been a truly collaborative one from start to finish. The MOD Act has several key components:

Universality—access for everyone;

Consistency—keeps with the important tradition of the Medicare program by providing a defined, reliable benefit for all seniors alike. A senior in Fargo, North Dakota is assured access to the same defined benefit structure as a senior in Miami, Florida;

Voluntary participation, like Medicare Part B;

Special protections for low income Americans;

True stop-loss protection, which ensures seamless insurance without gaps in coverage;

A ramp-up payment system, which decreases beneficiary payments based on their increased prescription medication needs; and

The use of Multiple Pharmacy Benefit Managers (PBMs) to administer the benefit and promote competition and choice.

For many years I have spoken about the need to move the Medicare program from one based on acute care and illness to one focused on prevention and wellness. The Medicare Wellness Act of 2000, of which many of my colleague are cosponsors and which ensures seniors access to a variety of preventive programs and screenings, represents the first piece of this puzzle—The MOD Act represents the second step in my three-point plan for accomplishing this goal.

Prescription drugs are an integral part of health care and must be integrated in to the current Medicare system as a defined benefit—not as an ''add on.'' It is my understanding that the House Republicans have proposed a bill that entrusts the private insurance market to provide a prescription drug benefit to seniors. Though, on the surface these ideals have appeal and they are initially less expensive or claim to be ''more flexible'' than a comprehensive, universal benefit, I find myself asking the question: Are there other Medicare benefits that are or should be treated in this capacity?

Let's take the example of physician services, for example, anesthesiology services. Would we ask private insurance companies to create anesthesiology-only insurance packages? Would beneficiaries purchase such policies? Would they be available? What would be the result of extricating this benefit from the Medicare program.

With prescription drugs representing one of the most prevalent treatments in health care today—I ask myself, ''Is it wise to look toward an approach to providing coverage of prescritpion medication which is arguably unworkable in everyother sector of medicine?''

Leaders in the health insurance industry have stated that ''Lawmakers should avoid drug insurance-only coverage, which is unlikely to get off the ground and which would be impossible to price affordably.'' The MOD Act creates a defined, affordable, consistent prescription drug benefit within the Medicare system where it should be.

The third piece to solving the Medicare puzzle lies in the need to give the Medicare program the tools to compete in the current health care market

place. My colleagues and I will soon be introducing a reform bill that will have the dual effect of providing significant savings to offset the bill that we are introducing today.

I encourage my colleagues to join us in cosponsoring this important piece of legislation.

Mr. BRYAN. Mr. President, I am very pleased to join my colleagues in unveiling this important bipartisan legislation. Our proposal to offer a prescription drug benefit for all Medicare beneficiaries is sound, comprehensive, and workable.

We are introducing this bill for a very simple reason: the majority of Medicare beneficiaries lack meaningful prescription drug coverage, and we have an historic opportunity to do something about.

The inadequacy of the current Medicare benefits package is clear. It simply does not make sense for a health insurance program to exclude coverage of one of the most critical components of health care.

In 1996, 90 percent of Medicare beneficiaries had at least one chronic condition; drugs are frequently the best way to manage those conditions. Why offer hospitalization and physician visits to treat high blood pressure, heart problems, and depression, but not one of the most effective treatment options?

Many Medicare beneficiaries are faced with the choice of paying extremely high prices at retail outlets—much higher than the prices paid by those with coverage—or going without medically necessary prescription drug.

With bipartisan support and unprecedented budget surpluses we can give our seniors and those with disabilities another choice: to enroll in a Medicare prescription drug plan that is guaranteed to be accessible and affordable.

What should this plan look life? The Medicare Outpatient Drug Act contains several important provisions:

First, it provides prescription drugs as a defined, comprehensive and integral component of the Medicare Program. We need to be able to say exactly what we are promising seniors, and we need to make sure they will get it—the only way to do that is to include it in the basic Medicare benefits package along with everything else.

Relying on private insurers to offer this benefit ''would result in a false promise'' to use the words of the President of the HIAA.

Second, our bill provides the greatest help to those with the greatest need—beneficiaries with the lowest incomes and the highest drug expenditures.

We do that by providing additional subsidies for those with the lowest-incomes, increasing the government's share of coinsurance as the beneficiaries out-of-pocket costs increase, and income-relating the premium for high-income beneficiaries.

The bottom line: all seniors will be guaranteed access to affordable drugs, and will have the peace of mind of knowing that full coverage is provided for any and all expenses above $4000.

Third, ''The Medicare Outpatient Drug Act'' encourages maximum competition to achieve the greatest discounts, and uses the private sector to deliver and manage the benefit.

Finally, it is consistent with the need to strengthen and modernize the Medicare program overall. Providing drug coverage is the first step, but more work is needed. We will be introducing legislation soon that takes the next steps.

The bill we are offering today bridges the gap between the proposals offered by the President and the House GOP.

It gives beneficiaries what they need: long-overdue coverage of prescription drugs, and also injects competition into the program and provides choices for beneficiaries.

This is the first bill to offer universal, guaranteed, affordable, fully-defined comprehensive coverage—no limits, not gaps, no gimmicks.

Beneficiaries will know what they are getting, and they will know without a doubt that the benefit will actually be provided.

''The Medicare Outpatient Drug Act'' is not a tough call. It will accomplish our goals of providing affordable, accessible coverage, and it will work.

This is legislation that Congress should enact this year. I look forward to working with my colleagues on both sides of the aisle to ensure that we do just that.

Mr. ROBB. Mr. President, 2 weeks ago, at a health care forum I sponsored in Virginia, a doctor told me of a woman with breast cancer splitting her Tamoxofin pills with two other breast cancer patients, because the drug was so expensive that the other two couldn't afford it. This is a touching story from the perspective of a woman trying to help two peers, but from a health care perspective, it's an abomination. Not only does splitting a dose for one person into three negate the effects of the drug for all three women, but the lack of access to this drug only makes them sicker.

Unfortunately, stories like these are all too common today. Modern medicine has become more and more dependent on prescription drugs, yet the Medicare program, which provides health care for our nation's elderly and disabled, has not changed with the times. As a result, Medicare often finds itself in the position of paying for expensive hospital care, yet not paying for the prescription drugs that could help keep a patient out of the hospital. And as prescription drugs become more essential to seniors' health care, we hear many stories like the one I've told you today.

It's time we did something to change this. While over 90 percent of private sector employees with employer-based health insurance have prescription drug coverage, the 38 million Medicare beneficiaries in America today have no basic prescription drug benefit. At the same time, the average Medicare beneficiary fills eighteen prescriptions each year, and will have an estimated average annual drug cost of nearly $1,100 in 2000. We have an obligation to our seniors, and future generations of seniors, to strengthen and modernize Medicare by adding a prescription drug benefit.

Unfortunately, both the House and Senate have made little progress toward passing a drug benefit this year. By and large, moderate, bipartisan solutions have been absent from the debate.

I am pleased to join my colleagues Senator GRAHAM, Senator BRYAN, Senator CONRAD, Senator CHAFEE and Senator BAUCUS in introducing a bill which we believe will break this logjam, the Medicare Outpatient Drug Act, or MOD Act, of 2000. In crafting the MOD Act, we have combined the best elements of insurance-based plans—which aim to promote competition and innovation—and the President's plan—which offers a dependable, universal benefit to all seniors. The result is a bill that all sides should be able to agree on.

Like the President's plan, our bill will offer a defined Medicare benefit that will be available to all seniors, regardless of their health status or place of residence. But unlike the President's plan, our bill will allow private entities to compete for Medicare beneficiaries—allowing seniors and the disabled to choose from a variety of options that are custom-tailored to their specific prescription drug needs.

Moreover, the MOD Act is the first prescription drug bill to offer Medicare beneficiaries a comprehensive drug benefit, with no gaps in coverage, and full protection against sky-high out-of-pocket costs. The MOD Act gradually increases its level of coverage as beneficiaries get sicker, so that the greatest assistance is devoted to those who need it most.

There is only a handful of legislative days left in the Senate this year, and if we're going to get anything done on the prescription drug front, we'll have to settle on a proposal that is moderate and bipartisan. The Medicare Outpatient Drug Act is that bill, and I urge each of my colleagues to give it their full support.

Mr. L. CHAFEE. Mr. President, I am pleased to join Senators GRAHAM, BRYAN, ROBB, CONRAD, and BAUCUS in introducing the Medicare Outpatient Drug (MOD) Act of 2000 today.

The Medicare Outpatient Drug Act addresses an area of great concern to our nation's seniors: the need for a Medicare prescription drug benefit. Seniors today are facing staggering and burdensome drug prices. Studies show that the average American over 65 spends more than $700 per year on drug prescriptions. In Rhode Island, seniors pay twice as much for certain prescription drugs as the drug companies' most favored customers (for example, Medicaid and the Veteran's Administration). On average, Rhode Island seniors pay 84 percent more than prescription drug consumers in Canada or Mexico.

We must update the Medicare program to include a prescription drug benefit. This bipartisan, comprehensive bill will provide universal coverage to all 39 million Medicare beneficiaries in this country. As you know, Medicare was established in 1965 at a time when prescription drugs were not widely used. These days, drug therapies have replaced overnight stays in hospitals and long convalescence in nursing facilities. In light of this, we must update the Medicare program to keep pace with these scientific and medical advances.

This legislation does many things that other legislative proposals do not. First, it provides universal coverage on a voluntary basis to every Medicare-eligible individual. Second, it is based on a standard insurance model, with coinsurance, a deductible, and a defined stop-loss benefit. In other words, once a senior pays $4,000 in annual drug costs, our plan covers the rest. Third, the amount of a senior's premium would be directly related to his/her income, on a sliding scale. In other words, the lowest-income senior will receive the greatest subsidy. Conversely, the highest-income senior will receive the lowest federal subsidy.

Finally, this legislation emulates market-based insurance coverage by allowing multiple ''pharmacy benefit managers'' (PBMs) to contract with Medicare to provide the pharmaceutical benefit to seniors. This would ensure competition in the delivery of this benefit, which means a better benefit and lower prices for consumers. This competition would also prevent the government from ''setting'' drug prices. In my view, price setting would weaken the ability of pharmaceutical companies to conduct valuable research and development into new drug therapies that one day may cure diseases such as cancer, Parkinson's Alzheimer's, diabetes, and HIV/AIDS.

In sum, I believe our proposal to be one of the most responsible and comprehensive drug bills in Congress. It achieves these twin goals while relieving seniors of the huge burden of high drug bills. Seniors should never have to choose between filling a prescription for needed medication or buying groceries. Sadly, this is often the case today.

This past April, I received a letter from an elderly couple in Rhode Island, with a list of their prescription drug expenses for 1999 enclosed. This couple spent almost $7,000 in 1999 on these prescriptions. They are living on a fixed income, and told me that their savings are being wiped out by the high cost of prescription medications. In addition, the grandmother of one of my staffers cannot afford Prilosec, which she needs to prevent nausea. She cannot hold down food without this drug. This grandmother has to get her Prilosec prescription from her daughter, who has it prescribed and then ships it to her mother.

This should not be happening. Our bill will ensure that these seniors will get the prescription medications they need without having to wipe out their personal savings or resort to getting the prescription through a relative.

I urge my colleagues to join us in supporting this important legislation and finally provide this necessary medical coverage to our nation's seniors.

ADDITIONAL COSPONSORS—JUNE 19, 2000

S. 486

At the request of Mr. ASHCROFT, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 486, a bill to provide for the punishment of methamphetamine laboratory operators, provide additional resources to combat methamphetamine production, trafficking, and abuse in the United States, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 827, a bill to establish drawback for imports of N-cyclohexyl-2-benzothiazolesulfenamide based on exports of N-tert-Butyl-2-benzothiazolesfulfenamide.

S. 1066

At the request of Mr. ROBERTS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1066, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes.

S. 1128

At the request of Mr. KYL, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Montana (Mr. BURNS), and the Senator from Minnesota (Mr. GRAMS) were added as cosponsors of S. 1128, a bill to amend the Internal Revenue Code of 1986 to repeal the Federal estate and gift taxes and gift taxes and the tax on generation-skipping transfers, to provide for a carryover basis at death, and to establish a partial capital gains exclusion for inherited assets.

S. 1291

At the request of Mr. DEWINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

S. 1855

At the request of Mr. MURKOWSKI, the name of the Senator from Nevada (Mr. REID) was withdrawn as a cosponsor of S. 1855, a bill to establish age limitations for airmen.

S. 2183

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2183, a bill to ensure the availability of spectrum to amateur radio operators.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity coverage under the medicaid program for such children.

S. 2282

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2282, a bill to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Texas (Mr. GRAMM) 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. 2528

At the request Ms. COLLINS, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2580

At the request Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2580, a bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes.

S. 2619

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2619, a bill to provide for drug-free prisons.

S. 2639

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2639, a bill to amend the Public Health Service Act to provide programs for the treatment of mental illness.

S. 2742

At the request of Mr. SMITH of Oregon, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2742, a bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527 and section 501 (c), and for other purposes.

S. CON. RES. 122

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr.

GRASSLEY) was added as a cosponsor of S. Con. Res. 122, concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania, and calling for positive steps to promote steps to promote a peaceful and democratic future for the Baltic region.

S. RES. 311

At the request of Mr. BOND, the name of the Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. Res. 311, a resolution to express the sense of the Senate regarding Federal procurement of opportunities for women-owned small businesses.

AMENDMENT NO. 3172

At the request of Mr. HELMS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of Amendment No. 3172 intended to be proposed to S. 2522, an original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

ADDITIONAL COSPONSORS—JUNE 20, 2000

S. 190

At the request of Mr. INOUYE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 190, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 1036

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1036, a bill to amend parts A and D of title IV of the Social Security Act to give States the option to pass through directly to a family receiving assistance under the temporary assistance to needy families program all child support collected by the State and the option to disregard any child support that the family receives in determining a family's eligibility for, or amount of, assistance under that program.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from Iowa (Mr. HARKIN) 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. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2125

At the request of Mr. LAUTENBERG, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2125, a bill to provide for the disclosure of certain information relating to tobacco products and to prescribe labels for packages and advertising of tobacco products.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor 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. 2358

At the request of Mr. INHOFE, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Mississippi (Mr. COCHRAN), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2358, a bill to amend the Public Health Service Act with respect to the operation by the National Institutes of Health of an experimental program to stimulate competitive research.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. COVERDELL) 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. 2516

At the request of Mr. THURMOND, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2585

At the request of Mr. GRAHAM, the names of the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2585, a bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services.

S. 2635

At the request of Mr. FRIST, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2635, a bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women.

S. 2690

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2690, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 2696

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2696, a bill to prevent evasion of United States excise taxes on cigarettes, and for other purposes.

S. 2735

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2735, a bill to promote access to health care services in rural areas.

S.RES. 268

At the request of Mr. EDWARDS, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 268, a resolution designating July 17 through July 23 as ''National Fragile X Awareness Week.''

S. RES. 301

At the request of Mr. THURMOND, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from West Virginia (Mr. BYRD), and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. Res. 301, a resolution designating August 16, 2000, as ''National Airborne Day.''

S. RES. 303

At the request of Mr. VOINOVICH, his name was added as a cosponsor of S.

Res. 303, a resolution expressing the sense of the Senate regarding the treatment by the Russian Federation of Andrei Babitsky, a Russian journalist working for Radio Free Europe/Radio Liberty.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

S. RES. 309

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 309, a resolution expressing the sense of the Senate regarding conditions in Laos.

AMENDMENT NO. 3252

At the request of Mrs. MURRAY, the names of the Senator from California (Mrs. BOXER), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 3252 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3473

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 3473 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 324—TO COMMEND AND CONGRATULATE THE LOS ANGELES LAKERS FOR THEIR OUTSTANDING DRIVE, DISCIPLINE, AND MASTERY IN WINNING THE 2000 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas the Los Angeles Lakers are one of the greatest sports franchises ever;

Whereas the Los Angeles Lakers have won 12 National Basketball Association Championships;

Whereas the Los Angeles Lakers are the second winningest team in National Basketball Association history;

Whereas the Los Angeles Lakers, at 67–15, posted the best regular season record in the National Basketball Association;

Whereas the Los Angeles Lakers have fielded such superstars as George Mikan, Wilt Chamberlain, Jerry West, Elgin Baylor, Kareem Abdul-Jabbar, Earvin ''Magic'' Johnson, and now, Shaquille O'Neal and Kobe Bryant;

Whereas Shaquille O'Neal led the league in scoring and field goal percentage on his way to winning the National Basketball Association's Most Valuable Player award, winning the IBM Award for greatest overall contribution to a team, and becoming just the sixth player in the history of the game to be a unanimous selection to the All-National Basketball Association First Team;

Whereas Shaquille O'Neal was named Most Valuable Player of the 2000 All Star game, scoring 22 points and collecting 9 rebounds;

Whereas Shaquille O'Neal dominated the 2000, playoffs averaging 38 points per game and winning the Most Valuable Player award in the National Basketball Association Finals;

Whereas Kobe Bryant overcame injuries to average more than 22 points a game in the regular season and be named to the National Basketball Association All-Defensive First Team;

Whereas Kobe Bryant's 8-point performance in the overtime of Game 4 led the Los Angeles Lakers to 1 of the most dramatic wins in playoff history;

Whereas Coach Phil Jackson, who has won 7 National Basketball Association rings and the highest playoff winning percentage in league history, has proven to be 1 of the most innovative and adaptable coaches in the National Basketball Association;

Whereas the Los Angeles Lakers epitomize Los Angeles pride with their determination, heart, stamina, and amazing comeback ability;

Whereas the support of all the Los Angeles fans and the people of California helped make winning the National Basketball Association Championship possible; and

Whereas the Los Angeles Lakers have started the 21st century meeting the high standards they established in the 20th century: Now, therefore, be it

Resolved, That the United States Senate congratulates the Los Angeles Lakers on winning the 2000 National Basketball Association Championship Title.

Mrs. BOXER. Mr. President, I rise today to salute the new reigning champions of the National Basketball Association—California's own Los Angeles Lakers.

The tradition of greatness continues in Los Angeles. Building on the excellence personified by the likes of Jerry and Wilt the Silt, and later by Magic and Kareem, today's Lakers regained that status by players known around the world by two words: ''Kobe'' and ''Shaq.''

What can you say about Shaquille O'Neal? He is the most dominating force in the game today. He was the most valuable player in the All-Star Game, the regular season and the NBA finals.

Kobe Bryant has that creative, slashing style that is pure excitement. The way he fought through tough injuries to spark the Lakers was an inspiration.

And Mr. President, I would like to acknowledge the rest of the Lakers team. The steady hand and championship experience of Ron Harper was crucial. Robert Harry's stifling defense, strong rebounding and opportunistic scoring were key. Rick Fox, whose ten years' experience and clutch three-pointer in the waning moments of Game Six were invaluable. The persistent of Glenn Rice was matched only by the beauty of his jump shot. A.C. Green, who came back to the Lakers for this championship season, reminded us of his original ''Showtime'' days when he was running the wing with Magic and Worthy. And Brian Shaw and Derek Fisher made big shots and took care of the ball during minutes off the bench. What a team!

Finally, the man who brought all of these elements together, is simply the best of all time—the man they call Zen master, coach Phil Jackson.

The Lakers victories were made more special by the determination of their opponents. Larry Bird and the Indiana Pacers deserve the respect of basketball fans everywhere.

Mr. President, on behalf of millions of adoring Angelenos, California and basketball fans everywhere congratulations to the 2000 World Champion Los Angeles Lakers.

SENATE RESOLUTION 325—WELCOMING KING MOHAMMED VI OF MOROCCO UPON HIS FIRST OFFICIAL VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. ABRAHAM submitted the following resolution; which was considered and agreed to;

S. RES. 325

Whereas Morocco was the first country to recognize the independence of the United States;

Whereas Morocco and the United States signed a Treaty of Friendship and Cooperation in 1787;

Whereas the Treaty of Friendship and Cooperation stands as the basis for the longest unbroken treaty relationship between the United States and a foreign country in the history of the Republic;

Whereas the Treaty of Friendship and Cooperation has established a close, friendly, and productive alliance between the United States and Morocco that has stood the test of history and exists today;

Whereas the close relationship between the United States and Morocco has helped the United States advance important national interests;

Whereas the United States and Morocco have long shared the objectives of securing a true and lasting peace in the Near East region and have worked together to establish and advance the Middle East peace process;

Whereas, under the leadership of the late King Hassan II, Morocco played a critical role in hosting meetings, promoting dialogue, and encouraging moderation in the Middle East, leading to some of the peace process's most important and lasting achievements;

Whereas, with the ascension of the King Hassan II's successor, King Mohammed VI, Morocco is suitably positioned and ably guided by its current leadership to maintain its traditional role in the peace process;

Whereas Morocco and the United States have worked successfully to enhance economic stability, growth, and progress in the

Maghreb region and its environs, including Morocco's role as host to the inaugural Middle East and North Africa Summit held in Casablanca in 1994, and Morocco's continuing prominence in sustaining that dialogue and promoting economic integration with Tunisia and Algeria;

Whereas King Mohammed VI has assumed and expanded the legacy of his father, the late Hassan II, in strengthening the rule of law, promoting the concepts of democracy, human rights and individual liberties, and implementing far-reaching economic and social reforms to benefit all of the people of Morocco;

Whereas the preservation of the rights and freedoms of the Moroccan people and the expansion of reforms in Morocco represent a model for progress and bolster the foreign policy objectives of the United States in the region and elsewhere;

Whereas leading American corporations such as the CMS Energy Corporation, the Boeing Company, the Goodyear Tire and Rubber Company, the Gillette Company, and others are responsible for substantial and increasingly higher levels of trade, investment, and commerce between the United States and Morocco, involving increasingly diverse sectors of the Moroccan and American economies;

Whereas the expansion of economic activity is emerging as a new and increasingly important component of the historical friendship between the United States and Morocco, and is helping to strengthen the fabric of the bilateral relationship and to sustain it throughout the 21st century and beyond;

Whereas the people of the United States and Morocco have long enjoyed fruitful exchanges in fields such as culture, education, politics, science, business, and industry, and Americans of Moroccan origin are making substantial contributions to these and other disciplines in the United States; and

Whereas Morocco and the United States are preparing for the first official visit to the United States by King Mohammed VI to highlight these and other achievements, to celebrate the long history of warm and friendly ties between the two countries, to continue discussions on how to advance and accelerate those objectives common to the United States and Morocco, and to inaugurate a new chapter in the longest unbroken treaty relationship in the history of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE VISIT OF KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES.

The Senate hereby—

(1) welcomes His Majesty King Mohammed VI of Morocco upon his first official visit to the United States;

(2) reaffirms the longstanding, warm, and productive ties between the United States and the Kingdom of Morocco, as established by the Treaty of Friendship and Cooperation of 1787;

(3) pledges its commitment to expand ties between the United States and Morocco, to the mutual benefit of both countries; and

(4) expresses its appreciation to the leadership and people of Morocco for their role in preserving international peace and stability, expanding growth and development in the region, promoting bilateral trade and investment between the United States and Morocco, and advancing democracy, human rights, and justice.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to King Mohammed VI of Morocco.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

DODD AMENDMENT NO. 3475

Mr. DODD proposed an amendment to the bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. ___. ESTABLISHMENT OF NATIONAL BIPARTISAN COMMISSION ON CUBA.

(a) SHORT TITLE.—This section may be cited as the ''National Bipartisan Commission on Cuba Act of 2000''.

(b) PURPOSES.—The purposes of this section are to—

(1) address the serious long-term problems in the relations between the United States and Cuba; and

(2) help build the necessary national consensus on a comprehensive United States policy with respect to Cuba.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the National Bipartisan Commission on Cuba (in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall be composed of 12 members, who shall be appointed as follows:

(A) Three individuals to be appointed by the President pro tempore of the Senate, of whom two shall be appointed upon the recommendation of the Majority Leader of the Senate and of whom one shall be appointed upon the recommendation of the Minority Leader of the Senate.

(B) Three individuals to be appointed by the Speaker of the House of Representatives, of whom two shall be appointed upon the recommendation of the Majority Leader of the House of Representatives and of whom one shall be appointed upon the recommendation of the Minority Leader of the House of Representatives.

(C) Six individuals to be appointed by the President.

(3) SELECTION OF MEMBERS.—Members of the Commission shall be selected from among distinguished Americans in the private sector who are experienced in the field of international relations, especially Cuban affairs and United States-Cuban relations, and shall include representatives from a cross-section of United States interests, including human rights, religion, public health, military, business, agriculture, and the Cuban-American community.

(4) DESIGNATION OF CHAIR.—The President shall designate a Chair from among the members of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chair.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum.

(7) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(d) DUTIES AND POWERS OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall be responsible for an examination and documentation of the specific achievements of United States policy with respect to Cuba and an evaluation of—

(A) what national security risk Cuba poses to the United States and an assessment of any role the Cuban government may play in support of acts of international terrorism and the trafficking of illegal drugs;

(B) the indemnification of losses incurred by United States certified claimants with confiscated property in Cuba; and

(C) the domestic and international impacts of the 39-year-old United States economic, trade and travel embargo against Cuba on—

(i) the relations of the United States with allies of the United States;

(ii) the political strength of Fidel Castro;

(iii) the condition of human rights, religious freedom, and freedom of the press in Cuba;

(iv) the health and welfare of the Cuban people;

(v) the Cuban economy; and

(vi) the United States economy, business, and jobs.

(2) CONSULTATION RESPONSIBILITIES.—In carrying out its duties under paragraph (1), the Commission shall consult with governmental leaders of countries substantially impacted by the current state of United States-Cuban relations, particularly countries impacted by the United States trade embargo against Cuba, and with the leaders of nongovernmental organizations operating in those countries.

(3) POWERS OF THE COMMISSION.—The Commission may, for the purpose of carrying out its duties under this subsection, hold hearings, sit and act at times and places in the United States, take testimony, and receive evidence as the Commission considers advisable to carry out the provisions of this section.

(e) REPORT OF THE COMMISSION.—

(1) IN GENERAL.—Not later than 225 days after the date of enactment of this Act, the Commission shall submit a report to the President, the Secretary of State, and Congress setting forth its recommendations for United States policy options based on its evaluations under subsection (d).

(2) CLASSIFIED FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, together with a classified annex, if necessary.

(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include the individual or dissenting views of the member in the report required by paragraph (1).

(f) ADMINISTRATION.—

(1) COOPERATION BY OTHER FEDERAL AGENCIES.—The heads of Executive agencies shall, to the extent permitted by law, provide the Commission such information as it may require for purposes of carrying out its functions.

(2) COMPENSATION.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services of the Commission.

(3) ADMINISTRATIVE SUPPORT.—The Secretary of State shall, to the extent permitted by law, provide the Commission with such administrative services, funds, facilities, staff, and other support services as may be necessary for the performance of its functions.

(g) APPLICABILITY OF OTHER LAWS.—The Federal Advisory Committee Act shall not apply to the Commission to the extent that the provisions of this section are inconsistent with that Act.

(h) TERMINATION DATE.—The Commission shall terminate 60 days after submission of the report required by subsection (e).

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

BAUCUS (AND ROBERTS) AMENDMENT NO. 3476

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ___. USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

WARNER (AND OTHERS) AMENDMENT NO. 3477

Mr. WARNER (for himself, Mr. STEVENS, and Mr. INOUYE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. JOINT TECHNOLOGY INFORMATION CENTER INITIATIVE.

Of the amount authorized to be appropriated under section 201(4)—

(1) $20,000,000 shall be available for the Joint Technology Information Center Initiative; and

(2) the amount provided for cyber attack sensing and warning under the information systems security program (account 0303140G) is reduced by $20,000,000.

LEVIN (AND LANDRIEU) AMENDMENT NO. 3478

Mr. LEVIN (for himself and Ms. LANDRIEU) proposed an amendment to the bill S. 2549, supra; as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. UNITED STATES-RUSSIAN FEDERATION JOINT DATA EXCHANGE CENTER ON EARLY WARNING SYSTEMS AND NOTIFICATION OF MISSILE LAUNCHES.

(a) AUTHORITY.—The Secretary of Defense is authorized to establish, in conjunction with the Government of the Russian Federation, a United States-Russian Federation joint center for the exchange of data from early warning systems and for notification of missile launches.

(b) SPECIFIC ACTIONS.—The actions that the Secretary jointly undertakes for the establishment of the center may include the renovation of a mutually agreed upon facility to be made available by the Russian Federation and the provision of such equipment and supplies as may be necessary to commence the operation of the center.

MCCAIN AMENDMENT NO. 3479

Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 2549, supra; as follows:

On page 239, after line 22, insert the following:

SEC. 656. BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS APPROVED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR DURING WORLD WAR II.

(a) ENTITLEMENT OF FORMER PRISONERS OF WAR.—Upon receipt of a claim made in accordance with this section, the Secretary of the Navy shall pay back pay to a claimant who, by reason of being interned as a prisoner of war while serving as a member of the Navy or the Marine Corps during World War II, was not available to accept a promotion for which the claimant was approved.

(b) PROPER CLAIMANT FOR DECEASED FORMER MEMBER.—In the case of a person described in subsection (a) who is deceased, the back pay for that deceased person under this section shall be paid to a member or members of the family of the deceased person determined appropriate in the same manner as is provided in section 6(c) of the War Claims Act of 1948 (50 U.S.C. App. 2005(c)).

(c) AMOUNT OF BACK PAY.—The amount of back pay payable to or for a person described in subsection (a) is the amount equal to the excess of—

(1) the total amount of basic pay that would have been paid to that person for service in the Navy or the Marine Corps if the person had been promoted on the date on which the promotion was approved, over

(2) the total amount of basic pay that was paid to or for that person for such service on and after that date.

(d) TIME LIMITATIONS.—(1) To be eligible for a payment under this section, a claimant must file a claim for such payment with the Secretary of Defense within two years after the effective date of the regulations implementing this section.

(2) Not later than 18 months after receiving a claim for payment under this section, the Secretary shall determine the eligibility of the claimant for payment of the claim. Subject to subsection (f), if the Secretary determines that the claimant is eligible for the payment, the Secretary shall promptly pay the claim.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include procedures by which persons may submit claims for payment under this section. Such regulations shall be prescribed not later than six months after the date of the enactment of this Act.

(f) LIMITATION ON DISBURSEMENT.—(1) Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, the actual disbursement of a payment under this section may be made only to each person who is eligible for the payment under subsection (a) or (b) and only—

(A) upon the appearance of that person, in person, at any designated disbursement office in the United States or its territories; or

(B) at such other location or in such other manner as that person may request in writing.

(2) In the case of a claim approved for payment but not disbursed as a result of operation of paragraph (1), the Secretary of Defense shall hold the funds in trust for the person in an interest bearing account until such time as the person makes an election under such paragraph.

(g) ATTORNEY FEES.—Notwithstanding any contract, the representative of a person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this section, more than 10 percent of the amount of a payment made under this section on that claim.

(h) OUTREACH.—The Secretary of the Navy shall take such actions as are necessary to ensure that the benefits and eligibility for benefits under this section are widely publicized by means designed to provide actual notice of the availability of the benefits in a timely manner to the maximum number of eligible persons practicable.

(i) DEFINITION.—In this section, the term ''World War II'' has the meaning given the term in section 101(8) of title 38, United States Code.

DURBIN (AND OTHERS) AMENDMENT NO. 3480

Mr. LEVIN (for Mr. DURBIN (for himself, Mr. AKAKA, and Mr. VOINOVICH)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. STUDENT LOAN REPAYMENT PROGRAMS.

(a) STUDENT LOANS.—Section 5379(a)(1)(B) of title 5, United States Code, is amended—

(1) in clause (i), by inserting ''(20 U.S.C. 1071 et seq.)'' before the semicolon;

(2) in clause (ii), by striking ''part E of title IV of the Higher Education Act of 1965'' and inserting ''part D or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq., 1087aa et seq.)''; and

(3) in clause (iii), by striking ''part C of title VII of Public Health Service Act or under part B of title VIII of such Act'' and inserting ''part A of title VII of the Public Health Service Act (42 U.S.C. 292 et seq.) or under part E of title VIII of such Act (42 U.S.C. 297a et seq.)''.

(b) PERSONNEL COVERED.—

(1) INELIGIBLE PERSONNEL.—Section 5379(a)(2) of title 5, United States Code, is amended to read as follows:

''(2) An employee shall be ineligible for benefits under this section if the employee occupies a position that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.''.

(2) PERSONNEL RECRUITED OR RETAINED.—Section 5379(b)(1) of title 5, United States Code, is amended by striking ''professional, technical, or administrative''.

(c) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Personnel Management (referred to in this section as the ''Director'') shall issue proposed regulations under section 5379(g) of title 5, United States Code. The Director shall provide for a period of not less than 60 days for public comment on the regulations.

(2) FINAL REGULATIONS.—Not later than 240 days after the date of enactment of this Act, the Director shall issue final regulations described in paragraph (1).

(d) ANNUAL REPORTS.—Section 5379 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) Each head of an agency shall maintain, and annually submit to the Director of the Office of Personnel Management, information with respect to the agency on—

''(A) the number of Federal employees selected to receive benefits under this section;

''(B) the job classifications for the recipients; and

''(C) the cost to the Federal Government of providing the benefits.

''(2) The Director of the Office of Personnel Management shall prepare, and annually submit to Congress, a report containing the

information submitted under paragraph (1), and information identifying the agencies that have provided the benefits described in paragraph (1).''.

DEWINE (AND OTHERS) AMENDMENT NO. 3481

Mr. WARNER (for Mr. DEWINE (for himself, Mrs. HUTCHISON, Mr. GRASSLEY, Mr. BREAUX, Ms. LANDRIEU, Mr. MACK, Mr. GRAHAM, and Mr. COVERDELL)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. TETHERED AEROSTAT RADAR SYSTEM (TARS) SITES.

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

(1) Failure to operate and standardize the current Tethered Aerostat Radar System (TARS) sites along the Southwest border of the United States and the Gulf of Mexico will result in a degradation of the counterdrug capability of the United States.

(2) Most of the illicit drugs consumed in the United States enter the United States through the Southwest border, the Gulf of Mexico, and Florida.

(3) The Tethered Aerostat Radar System is a critical component of the counterdrug mission of the United States relating to the detection and apprehension of drug traffickers.

(4) Preservation of the current Tethered Aerostat Radar System network compels drug traffickers to transport illicit narcotics into the United States by more risky and hazardous routes.

(b) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated by section 301(20) for Drug Interdiction and Counter-drug Activities, Defense-wide, up to $33,000,000 may be made available to Drug Enforcement Policy Support (DEP&S) for purposes of maintaining operations of the 11 current Tethered Aerostat Radar System (TARS) sites and completing the standardization of such sites located along the Southwest border of the United States and in the States bordering the Gulf of Mexico.

LANDRIEU AMENDMENT NO. 3482

Mr. LEVIN (for Ms. LANDRIEU) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 32, after line 24, add the following:

SEC. 142. INTEGRATED BRIDGE SYSTEMS FOR NAVAL SYSTEMS SPECIAL WARFARE RIGID INFLATABLE BOATS AND HIGH-SPEED ASSAULT CRAFT.

(a) INCREASE IN AUTHORIZATION FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated by section 104 for procurement, Defense-wide, is hereby increased by $7,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 104, as increased by subsection (a), $7,000,000 shall be available for the procurement and installation of integrated bridge systems for naval systems special warfare rigid inflatable boats and high-speed assault craft for special operations forces.

(c) OFFSET.—The amount authorized to be appropriated by section 103(4), for other procurement for the Air Force, is hereby reduced by $7,000,000.

INHOFE AMENDMENT NO. 3483

Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 48, between lines 20 and 21, insert the following:

SEC. 222. AMMUNITION RISK ANALYSIS CAPABILITIES.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation Defense-wide, the amount available for Explosives Demilitarization Technology (PE603104D) is hereby increased by $5,000,000, with the amount of such increase available for research into ammunition risk analysis capabilities.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(4), the amount available for Computing Systems and Communications Technology (PE602301E) is hereby decreased by $5,000,000.

KERREY AMENDMENT NO. 3484

Mr. LEVIN (for Mr. KERREY) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 200, following line 23, add the following:

SEC. 566. PREPARATION, PARTICIPATION, AND CONDUCT OF ATHLETIC COMPETITIONS AND SMALL ARMS COMPETITIONS BY THE NATIONAL GUARD AND MEMBERS OF THE NATIONAL GUARD.

(a) PREPARATION AND PARTICIPATION OF MEMBERS GENERALLY.—Subsection (a) of section 504 of title 32, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) in paragraph (3)—

(A) by inserting ''prepare for and'' before ''participate''; and

(B) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(4) prepare for and participate in qualifying athletic competitions.''.

(b) CONDUCT OF COMPETITIONS.—That section is further amended by adding at the end the following new subsection:

''(c)(1) Units of the National Guard may conduct small arms competitions and athletic competitions in conjunction with training required under this chapter if such activities would meet the requirements set forth in paragraphs (1), (3), and (4) of section 508(a) of this title if such activities were services to be provided under that section.

''(2) Facilities and equipment of the National Guard, including military property and vehicles described in section 508(c) of this title, may be used in connection with activities under paragraph (1).''.

(c) AVAILABILITY OF FUNDS.—That section is further amended by adding at the end the following new subsection:

''(d) Subject to provisions of appropriations Acts, amounts appropriated for the National Guard may be used in order to cover the costs of activities under subsection (c) and of expenses of members of the National Guard under paragraphs (3) and (4) of subsection (a), including expenses of attendance and participation fees, travel, per diem, clothing, equipment, and related expenses.''.

(d) QUALIFYING ATHLETIC COMPETITIONS DEFINED.—That section is further amended by adding at the end the following new subsection:

''(e) In this section, the term 'qualifying athletic competition' means a competition in athletic events that require skills relevant to military duties or involve aspects of physical fitness that are evaluated by the armed forces in determining whether a member of the National Guard is fit for military duty.''.

(e) CONFORMING AND CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

''§ 504. National Guard schools; small arms competitions; athletic competitions''.

(2) The table of sections at the beginning of chapter 5 of that title is amended by striking the item relating to section 504 and inserting the following new item:

''504. National Guard schools; small arms competitions; athletic competitions.''.

VOINOVICH (AND DEWINE) AMENDMENT NO. 3485

Mr. WARNER (for Mr. VOINOVICH (for himself and Mr. DEWINE)) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 436, between lines 2 and 3, insert the following:

SEC. 1114. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2001'' and inserting ''September 30, 2005''.

SEC. 1115. EXTENSION, REVISION, AND EXPANSION OF AUTHORITIES FOR USE OF VOLUNTARY SEPARATION INCENTIVE PAY AND VOLUNTARY EARLY RETIREMENT.

(a) EXTENSION OF AUTHORITY.—Subsection (e) of section 5597 of title 5, United States Code, is amended by striking ''September 30, 2003'' and inserting ''September 30, 2005''.

(b) REVISION AND ADDITION OF PURPOSES FOR DEPARTMENT OF DEFENSE VSIP.—Subsection (b) of such section is amended by inserting after ''transfer of function,'' the following: ''restructuring of the workforce (to meet mission needs, achieve one or more strength reductions, correct skill imbalances, or reduce the number of high-grade, managerial, or supervisory positions in accordance with the strategic plan required under section 1118 of the National Defense Authorization Act for Fiscal Year 2001),''.

(c) ELIGIBILITY.—Subsection (c) of such section is amended—

(1) in paragraph (2), by inserting ''objective and nonpersonal'' after ''similar''; and

(2) by adding at the end the following:

''A determination of which employees are within the scope of an offer of separation pay shall be made only on the basis of consistent and well-documented application of the relevant criteria.''.

(d) INSTALLMENT PAYMENTS.—Subsection (d) of such section is amended—

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

''(1) shall be paid in a lump-sum or in installments;'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) if paid in installments, shall cease to be paid upon the recipient's acceptance of employment by the Federal Government, or commencement of work under a personal services contract, as described in subsection (g)(1).''.

(e) APPLICABILITY OF REPAYMENT REQUIREMENT TO REEMPLOYMENT UNDER PERSONAL SERVICES CONTRACTS.—Subsection (g)(1) of such section is amended by inserting after ''employment with the Government of the United States'' the following: '', or who commences work for an agency of the United States through a personal services contract with the United States,''.

SEC. 1116. DEPARTMENT OF DEFENSE EMPLOYEE VOLUNTARY EARLY RETIREMENT AUTHORITY.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8336 of title 5, United States Code, is amended—

(1) in subsection (d)(2), by inserting ''except in the case of an employee described in subsection (o)(1),'' after ''(2)''; and

(2) by adding at the end the following:

''(o)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service voluntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office, upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8414 of such title is amended—

(1) in subsection (b)(1)(B), by inserting ''except in the case of an employee described in subsection (d)(1),'' after ''(B)''; and

(2) by adding at the end the following:

''(d)(1) An employee of the Department of Defense who, before October 1, 2005, is separated from the service after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an immediate annuity under this subchapter if the employee is eligible for the annuity under paragraph (2) or (3).

''(2)(A) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee—

''(i) is separated from the service involuntarily other than for cause; and

''(ii) has not declined a reasonable offer of another position in the Department of Defense for which the employee is qualified, which is not lower than 2 grades (or pay levels) below the employee's grade (or pay level), and which is within the employee's commuting area.

''(B) For the purposes of paragraph (2)(A)(i), a separation for failure to accept a directed reassignment to a position outside the commuting area of the employee concerned or to accompany a position outside of such area pursuant to a transfer of function may not be considered to be a removal for cause.

''(3) An employee referred to in paragraph (1) is eligible for an immediate annuity under this paragraph if the employee satisfies all of the following conditions:

''(A) The employee is separated from the service voluntarily during a period in which the organization within the Department of Defense in which the employee is serving is undergoing a major organizational adjustment.

''(B) The employee has been employed continuously by the Department of Defense for more than 30 days before the date on which the head of the employee's organization requests the determinations required under subparagraph (A).

''(C) The employee is serving under an appointment that is not limited by time.

''(D) The employee is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance.

''(E) The employee is within the scope of an offer of voluntary early retirement, as defined on the basis of one or more of the following objective criteria:

''(i) One or more organizational units.

''(ii) One or more occupational groups, series, or levels.

''(iii) One or more geographical locations.

''(iv) Any other similar objective and nonpersonal criteria that the Office of Personnel Management determines appropriate.

''(4) Under regulations prescribed by the Office of Personnel Management, the determinations of whether an employee meets—

''(A) the requirements of subparagraph (A) of paragraph (3) shall be made by the Office upon the request of the Secretary of Defense; and

''(B) the requirements of subparagraph (E) of such paragraph shall be made by the Secretary of Defense.

''(5) A determination of which employees are within the scope of an offer of early retirement shall be made only on the basis of consistent and well-documented application of the relevant criteria.

''(6) In this subsection, the term 'major organizational adjustment' means any of the following:

''(A) A major reorganization.

''(B) A major reduction in force.

''(C) A major transfer of function.

''(D) A workforce restructuring—

''(i) to meet mission needs;

''(ii) to achieve one or more reductions in strength;

''(iii) to correct skill imbalances; or

''(iv) to reduce the number of high-grade, managerial, supervisory, or similar positions.''.

(c) CONFORMING AMENDMENTS.—(1) Section 8339(h) of such title is amended by striking out ''or (j)'' in the first sentence and inserting ''(j), or (o)''.

(2) Section 8464(a)(1)(A)(i) of such title is amended by striking out ''or (b)(1)(B)'' and '', (b)(1)(B), or (d)''.

(d) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section—

(1) shall take effect on October 1, 2000; and

(2) shall apply with respect to an approval for voluntary early retirement made on or after that date.

SEC. 1117. RESTRICTIONS ON PAYMENTS FOR ACADEMIC TRAINING.

(a) SOURCES OF POSTSECONDARY EDUCATION.—Subsection (a) of section 4107 of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following:

''(3) any course of postsecondary education that is administered or conducted by an institution not accredited by a national or regional accrediting body (except in the case of a course or institution for which standards for accrediting do not exist or are determined by the head of the employee's agency as being inappropriate), regardless of whether the course is provided by means of classroom instruction, electronic instruction, or otherwise.''.

(b) WAIVER OF RESTRICTION ON DEGREE TRAINING.—Subsection (b)(1) of such section is amended by striking ''if necessary'' and all that follows through the end and inserting ''if the training provides an opportunity for an employee of the agency to obtain an academic degree pursuant to a planned, systematic, and coordinated program of professional development approved by the head of the agency.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—The heading for such section is amended to read as follows:

''§ 4107. Restrictions''.

(3) The item relating to such section in the table of sections at the beginning of chapter 41 of title 5, United States Code, is amended to read as follows:

''4107. Restrictions.''.

SEC. 1118. STRATEGIC PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than six months after the date of the enactment of this Act, and before exercising any of the authorities provided or extended by the amendments made by sections 1115 through 1117, the Secretary of Defense shall submit to the appropriate committees of Congress a strategic plan for the exercise of such authorities. The plan shall include an estimate of the number of Department of Defense employees that would be affected by the uses of authorities as described in the plan.

(b) CONSISTENCY WITH DOD PERFORMANCE AND REVIEW STRATEGIC PLAN.—The strategic plan submitted under subsection (a) shall be consistent with the strategic plan of the Department of Defense that is in effect under section 306 of title 5, United States Code.

(c) APPROPRIATE COMMITTEES.—For the purposes of this section, the appropriate committees of Congress are as follows:

(1) The Committee on Armed Services and the Committee on Governmental Affairs of the Senate.

(2) The Committee on Armed Services and the Committee on Government Reform of the House of Representatives.

BOXER AMENDMENT NO. 3486

Mr. LEVIN (for Mrs. BOXER) proposed an amendment to the bill, S. 2549, supra; as follows:

On page 270, between lines 16 and 17, insert the following:

SEC. 743. BLUE RIBBON ADVISORY PANEL ON DEPARTMENT OF DEFENSE POLICIES REGARDING THE PRIVACY OF INDIVIDUAL MEDICAL RECORDS.

(a) ESTABLISHMENT.—(1) There is hereby established an advisory panel to be known as the Blue Ribbon Advisory Panel on Department of Defense Policies Regarding the Privacy of Individual Medical Records (in this section referred to as the ''Panel'').

(2)(A) The Panel shall be composed of 7 members appointed by the President, of whom—

(i) at least one shall be a member of a consumer organization;

(ii) at least one shall be a medical professional;

(iii) at least one shall have a background in medical ethics; and

(iv) at least one shall be a member of the Armed Forces.

(B) The appointments of the members of the Panel shall be made not later than 30 days after the date of the enactment of this Act.

(3) No later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(4) The Panel shall select a Chairman and Vice Chairman from among its members.

(b) DUTIES.—(1) The Panel shall conduct a thorough study of all matters relating to the policies and practices of the Department of Defense regarding the privacy of individual medical records.

(2) Not later than April 30, 2001, the Panel shall submit a report to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Panel, together with its recommendations for such legislation and administrative actions as it considers appropriate to ensure the privacy of individual medical records.

(c) POWERS.—(1) The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this section.

(2) The Panel may secure directly from the Department of Defense, and any other Federal department or agency, such information as the Panel considers necessary to carry out the provisions of this section. Upon request of the Chairman of the Panel, the Secretary of Defense, or the head of such department or agency, shall furnish such information to the Panel.

(3) The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) The Panel may accept, use, and dispose of gifts or donations of services or property.

(5) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report under subsection (b)(2).

(e) FUNDING.—(1) Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Panel such sums as the Panel may require for its activities under this section.

(2) Any sums made available under paragraph (1) shall remain available, without fiscal year limitation, until expended.

WARNER AMENDMEMT NO. 3487

Mr. WARNER proposed an amendment to the bill, S. 2549, supra; as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. EXPANSION OF AUTHORITY TO EXEMPT GEODETIC PRODUCTS OF THE DEPARTMENT OF DEFENSE FROM PUBLIC DISCLOSURE.

Section 455(b)(1)(C) of title 10, United States Code, is amended by striking ''or reveal military operational or contingency plans'' and inserting '', reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities''.

BINGAMAN AMENDMENT NO. 3488

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 2549, supra; as follows:

On page 31, after line 25, add the following:

SEC. 132. CONVERSION OF AGM–65 MAVERICK MISSILES.

(a) INCREASE IN AMOUNT.—The amount authorized to be appropriated by section 103(3) for procurement of missiles for the Air Force is hereby increased by $2,100,000.

(b) AVAILABILITY OF AMOUNT.—(1) Of the amount authorized to be appropriated by section 103(3), as increased by subsection (a), $2,100,000 shall be available for In-Service Missile Modifications for the purpose of the conversion of Maverick missiles in the AGM–65B and AGM–65G configurations to Maverick missiles in the AGM–65H and AGM–65K configurations.

(2) The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $2,100,000, with the amount of the reduction applicable to amounts available under that section for ALE–50 Code Decoys.

SANTORUM AMENDMENT NO. 3489

Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 2549, supra; as follows:

On page 25, between lines 13 and 14, insert the following:

SEC. 113. RAPID INTRAVENOUS INFUSION PUMPS.

Of the amount authorized to be appropriated under section 101(5)—

(1) $6,000,000 shall be available for the procurement of rapid intravenous infusion pumps; and

(2) the amount provided for the family of medium tactical vehicles is hereby reduced by $6,000,000.

WARNER AMENDMENT NO. 3490

Mr. WARNER proposed an amendment to the bill S. 2549, supra; as follows:

On page 58, between lines 7 and 8, insert the following:

SEC. 313. MOUNTED URBAN COMBAT TRAINING SITE, FORT KNOX, KENTUCKY.

Of the total amount authorized to be appropriated under section 301(1) for training range upgrades, $4,000,000 is available for the Mounted Urban Combat Training site, Fort Knox, Kentucky.

SEC. 314. MK–45 OVERHAUL.

Of the total amount authorized to be appropriated under section 301(1) for maintenance, $12,000,000 is available for overhaul of MK–45 5-inch guns.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

BINGAMAN (AND OTHERS) AMENDMENT NO. 3491

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. WARNER, Mr. ROBERTS, Mr. CLELAND, Mr. SMITH of New Hampshire, and Mr. HARKIN) submitted and amendment intended to be proposed by them to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. 591. It is the sense of the Senate that nothing in this Act regarding the assistance provided to Estonia, Latvia, and Lithuania under the heading ''FOREIGN MILITARY FINANCING PROGRAM'' should be interpreted as expressing the sense of the Senate regarding an acceleration of the accession of Estonia, Latvia, or Lithuania to the North Atlantic Treaty Organization (NATO).

SESSIONS AMENDMENT NO. 3492

Mr. SESSIONS proposed an amendment to the bill S. 2522, supra; as follows:

On page 144, strike line 22 and insert the following:

aiding and abetting these groups; and

(D) the United States Government publicly supports the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to resolve effectively the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

BROWNBACK AMENDMENT NO. 3493

Mr. BROWNBACK proposed an amendment to the bill, S. 2522, supra; as follows:

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

SEC. ___. AVAILABILITY OF APPROPRIATED FUNDS FOR INDIA.

Funds appropriated by this Act (other than funds appropriated under the heading ''FOREIGN MILITARY FINANCING PROGRAM'') may be made available for assistance for India notwithstanding any other provision of law: *Provided*, That, for the purpose of this section, the term ''assistance'' includes any direct loan, credit, insurance, or guarantee of the Export-Import Bank of the United States or its agents: *Provided further*, That, during fiscal year 2001, section 102(b)(2)(E) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(E)) may not apply to India.

NICKLES AMENDMENT NO. 3494

Mr. NICKLES submitted an amemdment intended to be proposed to the bill, S. 2522, supra; as follows:

On page 155, between lines 18 and 19, insert the following:

SEC. 6107. CUSTOMS TRAINING AND STANDARDIZATION FACILITY.

Of the funds appropriated under this chapter, $20,800,000 shall be made available to the United States Customs Service to establish a program to standardize aviation assets in order to enhance operational safety and facilitate uniformity in aviation training, to be headquartered at the Customs National Aviation Center at Will Rogers International Airport in Oklahoma City, Oklahoma, which shall also be the site for the 3 new light enforcement helicopters and any other assets or support facilities necessary for standardization of operation or training activities of the Customs Service Air Interdiction Division.

MCCAIN AMENDMENT NO. 3495

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment to be proposed by him to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SEC. ___. SENSE OF SENATE REGARDING ZIMBABWE.

(a) FINDINGS.—The Senate finds that—

(1) people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

(2) Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

(3) the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

(4) a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

(5) the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

(6) previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

(7) recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

(8) violence has been directed toward individuals of all races;

(9) the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

(10) the offices of a leading independent newspaper in Zimbabwe have been bombed;

(11) the Government of Zimbabwe has not yet publicly condemned the recent violence;

(12) President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

(13) 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

(14) the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

(15) the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

(16) the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

(17) events in Zimbabwe could threaten stability and economic development in the entire region.

(18) the Goverment of Zimbabwe has rejected international election observation delegation accreditation for United States-based nongovernmental organizations, including the International Republican Institute and National Democratic Institute, and is also denying accreditation for other nongovernmental organizations and election observers of certain specified nationalities.

(b) SENSE OF THE SENATE.—The Senate—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted principles of international law and which take place after the holding of free and fair parliamentary elections;

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society, and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic and international election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulates all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation; and

(9) desires a lasting, warm, and mutually beneficial relationship between the United States and a democratic, peaceful Zimbabwe.

SESSIONS AMENDMENT NO. 3496

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment to be proposed by him to the bill, S. 2522, supra; as follows:

On page 140, between lines 19 and 20, insert the following:

SENSE OF SENATE REGARDING THE INSURGENT CRISIS IN THE REPUBLIC OF COLOMBIA

SEC. 591. (a) FINDINGS.—The Senate makes the following findings:

(1) The armed conflict and resulting lawlessness and violence in Colombia present a danger to the security of the United States and the other nations in the Western Hemisphere and to law enforcement efforts intended to impede the flow of narcotics.

(2) Colombia is the second oldest democracy in the Western Hemisphere with a history of open and friendly relations with the United States.

(3) In 1998, two-way trade between the United States and Colombia was more than $11,000,000,000, making the United States Colombia's number one trading partner and Colombia the fifth largest market for United States exports in Latin America.

(4) Colombia is faced with multiple wars, against the Marxist Colombian Revolutionary Armed Forces (FARC), the Marxist National Liberation Army (ELN), paramilitary organizations, and international narcotics trafficking kingpins.

(5) The FARC and ELN engage in systematic extortion and murder of United States citizens, profit from the illegal drug trade, and engage in indiscriminate crimes against Colombian civilians and security forces. These crimes include kidnapping, torture, and murder.

(6) Thirty-four percent of world terrorist acts are committed in Colombia, making it the world's third most dangerous country in terms of political violence.

(7) Colombia is the kidnapping capital of the world, with 2,609 kidnappings reported in 1998.

(8) During the last decade more than 35,000 Colombians have been killed.

(9) The conflict in Colombia is creating instability along its borders with neighboring countries Ecuador, Panama, Peru, and Venezuela.

(10) The United States has a vital national interest in assisting Colombia in the resolution of these conflicts due to the inherent problems associated with Colombian drug trafficking and production.

(11) The United States has a vital national interest in assisting Colombia in the resolution of these conflicts due to the strong economic and political relationship that exists between the two countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should support the military and political efforts of the Government of Colombia, consistent with human rights, that are necessary to effectively resolve the conflicts with the armed insurgents that threaten the territorial integrity, economic prosperity, and rule of law in Colombia.

NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 28, 2000 at 2:30 p.m. in room 485 of the Russell Senate Building to mark up pending committee business, to be followed by a hearing on S. 2283, to amend the Transportation Equity Act (TEA–21) to make certain amendments with respect to Indian tribes.

Those wishing additional information may contact committee staff at 202/224–2251.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a two day hearing entitled ''HUD's Government Insured Mortgages: The Problem of Property 'Flipping.'" This Subcommittee hearing will focus on the current nationwide mortgage fraud crisis.

The hearings will take place on Thursday, June 29, 2000, and Friday, June 30, 2000, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact K. Lee Blalack of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, June 20, 2000. The purpose of this meeting will be to mark up new legislation and nominations.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 20, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 10:15 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, June 20, 2000 at 10:00 a.m. in SD–215 for a public hearing on Dispute Settlement and the WTO.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Federal Service Programs during the session of the Senate on Tuesday, June 20, 2000 at 9:30 a.m.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. SMITH. Mr. President, I ask unanimous consent that the subcommittee on Housing and Transportation be authorized to meet during the session of the Senate on Tuesday, June 20, 2000, to conduct a hearing on proposals to promote affordable housing.

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

PRIVILEGES OF THE FLOOR

Mr. SMITH of New Hampshire. Mr. President, on behalf of Senator HUTCHINSON of Arkansas, I ask unanimous consent that Lt. Col. Tim Wiseman, a legislative fellow on Senator HUTCHINSON's, staff, and Andrea Smalec, also a member of Senator HUTCHINSON's staff, be granted the privilege of the floor for the remainder of today's debate.

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

Mr. MCCONNELL. Mr. President, I ask Unanimous Consent that Gary Tomasulo, a legislative fellow in the office of Senator MIKE DEWINE, be granted floor privileges during consideration of the foreign operations, export financing, and related programs appropriations bill.

Mr. President, I also ask unanimous consent that the privilege of the floor be granted to Eric Akers of the Senate Caucus on International Narcotics Control during the consideration of the Senate foreign operations appropriations bill.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that John Underriner, a fellow in Senator HARKIN's office, be granted floor privileges for the duration of the Senate's consideration of S. 2522.

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

WELCOMING KING MOHAMMED VI OF MOROCCO

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 325, submitted earlier by Senator ABRAHAM.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 325) welcoming King Mohammed VI of Morocco upon his first official visit to the United States of America.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ABRAHAM. Mr. President, I am pleased the Senate is considering a resolution today that commemorates the state visit of the King of Morocco. I extend my warmest welcome to His Majesty King Mohammed VI of Morocco on the occasion of his first official visit to the United States of America. It is my hope that my colleagues will join me in welcoming the King with swift adoption of this resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas Morocco was the first country to recognize the independence of the United States;

Whereas Morocco and the United States signed a Treaty of Friendship and Cooperation in 1787;

Whereas the Treaty of Friendship and Cooperation stands as the basis for the longest unbroken treaty relationship between the United States and a foreign country in the history of the Republic;

Whereas the Treaty of Friendship and Cooperation has established a close, friendly, and productive alliance between the United States and Morocco that has stood the test of history and exists today;

Whereas the close relationship between the United States and Morocco has helped the United States advance important national interests;

Whereas the United States and Morocco have long shared the objectives of securing a true and lasting peace in the Near East region and have worked together to establish and advance the Middle East peace process;

Whereas, under the leadership of the late King Hassan II, Morocco played a critical role in hosting meetings, promoting dialogue, and encouraging moderation in the Middle East, leading to some of the peace process's most important and lasting achievements;

Whereas, with the ascension of the King Hassan II's successor, King Mohammed VI, Morocco is suitably positioned and ably guided by its current leadership to maintain its traditional role in the peace process;

Whereas Morocco and the United States have worked successfully to enhance economic stability, growth, and progress in the Maghreb region and its environs, including Morocco's role as host to the inaugural Middle East and North Africa Summit held in Casablanca in 1994, and Morocco's continuing prominence in sustaining that dialogue and promoting economic integration with Tunisia and Algeria;

Whereas King Mohammed VI has assumed and expanded the legacy of his father, the late Hassan II, in strengthening the rule of law, promoting the concepts of democracy, human rights and individual liberties, and implementing far-reaching economic and social reforms to benefit all of the people of Morocco;

Whereas the preservation of the rights and freedoms of the Moroccan people and the expansion of reforms in Morocco represent a model for progress and bolster the foreign policy objectives of the United States in the region and elsewhere;

Whereas leading American corporations such as the CMS Energy Corporation, the Boeing Company, the Goodyear Tire and Rubber Company, the Gillette Company, and others are responsible for substantial and increasingly higher levels of trade, investment, and commerce between the United States and Morocco, involving increasingly diverse sectors of the Moroccan and American economies;

Whereas the expansion of economic activity is emerging as a new and increasingly important component of the historical friendship between the United States and Morocco, and is helping to strengthen the fabric of the bilateral relationship and to sustain it throughout the 21st century and beyond;

Whereas the people of the United States and Morocco have long enjoyed fruitful exchanges in fields such as culture, education, politics, science, business, and industry, and Americans of Moroccan origin are making substantial contributions to these and other disciplines in the United States; and

Whereas Morocco and the United States are preparing for the first official visit to the United States by King Mohammed VI to highlight these and other achievements, to celebrate the long history of warm and friendly ties between the two countries, to continue discussions on how to advance and accelerate those objectives common to the United States and Morocco, and to inaugurate a new chapter in the longest unbroken

treaty relationship in the history of the United States: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON THE VISIT OF KING MOHAMMED VI OF MOROCCO TO THE UNITED STATES.

The Senate hereby—

(1) welcomes His Majesty King Mohammed VI of Morocco upon his first official visit to the United States;

(2) reaffirms the longstanding, warm, and productive ties between the United States and the Kingdom of Morocco, as established by the Treaty of Friendship and Cooperation of 1787;

(3) pledges its commitment to expand ties between the United States and Morocco, to the mutual benefit of both countries; and

(4) expresses its appreciation to the leadership and people of Morocco for their role in preserving international peace and stability, expanding growth and development in the region, promoting bilateral trade and investment between the United States and Morocco, and advancing democracy, human rights, and justice.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to King Mohammed VI of Morocco.

ORDERS FOR WEDNESDAY, JUNE 21, 2000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask unanimous 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 for morning business, with Senators permitted to speak for up to 5 minutes each.

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

Mr. MCCONNELL. With regard to the Sessions amendment No. 3492, I ask unanimous consent that no second-degree amendments be in order prior to a vote in relation to the amendment.

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

PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. tomorrow and will be in a period for morning business until approximately 10:45 a.m. Under the order, Senator GRAHAM of Florida and Senator VOINOVICH of Ohio are in control of the time. Following the use of that time, the Senate will resume consideration of the foreign operations appropriations bill, with Senator WELLSTONE to be recognized to offer his amendment regarding Colombia. Under the previous order, there will be 2 hours 15 minutes for debate on the Wellstone amendment. As a reminder, first-degree amendments must be filed to the foreign operations appropriations bill by 3 o'clock tomorrow afternoon. A vote on final passage of this important spending bill is expected prior to adjourning tomorrow evening. Therefore, all Senators may expect votes throughout the day and into the evening.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of the Senator from West Virginia, Mr. BYRD, and the remarks of the Senator from Alabama, Mr. SESSIONS.

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

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. If the Senator from West Virginia would give me 1 to 2 minutes before his remarks, I would be finished and glad to yield the floor to him.

Mr. BYRD. Mr. President, I learned a long time ago that a good Boy Scout should do a good deed every day. I want to do my good deed at this moment. I am very happy for the Senator to speak as long as he wishes, and then I will follow him.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank the Senator from West Virginia for his courtesy.

COMMENDING SENATOR BROWNBACK FOR HIS STATEMENT ON INDIA

Mr. SESSIONS. Mr. President, a few moments ago the Senator who is presiding over the Senate spoke on the floor, expressing some views about the nation of India. I believe the Senator raised a very important matter that is too little discussed in our Government, in our news media, and in this country. It seems to me every time I have heard the Senator speak on it, he makes perfectly good sense.

I believe the Senator is on the right track with a very important issue for our country. I simply want to say to the Senator, thank you for raising it. I believe it is a matter we need to discuss more.

India is soon to be the most populous nation in the world. It is a democracy. There is no reason for us to have an adversarial relationship with them. The CTBT issues can be overcome. It is time for us to rethink our policy in that area.

I thank the Senator for raising the issue.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from West Virginia.

WEST VIRGINIA DAY

Mr. BYRD. Mr. President, today, on June 20, 2000, the 35th star on the American flag—the star on the third row up from the bottom, second from the left—glows just a little bit brighter than the rest, at least for me and my fellow West Virginians. For today is the 137th anniversary of West Virginia's statehood in 1863. And like the star, I think that I, too, glow just a bit with pride, basking in the reflected beauty of my home State of West Virginia.

I am especially glad that West Virginia's birthday falls in June. While every month has its special joys, June is an exceptionally beautiful month in West Virginia, full of wildflowers and birdsong, of neat gardens laid out in orderly rows, of trees still fresh and richly green. June is a month of optimism, of outdoor weddings and picnics, of fresh corn still just a promise on the stalk, of children learning to fish along quiet streams, and of knobby-kneed colts and calves peeking shyly from between their mother's legs in meadows lush with grass. June is a month for celebrating.

We celebrate a fairly young State laid over a very old foundation. The history of West Virginia as a State has lasted for but an instant in the geologic scale of the steeply curving mountains that comprise most of the State's landmass. The soil and the rock of these mountains was first mounded up some 900 million years ago in the Precambrian era. Over time, this first Appalachian mountain chain eroded to form a seabed during the shifting movement of the continents. Then, about 500 million years ago, during the Ordovician period, the continents drifted back together, and these titanic forces pushed that sea floor up, creating the multiple parallel ridges that form the Appalachian mountains today. During the subsequent Triassic and Jurassic periods, known to every schoolchild as the age of dinosaurs, the continents settled into the configuration we know today. They are still settling. In the most recent period, 200 million years of wind and rain and snow and ice have eroded the Appalachian mountains to about half of their original height—a happenstance that I am sure West Virginia's early settlers appreciated as they hauled their belongings over rough tracks in wooden-wheeled carts.

West Virginia's topography has always been important. It shaped the kind of agriculture still seen today—smaller family farms carved out of sheltered hollows, small valleys, and steep hillsides. It shaped the kind of industry that developed, favoring resource extraction of fine timber, rich coal deposits, and chemicals over land-intensive, large-scale manufacturing. It shaped the politics of West Virginia's history, creating a divide between the independent mountaineers who settled these hills and the rest of what was then the Commonwealth of Virginia. And the mountains have always served as a kind of fortress wall around the hidden beauty of the State.

Before the advent of modern highways—which came late to the State of West Virginia, and which are still coming—it took a special determination to make one's way into our mountain fastnesses.

A child of war, West Virginia has the somewhat dubious honor of hosting the first major land battle of the Revolutionary War, at Point Pleasant, as well as the last skirmish of that war, at Fort Henry in Wheeling, in 1782.

Now, this information I came upon in a history of West Virginia, written by a West Virginian.

West Virginia gained her statehood during the Civil War, and her hills are dotted with battlefields from that conflict. Many historians, in fact, consider the clash at Philippi between Union Colonel Benjamin F. Kelly and his First Virginia Provisional Regiment and the forces under Confederate Colonel George A. Porterfield on the morning of June 3, 1861, to be the first land battle of the Civil War. So, from these violent beginnings, West Virginia has come a long way in just 137 years to host an international peace conference earlier this year in Shepherdstown.

West Virginia has come a long way, as well, from her early days as a resource-rich provider of building-block essentials like coal, and chemicals, and timber to a diversified economy of old staples and leading-edge, information-age high technology. And West Virginia has come a long way from being a quiet backwater region of narrow, winding, gravel and dirt roads that kept people isolated and insular to a State traversed by modern, safe, business-attracting highways.

I have seen these changes happen. I can remember the old dirt roads, the old gravel roads. I can remember when there were only 4 miles of divided four-lane highways in my State. And I can remember prior to that. When I was in the State legislature, in 1947, West Virginia only had 4 miles of divided four-lane highways.

Let me say that again. In 1947—53 years ago—when I was in the West Virginia Legislature, West Virginia only had 4 miles of divided four-lane highways.

It is much different now. West Virginia has at least between 900 and 1,000 miles of four-lane divided highways. Now there are some people who would like to see us go back to the time when we only had 4 miles of divided four-lane highways. In some ways I would like to go back to that time, too. But certainly I do not want to go back to that circumstance.

West Virginia has blossomed as she has matured, reaching out gracefully to the future while preserving and honoring the rich history of her past.

As a State, West Virginia is aging, and her population is aging, as well. West Virginia boasts the oldest median age in the Nation. I like to think that this statistic, in part, proves that West Virginia is as attractive a place in which to retire as are some of the more steamy States in the Nation. Of course, West Virginia's bracing climate, with its breathtaking seasonal changes, may be responsible for keeping West Virginia's elders active long after retirement. There is always a garden to plant, or leaves to rake, or simply beautiful walks to take, activities that keep the joints—joints of the arms and legs—agile and the mind busy. Age, and the wisdom that can only be accumulated with experience, is respected in the Mountaineer state. Just two weeks ago, the State hosted the first-ever United Nations International Conference on Rural Aging, taking its place at the forefront of efforts to keep the 60 percent of seniors around the world who live in rural areas healthy, active, and independent.

Yet despite all the changes, one thing has remained constant in West Virginia; namely, the down to earth, faith-in-God values of her people. We have no hesitancy in using that word and not using it in vain. There is a tendency these days to kind of put the lid on using the word ''God.'' No, don't use his name; don't use God's name. I am against using his name in vain. I can't say that I have not done that in my time, but I am very much opposed to that. But I am not opposed to using God's name in schools and anywhere else. I am for that. I will have no hesitancy to do it myself, no hesitancy whatsoever.

West Virginians are taught to honor their mother and father and to do what is right, even if that is not the easiest path. In West Virginia, we try to live by the Golden Rule, and always remember to give thanks to the Creator for the many blessings he has bestowed upon us. We ought to go back and read the Mayflower Compact and see how those men and women felt about God. In a time when society is focused on speed and instant gratification, West Virginians know the value of taking time to enjoy the beauty around them. Those values, which have survived for 137 years, I expect will be around for another 137, at least.

So, at age 137, the 137th birthday, West Virginia is a youngster on the geologic time scale and just entering her middle age on the political scale. In terms of her population's age, well, let us be polite and say only that she is ''of a certain age,'' still at least a few steps way from becoming, a grand dame. All that I will say is, she certainly is grand!

West Virginia, how I love you!
Every streamlet, shrub and stone,
Even the clouds that flit above you
Always seem to be my own.

Your steep hillsides clad in grandeur,
Always rugged, bold and free,
Sing with ever swelling chorus:
Montani, Semper, Liberi!

Always free! The little streamlets,
As they glide and race along,
Join their music to the anthem
And the zephyrs swell the song.

Always free! The mountain torrent
In its haste to reach the sea,
Shouts its challenge to the hillsides
And the echo answers ''FREE!''

Always free! Repeat the river
In a deeper, fuller tone
And the West wind in the treetops
Adds a chorus all its own.

Always Free! The crashing thunder
Madly flung from hill to hill,
In a wild reverberation
Adds a mighty, ringing thrill.

Always free! The Bob White whistles
And the whippoorwill replies,
Always free! The robin twitters
As the sunset gilds the skies.

Perched upon the tallest timber,
Far above the sheltered lea,
There the eagle screams defiance
To a hostile world: ''I'm free!''

And two million happy people,
Hearts attuned in holy glee,
Add the hallelujah chorus:
''Mountaineers are always free!''

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 9:30 a.m. on Wednesday, June 21, 2000.

Thereupon, the Senate, at 7:16 p.m., adjourned until Wednesday, June 21, 2000, at 9:30 a.m.