United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, TUESDAY, NOVEMBER 14, 2000 No. 146

Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 12:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Sovereign of our Nation, we trust You as ultimate Ruler of this land. Give us historically astute hindsight so we can have 20/20 vision to see that You are at work in the shadowy realms of the often ambiguous election processes. We grow in confidence as we remember that You have sustained us in crises over contested presidential elections at crucial times in our history. There is no panic in heaven; therefore there can be peace in our souls in the midst of the human muddle of this uncertain time.

You have all power, You alone are Almighty, and You are able to accomplish Your purposes and plans through the votes of Your people. You rule and overrule. When these votes bring us to results that are painfully close, give us patience to wait for a just resolution. Your intervening power is not limited: You are able to guide the candidates and their advisors about when and how to do what is best for America.

Lord, we all love a winner, but most of all, we want America to win in this conflict. With this as the focus of our attention, we intentionally turn away from divisive distrust of people and human systems to divinely inspired confidence in You. You are still in charge. In that liberating assurance, may the Senators and their staffs, and all of us who work with and for them, press on with alacrity to finish the work of the 106th Congress. You, dear God, are in control. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, 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. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the majority leader.

THANKING THE CHAPLAIN

Mr. LOTT. Mr. President, I thank the Chaplain for his always meaningful prayer that was especially meant for the times we are in.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, we will shortly proceed to a continuing resolution that will fund the Government through December 5. I should note there were a number of conversations during the day on Monday between the leadership in the Senate and the House and the President. The agreement was that a continuing resolution to a later date would be appropriate. There were earlier dates considered, but there was conflict with House Members on November 27. That is why the date of December 5 was agreed to.

It is expected that the Senate will also receive the adjournment resolution from the House fairly quickly so that it can be considered prior to the policy luncheons. Both the continuing resolution and the adjournment resolution will be passed by unanimous consent. Therefore, no votes will occur during today's session.

I wish everyone a happy Thanksgiving and also urge that we complete our discussions at 12:30 p.m. as scheduled for the policy luncheons and that we move toward a quick adjournment when we return after the luncheons, hopefully by 2:30 p.m.

We will continue to work on the issues that are outstanding between the Republicans and the Democrats, House and Senate, and the administration during this interim period. Senator DASCHLE and I expect to meet tomorrow to talk over the substance of the issues pending.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m., with the time equally divided between the two leaders and each Member be limited to 5 minutes.

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

VIDEOTAPING CHAMBER ACTIVITY

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 384) relative to rule XXXIII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, for the information of the Senate, this resolution provides for the videotaping of

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

Printed on recycled paper.

Senator BYRD's statement in the Chamber in December at the organizational meetings and the orientation of our new Members so that this tape will be available for historical and educational purposes.

Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 384) was agreed to, as follows:

S. RES. 384

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 2000.

ORDER FOR STAR PRINT—S. RES. 379

Mr. LOTT. Mr. President, I ask unanimous consent that Senate Resolution 379, as adopted by the Senate, be star printed with the changes that are at the desk.

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

DETERMINING A PRESIDENTIAL WINNER

Mr. LOTT. Mr. President, I will make one comment at this point, and that is, this morning I had occasion to see Senator REID as he was passing by my office. We talked a little bit about history and the fact that the very office in the Capitol where I sit was where the House of Representatives met in 1801 to determine who would be President because there had been a tie in the election. The House of Representatives voted 36 ballots before they determined the winner by 1 vote to be Thomas Jefferson. He won over Aaron Burr. He went on to be one of the greatest Presidents in the history of our country. I leave that for a little thought for all concerned, and now worried, about what the future holds.

I yield the floor.

Mr. REID. Mr. President, before the leader leaves the floor, it is my understanding Senator SPECTER wants to speak for about 10 minutes and then we can use up the rest of the time until 12:30. Is the leader expecting to recess at 12:30 and come back at 2:15 p.m.?

Mr. LOTT. That is my intent. While we may not have normal policy luncheons, it is my intent to recess at 12:30 so we can have luncheons as a group or individually, and we will come back after the luncheons, I presume at 2:15. Hopefully, we will close the session by 2:30. I will want to make sure that Senator DASCHLE has been consulted on that and agrees with that.

Mr. REID. I say to the leader that when we do reconvene at 2:15, or maybe even by 12:30, I will be in a position to tell the majority leader how many on our side wish to speak. I know Senator DASCHLE does. I know Senator DORGAN perhaps wants to speak. But I will, as soon as I learn, advise the staff and the Senator of how much time we will need.

Mr. LOTT. I yield the floor, Mr. President.

Mr. SPECTER addressed the Chair.

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

MODERNIZING VOTING PROCEDURES IN FEDERAL ELECTIONS

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which would seek to modernize voting procedures throughout the United States in Federal elections. I do not intend to become involved in the current controversies but instead have been considering where we go from here in order to try to prevent the kind of concerns and problems which we have at the present time.

In Pennsylvania, I have had considerable comment from my constituents about the issue as to, in the electronic age, with computers available and with electronic devices available why do we have some sections of the country voting by paper ballot and why do we have a great variety of election procedures in voting, so that there is not uniformity and there is not a prompt count.

Looking at that issue, it seems to me that we can do much better on how we vote in Federal elections. The thought on my mind is Congress should address this issue at least as to Federal elections, leaving the matters of State and local elections to State officials under our Federalist concepts.

It is not really practical for someone to lay out an entire bill with the procedures to implement these objectives, but it seems to me—and I have been talking to some of my colleagues about it, and there are a number of Senators who are thinking in the same direction—that it will be useful to establish a commission which would take up the question of how we have election procedures which take advantage of computers and electronics so that votes may be tabulated accurately and promptly, and not have the kinds of issues which arose in our election on November 7.

I do, therefore, submit, Mr. President, the structure of a bill to establish a commission for the comprehensive study of voting procedures for Federal elections, to take a look at not only Federal elections but State and local elections as well, but with the purpose of finding a way to have accurate reporting, electronic reporting, and speedy reporting.

This bill is not in concrete. I am now soliciting cosponsors. I think we will have other cosponsors shortly. Since we have an abbreviated session today, with only a limited amount of time, I am introducing the bill at this time.

Mr. President, I will make just a comment or two about the electoral college.

As we have moved ahead with the concerns under the current contest between Governor Bush and Vice President GORE, I have found many of my constituents—and have noted comments in the media across the country—who are surprised about the way the electoral college works.

Illustratively, in my State of Pennsylvania, with 23 electoral votes, and Vice President GORE having received 51 percent of the vote and Governor Bush having received 47 percent, that Vice President GORE got all 23 of Pennsylvania's electoral votes.

In discussions I have found—candidly, a surprise to me—a fair amount of concern among my constituents about changing the electoral college. There is some confusion that any change in the electoral college may have some impact on the current contest between Governor Bush and Vice President GORE, which, of course, is not the case. This current election is going to be determined under the existing rules of the electoral college as it now stands. It seems to me that consideration ought to be given to a modification.

One approach would be to go to the popular election of a President. That appears to be unrealistic because there are so many smaller States which have only one Member of the House, two Senators, so they get three electoral votes. On a proportionate basis, they would be entitled to a 1–435th proportion in relation to the House, there being 435 Members of the House, but they have a 3–535th proportion, taking the House's 435 Members and the Senate's 100 Members. Since it takes a two-thirds vote to pass a constitutional amendment in the Congress, and ratification by three-fourths of the States, I think it is unrealistic to look to the popular election of a President.

But there is an alternative way where it might be achieved; that is, with a proportional representation. S.J. Res. 51 was introduced in the 96th Congress by Senator Cannon, cosponsored by Senators THURMOND, Goldwater, Harry Byrd and Talmadge, which provided for a constitutional amendment for proportional representation, which might be the way to go.

Illustratively, in a State such as Pennsylvania, with 23 electoral votes, and a vote split of 51 percent and 47 percent, it might be divided as 12 votes for Vice President GORE and 11 votes for Governor Bush. I think this is going to require further study.

I do think it is plain that the purpose of having the electoral college, as reflected in the Federalist Papers, was to provide a buffer between the common voter, who was thought at that time not to be sufficiently informed to directly elect a President. That, of course, was changed when we had a constitutional amendment providing for the direct election of Senators.

In the original Constitution, Senators were elected by the State legislatures, so that the common man did not

vote directly for a Senator. But that has been changed as we have come to understand that in modern times every voter has a full capacity to make the direct election of an elected official with Senators, and I think on the same analogy to the President as well. But because of the extra leverage for the smaller States, which I do not contest, the direct election is not realistic. But perhaps a proportional election through the electoral college might be appropriate, with the smaller States having the additional advantage of having two electors, accounting for their two Senators. I think that is going to require further study. Again, I have been discussing that with my colleagues.

I do think people in this country want to know what our plans are for the future. I also think there ought to be an awareness that many of us in the Congress are considering whether the electoral college should stand as it now is or whether it should be changed.

An intermediate ground may be this proportional voting of the electoral college, as reflected in S.J. Res. 51 from the 96th Congress. I believe there is no doubt that we need to modernize election procedures, and that the way to go would be a five-person commission with appointments made by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House. These matters ought to be subject to consideration to try to eliminate some of the problems which the country now faces.

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. 3269

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 ''Commission on the Comprehensive Study of Voting Procedures Act of 2000''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Americans are increasingly concerned about current voting procedures;

(2) Americans are increasingly concerned about the speed and timeliness of vote counts;

(3) Americans are increasingly concerned about the accuracy of vote counts;

(4) Americans are increasingly concerned about the security of voting procedures;

(5) the shift in the United States is to the increasing use of technology which calls for a reassessment of the use of standardized technology for Federal elections; and

(6) there is a need for Congress to establish a method for standardizing voting procedures in order to ensure the integrity of Federal elections.

SEC. 3. ESTABLISHMENT OF COMMISSION.

There is established the Commission on the Comprehensive Study of Voting Procedures (in this Act referred to as the ''Commission'').

SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—Not later than 1 year after the date of enactment of this Act, the Commission shall complete a thorough study of all issues relating to voting procedures in Federal, State, and local elections, including the following:

(1) Voting procedures in Federal, State, and local government elections.

(2) Voting procedures that represent the best practices in Federal, State, and local government elections.

(3) Legislation and regulatory efforts that affect voting procedures issues.

(4) The implementation of standardized voting procedures, including standardized technology, for Federal, State, and local government elections.

(5) The speed and timeliness of vote counts in Federal, State and local elections.

(6) The accuracy of vote counts in Federal, State and local elections.

(7) The security of voting procedures in Federal, State and local elections.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations on the matters studied under subsection (a).

(c) REPORTS.—

(1) FINAL REPORT.—Not later than 180 days after the expiration of the period referred to in subsection (a), the Commission shall submit a report, that has been approved by a majority of the members of the Commission, to the President and Congress which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) INTERIM REPORTS.—The Commission may submit to the President and Congress any interim reports that are approved by a majority of the members of the Commission.

(3) ADDITIONAL REPORTS.—The Commission may, together with the report submitted under paragraph (1), submit additional reports that contain any dissenting or minority opinions of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 5 members of whom—

(1) 1 shall be appointed by the President;

(2) 1 shall be appointed by the majority leader of the Senate;

(3) 1 shall be appointed by the minority leader of the Senate;

(4) 1 shall be appointed by the Speaker of the House of Representatives; and

(5) 1 shall be appointed by the minority leader of the House of Representatives.

(b) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

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

(e) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority if its members.

(2) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 6. POWERS OF THE COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) WEBSITE.—For purposes of conducting the study under section 4(a), the Commission shall establish a website to facilitate public comment and participation.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Chairperson of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(f) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (42 U.S.C. 5).

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act.

SEC. 7. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The 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 for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 8. LIMITATION ON CONTRACTING AUTHORITY.

Any new contracting authority provided for in this Act shall be effective only to the extent, or in the amounts, provided for in advance in appropriations Acts.

SEC. 9. TERMINATION OF THE COMMISSION.

The Commission shall terminate 30 days after the date on which the Commission submits its report under section 4.

SEC. 10. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to prohibit the enactment of an Act with respect to voting procedures during the period in which the Commission is carrying out its duties under this Act.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to the Commission to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are in morning business; and we can speak for up to how long?

The PRESIDING OFFICER. Up to 5 minutes, with each side controlling 10 minutes total.

Mr. HARKIN. Mr. President, I commend and congratulate my friend and colleague from Pennsylvania for introducing this legislation to set up a commission. I think it is very timely.

I would just say to my friend from Pennsylvania, it seems that one of the things I have picked up in traveling around Iowa is that people are deeply concerned and somewhat unnerved by the fact that we have all these different types of voting machines around the United States. We are a mobile society. We move a lot. We go from one jurisdiction to another. You can go from one county to another and have a completely different system of voting on machines. Plus, some of these are really outdated. We have technology today that really can ensure that your vote is as you want it and that there are no mistakes made unless you intentionally want to do something such as that. We just have not adopted that new technology.

I think the proper course would be to set up some type of commission, give them the proper funding, and make sure it is a bipartisan commission that would be evenly divided, that could go out and look at these things and perhaps report back to Congress in due time. I understand the Senator said he wanted 1 year to report back, if I am not mistaken.

Mr. SPECTER. If the distinguished Senator will yield.

Mr. HARKIN. I yield.

Mr. SPECTER. The legislation provides that the commission would have 1 year to complete a study and then 6 additional months to file a report. It is structured to be bipartisan, with the leadership of the House and Senate each having one appointee and the President having a fifth appointee, so the bipartisanship would be assured.

If I may add, it is well known the Senator from Iowa and I worked very closely together on the Subcommittee on Labor, Health and Human Services, and Education. We just had a brief informal discussion, so I may have picked up a cosponsor here before 12:30.

Mr. HARKIN. I think you might. In fact, in my comments I was going to talk about that. Obviously, we are thinking along the same lines. I really do believe there ought to be more uniformity, especially in national elections, on the type of equipment that is used. I must admit, being from Iowa, we don't use punch cards. That went out years ago. I was quite surprised some States were still using punch cards. Really, they are open to all kinds of problems. Some States still use the old lever, the old hand-cranked machines.

I don't know; does the Senator know how many different types of voting machines are used in the United States today?

Mr. SPECTER. If the Senator will yield, I do not. There are even different kinds of machines used in Pennsylvania, and there are still many paper ballots which are being used. It is astounding not to have rapid, accurate results on election night, with computers being what they are and the possibilities of electronics. This may be a matter on which the Federal Government will have to do some financing. The study ought to be made. Congress ought to consider it and try to solve at least a big part of this problem.

Mr. HARKIN. I thank the Senator for his leadership on this issue.

Mr. REID. Mr. President, I ask unanimous consent the remainder of the Democratic time be allotted to the Senator from Iowa.

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

Mr. HARKIN. I thank the Senator from Nevada.

I note many Americans have expressed concern about the time it is taking to determine whom the American people elected as President last Tuesday. We just came out of a meeting. A bunch of reporters stopped me just off the floor, talking to me about the crisis and shouldn't we have to get this resolved. I said: Wait a minute, there is no crisis in this country right now. Frankly, I am heartened to see that most Americans' first priority is to ensure the votes are counted with precision, accuracy, and fairness. The American people know how important is one of the bedrocks of our great democracy, the idea no matter how rich or poor, powerful or weak, no matter what race, creed, or sex, the vote of every American counts equally: One person, one vote.

We can all agree this Presidential election is one of the closest in our Nation's history. Now it appears that Vice President AL GORE has won the popular vote. He currently leads by about 223,000 votes. He also, right now, is ahead in the electoral college, but that electoral college outcome is much less clear. At this point, whichever candidate wins Florida probably wins the Presidency, and right now, according to the latest reports, only 388 votes separate the two candidates. To put it in context, that is .0067 percent of the votes in Florida.

Frankly, I think we can all agree the spirit of ''whatever it takes to win and to heck with the will of the voters'' has no place in American politics. So I was pleased to see the initial polling shows that these efforts have failed. According to a recent Newsweek poll, 72 percent of American adults believe that making certain the count is fair and accurate is more important than rushing to judgment to get matters resolved quickly.

Yes, democracy is slow. Yes, democracy takes time. But it is worth it, and the American people understand that. There is no crisis. We should take our time, and we should determine accurately what the will of the voters really is.

Much has been said of the hand counting of ballots in Florida, as if that were something strange and new. We do hand counting of ballots all the time for sheriff, for local county commissioner—all the time. This is done at every election in the United States, Federal and State and local, when it is very close. Why is the office of President less important than local sheriff? It seems to me if hand counting of a ballot is important for the local sheriff's race, it is equally important, even more important, for the highest office of the land.

It has been said that machines are neither Democratic nor Republican. That is true. But let's keep in mind, the only reason we use voting machines in this country is, No. 1, it is cheaper and, No. 2, it is quicker. Still, the most accurate way to determine each person's vote is to have that person walk into a voting place, give each a paper ballot, and have each go in there and mark the boxes with an x, fold the ballot, step out, and put it in a box. Then when the polls close, a committee looks at these ballots and counts each one. That is clearly the most accurate way of counting votes.

Why don't we do that in America? Obviously, you would not know the outcome of elections for months afterwards because it would take that long

to hand count all the ballots. Second, it would be prohibitively expensive. But the idea that somehow machines are more accurate than human counts is just nonsensical. It is just not true. The human count is still the most accurate.

When the votes are really close and when the office is at stake because of the closeness of the votes—.0067 percent of the votes in Florida, as I stand here—it is incumbent upon us to do what we would do in a local sheriff's race or supervisor's race, and that is to hand count these ballots.

Again, having said that, I will have more to say about it later on this afternoon. I see the hour is 12:30 so the time has come for our recess. We will be back in at 2:15. At that time, I want to explore a little further the idea of having a standardized procedure for standardized voting machines for the entire country, one on which people can rely no matter where they live. People move all the time. They should not have to be confronted with different voting machines.

Mr. President, I ask unanimous consent to be listed as a cosponsor of the legislation just introduced by Senator SPECTER of Pennsylvania.

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

Mr. HARKIN. Has the hour of 12:30 arrived, Mr. President?

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. I think the resolution we have been waiting for has arrived.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, parliamentary inquiry: I understand that the Senate will reconvene at 2:15.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15 I be recognized for up to 15 minutes to finish my statement.

The PRESIDING OFFICER. I think we have a previous consent agreement that allows for each of the leaders to present a list of those who wish to speak.

Mr. HARKIN. I did not hear the President.

The PRESIDING OFFICER. I guess it is not an actual unanimous consent request.

Is there objection to the request? Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I had asked for a quorum call for just a moment so that staff could complete certain paperwork. So it may be understood why I asked for the quorum call and asked that it be rescinded so promptly. On behalf of our distinguished majority leader, I have been asked to make this unanimous consent request.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2001

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of the continuing resolution, H.J. Res. 125, funding the Federal Government through December 5, 2000; that the joint resolution be read the third time and passed, and the motion to reconsider be laid upon the table, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The joint resolution (H.J. Res. 125) was read the third time and passed.

Mr. REID. Mr. President, it is my understanding that when we come back at 2:15, there will be a time for morning business.

The PRESIDING OFFICER. That is correct.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT AGREEMENT—H. CON. RES. 442

Mr. SPECTER. Again, on behalf of the majority leader, I ask unanimous consent that when the Senate receives the adjournment resolution from the House, the resolution be agreed to and the motion to reconsider be laid upon the table, all without any intervening action, motion, or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

RECESS

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

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

The PRESIDING OFFICER. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. MURKOWSKI. On behalf of the majority leader, I ask unanimous consent that following the 15 minutes allotted to Senator HARKIN, Senator LOTT or his designee be recognized for up to 15 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I indicated to the majority leader I would indicate when I came back how many speakers we have. Senator DODD indicated he wants to speak for half an hour. Senator HARKIN will speak for 15 minutes. The Democratic leader, Senator DASCHLE, wishes to speak for 15 or 20 minutes. Those are the only speakers we have had request time on this side. If there are any others, I will be happy to inform the Chair.

Mr. MURKOWSKI. Mr. President, in view of the request of the minority, I ask unanimous consent that following the 15 minutes allotted to Senator LOTT or his designee, there be an additional period for morning business until 4:15, with the time equally divided between the two leaders or their designees.

Mr. REID. Reserving the right to object, I just add to that unanimous consent request that during that period of time, Senator DODD be recognized for up to 30 minutes, and the Democratic leader for up to 20 minutes.

Mr. MURKOWSKI. It is my understanding that will be off of their time.

Mr. REID. Yes.

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

Mr. MURKOWSKI. The time will be equally divided between the two sides. I thank the Chair and I trust that meets the requests of all interested Senators.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I request 5 minutes of the time the majority leader has reserved.

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I yield 5 minutes to the Senator from Missouri.

The PRESIDING OFFICER. Senator from Missouri is recognized.

OSHA ERGONOMICS RULE

Mr. BOND. Mr. President, I rise to call to the attention of my colleagues and the many people across this Nation the fact that the Occupational Safety and Health Administration has rushed to judgment and published a huge, extremely burdensome ergonomics rule. They had talked about this previously with bipartisan support. We had included in the Labor-HHS bill, as well as others, legislative vehicles stating that they should not go forward with this measure because of the burdens it imposed. I have in my hand the voluminous computer printout of the rule. I chair the small business committee, and I can just see the thrill and excitement with which a small business will view this rule coming down on their backs.

I hope this body can take action to stop the implementation of this rule

until OSHA itself and the scientific evidence can provide real guidance to small business and other businesses on how to reduce ergonomics injuries.

In the last 7 years, the incidence of ergonomics injuries has gone down by a third—26 percent in carpal tunnel syndrome and 33 percent in tendonitis. It is in the interest of employers and employees to reduce to the greatest extent possible the very painful, time-consuming and profit-consuming impact of ergonomics injuries.

Well, OSHA decided they had been working on this for a long time and they wanted to get something out the door before the Clinton administration left office. Our political friends said we have to have an ergonomics rule. This overrules State workers compensation laws and tells employees if they have an ergonomics injury, they can collect more workers comp than the State provides them. We are overruling State workers comp laws.

It also tells employees that if you get an ergonomics injury—say you are in a bowling league on your own time, or you are crocheting in the evening and you come up with an ergonomics injury—if that is made worse by the job that you are doing, then your employer has had it. This ergonomics rule doesn't give any sound guidelines on how employers and employees working together can reduce ergonomics injuries. That is what we need from OSHA, not a punitive measure which says if somebody has an ergonomics injury, you are dead; your workers comp account is going to be held hostage and you are going to be subject to lawsuits.

All this says is, that if the highway speed limit sign says don't drive too fast and you are driving down the road at what you think is a reasonable speed and a State trooper flags you over and says: You know what, you were going 40 miles an hour, and I think 35 miles an hour is a reasonable speed, so you are guilty. That is precisely what they propose to do with this ergonomics regulation, and it affects businesses of all sizes.

I have talked to soft drink distributors who say: If we don't go out of business, we are going to have to buy equipment and get rid of employees to have machines doing the work. You can talk to people in the delivery business—express delivery or any other delivery business—and they know that no matter what they try to do, even if they continue to reduce the incidence of ergonomics injuries, any time there is an ergonomics injury, they are going to be held responsible even if they didn't initially cause it. Well, we have the Small Business Regulatory Enforcement and Fairness Act and we have lawsuits that are about to be filed by many organizations representing small business. I support those lawsuits. I hope this body can act to stop the implementation of this draconian rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa now has 15 minutes.

Mr. HARKIN. Mr. President, I understand I am recognized for up to 15 minutes.

The PRESIDING OFFICER. That is correct.

THE CLOSEST ELECTION IN OUR NATION'S HISTORY

Mr. HARKIN. Mr. President, as I said this morning, we can certainly all agree that this Presidential election is one of the closest in our Nation's history. While AL GORE appears to have won the popular vote, leading by 223,000 votes, the electoral college outcome is much less clear, even though Vice President GORE also leads in the electoral college vote at this time. At this point, whichever candidate wins Florida will probably win the Presidency. Right now, according to the latest reports, only 388 votes separate the two candidates. That is 0.0067 percent of the votes in Florida—less than seven-thousandths of 1 percent.

Yet when it appeared that the extremely close vote in Florida would decide the election, rather than waiting for a careful counting of the ballots as required by Florida law, the Bush campaign pushed for acceptance of the current count. The American people disagree. According to a recent Newsweek poll, 72 percent of American adults believe that making certain the count is fair and accurate is more important than rushing to judgment to get matters resolved quickly. Democracy is slow, yes; democracy takes time, yes; but democracy is still the fairest system of all, and the American people understand that.

It was very discouraging that just days after the Bush campaign sharply criticized our respected former Secretary of State, Warren Christopher, for leaving open the possibility of seeking judicial review of highly questionable portions of the process, the Bush lawyers themselves went to Federal court to block a hand recount of questionable ballots—a process that is generally recognized as much more accurate than machine counting.

I also find it highly ironic that the Bush lawyers chose to try to block a hand recount when they themselves, according to news reports, supported a hand recount in New Mexico. In fact, in 1997, Governor Bush himself signed a Texas law that seems to encourage hand recounts of disputed votes.

Now, as we all know, just a few hours ago, the latest attempt to block a complete and fair count has been upheld by a court in Florida, although an appeal is expected shortly, if in fact it hasn't happened by now.

The court ruled that Florida's Secretary of State, who was an active Bush supporter and traveled around the Nation on his behalf, could cut off the county's recount efforts at 5 p.m. this afternoon. She made the decision to end the count at that time, 5 p.m. today, knowing full well that the hand count of the ballots allowed by Florida law cannot possibly be completed by that point in time.

In America, we are certainly used to getting results of our elections from the news networks almost immediately after the polls close, sometimes 3 or 4 hours later in relatively close elections but almost certainly the next morning. However, we have to realize that what we heard from the networks early on election night were not actual election results but exit poll results based on a very few counted ballots. When the difference between the candidates falls below a couple of points, we have to wait for an actual vote count. When the difference falls below a few tenths of 1 percent, we have to wait for a careful recounting of the votes.

There are several important reasons for these procedures. First, precinct and county election officials are dealing with many numbers quickly on election night. Mistakes are unavoidable. But in this case, where the difference is not 1 percent or a half percent but less than seven one-thousandths of 1 percent, or just over 300 votes out of over 5 million cast, we cannot allow any room for error.

The very machines that we use to count votes are prone to inaccuracies. The inaccuracies in some Florida counties occurred because not all voters marked their ballots to the preset machine standards. In some cases, they were using punch cards. Well, people don't always push the paper dot out of the hole, and sometimes they don't totally fill in the circle with the No. 2 lead pencil; thus, the machines can't always detect these votes. In a typical election, this isn't a problem.

Election officials know that one out of every so many votes won't be counted by machines. I wonder how many American people know it is a given fact that one out of so many votes will not be counted by a machine. They are very inaccurate. In an election where one candidate wins by 5 percent or 8 percent of the vote, these inaccuracies make very little difference in the final outcome.

But in an election as close as this, every single one of these votes matters. We have to count every single last one of them. No American should be disenfranchised because of a mechanical error. That is why I believe we have to be patient and allow the process to continue.

Again, former Secretary of State James Baker keeps saying that we have already counted the votes twice. But what he doesn't mention is that these counts were both done with machines that have error rates far larger than the percentage of votes separating the two candidates. Machine error rates are far higher than seven-thousandths of 1 percent. Mr. Baker says that machines don't have bias, that they are neither Democratic nor Republican. I keep hearing this statement.

It is also true that machines are far too inaccurate for the kind of count we

need in this election. These machines just cannot count all those ballots where the hole is not completely punched or the circle is not completely filled in. Only human beings who can see whether someone tried to punch through the paper or make a mark can do that. To those who say that machines are more accurate than human beings counting ballots I would just ask: Have you ever gotten a phone bill that was inaccurate? How about your credit card bill? Machines make mistakes all the time. If you are not careful in catching them, you may be paying a little too much on your phone bill when you pay it. That is why we carefully look over our bills. The only way to really accurately get a count is through the time tested, old-fashioned way of counting these ballots.

Why do we use voting machines? We do not use voting machines because they are more accurate. We use voting machines because, No. 1, they are quicker and, No. 2, they are less expensive. They do not cost as much. Still, the most accurate way of determining every person's vote is to have people walk into a voting place; you hand them a paper ballot. They walk into the booth; they take their pencil and they mark the X in the box or circle; they fold the ballot, stick it in the box, and when the polls close those ballots are hand counted by human beings, impartial panels—one from each party, let's say—counting these ballots.

If that is the most accurate way, why don't we do that in America? Because in a national election such as this it would take maybe a couple of months to count all the ballots nationwide, and we want to know before then what the results are. Plus the cost of paying humans to sit there and count the ballots would be exorbitant. So we must disabuse ourselves of this false notion that somehow voting machines are more accurate. They are not. The most accurate is still hand counting those ballots.

We have to remember also that there is nothing exceptional about conducting a recount. Both hand recounts and machine recounts are common in close elections. This happens all over America in every election. We have recounts even in local sheriffs' races. Imagine. Let's take the Florida race. Let's bring it home to a county. Let's say we are having a sheriff's race in a county and let's say there were 4,000 votes cast in the sheriff's race, 2003 for one candidate, 1,997 for the other. The county says it is too close; we are going to have a recount. They start hand recounting it. They hand recount 200 ballots out of the 4,000 and the outcome changes by 2 votes. Now, instead of being separated by 6 votes, the candidates are separated by only 4 votes.

Let's say the top ranking election official in the county comes in and says: Stop counting. You have counted 200 ballots; you cannot count anymore. What do you think the outcry would be like in that county?

What, you have counted 200 ballots, the vote has changed by 2, that could be 30 or 40 votes out of 4,000 ballots. That could reverse the original improperly counted outcome.

That is exactly what is happening in Florida on a much larger scale than the local sheriff's race to which I just alluded.

Secretary Baker protested that the election officials in control of the Florida counties being recounted are Democrats. I find it interesting he is not protesting that the chief election official in Florida is a Republican, the very official who decided today to suspend the ballot counting at 5 p.m. The Secretary also neglected to mention there are Republicans sitting in the counting rooms, monitoring the count to eliminate even the slightest possibility of partisanship. To this day I have not read or heard a single word in the newspaper or on the media anywhere to suggest that any improprieties in hand recounts have occurred. The American people can be satisfied that hand recounts are accurate and fair.

Again, what has happened today with the Secretary of State saying at 5 p.m. we have to have all the ballots in and stop counting the hand ballots—that is like in the local sheriff's race, you have counted 200 ballots out of 4,000, the votes have changed a couple, and the election official says: Don't count anymore. I think the American people understand this. They get it. You cannot just count a few and say we are going to stop there.

In our democracy, victory is determined by who gets the most votes in each State. I see no harm in waiting to make sure each count is fair and accurate. The electoral college doesn't vote until December 18, and their votes are tentatively set to be counted by a joint session of Congress on June 6, 2001. So we have plenty of time to make sure the true winner is named. So I submit the most fair and most accurate way of determining who won the electoral votes of Florida, because that is what is in contest right now, the electoral votes in Florida—the best way to determine that is to have a hand recount of all the ballots in Florida. I am told by those knowledgeable of this situation this could be done within probably 10 days to 2 weeks at the most. This could be done and then we would know with a finality and a certainty just who is selected to be the next President of the United States. If we do not do this, a cloud is going to hang over whoever is chosen to be the next President.

I think that is the proper way to proceed. It is improper, illogical, and not in the best interests of fairness and accuracy to stop the hand counting of ballots when only a few have been hand counted. I understand about 1 percent of the ballots in a couple of counties have been counted at this time.

With States such as Florida in question and with candidates separated by a tiny vote margin, it may take a few weeks to make a clear determination. I believe that is in our best interests. Slow down. We are not in any hurry. What is the rush to judgment? Let's take our time. Whoever is the President, is going to be President for the next 4 years. I submit what is important at this point in time is not whether Vice President GORE is the President-elect or Governor Bush is the President-elect. That is not what is important right now. What is important right now is the sanctity of each person's vote; to make sure that each person's vote is counted properly. That is what is important here. If we know—and we do know—that machines make mistakes, and we have seven-thousandths of a percent dividing these two candidates in the State of Florida, then the most fair way to do it is to hand recount these ballots.

For the life of me I do not understand why the Bush campaign is so opposed to this. As I said earlier, we have hand recounts.

The PRESIDING OFFICER. The 15 minutes of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for 5 additional minutes.

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

Mr. HARKIN. As I said earlier, we have hand recounts every election in the United States. Most often they are on more local elections such as elections for county supervisor, maybe a State representative. But it is not unheard of to have hand recounts for the House of Representatives or for the U.S. Senate. It is just that we have never had a Presidential election this close. So if it is fair and logical and in the best interests of ensuring that every voter's vote is counted accurately, if it is in our best interests to do that in a race for sheriff, is it not even more in our interest to have that kind of hand recount in this race for the Presidency of the United States?

I believe those who are somehow trying to stop the hand recount in Florida, trying to say let's just take the machine count whatever it is and we will live by that, or I guess with some overseas ballots that are due in, knowing full well the margin of error in the machines is more than the percentage difference in the two votes—if you are making that argument, what you are basically saying is the most important thing is to stop the process right now. That is more important than deciding the fairness and accuracy of each person's vote.

There is no crisis in America. Frankly, I disagree with Secretary Baker completely. This morning he was saying the markets are now going to be upset by this. That is nonsense. That is just nonsense. The American people understand this. There is no crisis in America. We are going about our business. People are getting up and going to work every day. Nothing is happening. We can take our time. The President-elect is not sworn in until January 20. We have time to make sure

the vote is accurate and fair. There is no need to pull the curtain down and say, no, we have to end it right now, when so much is in doubt, when the race is so close, and when a fair and accurate counting of the ballots may move it one way or the other.

I do not know; maybe Mr. Bush will win the election. As I have said, it is not important right now whether Mr. Bush wins or Mr. GORE wins. What is important is that every voter's vote in Florida is counted accurately and counted fairly, and whether that takes us 10 days or 12 days or 2 weeks, I believe the American people deserve to have those votes counted fairly and accurately.

Earlier today my colleague from Pennsylvania, Senator SPECTER, introduced a bill proposing the formation of a commission to examine methods to reduce the miscounting of votes at the polls. I have cosponsored that legislation with him because I believe we do need to look at this situation. I think we should carefully examine alternatives, given the experience we are now going through. We should examine the electoral college. Maybe it is not perfect, but I happen to think it may be more perfect than a direct election but I am willing to look at it. Perhaps we could allocate the elector's votes by electoral district as Nebraska and Maine have decided to do. Perhaps we should consider automatically giving these electoral votes to whoever wins the State, rather than electing individual electors who could actually vote against the will of the voters in their areas. But I am intrigued by having electoral votes determined by congressional districts as Maine and Nebraska do, as I said.

We ought to consider providing counties and States the necessary funds to assist them in modernizing and standardizing their voting methods. Although it may be somewhat more expensive—we don't know—there is voting technology that exists and is used today, or some of it may be not used, that could reduce voting errors and errors in vote tally. No technology will completely eliminate inaccuracies, but this election clearly demonstrates our current methods must be improved. That is why I joined with Senator SPECTER to cosponsor this legislation. I really do believe we need a more standardized methodology of voting machines in this country.

I asked my staff earlier, How many different kinds of voting machines do we have in this country? We have looked at this question and we do not know the answer.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. HARKIN. I ask unanimous consent for 2 additional minutes.

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

Mr. HARKIN. We do not know how many different kinds of voting machines there are in this country. Since we are a mobile people, we move from one State to another, one area of a State to another, they can go and be totally confused by a voting machine that is different than what they had used the election before. So I wonder aloud about maybe standardizing voting machines throughout the country so, no matter where you go, you have the same voting machine that you had before.

I also believe we have to look at the latest technology—it exists—which could reduce to the barest possibility that a person does not vote for whom he or she wants to vote. There are interactive devices; I have seen them demonstrated myself, devices that any person with a disability, whether you are blind or deaf or whatever you might be, could use alongside anybody else. It wouldn't differentiate.

It would ensure that when you walked out of that booth, you knew exactly for whom you voted or for what you voted in terms of some of the resolutions and other items that are on the ballots.

If nothing else, we ought to be about this in the next session of Congress. I commend my colleague from Pennsylvania for introducing this legislation in this session, and I look forward to cosponsoring it with him when we meet again in January.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed in morning business for 15 minutes.

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

ATLANTIC SALMON LISTING DECISION

Ms. COLLINS. Mr. President, it is with great disappointment that I rise today to comment on the decision announced yesterday by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to list as endangered Atlantic salmon in Maine. The decision represents an opportunity lost and reflects a process gone badly astray. It also raises serious questions about the mechanics of the Endangered Species Act, a law that I support, and how the Services have chosen to interpret and follow its dictates.

I rise also out of deep concern for the Atlantic salmon. The rivers of Maine once played host to magnificent runs of Atlantic salmon. Scores of fish returned each year to the streams where they were born after two- or three-year journeys out to sea, venturing thousands of miles off the coast of Maine, as far away as Newfoundland. The question is, ''What is the best way to protect and restore these extraordinary fish?''

Yesterday's announcement is no small matter to my home State. It has serious implications for the aquaculture, blueberry, cranberry, and forest product industries that form the backbone of the economy in the most economically challenged area of Maine. The cruel irony underlying the decision is that Maine believed it had laid the issue to rest some three years ago when the Services withdrew a proposed listing and joined with the State in pursuing the Maine Salmon Conservation Plan. On December 15, 1997, the Services announced they were withdrawing their proposed listing of Atlantic salmon to pursue a ''cooperative recovery effort spearheaded by the State of Maine.'' At that time Secretary of the Interior Bruce Babbitt announced:

> We are unlocking the full potential of rivers in Maine and opening a new chapter in conservation history. The governor showed great leadership in forging this collaboration, which will enhance the ecology and economy of the state for years to come. The seven rivers will continue to attract more anglers, boaters and other sportsmen who will help grow and sustain new jobs and revenue as the rivers continue to stand as a model for the nation.

At the same time, Assistant Secretary of Commerce for Oceans and Atmosphere and NOAA Deputy Administrator Terry Garcia praised Maine's salmon conservation plan with these words:

> This plan, which was developed by a state-appointed task force with input and advice from federal fisheries scientists, is an innovative effort to resolve the real world conflicts that occur when preserving a species clearly means rethinking traditional uses of a river. Our decision to protect salmon through this plan rather than through a listing under the Endangered Species Act highlights the ESA's flexibility and our willingness to consider state-designed plans.

Bruce Babbitt's and Terry Garcia's statements purported to highlight the ESA's flexibility and the Services' willingness to consider state-designed conservation plans. But the decision to list Atlantic salmon exposes the statements as hollow rhetoric and reflects a policy of inflexibility and of rejecting potentially effective state plans as alternatives to listing. In the end, Secretary Babbitt and Mr. Garcia reneged on their commitment to work with the state, within the framework of the state plan.

The Services have taken the implicit position that they are under no legally-binding obligation to abide by their earlier commitments to work with the state through the Maine Salmon Conservation Plan. In proposing the salmon listing, they abandoned the Plan, which the Services relied on to withdraw their 1995 proposal to list Atlantic salmon as threatened. Indeed, in withdrawing the proposed listing three years ago, the Services referred to the Plan as ''a comprehensive collection of measures and protective actions that offer[s] a positive benefit to the species'' and as a substitute for listing. Moreover, at the time, the Services signed a statement of cooperation with the State of Maine to support the Plan as the means toward restoring Atlantic salmon in the seven identified rivers.

In short, the Services gave every indication that they were committing to the Plan as an alternative to listing the salmon under the Endangered Species Act.

And that is precisely how the ESA is meant to operate. Listing determinations may not be made until the Services take ''into account those efforts, if any, being made by any State * * * to protect such species.'' As one court recently put it, ''The ESA specifically requires [the Services] to consider conservation efforts taken by a state to protect a species.'' By its own terms, the ESA also encourages states ''to develop and maintain conservation programs.'' This means that the Services can and should rely on a competent state plan to avoid listing a species as threatened or endangered. In Defenders of Wildlife v. Babbitt, decided just last year, the court ruled that the Fish and Wildlife Service properly relied, in part, on a cooperative state/federal conservation plan to withdraw a proposed rule to list the flat-tailed horned lizard under the ESA. The court reasoned as follows:

> The ESA was not implemented to discourage states from taking measures to protect a species before it becomes technically or legally ''necessary'' to list the species as threatened or endangered under ESA guidelines. Rather, states are encouraged to work hand in hand with other government agencies and conservation groups to implement evolving policies and strategies to protect wildlife over time. Though the ESA regulations may represent many species' last chance at survival, Congress surely did not intend to make it the only chance at survival.

The court's decision in the Defenders of Wildlife case hits the nail on the head. The ESA encourages state/federal cooperative efforts to protect and restore species before listing is required. This goal is supported further by the Services' own regulations, which authorize Candidate Conservation Agreements between the Services, states, and private entities. These agreements are ''designed with the goal of precluding or removing any need to list the covered species,'' a goal shared by the Maine Salmon Conservation Plan. The Services' stated policies, too, profess to ''[u]tilize the expertise of State agencies in designing and implementing prelisting stabilization actions * * * for species and habitat to remove or alleviate threats so that listing priority is reduced or listing as endangered or threatened is not warranted.'' The Services also are working to establish criteria for evaluating the certainty of implementation and effectiveness of formalized state conservation efforts in order to facilitate the development of such efforts. Again, the goal is to make listing a species as threatened or endangered unnecessary.

In short, the Services are well-aware that the ESA encourages cooperative, responsible conservation efforts such as Maine's plan. Three years ago Commerce Department official Terry Garcia celebrated the Plan as ''highlight[ing] the ESA's flexibility and [the Services'] willingness to consider state-designed plans.'' Today, the Plan has been rejected as not ''adequately address[ing] the increasing threats salmon are facing from aquaculture, fish disease, habitat modification and catch-and-release fishing.'' No compelling record has been established indicating that the Plan has not met its interim goals. No request was made to modify the Plan. It was simply abandoned.

The Services contend that the proposed rule was the direct result of a status review that they conducted some time in 1999 and issued in October of that year. Yet, the Status Review is riddled with logical fallacies and unsupportable conclusions. Moreover, its timing presents cause for concern.

Under the ESA, ''species'' is defined to include any ''distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' In other words, a subpopulation of a given species can be listed under the ESA if, indeed, it is distinct and self-contained. In the current circumstance, the Services rely on a supposed distinct population segment of Atlantic salmon remarkable only for its genealogical diversity. The population segment proposed for listing includes salmon in eight Maine rivers—each of which has long been under an intensive federal stocking program—and, curiously, does not include Atlantic salmon stocked in the Merrimack and Connecticut Rivers.

As far back as 1979, Congress expressed great concern about the Services' misuse of distinct population segments. In the report accompanying the bill to re-authorize the Endangered Species Act that year, the Senate Committee on Environment and Public Works, while acknowledging there may be some instances where different population segments of a single species are appropriate stated, ''Nevertheless, the committee is aware of the great potential abuse of this authority and expects the FWS to use the ability to list populations sparingly and only when the biological evidence indicates that such action is warranted.'' In this case, the population distinction proposed by the Services fails to meet the standard set by Congress due to both a long-running stocking effort and the use of a territorial boundary that has little to do with reproductive isolation.

The July 1999 Status Review documents a stocking effort in the Kennebec, Sheepscot, Ducktrap, Narraguagus, Pleasant, Machias, East Machias, and Dennys Rivers that dates back to 1871. Up until 1992, these various stocking efforts took no account of the river-specific genetics that form the basis of this proposed listing. In 1871, 1,500 parr from the Canadian province of Ontario were released into the Sheepscot River. That was the first of many instances of planned introduction of foreign salmon for the purpose of interbreeding into what the Services now claim to be a genetically distinct population segment. Over eight years in the 1960s, 136,500 parr and 65,700 smolt—100 percent of which came from rivers in Canada—were stocked in the Sheepscot river. As late as 1990 and 1991, 13 percent of a substantial stocking effort used fish from New Brunswick.

In fact, from 1970 to 1992, while many substantial stocking efforts occurred putting millions of fry, parr, and smolt in these Maine rivers, not a single effort used salmon from the home river. In a stocking program 128 years old, only in the last seven years have river-specific salmon been used. For the Services now to try to claim that the fish in the eight rivers constitute a distinct population segment after this massive, century-long effort designed purposefully to introduce fish from other rivers and other countries into the eight is plainly disingenuous.

The Biological Review Team acknowledges that historic stocking practices may have had an adverse effect upon the genetic integrity of local stocks but claims that the limited stocking abilities of these early efforts minimized interference with the genetic purity of these river stocks. This is inconsistent with other assertions in the biological review.

The Services claim escaped aquaculture salmon pose a grave threat to the river-specific genetics of the salmon they propose to list. On the one hand, the Services argue that the enormous stocking of non-river specific species did not change the genetic composition of these stocks because the 128-year stocking effort was primitive, even in 1991. Yet, on the other hand, the Services claim an estimated 113 suspected adult escapees in the last ten years from aquacultural facilities in the Gulf of Maine pose a grave threat to genetic makeup of these river-specific salmon. Simply put, the Services' position defies logic.

The ESA requires that a listing decision be made on the basis of scientific data relating to the status of the species taking into account state protection and conservation efforts. Nowhere does the ESA permit a listing decision to be driven by a national interest group's lawsuit meant to force a listing to occur. Yet, it appears this sort of motivation may underlie the Services' decision to abandon the Plan. I wrote Secretary Babbitt and then-Secretary Daley requesting documents concerning the listing process and, in particular, the decision to conduct the Status Review. The Status Review appears to have commenced shortly after a lawsuit was filed to force an emergency listing of the salmon. The documents shed light on the Services' motivations in ordering the Status Review and, ultimately, deciding to list Maine's Atlantic salmon.

I would like to take a few minutes today to share with my Senate colleagues what I found when I examined the documents provided to me by the

Services, some pursuant to subpoena. I do so because the documents reflect a listing process that appears to have been badly out of step with the letter and spirit of the ESA.

It is important to keep some dates in mind. On December 18, 1997, the Services withdrew a proposed rule to list the very same Atlantic salmon under the ESA. Again, the withdrawal was made with much fanfare and was based in large part on the State's adoption of the Maine Salmon Conservation Plan. On January 27, 1999, Defenders of Wildlife and other plaintiffs filed suit against the Services claiming that the withdrawal was an arbitrary and capricious decision and seeking an emergency listing of the Atlantic salmon. Some time thereafter, the Services began a biological review of the status of Atlantic salmon in Maine. According to the Services, the review was completed in July 1999, though it was not released until October of the same year. In August 1999, a second lawsuit was filed against the Services. The two cases were eventually consolidated. Then, on November 17, 1999, the Services issued a proposed rule to list the Atlantic salmon as endangered. That proposed rule led to the recent listing decision.

More than anything else, the documents I requested show that concerns about losing the lawsuits influenced the Services ultimately to abandon the Maine Salmon Conservation Plan and to proceed toward an ESA listing. But the decision to abandon the plan was not easily reached. The documents show that, throughout much of 1999, the Services were in disagreement over whether to abandon the State plan. In a March 31, 1999 e-mail, for example, Department of Interior officials express dismay over the position of the Department of Commerce legal team, which purportedly believed that ''the state should be given every opportunity to accomplish the conservation measures accepted under the 1997 nonlisting decision.'' According to this same e-mail, the Commerce Department legal team felt that NMFS could ''maintain a more productive relationship with the state if eventually forced to list by the court (as opposed to willingly listing).''

For its part, the Interior Department legal team apparently did not want NMFS to give the Maine plan a further chance. In an April 2, 1999 e-mail, an Interior Department lawyer wrote to a colleague at the Commerce Department that he had heard NOAA's general counsel had, ''without consulting [the Fish & Wildlife Service], recommended that NMFS give the state a list of conservation plan deficiencies and a delay of several months to address them.'' The e-mail continues: ''Today, I heard that NOAA Assistant Administrator for Oceans & Atmosphere Terry Garcia has picked up the idea and is running with it.'' The Interior Department lawyer went on to express his concern that giving Maine time to implement and improve the plan ''will appear political, and will be difficult to defend on scientific grounds.''

Another Interior Department attorney expressed her opposition to the NMFS proposal more pointedly. She argued that giving the State of Maine more time to conserve and restore Atlantic salmon through its plan would risk a loss in the ongoing salmon litigation. In her words, ''racking up another loss on conservation agreements'' such as Maine's would ''threaten'' the Service's ability to rely on such plans in the future in lieu of listing.

Yet this view was not shared equally by each Service. It appears that the Commerce Department was more optimistic that the Maine Salmon Conservation Plan could be relied upon as an effective defense to the ongoing litigation. Another e-mail, dated March 30, 1999 and between two Interior Department attorneys, notes a NMFS official's view that the state plan could provide ''a viable defense'' in the ongoing litigation. The Interior Department attorney disagreed, citing ''serious litigation risks'' and the potential for setting an adverse precedent that could ''extend to future actions in lieu of listing.''

The Services' differing stances on whether to support or abandon the State plan lasted at least into August 1999, mere months before the listing proposal was issued. An e-mail between two Interior Department attorneys, and which appears to have been written in August 1999, notes that ''NOAA management apparently still feels ESA listing over state opposition is wrong.'' The e-mail goes on to characterize a Commerce Department attorney's ''best scenario'' as the State of Maine agreeing to a ''friendly listing, perhaps as threatened.'' The notion of a ''friendly'' threatened listing also appears in an August 17, 1999 e-mail between the same two Interior Department lawyers. The e-mail discusses the view of the Commerce Department attorney as follows: ''The Services could either immediately propose a threatened listing and start working on a 4(d) rule, or propose as endangered and back off to a threatened listing if the state plays ball for the next few months.''

These documents are disturbing because they show that legal considerations—and not ''solely . . . the best scientific and commercial data available,'' as required by law—motivated the Services' decision to abandon the state plan and list Atlantic salmon in the Gulf of Maine as endangered. Granted, there is a clear link between science and the viability of the Maine Salmon Conservation Plan. The plan is either effective in conserving and restoring Atlantic salmon, or it is not. But the fact that the Services differed as to whether the state plan could be relied upon as an effective defense in the salmon suits makes the decision to list appear more like a matter of litigation strategy than a matter of science. Indeed, in another e-mail, an Interior Department attorney explains the effort to complete the 1999 salmon status review as a means ''to support whatever action [the Services] take next.''

Ultimately, I believe that the Services should be able to rely on appropriate, effective state conservation plans in lieu of listing. At the same time, a state that makes the effort to craft an effective plan in cooperation with the Services, should be afforded assurances by the Services that the plan will not be abandoned, as Maine's plan was, after only one full year of implementation. A state should be encouraged to propose effective conservation plans and should be able to count on the Services' consistent support. A listing decision should not be affected by whether or not a state ''plays ball.'' It should be affected by the actions a state has made and commits to make to conserve and restore a given species.

I wanted to speak to my colleagues today in the hope that the experience Maine has undergone will not be repeated. One potential solution was suggested five years ago, by President Clinton. In a 1995 white paper recommending changes to the Endangered Species Act, this administration wrote the following:

> To encourage states to prevent the need to protect species under the ESA, the ESA should explicitly encourage and recognize agreements to conserve a species within a state among all appropriate jurisdictional state and federal agencies. If a state has approved such a conservation agreement and the Secretary determines that it will remove the threats to the species and promote its recovery within the state, then the Secretary should be required to concur with the agreement and suspend the consequences under the ESA that would otherwise result from a final decision to list a species. The suspension should remain in place as long as the terms or goals of the agreement are met.

Were such a standard adopted by policy or statute, Maine and other states would have the incentive to devise and fully implement effective conservation agreements. The alternative is what has taken place in Maine. A plan is announced with great fanfare and a listing proposal is withdrawn. One year and a lawsuit later, the Services reverse course, deeming the plan as unfit to rely upon as a litigation defense. This is the wrong result, and I would hope that during the next Congress, we can change the Services' policy or change the law to encourage responsible, effective state conservation plans.

Mr. President, in order to avoid taxpayer expense, I will not ask that the documents I referred to be printed in the RECORD. Instead, I will post the documents on my Web site. Thank you.

Mr. President, I yield the floor and, seeing no one seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE IMPORTANCE OF GETTING IT RIGHT

Mr. DODD. Mr. President, I rise to share for a few moments this afternoon, before we adjourn for the day, if not for the week, some thoughts on the ongoing events, most obviously, the 2000 Presidential election.

I will talk about some of the mechanics of this and some of the comments made earlier in the day by my colleagues from Iowa and Pennsylvania, and some thoughts that they shared.

Before getting to the substance of that, I am a Democrat. Obviously, as a Democrat, I am hopeful AL GORE and my colleague from Connecticut, JOE LIEBERMAN, will be elected President and Vice President. Certainly, I fully understand how colleagues of a different political persuasion and other Americans hope that George Bush and Dick Cheney will win the election. I suspect maybe the Presiding Officer may share those views.

The most important belief everyone ought to have is that this process, at the end of it, whenever that comes—whether it is the end of this week or sometime over the next several days or weeks—that if it takes a little time, that is uncomfortable, but the most important conclusion is that it be one the American people support, even those who would have wished a different outcome in the election.

I served on the Select Committee on Assassinations 20 years ago in which we reopened the investigation of the assassinations of John Kennedy and Dr. Martin Luther King. What possible analogy could those two events have with this? Well, my colleague from Rhode Island and others may recall that the Warren Commission, which did the initial investigation into the tragic assassination of President Kennedy, was urged at the time to hurry up, to rush to get the job done, and they did. In retrospect, they did as well as they could have under the circumstances. But there was sufficient pressure to get the job done. Several years later, we had all sorts of questions raised that the Warren Commission did not address during the period of its consideration. I don't think we ever would have satisfied some of the elements who are always going to be convinced of conspiracy theories. But for an awful lot of other Americans, had the Commission taken a bit more time and gone through the facts a bit more carefully, we could have avoided the problems that ensued thereafter, including a whole new investigation of the assassination some 13 years after the events occurred in 1963.

The analogy is this: Obviously, we are not talking about that length of time, but while I hear people urging a quick decision, a fast decision, we all understand, while we like clarity and we would like a decision made immediately, we need to place at least as much emphasis, if not more, on this decision being the right decision, that the decision is seen as being fair and just and an expression, as close as we can have in an election involving more than 100 million people across the country, of the will of the American people.

That is going to be difficult because of the closeness of the race. It is important to get this done quickly, but it is more important to get it done correctly.

We do not want a substantial percentage of the American public questioning the legitimacy of the 43rd President of the United States—whether that is AL GORE or Gov. George Bush. The American people should support that choice and have confidence that the choice was the right one. I hope that, while there are those clamoring for a quick decision, we get the right decision. Utilizing the courts and utilizing manual counting ought not to frighten people. Courts are used in our country when there is a dispute that can't be resolved, where facts and theories of law are in dispute. If that is the case, you go to court and try to get an answer. You would do that if you were talking about county commissioner or secretary of State. In the State of Florida, we should do no less with the office of the President of the United States. In the final analysis, the new President will look back and be grateful that we took the time to get it right; that we did not rush to a quick judgment here for the sake of what may appear to be sort of an early way to achieve a win.

Having said all of that, there will be much talk in the coming weeks about what went wrong here, what could have been done differently, and issues around the electoral college, whether we ought to keep it, abandon it, or reform it. Are there things we can do from a Federal standpoint to assist our respective States so we don't have the kind of confusion that has emerged here and regarding some of the ballot choices and equipment used to record people's votes? There will be all sorts of ideas shared.

My first suggestion and hope would be that people take time to step back and examine our current situation. I get nervous when people have quick solutions for an immediate problem that has emerged, such as here with this close election. Lets not forget that we have been a republic for 211 years. This will be the fourth such election out of 43 Presidential races where there has been a close race, where the popular vote and the electoral votes—and we don't know the final outcome of this one—have a different result.

Before we decide we want to radically abandon this system, my strong suggestion to my colleagues and others who will be commenting, is to take some time to think it through carefully and not rush out and be offering proposals and bills that we may come to regret. There have been some 200 proposals made to amend the Constitution regarding the electoral college over the last 200 years, many of which have been suggested over the last 40 years. Before we jump to these proposals, I suggest that we think them through.

I listened with interest earlier this day to our colleague from Pennsylvania, Senator SPECTER, discuss two issues that are obviously timely and important ones at this moment about reform in the electoral college. I wish to address those issues for a few minutes. First, let me join my colleague from Iowa, Senator HARKIN, in congratulating Senator SPECTER for introducing the concept of a bipartisan commission to examine whether we might—at least in federal elections—develop more accurate and uniform methods of recording and reporting the votes cast by the citizens of our Nation. I know at least one newspaper in the country—the New York Times—has already editorialized on this topic in favor of modernizing what many consider to be a ballot system that is in many respects and in many areas of the country fairly archaic in terms of its technological sophistication. I will join Senator SPECTER and others in developing a more thoughtful approach to this dilemma. It is a dilemma because control of elections has been left to the decision of States across the country. The federal role is somewhat limited in this, to put it mildly. It is more a question of how we can work with the States in a cooperative fashion when it comes to federal elections—elections beyond mere consideration for the offices in the respective States and counties. I think we have a legitimate interest. Certainly, that has been borne out by the events of the last week in this country. Certainly, we have seen, as I say, in the last week issues raised that none of us could imagine would have been brought up prior to the results on Tuesday night.

I think the events of the past week have shaken many Americans out of a false sense that our system—or should I say systems—of tabulating ballots is absolutely error free. It never has been perfect. No one disputes that the hallmark of our system—namely free and fair elections—is as strong as it has ever been.

Indeed, if we have learned anything over the past week, it is the truth of the maxim that it is as ingrained in our consciousness as the Pledge of Allegiance or the Preamble of the Declaration of Independence: In America, every citizen counts.

That is a mantra we hear over and over again: Every citizen counts. Every citizen has a part to play in choosing how we shall be governed. Many of us have said over the last week: Don't ever let me hear anybody say again that every vote doesn't count, or a single vote doesn't count. You have seen

that the margins in the State of New Mexico in the Presidential race may be down to 17 or 20 votes. We had a congressional race in my State a few years ago where out of 200,000 votes cast, 4 ballots determined who the Congressman of the Second Congressional District would be. So we all say every vote counts, every citizen counts.

While our system may be the fairest in the world, we have been reminded over the past week that it is not infallible. Few areas of governance are as decentralized as voter administration. According to a news report today, election decisions are made not only by each of the 50 States but by more than 3,000 counties and towns, where they have separate rules outside of the State rules. So 3,000 different jurisdictions in this country have something to say about how elections are conducted in America. The methods of voting vary widely from jurisdiction to jurisdiction—from the marking of paper ballots to the use of the Internet, as we have seen.

By far the most common form of voting in our Nation remains the punching of paper ballots. It is estimated that some 40 percent of voters utilized that method to vote on election day. This is so despite the evidence that paper ballots are more vulnerable, than any other voting system, to voter error.

We have all become familiar in the past six days with the variety of ways a ballot now may be marked—language I never heard before, terminology I never heard mentioned. All of a sudden, we have all become familiar with things called ''chads'' and parts of chads. I never heard of a ballot being ''pregnant,'' but I now know that it can be in this country, which is a startling revelation. So we have heard a new vernacular in our society. People everywhere are learning about the variations of the chad: the ''pregnant'' chad, the ''dimpled'' chad, the ''hinged'' chad, the ''swinging'' chad. These are all words that those who may have been involved in the arcane business of voter issues know, but for most Americans these are new words.

Beyond the punching of a paper ballot, some 20 percent of voters use mechanical lever machines that are no longer made. Another 25 percent fill in a circle, a square, or an arrow next to the candidate or ballot question of their choice. Only about 10 percent use a computer screen or other electronic means to have their votes recorded automatically.

One consequence of using a patchwork system where most votes are cast by paper ballot is that errors can affect outcomes. That is what the people and officials of Florida are obviously trying to contend with even as I speak on the floor of the United States Senate this afternoon.

Another consequence, however, should be just as much a cause for concern, and that is that in a great many jurisdictions the voting process might not only be prone to a significant risk of error, but a significant risk of delay on election day as well. Throughout the country during the past election, we heard a great many reports of long lines at the polls. One hour, two hours, three hours. People were waiting a long, long time in many parts of the Nation to cast their ballots.

Certainly, the vast majority of those who did endure these waits did so with patience and a deep sense of the importance of the moment. However, the question we must ask ourselves is what we might try to do to shorten those lines. We must recognize that, in an era when we can pay bills, buy goods and services, and do many other things by computer, fewer and fewer Americans are waiting in line for anything anymore.

As long lines continue to become an anachronism in other parts of our lives, voters' patience on election day can also diminish. If their patience diminishes, then more may choose not to vote, and that will be the worst result of all.

We must realize that—much as they might want to—many local jurisdictions simply lack the resources to modernize their voting systems. One county in a State of the eastern seaboard has records dating from the 1800s. Of 890,000 people on that county's voting rolls, a recent study found that 775,000 were either dead or living someplace else. I will repeat that. In one jurisdiction, of the 890,000 people on the county's voting rolls, 775,000 were either dead or living in another jurisdiction. That fact, and others, underscore that voting recordkeeping and equipment is expensive and also outdated. That is a simple and unavoidable fact for many communities that struggle to find resources to meet the daily needs of their people for police, fire protection, trash collection, and other services.

So I hope that as we move forward or toward the conclusion of this Congress and the commencement of the 107th Congress, and we all wait for January 20th, where a few feet from here a new President will be sworn into office as the 43rd President—during this time—and this is why we should do it now—we give serious consideration to the concept of a bipartisan commission to examine how we might encourage more accurate methods of recording votes by the citizens of our Nation.

I also hope that such a commission would provide guidance as to how we might assist communities in finding the means to do so. This is a valuable role that we can play to assist these counties and local communities with resources that will enable them to modernize the voting equipment that they lack today. I look forward to working with the Senator from Pennsylvania, the Senator from Iowa, and others—I am sure there will be many more—who are interested in working on this issue and giving it some serious attention.

Secondly, let me enter the discussion on the electoral college. My colleagues, Senator DURBIN, Senator HARKIN, Senator TORRICELLI, as well as Senator SPECTER and others, have discussed this matter in the last few days. On talk radio, in diners, in taxi cabs, and anywhere you want to go, you can now get into a deep conversation about the electoral college. We have all become familiar in the last few days. Many people were unaware that Presidents have been elected by the electoral college since the first days of the republic. So there has been educational value to this confusion over who the next President will be.

The electoral college is an arcane institution in the minds of many, but it has played a very important and valuable role. Certainly now is a good time to consider the role of the electoral college in electing American Presidents. I hope that we will proceed, as I said at the outset—with caution—on this matter.

I would be concerned, frankly, about abolishing the electoral college. Those who have urged us to do so ought to pause, step back, and give some thought to what they have suggested. If you think it is confusing in Florida today, imagine the difficulty in deciding a Presidential election as close as this, with ballots in contention and people going to court not in one State, but potentially in 50 States? So while I think the electoral college may need serious reform, we ought to be careful about abandoning it.

Notwithstanding the intentions of the Founders, many which remain valid, the electoral college continues to serve, in my view, an important function in our present day election system. While we elect one President for the Nation, it reminds us that we do so as a republic of States, not as a single political unit. Were we to elect the President solely on the basis of the popular vote, Presidential candidates would have little incentive, in my view, to visit with the people who live outside the major population centers. State boundaries would, for purposes of a Presidential election, be virtually wiped out, and candidates would have little incentive to learn from a State's officials and citizens about the concerns particular to their jurisdiction or State. So the consequences of abolishing the electoral college should be considered with grave, grave care. I am aware that there have been numerous proposals to modify the electoral college during the course of history. As I mentioned, the 12th amendment to the Constitution was ratified June 15, 1804. It represents one of those proposals and, today, the only successful one. One proposal was put forward in the 87th Congress, I might point out, by a Senator from Connecticut who happened to be my father, I discovered the other day. He offered it in January of 1961 after the Kennedy and Nixon election. He proposed then—and admitted there was nothing unique about his ideas; they were ones that were incorporated from the various other proposals that were suggested. So it was

not an original set of ideas coming off that election which was a close election as well—he proposed a system where each State's electors would be apportioned to the candidates in proportion to the candidates' percentage share of the State's popular votes.

Nebraska, Iowa, and Maine do that today. In fact, States could do that on their own initiative. In fact, it would not require a change in the Constitution if the various States wanted to modify how they would allocate their electoral votes. Perhaps we should consider that proposal or some variation on it.

As I said, there were many proposals offered. Perhaps we should also consider the two States that do not apportion the votes on a winner-take-all basis: Maine and Nebraska. Perhaps we should consider—as Maine does now—apportioning its votes according to which candidate wins which congressional districts in a given State. That has had some value. In fact, you may recall in the waning days of this election, the Vice Presidential candidate, JOE LIEBERMAN, my colleague from Connecticut, made a special trip to Maine to campaign in one congressional district up there that was close. It turned out that trip he made had some value. It was worth one electoral vote. If you apportion these either by congressional district or by how many votes the respective candidates received, I could see Democrats going to places such as Utah, Arizona, Georgia, Mississippi—places in which we have not done very well in Presidential campaigns. I could see Republicans coming to Connecticut, Rhode Island, or Massachusetts where they may not get the winning margin, but they might get 40 percent, 45 percent. So it is worth it to go after those electoral votes.

Why is that good government? Because it is important that these candidates come to our respective States, learn about the people's concerns. It makes it more competitive, gets people involved; their vote means something, not only a popular vote but also an electoral vote.

So I think reform of the electoral college, and there are a variety of other ideas, is worth while. But again, I caution against the idea that somehow abandoning the system would serve the best interests of the country for over two hundred years.

These are important matters. They go to the heart of our democratic system, the electoral college, how we vote, how ballots are counted. I happen to believe we are going to come out of this in good shape. I know there are those calling this a constitutional crisis. It is not a constitutional crisis. The system is working. We are confronted with a unique situation, but the Founding Fathers and the framers of the Constitution in their wisdom anticipated there would be difficulties with Presidential elections. They set up a series of safeguards. They are not perfect. Some need to be changed, but they work. We are now confronting one unique in the two-century history of our Nation, but we will come out of this well. There are good people in Florida, good citizens who care about this, who will do the right thing before this process is concluded.

On January 20, we will gather on the west front of this majestic building and we will welcome with good heart and good spirit and great cheer the 43rd President of the United States. That President will be a very humbled individual.

There will be no announcements of mandates in this election. Maybe the American people showed their infinite wisdom collectively by saying by dividing this as evenly as we can, not only in this Chamber and the House, but the Presidential election, maybe you ought to try to work these things out; get together and resolve some of the outstanding problems we face every day such as a prescription drug benefit, a real Patients' Bill of Rights, improving the country's educational system, myriad transit problems, just to name a few. Those are the problems Americans wrestle with every day and they want to see us wrestle with them here and come up with some answers.

They may have just sent us the method and means by which we will achieve that in this coming Congress by making this election as close as it is so no one can claim they have a majority of Americans' solution to this problem. But they did speak with almost one resounding single voice. We ought to take a look at the electoral process and then get about the business of going to work on America's problems. By making this election as close as they have, I suggest they may have offered us the opportunity and means by which we could do in the coming Congress what we failed to do in the one we are now winding down.

Mr. President, I yield the floor and I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

WORLD WAR II MEMORIAL GROUNDBREAKING CEREMONY

Mr. WARNER. Mr. President, last Saturday, I, along with tens of thousands of others, gathered along the Mall to observe the groundbreaking ceremony for the World War II memorial. It was a most moving and inspirational moment for all who attended and, indeed, for the untold millions who followed through the medium of television. All of the speakers at this ceremony were clearly inspired by the solemnity of the occasion.

I ask unanimous consent that the remarks of all the speakers in attendance be printed in today's RECORD following my statement.

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

(See Exhibit 1.)

Mr. WARNER. Mr. President, I should now like to list those speakers in the order in which they took part in this program.

First, World War II Chaplain and retired Archbishop Phillip M. Hannan, who gave a most inspirational invocation. He is a highly decorated combat veteran of World War II. What a marvelous spirit he has. He set the tone for all others who followed;

Gen. Fred Woerner, Chairman, American Battle Monuments Commission;

Ohio Congresswoman MARCY KAPTUR, who launched the effort in Congress to authorize the national World War II memorial. Her initial efforts go as far back as 1987;

Luthur Smith, a World War II Tuskegee Airman;

I am privileged to have been associated with the men and women of the Armed Forces through much of my life, but his rendition of his last mission, and how he was shot down, and how the hand of providence literally extracted him from a flaming aircraft and brought his wounded body to ground—it brought tears to the eyes of all present. That is worth the entire statement to be put in the RECORD today.

Tom Hanks, actor, who starred in ''Saving Private Ryan,'' has done so much work to make this memorial possible.

Senator Bob Dole, our beloved former colleague and the National Chairman, World War II Memorial Campaign, spoke with such moving eloquence. He, of course, I believe, deserves most special recognition for his efforts.

Fredrick W. Smith, founder and CEO, FedEx Corporation and National Co-chairman, World War II Memorial Campaign, also a veteran, not of World War II but of subsequent campaigns;

Ambassador F. Hadyn Williams, Chairman, American Battle Monuments Commission, World War II Memorial Committee.

William Cohen, our former Senate colleague, and current Secretary of Defense; and the concluding remarks, again, a very stirring and eloquent statement by our President, William Jefferson Clinton.

In addition to those great Americans who spoke at the ceremonies, there were others there. I mention just those in Congress: our distinguished President pro tempore, STROM THURMOND; from the House of Representatives, Representatives JOHN DINGELL, BENJAMIN GILMAN, RALPH REGULA, BOB STUMP, JOE SKEEN, and, of course, former Representative Sonny Montgomery, who has done so much through the years for the men and women of our Armed Forces.

I again wish to give very special recognition and, indeed, it was by all present, to Senator Bob Dole for his inspired, relentless, and untiring efforts to make this memorial possible.

This memorial will be an educational reminder for future generations to the enormous commitment, at home as well as in the uniformed ranks, of the people of our great Nation. As Senator Dole often said throughout his efforts on behalf of this memorial: What would our world be today if freedom had not prevailed, had there not been the enormous commitment throughout the United States and, indeed, also, in our allies. What if freedom had not prevailed and the war had been lost? What would the world be today? That will be the question that those who visit for decades to come should ask of themselves as they quietly reflect on this magnificent structure and the symbolism of that effort.

EXHIBIT 1

ADDRESSES DELIVERED AT THE NATIONAL WWII MEMORIAL GROUNDBREAKING CEREMONY, NOVEMBER 11, 2000

REMARKS OF GENERAL FRED WOERNER, CHAIRMAN, AMERICAN BATTLE MONUMENTS COMMISSION

Mr. President, distinguished guests, honored World War II veterans, ladies and gentlemen: On behalf of the American Battle Monuments Commission, I welcome you to the official groundbreaking ceremony for the National World War II Memorial.

There are many here today I want to publicly recognize. First and foremost, our special guests, the members of the GI Generation—whose sacrifice and achievement we will commemorate on this magnificent site.

Mr. President, we are honored by your presence. You, of course, are no stranger to this project, having stood here with us five years ago today to dedicate this sacred ground for the memorial to America's World War II generation.

Ambassador Haydn Williams, ABMC commissioner and chairman of the World War II Memorial Committee.

Senator Bob Dole, national chairman of our fund-raising campaign, whose leadership personifies the generation we honor.

His national co-chairman, Frederick W. Smith, founder and CEO of FedEx Corporation. Together, their energy and commitment to the campaign brought remarkable results.

Ohio Congresswoman Marcy Kaptur, who launched the effort to authorize the National World War II Memorial in 1987.

Members of the President's cabinet: Secretary of Defense William Cohen, Secretary of Health and Human Services Donna Shalala, Secretary of Transportation Rodney Slater, Acting Secretary of Veterans Affairs Hershel Gober, and the White House Chief of Staff, John Podesta.

Two-time academy award winning actor Tom Hanks donated his time and considerable talent to serve as our national spokesman, taking a simple message to the American people: ''It's Time to Say Thank You.''

Friedrich St. Florian, design architect of the National World War II Memorial, who has led the creative design effort.

Pete Wheeler, Commissioner of Veterans Affairs for the State of Georgia and chairman of the Memorial Advisory Board.

Jess Hay, a member of the Memorial Advisory Board and chairman of the World War II Memorial Finance Committee.

Luther Smith, who flew with the Armed Tuskegee Airmen, and served as a member of our Architect-Engineer Evaluation Board.

World War II chaplain and retired Archbishop Philip M. Hannan, who has graced us with his inspirational invocation.

Joining the official party on stage are the commissioners and secretary of the American Battle Monuments Commission, and members of the Memorial Advisory Board.

We're delighted to welcome the former Secretary of Transportation, Secretary of Labor and President of the American Red Cross, Elizabeth Dole.

Members of Congress, without whose bipartisan support this memorial would not be possible. There are 22 World War II veterans still serving. We are honored to have seven of these vets with us today: Senators Strom Thurmond and John Warner, and Representatives John Dingell, Benjamin Gilman, Ralph Regula, Bob Stump, and Joe Skeen.

We offer a special welcome to former Representative Sonny Montgomery, whose name will forever be linked to veterans benefits and programs.

We're also pleased to acknowledge the presence of: The Mayor of the District of Columbia, Anthony Williams, Secretary of the Army, Louis Caldera, Vice Chairman of the Joint Chiefs of Staff, General Richard Myers, Chief of Staff of the Army, General Eric Shinseki, Coast Guard Commandant, Admiral James Loy, and Former Chairmen of the Joint Chiefs of Staff, Admiral William Crowe and General Colin Powell.

The organizations that guided our efforts over the past several years; Chairman J. Carter Brown and commissioners of the Commission of Fine Arts, Acting Executive Director Bill Lawson and members of the National Capital Planning Commission, Director Robert Stanton and associates from the National Park Service, Commissioner Bob Peck and associates from the General Services Administration, and Leo Daly, whose international firm serves as the project architect/engineer.

Finally, I'm pleased to welcome in our audience: Susan Eisenhower, representing her grandfather, President Dwight D. Eisenhower, the Supreme Allied Commander in World War II, the grandson of Sir Winston Churchill—Winston S. Churchill, World War II Medal of Honor recipient and former governor of South Dakota—Joe Foss, and baseball greats Bob Feller, Warren Spahn, Tommy Henrich, Bert Shepard and Buck O'Neil—all veterans of the Second World War.

Would all these distinguished guests in the audience please stand to be recognized.

If I had the time, I would name every one of you with us today, for you are all heroes in the eyes of the nation. It is a privilege for the American Battle Monuments Commission to host this ceremonial groundbreaking in your honor.

REMARKS OF THE HONORABLE MARCY KAPTUR

Reverend Clergy, Mr. President, Honored Guests All. We, the children of freedom, on this first Veterans' Day of the new century, gather to offer highest tribute, long overdue, and our everlasting respect, gratitude, and love to the Americans of the 20th century whose valor and sacrifice yielded the modern triumph of liberty over tyranny. This is a memorial not to a man but to a time and a people.

This is a long-anticipated day. It was 1987 when this Memorial was first conceived. As many have said, it has taken longer to build the Memorial than to fight the war. Today, with the support of Americans from all walks of life, our veterans service organizations and overwhelming, bipartisan support in Congress, the Memorial is a reality.

I do not have the time to mention all the Members of Congress who deserve thanks for their contributions to this cause, but certain Members in particular must be recognized. Rep. Sonny Montgomery, now retired, a true champion of veterans in the House, and Senator Strom Thurmond, our unfailing advocate in the Senate, as well as Rep. Bill Clay, of Missouri and two retired Members, Rep. Henry Gonzalez and Senator John Glenn.

At the end of World War I, the French poet Guillaume Apollinaire declaring himself ''against forgetting'' wrote of his fallen comrades: ''You asked neither for glory nor for tears.'' Five years ago, at the close of the 50th anniversary ceremonies for World War II, Americans consecrated this ground with soil from the resting places around the world of those who served and died on all fronts. We, too, declared ourselves against forgetting. We pledged then that America would honor and remember their selfless devotion on this Mall that commemorates democracy's march.

Apollinaire's words resonated again as E.B. Sledge reflected on the moment the Second World War ended: ''. . . sitting in a stunned silence, we remembered our dead . . . so many dead . . . Except for a few widely scattered shouts of joy, the survivors of the abyss sat hollow-eyed, trying to comprehend a world without war.''

Yes. Individual acts by ordinary men and women in an extraordinary time—one exhausting skirmish, one determined attack, one valiant act of heroism, one dogged determination to give your all, one heroic act after another—by the thousands—by the millions—bound our country together as it has not been since, bound the living to the dead in common purpose and in service to freedom, and to life.

As a Marine wrote about his company, ''I cannot say too much for the men . . . I have seen a spirit of brotherhood . . . that goes with one foot here amid the friends we see, and the other foot there amid the friends we see no longer, and one foot is as steady as the other.''

Today we break ground. It is only fitting that the event that reshaped the modern world in the 20th century and marked our nation's emergency from isolationism to the leader of the free world be commemorated on this site.

Our work will not be complete until the light from the central sculpture of the Memorial intersects the shadow cast by the Washington Monument across the Lincoln Memorial Reflecting Pool and the struggles of freedom of the 18th, 19th, and 20th centuries converge in one moment. Here freedom will shine. She will shine.

This Memorial honors those still living who served abroad and on the home front and also those lost—the nearly 300,000 Americans who died in combat, and those, the millions, who survived the war but who have since passed away.

Among that number I count my inspired constituent Roger Durbin of Berkey, Ohio, a letter carrier who fought bravely with the Army's 101st Armored Division in the Battle of the Bulge and who, because he could not forget, asked me in 1987 why there was no memorial in our nation's Capitol to which he could bring his grandchildren. Roger is with us spiritually today. To help us remember him and his contribution to America, we have with us a delegation from his American Legion Post, the Joseph Diehn Post in Sylvania, Ohio, and his beloved family, his widow, Marian, his granddaughter, Melissa, an art historian and member of the World War II Memorial Advisory Board.

This is a memorial to heroic sacrifice. It is also a memorial for the living—positioned between the Washington Monument and Lincoln Memorial—to remember how freedom in the 20th century was preserved for ensuing generations.

Poet Keith Douglas died in foreign combat in 1944 at age 24. In predicting his own end,

he wrote about what he called time's wrong-way telescope, and how he thought it might simplify him as people looked back at him over the distance of years. ''Through that lens,'' he demanded, ''see if I seem/substance or nothing: of the world/deserving mention, or charitable oblivion . . .'' And then he ended with the request, ''Remember me when I am dead/and simplify me when I'm dead.'' What a strange and striking charge that is!

And yet here today we pledge that as the World War II Memorial is built, through the simplifying elements of stone, water, and light, there will be no charitable oblivion. America will not forget. The world will not forget. When we as a people can no longer remember the complicated individuals who walked in freedom's march—a husband, a sister, a friend, a brother, an uncle, a father—when those individuals become simplified in histories and in family stories, still when future generations journey to this holy place, America will not forget. Freedom's children will not forget.

REMARKS OF LUTHER SMITH, WORLD WAR II TUSKEGEE AIRMAN

Mr. President, Senator Dole, General Woerner, distinguished guests. It's a thrill to be here this afternoon—to be among so many of my fellow World War II veterans.

Today's groundbreaking is a long-awaited milestone in the evolution of the National World War II Memorial. For today we celebrate the approval of Friedrich St. Florian's memorial design after a long and spirited public review process.

I had the privilege to serve as a member of the Architect-Engineer Evaluation Board that judged the 403 entries in the national design competition. We and the members of the Design Jury set out to select a design architect whose vision for the memorial matched the scale and significance of the event it commemorates as well as the classic beauty and nobility of the national landmarks that soon will be its neighbors.

The elegance and sensitivity of the approved design is proof that we selected the right person for this monumental task.

Fifty-nine years ago I was in my early twenties, as were many of you. Young, eager, wondering what the future held for me is Des Moines, Iowa. Little did I know that soon I would be flying with a group of men that would become known as the Tuskegee Airmen.

What a proud time for a young man in 1940's America. To be allowed to fly and fight for his country. To be part of an effort that united the nation in a way we hadn't seen before and haven't seen since.

I flew 133 missions in a combination of fighter aircraft. It was on my final scheduled mission, in October 1944, that my P–51 Mustang was brought down. We were strafing oil tank cars when a ball of fire erupted directly in front of me. I was in and out of the flames in less than a second, but the explosion blew out my cockpit windows, buckled the wing surfaces and destroyed much of the tail assembly. I was uninjured, but 600 miles from home in a crippled aircraft.

Flames soon enveloped the engine. I wanted to roll into an inverted position and fall free before opening my parachute, but I went into a spin and fell partially out of the cockpit. My right foot became wedged between the rudder pedal and brake, so I couldn't get into the cockpit or out.

The next thing I recall is looking up at a badly torn parachute. Somehow, I had pulled the ripcord while trapped semi-conscious in the aircraft. The opening parachute pulled me free, saving my life but fracturing my right hip.

I was falling too fast, head first, connected to the parachute by just one strap attached to my fractured hip. Unconsciousness again, I awoke crashing through trees. My chute caught in the top branches and kept me from smashing into the ground. I spent the last seven months of the war in German hospitals and the Stalag 18A prison camp. My injuries required 18 operations and three years of hospitalization.

I was lucky. I lived to tell the story. More than 400,000 Americans never came home to tell their stories. And more than 10 million of the 16 million that served in uniform are no longer with us to tell their stories.

I feel blessed to have had the opportunity to serve my country during her time of need, and to have played a small but rewarding role in the effort to establish a memorial to that time.

I look forward to the day when I can bring my grandchildren here to our National Mall, to walk among the landmarks of our young democracy, to enter one of the great gathering places in this special city—the World War II Memorial plaza—and share with them our nation's newest symbol of freedom.

The members of my generation hold within them thousands of stories like the one I shared with you today—stories of events that unfolded many years ago. The telling of those stories will end all too soon, but the lessons they teach must be remembered for generations to come.

The World War II Memorial will keep those lessons alive.

REMARKS OF TOM HANKS

In December of 1943, the Second World War appeared to have no end. The Invasion of Normandy was half a year away. The landing on Guam, the liberation of Paris and naval victories in the Philippine Sea would not happen until the following summer and fall. Americans at home had yet to hear of the Battle of the Bulge or Iwo Jima. American Soldiers had yet to touch the Siegfried Line or come anywhere near crossing the Rhine River.

The final cost of an allied victory was incalculable. The list of those names to be lost forever, not nearly complete.

In December of 1943, a war correspondent named Erine Pyle sat in a tent outside of Naples and wrote the following on his typewriter:

At the front lines in Italy—in this war I have known a lot of officers who were loved and respected by the soldiers under them. But never have I crossed the trail of any man as beloved as Captain Henry T. Waskow, of Belton, Texas.

Captain Waskow was a company commander in the 36th division. He had been in this company since long before he left the States. He was very young, only in his middle 20s, but he carried in him a sincerity and gentleness that made people want to be guided by him.

''After my own father, he comes next,'' a sergeant told me. ''He always looked after us,'' a solder said. ''He'd go to bat for us every time.'' ''I've never known him to do anything unkind,'' another one said. I was at the foot of the mule trail the night they brought Captain Waskow down. The moon was nearly full at the time, and you could see far up the trail, and even part way across the valley. Soldiers made shadows as they walked.

Dead men had been coming down the mountain all evening, lashed onto the backs of mules. They came lying belly down across the wooden packsaddle, the heads hanging down on the left side of the mule, their stiffened legs sticking awkwardly from the other side, bobbing up and down as the mule walked.

The Italian mule skinners were afraid to walk beside dead men, so Americans had to lead the mules down that night. Even the Americans were reluctant to unlash and lift off the bodies, when they go to the bottom, so an officer had to do it himself and ask others to help.

The first one came early in the morning. They slid him down from the mule, and stood him on his feet for a moment. In the half light he might have been merely a sick man standing there leaning on the other. Then they laid him on the ground in the shadow of the stone wall alongside the road.

I don't know who that first one was. You feel small in the presence of dead men and ashamed of being alive, and you don't ask silly questions.

We left him there beside the road, that first one, and we all went back into the cowshed and sat on watercans or lay on the straw, waiting for the next batch of mules. Somebody said the dead soldier had been dead for four days, and then nobody said anything more about him. We talked for an hour or more; the dead man lay off alone, outside in the shadow of the wall. Then a soldier came into the cowshed and said there were some more bodies outside. We went out into the road. Four mules stood there in the moonlight, in the road where the trail came down off the mountain. The soldiers who led them stood there waiting.

''This one is Captain Waskow,'' one of them said quickly.

Two men unlashed his body from the mule and lifted it off and laid it in the shadow beside the stone wall. Other men took the other bodies off. Finally, there were five lying end to end in a long row. You don't cover up dead men in the combat zones. They just lie there in the shadows until somebody else comes after them.

The uncertain mules moved off to their olive orchards. The men in the road seemed reluctant to leave. They stood around, and gradually I could sense them moving, one by one, close to Captain Waskow's body. Not so much to look, I think, as to say something in finality to him and to themselves. I stood close by and I could hear.

One soldier came and looked down, and he said out loud: ''God damn it!'' That's all he said, and then he walked away. Another one came, and he said, ''God damn it to hell anyway!'' He looked down for a few last moments and then turned and left.

Another man came. I think he was an officer. It was hard to tell officers from men in the half light, for everybody was grimy and dirty. The man looked down into the dead captain's face and then spoke directly to him, as though he were alive:

''I'm sorry, old man.''

Then a soldier came and stood beside the officer and bent over, and he too spoke to his dead captain, not in a whisper but awfully tenderly, and he said:

''I sure am sorry, sir.''

Then the first man squatted down, and reached down and took the captain's hand, and he sat there for a full five minutes holding the dead hand in his own and looking intently into the dead face. And he never uttered a sound all the time he sat there.

Finally he put the hand down. He reached up and gently straightened the points of the captain's shirt collar, and then he sort of rearranged the tattered edges of his uniform around the wound and then he got up and walked away down the road in the moonlight, all alone.

The rest of us went back into the cowshed, leaving the five dead men lying in the line end to end in the shadow of the low stone wall. We lay down on the straw in the cowshed, and pretty soon we were all asleep.—*Ernie Pyle. Italy. December 1943.*

REMARKS OF SENATOR BOB DOLE, NATIONAL CHAIRMAN, WWII MEMORIAL CAMPAIGN

Mr. President, Tom, and Fred, and our countless supporters and other guests. I am honored to stand here as a representative of the more than 16 million men and women who served in World War II. God bless you all.

It has been said that ''to be young is to sit under the shade of trees you did not plant; to be mature is to plant trees under the shade of which you will not sit.'' Our generation has gone from the shade to the shadows so some ask, why now—55 years after the peace treaty ending World War II was signed aboard the USS *Missouri*. There is a simple answer: because in another 55 years there won't be anyone around to bear witness to our part in history's greatest conflict.

For some, inevitably, this memorial will be a place to mourn. For millions of others, it will be a place to learn, to reflect, and to draw inspiration for whatever tests confront generations yet unborn. As one of many here today who bears battle scars, I can never forget the losses suffered by the greatest generation. But I prefer to dwell on the victories we gained. For ours was more than a war against hated tyrannies that scarred the Twentieth Century with their crimes against humanity. It was, in a very real sense, a crusade for everything that makes life worth living.

Over the years I've attended many a reunion, and listened to many a war story—even told a few myself. And we have about reached a time where there are few around to contradict what we say. All the more reason, then, for the war's survivors, and its widows and orphans, to gather here, in democracy's front yard to place the Second World War within the larger story of America. After today it belongs where our dwindling ranks will soon belong—to the history books.

Some ask why this memorial should rise in the majestic company of Washington, Jefferson, Lincoln and Roosevelt. They remind us that the Mall is hallowed ground. And so it is. But what makes it hallowed? Is it the monuments that sanctify the vista before us—or is it the democratic faith reflected in those monuments? It is a faith older than America, a love of liberty that each generation must define and sometimes defend in its own way.

It was to justify this idea that Washington donned a soldier's uniform and later reluctantly agreed to serve as first president of the nation he conceived. It was to broadcast this idea that Jefferson wrote the Declaration of Independence, and later as president, doubled the size of the United States so that it might become a true empire of liberty. It was to vindicate this idea that Abraham Lincoln came out of Illinois to wage a bloody yet tragically necessary Civil War, purging the stain of slavery from freedom's soil. And it was to defend this idea around the world that Franklin D. Roosevelt led a coalition of conscience against those who would exterminate whole races and put the soul itself in bondage.

Today we revere Washington for breathing life into the American experiment—Jefferson for articulating our democratic creed—Lincoln for the high and holy work of abolition—and Roosevelt for upholding popular government at home and abroad. But it isn't only presidents who make history, or help realize the promise of democracy. Unfettered by ancient hatreds, America's founders raised a lofty standard—admittedly too high for their own generation to attain—yet a continuing source of inspiration to their descendants, for whom America is nothing if not a work in progress.

If the overriding struggle of the 18th century was to establish popular government in an era of divine right; if the moral imperative of the 19th century was to abolish slavery; then in the 20th century it fell to millions of citizen-soldiers—and millions more on the home front, men and women—to preserve democratic freedoms at a time when murderous dictators threatened their very existence. Their service deserves commemoration here, because they wrote an imperishable chapter in the liberation of mankind—even as their nation accepted the responsibilities that came with global leadership.

So I repeat: what makes this hallowed ground? Not the marble columns and bronze statues that frame the Mall. No—what sanctifies this place is the blood of patriots across three centuries, and our own uncompromising insistence that America honor her promises of individual opportunity and universal justice. This is the golden thread that runs throughout the tapestry of our nationhood—the dignity of every life, the possibility of every mind, the divinity of every soul. This is what my generation fought for on distant fields of battle, in the air above and on remote seas. This is the lesson we have to impart. This is the place to impart it. Learn this, and the trees planted by today's old men—let's say mature men and women—will bear precious fruit. And we may yet break ground on the last war memorial.

Thank you all and God bless the United States of America.

REMARKS OF FREDERICK W. SMITH, NATIONAL CO-CHAIRMAN, WWII MEMORIAL CAMPAIGN

When Senator Dole asked me to be a part of this campaign, my first thoughts were of my own family heroes—my Uncle Sam, my Uncle Bill, my Uncle Arthur and my father, all of whom served in World War II—two in the Army and two in the Navy.

Others in my family, including my mother, who is in the audience today, understood the sacrifice necessary to achieve victory and joined the millions of Americans who supported the war effort from the home front. I thought, what a shame that there isn't a memorial to represent the tremendous sacrifice and amazing achievements of their generation.

I can't imagine what this country or the world would be like had all of those who served so nobly overseas and at home not prevailed. It was the single most significant event of the last century.

Think back to the pre-war depression years. Factories were under-producing and 10 million Americans were unemployed. Countless more had substandard, low paying jobs.

Then, between 1941 and 1945, the number of jobless people dropped to one million, the output of manufactured goods increased by more than 300 percent, and average productivity was up 25 percent. America had become the world's arsenal of democracy.

Once mobilized, U.S. production lines annually turned out 20,000 tanks, 50,000 aircraft, 80,000 artillery pieces, and 500,000 trucks.

The enemy collapsed under America's superior capability to manufacture and deliver large quantities of equipment and supplies. Industry made an overwhelming contribution to final victory, and this effort transformed the nation forever.

But the national war effort extended beyond the factories and shipyards into every home and involved Americans of all ages.

Scrap drives for tin, iron, rubber and newspapers linked local neighborhoods to those on the front lines.

Victory gardens were planted, promoting pride in ''doing your part'' while reducing dependence on a system working overtime to supply food for our troops.

But nothing reflected home front commitment and resolution more than the blue and gold stars hung in the windows of homes across the nation: enduring symbols of service and sacrifice.

World War II set the stage for business and industrial growth that helped us rebuild the devastated nations of the world, and fueled a national prosperity that we continue to enjoy today.

Over the past three years, we once again witnessed a coming together of the American people in support of a worthy cause, and a willingness to share some of our great wealth to honor those who kept us free to pursue our individual dreams.

The funding of the memorial was made possible by corporations, foundations, and veterans organizations; by civic, professional and fraternal groups; by the states; by students in schools across the nation and hundreds of thousands of individual Americans.

I can't possibly name all of our contributors—many are listed in your program. But I do want to acknowledge a few whose generosity became the foundation of our success: The associates and customers of Wal-Mart and SAM'S Club stores, and the foundation and employees of SBC Communications, Inc., The Veterans of Foreign Wars and The American Legion, The Lilly Endowment and the State of Pennsylvania.

Their gifts led the way, but every bit as important were the grassroots efforts of Community Action Councils and individual volunteers across the country; and the enthusiasm of our young students, who showed their appreciation for their family heroes through a variety of school recognition and fund-raising activities.

Senator Dole and I thank all who lent their support to this campaign with their words of encouragement and generous gifts. It has been our pleasure to have played a role in helping America say thank you to our World War II generation.

REMARKS OF AMBASSADOR F. HAYDN WILLIAMS, CHAIRMAN, ABMC WWII MEMORIAL COMMITTEE

President Clinton, WWII Veterans and Ladies and Gentlemen:

I am grateful and privileged to have had the opportunity to serve on the American Battle Monuments Commission, and to have been involved in the planning for the World War II Memorial and at the beginning of my remarks, I would like to acknowledge the valuable help I have received from the members of the Battle Monuments Commission and the Memorial Advisory Board, especially the contributions of General Woerner, Dr. Helen Fagin, Rolland Kidder, Jess Hay, and General Pat Foote.

I would also like to thank General John Herrling, the Secretary of the American Battle Monuments Commission, and his staff for their support.

Today marks a special moment in the nation's history as we break ground for the National World War II Memorial here at the Rainbow Pool. No other location in America could possibly pay a higher tribute to the event it will commemorate and to those it honors and memorializes than this awe inspiring site—on the National Mall—the nation's village green. As David Shribman, of the Boston Globe, has written, ''the Memorial, lying on the symbolic centerline of our nation's history, is fully deserving of this singular honor because World War II is central to our history, central to our view of our role in the world, and central to our values.''

We are deeply appreciative to those who have made this site possible: the Congress for authorizing the location of the World War II Memorial in Washington's monumental core area; the Secretary of the Interior for endorsing and making the site available; and, finally, The National Commission

of Fine Arts and the National Capital Planning Commission. After site visits and open public hearings, both of these commissions have approved and subsequently reaffirmed this magnificent location.

The glory of the Memorial is its setting, surrounded by the visual and historic grandeur of the Mall, and the beauty of it's open vistas—which will remain open thanks to Friedrich St. Florian's visionary design concept. The addition of the World War II Memorial to the Mall's great landmarks will represent a continuation of the American story. It will provide a linkage of the democratic ideals of the past. Joining the company of Washington and Lincoln, and the Capitol, the site will encourage reflection on American democratic core values across the span of three centuries. No other site in the nation's Capitol offers such visual and emotional possibilities.

At the dedication of this site five years ago today, President Clinton proclaimed that ''from this day forward, this place belongs to the World War II generation and to their families. Let us honor their achievements by upholding always the values they defended and by guarding always the dreams they fought and died for—for our children and our children's children.''

To this end, the Memorial will be a legacy, a noble gift to the nation from the American people to future generations. It will be a timeless reminder of the moral strength and the awesome power that can flow when a free people are at once united and bonded together in a just and common cause. World War II was indeed a special moment in time, one which changed forever the face of American life and the direction of world history . . . and, I might add, the lives of many, if not most, of those in the audience this afternoon.

When finished, the Memorial will be a new and important gathering place, a place for the joyous celebration of the American spirit and national unity. It will be a place for open democratic discourse, formal ceremonies, sunset parades, band concerts, and other memorial events. It will, in essence, be a living memorial, as well as a sacred shrine honoring the nation, the homefront, the valor and sacrifice of our Armed Forces, our allies, and the victory won in the Second World War.

Now is the time to move forward to meet our last and most important goal—the construction of the Memorial and its formal dedication on Memorial Day, 2003, a day that will mark the end of a long and memorable journey.

Thank you.

REMARKS OF THE HONORABLE WILLIAM S. COHEN, SECRETARY OF DEFENSE

President Clinton, Senator Dole, Fred Smith, General Woerner, distinguished guests, honored veterans, ladies and gentlemen.

We are gathering to break ground and to raise a memorial of granite and stone, but—as has been said this afternoon—more deeply to honor the lives of those who saved this nation, and this world, in its darkest hour. From Guadalcanal to Omaha Beach, the millions of Americans who changed the course of civilization itself will have their names etched in the book of history in a far more profound and permanent way than even the words to be inscribed on the arches that will rise around us.

The great warrior and jurist Justice Oliver Holmes, Jr. once looked into the eyes of his graying fellow veterans and spoke words that ring with vibrancy and relevance to us today, ''The list of ghosts grows long. The roster of men grows short. Only one thing has not changed. As I look into your eyes I feel that a great trial in your youth has made you different. It made you citizens of the world.''

We, the heirs of your sacrifice, are citizens of the world you made, and the nation you saved. And we can only stand in awe at your silent courage, at your sense of duty, and at the sacred gift that you have offered to all those who came after you. The honor of this day belongs to you.

A veteran of our great war for freedom at home, General Joshua Lawrence Chamberlain, who hailed from the great state of Maine, once said of his comrades, ''In great deeds something abides. On great fields something stays. Forms change and pass, bodies disappear, but spirits linger to consecrate ground for the vision place of souls.''

The men and women of America's armed forces, those who inherited four spirit, who defend the consecrated ground on which you fought, today carry on your noble work, preserving what you have created, defending the victory you achieved, honoring the great deeds and ideals for which you struggled and sacrificed. All of us, all of us, are truly and deeply in your debt forever.

Now, on the 50th anniversary of D-Day, standing on the bluff that overlooks Omaha Beach, President Clinton observed that it is a ''hallowed place that speaks, more than anything else, in silence.'' So many years after the merciless sound of war had dissipated, the quiet and stillness of peace was hypnotically deep and profound.

Today, as we break ground on another silent sentry which will stand as a reminder of the long rattle of that now distant war, we are honored to have with us a commander-in-chief who has stood tall and strong for American leadership for peace and democracy, who refused to remain indifferent to the slaughter of innocent civilians, to the barbarity that we all thought that Europe would never see again, who refused to see evil re-ignited—the evil that you fought so hard to stamp out. He led our allies to defeat the final echo of the horrors from the 20th Century, preserving the victory you won so long ago.

For nearly four years now, it has been my honor to serve, and is now my great pleasure to introduce, the President of the United States, Bill Clinton.

REMARKS OF WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES

Senator Thurmond once told me that he was the oldest man who took a glider into Normandy. I don't know what that means, 56 years later, but I'm grateful for all of the members of Congress, beginning with Senator Thurmond and all the others who are here, who never stopped serving their country.

But most of all I want to say a thank you to Bob Dole, and to Elizabeth, for their service to America. As my tenure as president draws to a close, I have had, as you might imagine, and up-and-down relationship with Senator Dole. But I liked even the bad days. I always admired him. I was always profoundly grateful for his courage and heroism in war, and 50 years of service in peace.

After a rich and long life, he could well have done something else with his time in these last few years, but he has passionately worked for this day, and I am profoundly grateful.

I also want to thank the men and women and boys and girls all across our country who participated in this fund-raising drive, taking this memorial from dream to reality. Their stories are eloquent testimony to its meaning.

Senator Dole and I were sitting up here watching the program unfold today. He told me an amazing story. He said, ''You know, one day a man from Easton, Pennsylvania, called our office. He was a 73-year-old Armenian-American named Sarkus Acopious.'' And he said, ''You know, I'd like to make a contribution to this memorial. Where do I mail my check?''—this caller.

So he was given the address, and shortly after, this man who was grateful for the opportunities America had given him, a check arrived in the office, a check for $1 million.

But there were all the other checks as well, amounting to over $140 million in private contributions. There were contributions from those still too young to serve, indeed, far too young to remember the war. More than 1,100 schools across our nation have raised money for the memorial by collecting cans, holding bake sales, putting on dances.

Let me just tell you about one of them: Milwaukie High School in Milwaukie, Oregon. Five years ago, a teacher named Ken Buckles wanted to pay tribute to the World War II veterans. He and his students searched out local veterans and invited them to school for a living history day.

Earlier this week, Living History Day 2000 honored more than 3,000 veterans with a retreated USO show that filled a pro basketball arena. Last year's event raised $10,000 for the memorial, and students think that this year they'll raise even more.

Now what makes those kids fund raise and organize and practice for weeks on end? Well, many have grandparents and other relatives who fought in the war, but there must be more to it than that. They learned from their families and teachers that the good life they enjoy as Americans was made possible by the sacrifices of others more than a half century ago.

And maybe most important, they want us to know something positive about their own generation as well, and their desire to stand for something greater than themselves. They didn't have the money to fly out here today, but let's all of us send a loud thank you to the kids at Milwaukie High School and their teacher, Ken Buckles, and all the other young people who have supported this cause.

The ground we break today is not only a timeless tribute to the bravery and honor of one generation, but a challenge to every generation that follows. This memorial is built not only for the children whose grandparents served in the war, but for the children who will visit this place a century from now, asking questions about America's great victory for freedom.

With this memorial, we secure the memory of 16 million Americans, men and women who took up arms in the greatest struggle humanity has ever known.

We hallow the ground for more than 400,000 who never came home. We acknowledge a debt that can never be repaid. We acknowledge as well the men and women and children of the home front, who tended the factories and nourished the faith that made victory possible; remember those who fought faithfully and bravely for freedom, even as their own full humanity was under assault: African-Americans who had to fight for the right to fight for our country, Japanese-Americans who served bravely under a cloud of unjust suspicion, Native American code-talkers who helped to win the war in the Pacific, women who took on new roles in the military and at home.

Remember how, in the heat of battle and the necessity of the moment, all of these folks moved closer to being simply American.

And we remember how after World War II, those who won the war on foreign battlefields dug deep and gave even more to win the peace here at home, to give us a new era of prosperity, to lay the foundation for a new

global society and economy by turning old adversaries into new allies, by launching a movement for social justice that still lifts millions of Americans into dignity and opportunity.

I would like to say once more, before I go, to the veterans here today what I said in Normandy in 1994: Because of you, my generation and those who have followed live at a time of unequaled peace and prosperity. We are the children of your sacrifice and we thank you forever.

But now, as then, progress is not inevitable. It requires eternal vigilance and sacrifice. Earlier today, at the Veterans Day ceremony at Arlington National Cemetery, we paid tribute to the fallen heroes of the United States Ship *Cole*, three of whom have recently been buried at Arlington. The captain of the ship and 20 of the crew members were there today. We honor them.

Next week I will go to Vietnam to honor the men and women America lost there, to stand with those still seeking a full accounting of the missing.

But at the same time, I want to give support to Vietnamese and Americans who are working together to build a better future, in Vietnam, under the leadership of former congressman and former Vietnam POW, Pete Peterson, who has reminded us that we can do nothing about the past but we can always change the future.

That's what all of you did after the war with Germans, Italians and Japanese. You've built the world we love and enjoy today.

The wisdom this monument will give us is to learn from the past and look to the future. May the light of freedom that will stand at the center of this memorial inspire every person who sees it to keep the flame of freedom forever burning in the eyes of our children, and to keep the memory of the greatest generation warm in the hearts of every new generation of Americans.

Thank you and God bless America.

RECOGNITION OF SALISSA WAHLERS

Mr. LOTT. Mr. President, I rise today to commend Salissa Wahlers of Gulfport, Mississippi, for her selection to the Peace Corps program. Salissa is teaching English in Uzbekistan, where she will be working for the next two years. This is only Salissa's most recent accomplishment, and it adds to a long list that has grown throughout her life.

Salissa graduated from Middlebury College where she received a Bachelor of Arts degree in political science and sociology/anthropology. She was named Woman of the Year by the Women's Studies Program while at Middlebury. While in college, Salissa participated in the semester abroad program by attending Monash University in Melbourne, Australia. Additionally, she attended a winter semester at Berea College in Kentucky as a part of her college's winter term exchange program.

Mr. President, Salissa worked for three years during college to complete her honors thesis, which is very impressive for an undergraduate student. Her hard work paid off when she was able to present part of her thesis at the Northeastern Anthropological Association Conference in Queens, New York, this spring. She is clearly a model student, and she exemplifies the rewards that individuals and society as a whole realize when education is a priority. I know her family, especially her mother, Kemmer McCall of Gulfport, is very proud of her.

VICTIMS OF GUN VIOLENCE

Mr. LEVIN. Mr. President, it has been over a year since the Columbine tragedy, but still this Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Last Tuesday, on Election Day, voters in Colorado and Oregon fed up with such violence voted overwhelmingly to close the gun-show loophole, which extends background checks to all prospective purchasers of firearms at gun shows. Voters in those states recognized the need to pass responsible gun laws that can keep our schools and streets safe. Now, Congress should follow their lead.

Until Congress acts, those of us in the Senate who are committed to enacting responsible gun laws, will read the names of a number of those who have lost their lives to gun violence in the past year. The following are the names of some of the people who were killed by gunfire one year ago today.

NOVEMBER 14, 1999

Kenneth Jeffcoat, 18, Washington, DC;
George Jones, 20, Washington, DC;
Derrick Rogers, 43, Detroit, MI;
Andrian Thomas, 23, Detroit, MI;
Unidentified male, 25, Long Beach, CA;
Unidentified male, 20, Norfolk, VA; and
Unidentified male, San Francisco, CA.

Following are the names of some of the people who were killed by gunfire one year ago on November 2, 1999, the last day the Senate was in session.

NOVEMBER 2, 1999

Robert Lee Covington, 51, Memphis, TN;
Carey Jackson, 34, Fort Worth, TX;
Eddie Kennedy, 28, Atlanta, GA;
Victor Killebrew, 36, St. Louis, MO;
Dwayne Lemon, 36, Chicago, IL;
Douglas Pendleton, 30, Chicago, IL;
Joseph Slater, 19, Kansas City, MO;
Angel Walker, 20, St. Louis, MO;
Charles Watts, 19, Philadelphia, PA;
Unidentified female, San Francisco, CA;
Unidentified male, 40, Honolulu, HI;
Unidentified male, 30, Honolulu, HI;
Unidentified male, 58, Honolulu, HI;
Unidentified male, 54, Honolulu, HI;
Unidentified male, 46, Honolulu, HI;
Unidentified male, 36, Honolulu, HI; and
Unidentified male, 36, Honolulu, HI.

The deaths of these people are a reminder to all of us that Congress must enact sensible gun legislation now.

ON THE RECENT ELECTION

Mr. LEAHY. Mr. President, I congratulate all those who participated in our recent Federal and State elections. In Vermont 63 percent of registered voters went to the polls and voted. In other States it was a bit more, in some a bit less.

The 2000 presidential election reminds us all that every vote counts. State electoral votes for President and Vice President may be decided in some States by the fewest in history, literally a handful of votes. In New Mexico, the counting continues and the outcome is very close. In Florida, the counting continues and the outcome is very close.

Likewise in Washington State, the vote for the Senator from Washington is still being counted and is very close. A number of House congressional races remain very close and final results may have to await recounts and the outcome of protests and challenges. The results of the Senate and House elections are such that the House and Senate themselves will have equal numbers or almost equal numbers of Democrats and Republicans.

I want to commend all those who participated. I welcome our newest Senators-elect. Many are in town this week. I welcome JEAN CARNAHAN, DEBBIE STABENOW, TOM CARPER, JON CORZINE, MARK DAYTON, BEN NELSON, BILL NELSON, and HILLARY RODHAM CLINTON. In addition, we may be joined by Maria Cantwell. We will be joined by GEORGE ALLEN, and JOHN ENSIGN. All will add greatly to our ranks and, I hope, to the Senate's ability to find answers to the problems of the American people.

The Congress will be confronted with a number of challenges. We will need to find ways to work together. In the Senate, the possibility of a Senate equally divided among Democrats and Republicans has prompted the Democratic Leader to make the suggestion that we consider new and less confrontational organizational principles that would include equal membership ratios on our Committees and equal staffing and equitable sharing of resources. Those are suggestions that should be seriously considered. I look forward to working with all Senators in the coming days: Senators in this Congress as we complete our work before adjourning sine die and Senators in the next Congress as we organize for our work in January.

DEPRESSION, SUICIDE, AND MEDICARE

Mr. WELLSTONE. Mr. President, I rise today to call attention to new data with respect to older Americans and mental illnesses that support swift consideration by the Senate of the Medicare Mental Health Modernization Act, S. 3233, a bill that I introduced on October 25, 2000.

Throughout my Senate career, I have been concerned about mental illness and the unfair discrimination faced by those with this serious illness. We now know from Surgeon General David

Satcher, in his recent report, ''Mental Health: A Report of the Surgeon General,'' that the rate of major clinical depression and the incidence of suicide among senior citizens is alarmingly high. This report cites that about one-half of patients relocated to nursing homes from the community are at greater risk for depression. Moreover, up to 37% of older adults treated in primary care settings experience symptoms of depression. At the same time, the Surgeon General emphasizes that depression ''is not well-recognized or treated in primary care settings,'' and calls attention to the alarming fact that older people have the highest rates of suicide in the U.S. population. Contrary to what is widely believed, suicide rates actually increase with age, and, as the Surgeon General points out, ''depression is a foremost risk factor for suicide in older adults.''

Clearly, Mr. President, our nation must take steps to ensure that mental health care is easily and readily available under the Medicare program. S. 3233, the Medicare Mental Health Modernization Act, takes an important first step in that direction. It is time to take this potential fatal illness seriously. I believe we must do everything we can to make effective treatments available in a timely manner for older adults and others covered by Medicare, and help prevent relapse and recurrence once mental illness is diagnosed.

The mental health community is very aware of the problems in the Medicare system and is fighting to improve it. I want to thank those groups that have supported this initial effort to improve mental health care in the Medicare program, particularly the American Mental Health Counselors Association (AMHCA) for their leadership role in fighting for improved mental health care coverage for seniors under Medicare. Their support joins that of the other major mental health groups mentioned in my earlier statement, as well as the Association for the Advancement of Psychology, the Clinical Social Work Federation, the Federation of Families for Children's Mental Health, the International Association of Psychosocial Rehabilitation Services, and the National Council for Community Behavioral Healthcare. I want to applaud the determination of these groups for stepping forward to fight for the rights of those with mental illnesses, and their commitment to improving mental health services funded by the Medicare program.

HONORING THE MARINE CORPS 225TH BIRTHDAY

Ms. LANDRIEU. Mr. President, On November 10th, we honored the 225th birthday of the United States Marine Corps. For more than two centuries, the United States Marine Corps has exemplified the highest virtues of loyalty, service, and sacrifice. From the Barbary coast to the far reaches of the Pacific, in the jungles of Vietnam and across the vast expanse of the Arabian desert, America's Marines have shown the world the meaning of ''Semper Fi.''

Through the long march of our history, few military organizations have been held in such high esteem as the United States Marine Corps. Our Marine Corps are men and women of great character. They are smart, tough, dedicated, and faithful, truly the best America has to offer. For 225 years, they have stood for all that is great about this nation: honor, courage, and commitment. Their values, sense of courage, and quiet, steadfast character remain timeless and valuable commodities for an age in which our Nation's interests face considerable new threats.

Throughout their great history, Marines protected America's interests, struggled against foes who attempted to do our country harm, and remained at the forefront of our Nation's efforts to maintain global peace and stability. In hundreds of distant lands, from Nicaragua to Lebanon to Somalia, Marines restored and maintained order, aided people in distress, provided protection for the weak, and upheld the values that have come to define our country on the world stage. Many made the ultimate sacrifice in the service of their country, and we honor their memory.

In my hometown of New Orleans, we are fortunate enough to be rich in Marine Corps history and tradition. We are the proud home of the Marine Forces Reserve Headquarters where Major General Mize commands more than 104,000 Reserve Marines all across the United States. We are also the home of the last Medal of Honor winner in the Vietnam War, General James E. Livingston. Despite the fact that then-Captain Livingston was wounded a third time and unable to walk, he steadfastly remained in a dangerously exposed area, supervising the evacuation of casualties. Only when assured of the safety of his men did he allow himself to be evacuated. His valor on the battlefield epitomizes the spirit of the Marine Corps.

As we set out in this new century, the importance of our Marine Corps has never been more clear. Tomorrow, as today and for generations past, the razor sharp readiness of the United States Marine Corps serves as a beacon to America's friends and a warning to our enemies, promising swift action, great victories and richer traditions yet to come.

On this day, I offer warmest regards to all who have worn the eagle, globe and anchor, and to the families who also serve by supporting them. You represent all that is wonderful about our Nation.

HELPING SOUTH DAKOTA COMMUNITIES FIGHT CRIME

Mr. JOHNSON. Mr. President, throughout the past year, I continued working with local and state community leaders and law enforcement officials all across South Dakota in an effort to find solutions to the most pressing problems facing the people of my state. A number of issues that Congress can address were brought to my attention through these meetings, and I continue to find this statewide dialog extremely valuable on further developing a community approach to reducing crime. I've worked on a bipartisan basis with my colleagues in the United States Senate to help South Dakota communities get the resources they need to address the crime problems they face.

COMMUNITY POLICING AND THE COPS PROGRAM

Community Policing has proven effective in reducing crime rates nationwide, and I am optimistic that such efforts in our small towns will prove equally successful. As you know, the majority of potential offenders, both juvenile and adult, in our state are still within reach of rehabilitation and support to put them back on track as productive, law abiding citizens.

I believe the Congress must assist state and local efforts to crack down on crime by continuing federal support through funding for localized programs. One of the most successful programs in South Dakota has been the COPS program. Since 1995, the COPS program has allowed South Dakota communities to hire 290 new police officers. In addition, the COPS program has expanded recently to help school districts hire police resource officers to deal with youth violence in South Dakota schools. The COPS in School's program has committed $1.25 million to South Dakota communities.

Although the COPS program has helped reduce the overall crime rate nationwide and has been extremely popular with local law enforcement in our state, I find myself once again working to make sure the program is adequately funded. I support the Administration's request of $1.3 billion for the COPS program to hire 7,000 new police officers nationwide, provide local law enforcement with advanced crime fighting technology, hire more community prosecutors, expand crime prevention programs, enhance school safety programs, and assist law enforcement on Indian Reservations. At this level of funding, South Dakota would receive an estimated $734,000 next year to help fight crime in our communities and in Indian Country.

However, the Senate and House Leadership's inability to pass the annual appropriations bills has put COPS funding in jeopardy. I will continue to work with my colleagues to increase funding for this critical program and am hopeful that common sense will prevail over partisan gamesmanship on this crucial issue.

THE KYL-JOHNSON FEDERAL PRISONER HEALTH CARE COPAYMENT ACT

Senator JON KYL (R–AZ) and I introduced two years ago a bill to require federal prisoners to pay a nominal fee when they initiate certain visits for medical attention. Fees collected from

prisoners will either be paid as restitution to victims or be deposited into the Federal Crime Victims' Fund. I am pleased that the President recently signed into law the Kyl-Johnson Federal Prisoner Health Care Copayment Act.

South Dakota is one of 38 states that have implemented state-wide prisoner health care copayment programs. The Department of Justice supported extending this prisoner health care copayment program to federal prisoners in an attempt to reduce unnecessary medical procedures and ensure that adequate health care services are available for prisoners who need them.

My interest in the prisoner health care copayment issue came from discussions I had in South Dakota with a number of law enforcement officials and U.S. Marshal Lyle Swenson about the equitable treatment between pre-sentencing federal prisoners housed in county jails and the county prisoners residing in those same facilities. Currently, county prisoners in South Dakota are subject to state and local laws allowing the collection of a health care copayment, while Marshals Service prisoners are not, thereby allowing federal prisoners to abuse health care resources at great cost to state and local law enforcement.

As our legislation moved through the Senate Judiciary Committee and Senate last year, we had the opportunity to work on specific concerns raised by South Dakota law enforcement officials and the U.S. Marshals Service. Senator KYL was willing to incorporate my language into the Federal Prisoner Health Care Copayment Act that allows state and local facilities to collect health care copayment fees when housing pre-sentencing federal prisoners.

VIOLENCE AGAINST WOMEN ACT

I am pleased the President recently signed into law a reauthorization of the landmark Violence Against Women Act. The legislation is part of a larger bill that also includes ''Aimee's Law.'' I've supported Aimee's Law'' in the past and am pleased this provision will help crack down on states that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for long prison terms.

I've been involved in the campaign to end domestic violence in our communities dating back to 1983 when I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. In 1994, as a member of the U.S. House of Representatives, I helped get the original Violence Against Women Act passed into law. Since the passage of this important bill, South Dakota has received over $8 million in funding for battered women's shelters and family violence prevention and services.

In South Dakota alone, approximately 15,000 victims of domestic violence were provided assistance last year, and over 40 domestic violence shelters and outreach centers in the state received funding through the Violence Against Women Act. Shelters, victims' service providers, and counseling centers in South Dakota rely heavily on these funds to provide assistance to these women and children.

The original Violence Against Women Act increased penalties for repeat sex offenders, established mandatory restitution to victims of domestic violence, codified much of our existing laws on rape, and strengthened interstate enforcement of violent crimes against women. I am pleased to support efforts this year that strengthen these laws, expand them to include stalking on the internet and via the mail, and provide local law enforcement with additional resources to combat domestic violence in their communities.

JUVENILE JUSTICE

While I am pleased that Congress continued to debate Juvenile Crime legislation this session, I am disappointed that Senate and House Leadership will allow Congress to adjourn without enacting important juvenile crime prevention programs into law. The leadership of several of America's law enforcement organizations, along with prosecutors and crime survivors, have consistently endorsed quality child care and after-school programs as a primary way to dramatically and immediately reduce crime.

I will continue to support significant increases in funding for Head Start, Early Head Start, after-school programs and the Child Care and Development Block Grant program in large part because of the potential these programs have to reduce juvenile crime and domestic violence nationwide.

COMBATTING METHAMPHETAMINE IN SOUTH DAKOTA

A number of South Dakota law enforcement officials and local leaders have told me that meth abuse has become one of their top crime-fighting priorities in the past few years. Meth abuse threatens our young people, law enforcement officers, and our environment. Once again, I led efforts to enhance punishments of meth operators, mandate restitution for meth lab clean-up, and increase funding for treatment and prevention efforts. I also joined Senator TOM HARKIN (D–IA) in successfully securing emergency funding for meth lab clean-up efforts in South Dakota and nationwide.

There is much to be done to bring crime rates in our state down, and to help every South Dakotan feel safe in their home and community. I look forward to continuing my work with state and local leaders, law enforcement agencies in South Dakota, and my Republican and Democratic Senate colleagues in Washington. Together, by focusing on community crime prevention and by investing in our kids, I believe we can make progress in addressing the unique needs of our South Dakota communities.

ADDITIONAL STATEMENTS

TRIBUTE TO COL. ROBERT F. SINK

● Mr. MILLER. Mr. President, history gives us many examples of men and women who went above and beyond the call of duty to serve our great country. In our military, there have always been men and women who were not satisfied with maintaining the status quo, but who, instead, strove to make our armed forces the world's finest and the most powerful. One such individual was the late Colonel Robert F. Sink, commander of the 506th Parachute Infantry Regiment in Toccoa, Georgia.

The 506th Parachute Infantry Regiment was constituted on July 1, 1942 in the Army of the United States, activated July 20, 1942 at Camp General Robert Toombs at Toccoa, Georgia, attached to the 101st Airborne Division on June 1, 1943 and assigned to the 101st Airborne Division on March 1, 1945. The camp located at Currahee Mountain in Toccoa was soon renamed Camp Toccoa and was chosen because of its rugged terrain. The 506th Regiment selected the symbol of the Currahee Mountain as its Coat of Arms and ''Currahee'' became its battle cry.

It was here, in Toccoa, that Col. Sink initiated his rigorous training program called ''Muscle College'' and set many of the standards for the paratrooper basic training program of the 101st Airborne Division. Because of Col. Sink's efforts, the 506th Parachute Infantry established records never before reached by any military unit in the world. Furthermore, Airborne infantrymen around the nation recognized the ''Currahee trained'' men from Camp Toccoa as a cut above their peers in strength and performance.

Col. Sink led his 506th Regiment into combat on D-Day at Normandy, then to Holland, Bastogne, France, Germany, and all the way to Hitler's ''Eagle Nest.'' By the end of World War II, the 506th had received several coveted awards and decorations. The courageous service of the 506th Parachute Infantry Regiment was due, in no small measure, to the tireless efforts of Colonel Robert F. Sink, a true American hero. In honor of this great man, the Currahee Mountain Road, which changed the boys of the famous ''Currahee'' Regiment into men, will be fittingly renamed the ''Col. Robert F. Sink Memorial Trail.''

I hope my colleagues will join with me today in honoring this great man and his groundbreaking work on behalf of our nation's security. For those under Colonel Sink's tutelage who will travel back to Toccoa for this important reunion and celebration, I wish you the best and thank you for your service. Finally, special thanks should be extended to State Representative Mary Jeanette Jamieson for her work on this project. It was a pleasure to be involved in such a worthy effort.●

TRIBUTE TO REVEREND WILLIE JAMES

● Mr. LAUTENBERG. Mr. President, I rise today to recognize the great work of a civil rights pioneer and chapter president of the National Association for the Advancement of Colored People of Willingboro, New Jersey, Reverend Willie James, on the occasion of his receiving the award for exemplary community service.

Reverend James began his work for civil rights in 1958 when he attempted to buy a house in Willingboro's Levitt community. He was told that houses would not be sold to African-Americans. Reverend James decided to sue. Two years later, the United States Supreme Court officially integrated Willingboro, enabling Reverend James to become one of the community's first African-American residents.

In 1974, work demands forced Reverend James to move to Rhode Island. While in Rhode Island, Reverend James joined a statewide commission that studied disparities in white and minority prison rates than whites.

Eventually Reverend James returned to New Jersey where his level of activism flourished. He became president of the Willingboro chapter of the NAACP. During his time as president, Reverend James made great progress researching the issue of disproportionate African-American male imprisonment.

In the recent election, Reverend James and the local chapter of the NAACP worked on motivating minorities to vote. Reverend James is a recipient of more than 30 local and national awards for his commitment to public service.

I am pleased to honor Reverend Willie James on this joyous occasion. His family, his friends, and his community are indebted to him for his unyielding service. This honor is richly-deserved. I salute him on yet another great achievement.●

IN RECOGNITION OF MR. WOODROW W. WOODY

● Mr. LEVIN. Mr. President, on Thursday, November 16, 2000, the people of Michigan, will pay tribute to Mr. Woodrow W. Woody, president and owner of the longest running car dealership in the Nation—Woody Pontiac Sales, Inc. Mr. Woody, who continued active participation in the business, until he was 92 years old in June 2000, when he officially closed the Pontiac dealership he opened in the city of Hamtramck, MI in 1940.

Mr. Woody has come to be known as the pillar of his industry. In 1966, his dealership hit its peak year with the sale of 2,200 cars. Revered by his peers and the people of Michigan, he was inducted into the Automotive Hall of Fame. Over the 60-year operation of his dealership, Woody, as he is called by friends and family, estimates that he sold over 100,000 Pontiacs, one of General Motors' leading products. He says his success is due to his genuine love of life and people.

This immigrant from Lebanon, embodies the ultimate success story of the American dream. Much of why he is being honored is because of his dedication and loyalty to the citizens of the city of Hamtramck and his beloved Lebanon. When the economy recessed and auto sales reflected a downturn, Woody never considered moving his dealership from the community that supported him through prosperous times. Hailed for his philanthropic activities, he spearheaded a drive to build a new facility for the Hamtramck Public Library. In addition, he has worked with Junior Achievement and the Rotary Club for more than 50 years accomplishing projects which support community growth. Woody has also been just as committed to the people of his homeland, where he has built a school and medical clinic.

Although Woody promises to continue his work in the community, interacting with various civic and fraternal organizations for the good of the community, the industry has lost its senior statesman and he will be sorely missed. We all wish Woody continued health, happiness and prosperity in the years ahead. I am sure my colleagues join me in the celebration of the life of Mr. Woodrow W. Woody, extending to him the good will and wishes of the Senate.●

RECOGNITION OF BRIAN KAATZ, PHARM. D.

● Mr. JOHNSON. Mr. President, I rise today to express my appreciation for the contributions of Brian Kaatz, Pharm. D. who has worked as part of my staff for the past three months as a senior Fellow. Brian's expertise in the area of pharmacology has made him a tremendous asset to my legislative staff, and I am fortunate to have had his assistance. When he returns to the Department of Clinical Pharmacy at South Dakota State University in December, I know he will be missed immensely by me and my entire staff.

Fellows are often considered secret weapons to the Members they assist. Brian has been no exception. He came to my office with a distinguished professional career accompanied by a wealth of experience within the pharmacy industry. While his expertise lies in clinical pharmacy, Brian's interests range from issues involving infectious diseases and use of antibiotics, nutrition, health care ethics, drug policy and roles for pharmacists.

Currently a Professor and Department Head of Clinical Pharmacy at the South Dakota State University, Brian has had a career filled with accomplishments. He has been president of the South Dakota Society of Hospital Pharmacists, a member of the committee that re-wrote the pharmacy practice act passed by the South Dakota legislature in 1992, an official delegate several times to the American Society of Health-System Pharmacy annual meeting, and served as a consultant to several South Dakota hospitals and law firms. Additionally, Brian has authored or co-authored approximately twenty-five professional articles and is currently the editor of the South Dakota Journal of Medicine's Pharmacology Focus column, published monthly in South Dakota's Physician Journal. He has made numerous major presentations both regionally and nationally, and received several awards over the years for his notable career.

Throughout the past three months, Brian has worked on a number of projects in my office dealing with pharmacy and health care. Brian led research efforts regarding a comprehensive study comparing prescription drug prices throughout South Dakota and the impact of rising drug costs on those without insurance. Many millions of Americans, both Medicare age and younger have either inadequate or no prescription drug insurance at all. There are roughly 39 million Medicare beneficiaries in this country, one third of whom have no prescription drug coverage. At a time, when drug prices are rising at rates far greater than the rate of inflation and seniors around this country are forced to choose between buying food or pills, we have an inadequate Medicare program that provides no coverage for prescription drug costs. The study that Brian spearheaded provided me with crucial data and real life stories depicting the impact of this issue for South Dakotans, young and old alike. Brian's research furnished my office with up-to-date and unbiased information that enabled me to communicate effectively with my constituents, especially pharmacists, during this time. Unfortunately, Congress was not able to come to an agreement on how we provide Medicare beneficiaries with prescription drug coverage, therefore the information that Brian compiled for me will be critically important as I work on this issue in the 107th Congress next year.

Brian also facilitated discussions with the Government Accounting Office, GAO, on two subject matters involving direct-to-consumer advertising of prescription drugs and conflict of interest matters involving the Food and Drug Administration's Advisory Committee members. The research Brian conducted in these two areas will provide me with the basis for further discussions with GAO and congressional committees seeking hearings into these matters. Brian previously authored and co-authored two articles specifically on the subject of direct-to-consumer advertising and has completed extensive research in this field.

I ask to have the contents of these two articles printed in the RECORD following completion of my statement.

One of the most important tasks as a Senator is to communicate with your constituents back home. Balancing my

duties in Washington with my schedule in South Dakota is often challenging due to uncertainties of the Senate schedule. Brian's established relationship with the South Dakota Pharmacist's Association, South Dakota Board of Pharmacy and several national pharmacy organizations was extremely crucial to his work with my office. He was able to advance discussions surrounding several issues with these groups which will aid me tremendously in my future work with prescription drugs, roles of pharmacists and other health policy matters.

Brian can take pride in his career and dedication to health care issues. He is a recognized health care expert, an educator, an author, an advocate and a friend. I wish to express my deep gratitude to Brian for a job well done. I wish him the very best in his future endeavors.

The articles follow.

[From the South Dakota Journal of Medicine, Dec. 1998]

DIRECT-TO-CONSUMER ADVERTISING OF PRESCRIPTION DRUGS: AN ETHICAL PERSPECTIVE

(By Brian Kaatz)

There is no doubt to anyone who reads this that the detailing and promotion of prescription drugs is big business. Thousands of sales representatives are employed and millions of dollars are spent annually to explain the putative advantages of certain products over others.

Notably, the effort by pharmaceutical manufacturers to expand market share of certain targeted prescription drugs has traditionally been directed solely to health professionals. This has changed in a big way.

Newspapers, magazines, and television are inundated with prescription drug promotions aimed at attracting the attention and interest of the public. Advertisements are intended to stimulate the individual interest of patients, which then potentially will result in inquiries (or demands) directly to physicians for that product. This approach may seem entirely satisfactory to the general public, but it is potentially problematic from several standpoints.

Even under the best of circumstances, most clinicians will admit that their knowledge of new drug products is far from complete. Ideally, a perspective of when or if to use a new product will come from careful surveillance of the primary literature, consultation with a respected and knowledgeable colleague, or from an unbiased, current review of a specific category of drugs. Many physicians pragmatically approach a new drug intending to be ''neither the first nor last'' to use it. This approach could understandably be thwarted if a number of patients persistently request a particular product as a result of the tried-and-true marketing approach of repetitive media encounters and high product visibility.

A patient may not be understanding if her physician tells her that he has no experience with a drug when at the same time the patient has seen it advertised maybe 20 times in the last two weeks. What is wrong with my doctor? Doesn't he watch TV?

The result may be subtle pressure or even coercion to prescribe the drug in question.

Tens of millions of dollars are spent advertising drugs like Claritin, Rezulin, Zocor, and Pravachol. Apparently, this approach has been especially successful since August of 1997, when the FDA allowed televised advertisements to be exempt from detailed descriptions of drug risks. This ruling at least relieved the viewing public from the sometimes bizarre, oblique ads that were seen prior to this, when requirements limited drugs to a name but no detail as to its use. Even relatively astute observers were sometimes confused about the intent of these commercials.

Now, patients and other interested parties are referred to the Internet or other sources ''for more information,'' though they obviously are already headed down the road of special interest in that drug.

Beyond the easy questions that would ask, why can't these tens of millions of dollars be used to lower drug costs, or be put into research for new and safer pharmacologic entities, what of the ethics of direct-to-consumer advertising?

Patient autonomy has been argued elsewhere as being the preeminent ethics principle. There is a strong case for patients knowing as much as they can reasonably understand about disease processes and medication risks and advantages. There is also a strong case for patients being actively involved in their own therapeutic journeys and fully participating in these kinds of decisions. But can we relate direct-to-consumer advertising with true patient autonomy? Is advertising valuable in the effort to develop autonomous decision making? There is a case for answering these questions in the negative.

It must be remembered that patient autonomy does not begin and end with the simple act of a patient making a decision. To the contrary, autonomous decision-making occurs only when there is a fully informed decision-maker. Autonomy is based upon that important element. Thus, one can readily see that a brief, colorful advertisement by itself offers little in the way of full disclosure and does not contain the complete tools necessary to make an autonomous decision.

It perhaps is particularly important in these situations for doctors to maintain a healthy beneficent attitude which could result in a patient receiving a drug with which his physician is familiar and comfortable, rather than the one that is most persistently on prime time. It is not a disservice to attempt to dissuade a patient who is only partially armed with knowledge from committing to long term therapy with a potentially suboptimal drug. And it is not true autonomy that is being exerted when a patient presses for that drug. What might at first glance seem like autonomy lost is actually beneficence gained.

[From the Journal of Medical Humanities and Bioethics, Spring/Summer 1987]

THE PHYSICIAN AND THE PHARMACEUTICAL DETAIL MAN: AN ETHICAL ANALYSIS

(By Jerome W. Freeman and Brian Kaatz)

The principal focus of medical practice should be the patient's interest. The physician's conduct in the clinical realm should consistently reflect this. Arguably, this ideal is not always realized. An example of a circumstance in which the patient's interest does not predominate occurs in the context of the physician's interaction with pharmaceutical companies. These companies have a variety of marketing techniques directed at physicians in order to promote prescription drugs. This essay will explore the ethical implications of one aspect of these marketing programs—namely, the role of pharmaceutical salespersons. These men and women have a variety of titles including ''sales representative,'' ''medical sales liaison,'' and ''detail man.'' The latter term is commonly used, apparently as a reflection of these representatives' efforts to provide physicians with details or data about drugs.

Before attempting to assess the ethical implications of pharmaceutical companies' marketing techniques, a specific inquiry into the goals and ideals of medical practice is warranted. Most physicians take for granted the notion that the patient's interest is of primary importance and that moral dilemmas in medicine are appropriately resolved through a patient-centered ethic. Kass reflects this view when he notes that ''loyalty to the patient must be paramount, first, because the mysterious activity of healing depends on trust and confidence, which is lodged by the vulnerable and dependent patient with the physician, in the very act of submitting to his care.''

The basis for such a patient-centered ethic derives from, and is consistent with, basic ethical principles. Veatch' characterizes these principles as the ''basic social contract,'' and he points out that diverse ethical systems frequently arrive at a similar core of basic principles and derivative rules. Often such principles include autonomy, nonmaleficence and beneficence. On the basis of such articulated principles, society can proceed to define the nature of relationships between a profession and society. Veatch argues that this process can establish that a contract or covenant exists between the physician and society and between the physician and the individual patient. This covenant arguably mandates a patient-centered ethic in medicine, guided by adherence to those basic ethical principles society has defined and endorsed.

Of these major principles, autonomy dictates that the physician treat the patient with dignity and respect and that the patient be allowed to participate in his or her own health care decisions. Nonmaleficence warrants that the physician endeavor to avoid causing the patient harm through his actions. The sense of this principle, thought to derive from the Oath of Hippocrates, is often quoted in the Latin phrase primum non nocere (first, do no harm). Beneficence stipulates that the physician work actively to benefit the patient by contributing to his or her health and welfare.

In this ethical framework, it is possible to characterize the impact that pharmaceutical marketing techniques have on the physician-patient relationship. The pharmaceutical detail man promotes his company's products to physicians in a number of ways. He or she frequently calls on physicians in their offices and also meets with them in the hospital. Often in hospitals the representatives from various pharmaceutical companies participate in a rotational schedule for operating a drug display in a prominent location, usually near the physicians' entrance. A detail man frequently has one or two drugs to promote actively, and literature and visual displays which describe these agents. Each salesperson argues why his or her drugs are better than competitors' formulations. In addition to a verbal message and printed information, the detail man often has various ''gifts'' for the physician. Pens or writing pads inscribed with a particular drug name are common. Gifts also include free texts, medical equipment (such as reflex hammers and penlights), and medical bags (typically given to graduating medical students). Drug samples are frequently offered. In addition, the detail man may coordinate more elaborate gratuities such as cocktail parties, refreshments at medical meetings (such as those of state medical association groups) and the sponsorship of medical symposia. Specific examples of such marketing efforts are illustrative.

One of our community hospitals was approached by a drug salesperson to participate in a study involving an antibiotic that was on the market. This drug's utilization had been minimal because of increased cost to the patient and the fact that it offered no

substantive therapeutic advantage. The proposal extended to the physicians and hospital was to use the drug on a given number of patients, at the patients' expense. Physician participants in the study were to be ''reimbursed'' 125 dollars for each patient enrolled. This sum was designated to cover ''expenses'' associated with the study.

A second example of an elaborate gratuity system has recently been utilized in our community. Selected physicians were invited by a pharmaceutical company's detail man to an expense-paid seminar in a popular vacation city. The meeting focused on a new antihypertensive drug (at the time, this drug company had the only formulation of this drug on the market). The educational component of the meeting was judged to be very good by the physician participants. This promotional package included airfare for the physician, lodging for the physician and spouse, meals, a cocktail party, and an evening of dining and dancing on a chartered river boat. In the year following this event, two other pharmaceutical companies have offered similar meeting packages to physicians in the community.

Such promotional efforts are clearly expensive. For instance, it has been estimated that each visit by a detail man to a physician costs the pharmaceutical company 75 dollars. Despite the expense, however, drug companies have found that the use of the detail man is the most effective means of promoting their products. These companies often prefer to characterize their detail man as ''service representatives'' purveying information, rather than as salespersons. One company not only requires the detail man to attend four tutorials a year, but also gives pharmacology tests to all its representatives quarterly. But such training does not negate the fact that, in practice, detail men function as aggressive, effective salespeople. Indeed, most of them are at least partially reimbursed on a commission basis. Their success as pharmaceutical representatives is clearly dependent upon their ability to sell drugs. Those drugs which representatives emphasize at any given time reflect corporate decisions based on such factors as competition, quotas and the patent status of the drugs.

Given the stated nature of the physician-patient covenant, the type of relationship that frequently exists between the physician and the detail man is ethically troublesome. More specifically, that relationship appears to violate all three of the basic ethical principles previously discussed. By virtue of the principles of autonomy and beneficence, the patient has a right to expect that he or she will be treated with dignity and respect. He or she expects to receive the best possible treatment the physician can generate. The patient has a right to assume that the physician's therapeutic decisions are based solely on scientific medical knowledge, unbiased by extraneous factors or inducements. Thus, the very nature of the physician-patient covenant, and the principles that underlie it, would seem specifically to preclude the physician from basing a drug-prescribing decision on factors other than what is objectively best for the individual patient. To the extent that the physician decides to try out a new drug or opt to prescribe regularly a medication simply because he likes a detail man or because he is consciously or unconsciously affected by his or her various inducements and salesmanship, the physician would seem to be violating the patient's trust. One wonders what a patient's reaction would be if he or she were explicitly aware that such interactions and inducements existed.

In addition, the principle of nonmaleficence can be violated by the physician-detail man relationship. Often the new drug formulations which are promoted offer no meaningful advantage over older drugs. Yet, in taking them, the patient risks the possibility of experiencing adverse effects as yet undiscovered or not well publicized (even when the drug has been approved by the Food and Drug Administration). The recent controversy surrounding the drug Oraflex constitutes such an example. This drug was vigorously promoted as a new, very effective agent for arthritic symptoms. Shortly after its release, this agent was removed from the market because it was associated with serious liver toxicity in some patients. Moreover, the patient usually pays considerable financial premium when a new drug formulation is used. Invariably, the newer drugs being marketed are significantly more expensive than older, and sometimes equally effective, drugs whose patents have expired (rendering them much less profitable to the pharmaceutical company). Again, the average patient has no insight into this fact. He or she certainly is not usually afforded the opportunity to decide autonomously whether the drawbacks and risks of a new drug formulation render it less advantageous than other, longer-established drugs. And indeed, even if the typical patient is given some knowledge of drug options, he or she lacks the expertise to participate seriously in the decision of which drug to employ. In fact, it is the physician alone who ordinarily must make the determination of which drug to employ. If this decision is based on sound, scientific data, the choice of a new and more costly drug may clearly be justified. However, to the extent that the physician does not rely on objective medical data (as published in medical journals or discussed at medical meetings), but rather derives his information from the drug companies' own representatives, a potential conflict of interest exists.

Pharmaceutical companies might respond to this assertion by observing that in our free enterprise system there is nothing wrong with vigorously marketing one's products. Indeed, in the open marketplace it is, of course, common to offer a variety of inducements, including rebates, coupons, gifts and other types of price reductions. However, this situation is not analogous to the relationship between the detail man and the physician. In the ordinary marketing arena, companies attempt to influence the purchaser and user of various products. This is categorically not the case in the relationship between the physician and the pharmaceutical companies. The patient is the passive, dependent recipient of the physician's practice decisions. By virtue of this fact, as well as the implicit covenant which exists between the physician and the patient, the physician has an obligation to strenuously avoid basing any prescription decisions on factors other than the strict medical indications for those drugs. To the extent that the physician is either unconsciously or manifestly induced to use the drugs of a given detail man or pharmaceutical company, in the absence of strict medical indication, a significant ethical problem exists.

The implications of this analysis are clearly troublesome. It would appear that the current standard of medical practice, in terms of the relationship between the physician and the pharmaceutical detail man, may readily promote outcomes not in the patient's best interest. Since the physician-patient covenant and the ethical principles which underlie it warrant that the patient's interests should be the prime focus of medicine, significant changes are warranted in the methods which pharmaceutical companies employ to market their drugs. Currently, pharmaceutical companies, medical organizations and individual physicians are clearly party to, as well as beneficiaries of the present marketing techniques. Thus, there are powerful incentives to maintain this longstanding system. The pharmaceutical companies' profit makes it understandably difficult for them to endorse sweeping changes in their current, successful marketing practices. Many medical organizations and their scientific journals are largely dependent on the advertising which is purchased by the drug companies. And certainly the individual practitioner, too, clearly benefits from the current system of gifts and gratuities.

Changes in the present system of drug marketing will doubtless come slowly. Most likely, improvements will evolve only as individual physicians become better educated about these ethical concerns and committed enough to demand alterations in the present marketing practices. The individual physician's role in this process should not be viewed as an optional one. Rather, the physician is ethically mandated to work for change in this realm of drug marketing. This responsibility derives from the physician's clinical covenant with the patient and the moral principles which underlie it.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 124. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedure and conditions for the award of matching grants for the purchase of armor vests.

H.J. Res. 123. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the enrolled bill was signed by the President pro tempore (Mr. THURMOND).

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on November 3, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 160. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The message also announced that the House has agreed to the amendments of the Senate to the joint resolution H.J. Res. 84) making further continuing appropriations for the fiscal year 2000, and for other purposes.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 2796) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

At 12:30 p.m. today, a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 5111. An act to direct the Administrator of the Federal Aviation Administration to treat certain property boundaries as the boundaries of the Lawrence County Airport, Courtland Alabama, and for other purposes.

H.R. 5477. An act to establish a moratorium on approval by the Secretary of the Interior of relinquishment of a lease of certain tribal lands in California.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.J. Res. 125. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 442. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 4986) to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2346) to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 3, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 484. An act to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 698. An act to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the State of Alaska, and for other purposes.

S. 700. An act to amend the National Trails System Act to designate the Ala Kahakai Trail as a National Historic Trail.

S. 893. An act to amend title 46, United States Code, to provide equitable treatment with respect to State and local income taxes for certain individuals who perform duties on vessels.

S. 938. An act to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

S. 964. An act to provide for equitable compensation for the Cheyenne River Sioux Tribe, and for other purposes.

The Secretary of the Senate reported that on November 6, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 1438. An act to establish the National Law Enforcement Museum on Federal land in the District of Columbia.

S. 1474. An act providing conveyance of the Palmetto Bend project to the State of Texas.

S. 1482. An act to amend the National Marine Sanctuaries Act, and for other purposes.

S. 1752. An act to reauthorize and amend the Coastal Barrier Resources Act.

S. 1865. An act to provide grants to establish demonstration mental health courts.

S. 2345. An act to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, and for other purposes.

S. 2413. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2915. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The Secretary of the Senate reported that on November 13, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 11. An act for the relief of Wei Jingsheng.

S. 150. An act for the relief of Marina Khalina and her son, Albert Miftakhov.

S. 276. An act for the relief of Sergio Lozano.

S. 768. An act to amend title 18, United States Code, to establish Federal jurisdiction over offenses committed outside the United States by persons employed by or accompanying the Armed Forces, or by members of the Armed Forces who are released or separated from active duty prior to being identified and prosecuted for the commission of such offenses, and for other purposes.

S. 785. An act for the relief of Frances Schochenmaier and Mary Hudson.

S. 869. An act for the relief of Mina Vahedi Notash.

S. 1078. An act for the relief of Mrs. Elizabeth Eka Bassey, Emmanuel O. Paul Bassey, and Mary Idongesit Paul Bassey.

S. 1513. An act for the relief of Jacqueline Salinas and her children Gabriela Salinas, Alejandro Salinas, and Omar Salinas.

S. 1670. An act to revise the boundary of Fort Matanzas National Monument, and for other purposes.

S. 1880. An act to amend the Public Health Service Act to improve the health of minority individuals.

S. 1936. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other National Forest System land in the State of Oregon and use the proceeds derived from the sale or exchange for National Forest System purposes.

S. 2000. An act for the relief of Guy Taylor.

S. 2002. An act for the relief of Tony Lara.

The Secretary of the Senate reported that on November 14, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 2019. An act for the relief of Malia Miller.

S. 2020. An act to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes.

S. 2289. An act for the relief of Jose Guadalupe Tellez Pinales.

S. 2440. An act to amend title 49, United States Code, to improve airport security.

S. 2485. An act to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

S. 2547. An act to provide for the establishment of the Great Sand Dunes National Park and Preserve and the Baca National Wildlife Refuge in the States of Colorado, and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. 2773. An act to amend the Agricultural Marketing Act of 1946 to enhance dairy markets through dairy product mandatory reporting, and for other purposes.

S. 2789. An act to amend the Congressional Award Act to establish a Congressional Recognition for Excellence in Arts Education Board.

S. 3164. An act to protect seniors from fraud.

S. 3194. An act to designate the facility of the United States Postal Service located at 431 North George Street in Millersville, Pennsylvania, as the ''Robert S. Walker Post Office.''

S. 3239. An act to amend the Immigration and Nationality Act to provide special immigrant status for certain United States international broadcasting employees.

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–11437. A communication from the Director of the Office of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled

''Reasonable Charges for Medical Care or Services' and companion Notice document'' (RIN2900–AK39) received on November 1, 2000; to the Committee on Veterans' Affairs.

EC–11438. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, a notice relative to the water quality cooperative agreement allocation; to the Committee on Environment and Public Works.

EC–11439. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report which includes a classified annex and covers defense articles and services that were licensed for export; to the Committee on Foreign Relations.

EC–11440. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Cameron, MO; docket No. 99–ACE–49 [3–30/11–2]'' (RIN2120–AA66) (2000–0267) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11441. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Jet Routes J78 and J112 Evansville, IN; docket No. 99–AGL–48 [3–3/11–2]'' (RIN2120–AA66) (2000–0268) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11442. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727–100 and 200 Series Airplanes Equipped with an Engine Nose Cowl for Eng Numbers 1 and 3 Installed in Accordance with STC SA4363NM; docket No. 2000–NM–249 [8–1/11–2]'' (RIN2120–AA64) (2000–0527) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11443. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes docket No. 98–NM–316 [8–1/11–2]'' (RIN2120–AA64) (2000–0528) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11444. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Model 560XL Airplanes; docket No. 2000–NM–255 [8–8/11–2]'' (RIN2120–AA64) (2000–0529) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11445. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GE Company GE90 Series Turbofan Engines; docket No. 98–ANE–51 [2–7/11–2]'' (RIN2120–AA64) (2000–0531) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11446. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Model S–61 Helicopters; docket No. 2000–SW–18 [7–3/11–2]'' (RIN2120–AA64) (2000–0532) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11447. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: REVO inc. Models Lake LA4, LA4A, LA4P, LA 4 200, and Lake Model 250 Airplanes docket No. 99–CE–27 [5–26/11–2]'' (RIN2120–AA64) (2000–0533) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11448. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Alexander Schlelcher GmbH and CO Model ASW 27 Sailplanes; docket No. 99–CE–70 [3–8/11–2]'' (RIN2120–AA64) (2000–0534) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11449. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: The New Piper Aircraft, Inc., PA–42 Series Airplanes; docket No. 2000–CE–20 [7–10/11–2]'' (RIN2120–AA64) (2000–0535) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11450. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Mitsubishi Heavy Industries, Ltd MU–2B Series Airplanes; docket No. 97–CE–21 [7–24/11–2]'' (RIN2120–AA64) (2000–0536) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11451. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, –200 Series Airplanes; docket No. 99–NM–320 [8–8/11–2]'' (RIN2120–AA64) (2000–0537) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11452. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 9–81, 9–82, 9–83, 9–87, and MD–88 Airplanes and Model MD 90–30 Series Airplanes; docket No. 99–NM–227 [8–8/11–2]'' (RIN2120–AA64) (2000–0538) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11453. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes; docket No. 2000–NM–219 [8–8/11–2]'' (RIN2120–AA64) (2000–0539) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11454. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes; docket No. 2000–NM–218 [8–8/11–2]'' (RIN2120–AA64) (2000–0540) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11455. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model C1–600–2B19 Airplanes; docket No. 98–NM–260 [7–24/11–2]'' (RIN2120–AA64) (2000–0541) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11456. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–757–767 and 777 Series Airplanes; docket No. 98–NM–355 [8–8/11–2]'' (RIN2120–AA64) (2000–0542) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11457. A communication from the Program Analyst, Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: GE Company CF34 Turbofan Engines; docket No. 99–NE–49 [207/11–2]'' (RIN2120–AA64) (2000–0530) received on November 2, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11458. A communication from the Senior Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Civil Penalties'' (RIN2127–AI18) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11459. A communication from the Chief, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Fountain Power Boats Offshore Race, Pamlico River, Washington, North Carolina (CGD05–00–043)'' (RIN2115–AE46) (2000–0017) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11460. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Physical Qualification of Drivers; Medical Examination; Certificate'' (RIN2126–AA06) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11461. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Transportation of Household Goods in Interstate or Foreign Commerce; Rules of Practice for Motor Carrier Safety and Hazardous Materials Proceedings'' (RIN2126–AA56) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11462. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Guidelines for Development of Functional Specifications for Performance-Based Brake Testers Used to Inspect Commercial Motor Vehicles'' (RIN2126–ZZ01) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11463. A communication from the Acting Legal Advisor, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rule To Satellite Retransmissions of Broadcast Signals'' (CS Docket No. 00–2, FCC 00–388) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11464. A communication from the Assistant Bureau Chief, International bureau Satellite and Radiocommunications Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Report and Order in the Matter of Availability of INTELSAT Space

Segment Capacity to Users and Service Providers Seeking to Access INTELSAT Directly'' (IB Docket No. 00–91, FCC 00–340) received on November 9, 2000; to the Committee on Commerce , Science, and Transportation.

EC–11465. A communication from the Deputy Chief Counsel, Office of Pipeline Safety, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Pipeline Integrity Management in High Consequence Areas (Hazardous Liquid Operators with 500 or more miles of Pipeline)'' (RIN2137–AD45) received on November 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11466. A communication from the Executive Director of the Marine Mammal Commission, transmitting, pursuant to a law, a report relative to commercial activities inventory; to the Committee on Governmental Affairs.

EC–11467. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a letter report entitled ''Review of the Financial Transactions and Activities of Advisory Neighborhood Commission 8D for the Period October 1, 1997 through August 31, 2000''; to the Committee on Governmental Affairs.

EC–11468. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a copy of a letter report entitled ''District's Unclaimed Property Program Needs Substantial Improvement''; to the Committee on Governmental Affairs.

EC–11469. A communication from the Benefits Manager, Rural America's Cooperative Bank, transmitting, pursuant to law, a report relative to the ACB Retirement Plan; to the Committee on Governmental Affairs.

EC–11470. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Identification of Approved and Disapproved Elements of the Great Lakes Guidance Submission From the State of Wisconsin, and Final Rule'' (FRL #6896–9) received on November 2, 2000; to the Committee on Environment and Public Works.

EC–11471. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Wisconsin Designation of Areas for Air Quallity Planning Purposes; Wisconsin'' (FRL #6901–3) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11472. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program'' (FRL #6897–4) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11473. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida'' (FRL #6902–4) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11474. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Asbestos Worker Protection'' (FRL #6751–3) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11475. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List; Direct Final Process for Deletions'' received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11476. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Rate-of-Progress Emission Reduction Plans'' (FRL #6882–7) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11477. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Enhanced Motor Vehicle Inspection and Maintenance Program'' (FRL #6882–5) received on November 2, 2000; to the Committee on Environment and Public Works.

EC–11478. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Massachusetts: Interim Authorization of State Hazardous Waste Management Program Revision'' (FRL #6900–5) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11479. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 ''Announcement of Proposal Deadline for the Competition for the 2001 National Brownfields Assessment Demonstration Pilots'' (FRL #6901–5) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11480. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104 ''Announcement of Proposal Deadline for the Competition for Fiscal Year 2001 Supplemental Assistance to the National Brownfields Assessment Demonstration Pilots'' (FRL #6901–6) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11481. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Landfill Emissions From Municipa; Solid Waste Landfills; State of Missouri'' (FRL #6900–8) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11482. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors; Final Rule—Interpretive Clarification; Technical Correction'' (FRL #6898–8) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11483. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Amend the Final Water Quality Guidance for the Great Lakes System to Prohibit Micing Zones for Bioaccumulative Chemicals of Concern'' (FRL #6898–7) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11484. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Guidance on Managing Quality Assurance Records in Electronic Media'' (NRC Regulatory Issue Summary 2000–18) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11485. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; New Hampshire—Nitrogen Oxides Budget and Allowance Trading Program'' (FRL #6871–2) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11486. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Michigan'' (FRL #6896–3) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11487. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation Under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act'' received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11488. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Technical Amendment'' (FRL #6899–72) received on November 9, 2000; to the Committee on Environment and Public Works.

EC–11489. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Partnership Debt'' (RIN1545–AX09) (TD 8906) received on November 2, 2000; to the Committee on Finance.

EC–11490. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to the Customs Regulations'' (T.D. 00–81) received on November 9, 2000; to the Committee on Finance.

EC–11491. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''African Growth and Opportunity Act and Generalized System of Preferences'' (RIN1515–AC72) received on November 9, 2000; to the Committee on Finance.

EC–11492. A communication from the Acting Assistant General Counsel for Regulations, Office for Civil Rights, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Conforming Amendments to the Regulations Governing Nondiscrimination on the Basis of Race, Color, National Origin, Disability, Sex, and Age Under the Civil Rights Restoration Act of 1987'' (RIN1870–AA10) received on November 2, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11493. A communication from the Acting Assistant General Counsel for Regulations, Office for Civil Rights, Department of Education, transmitting, pursuant to law,

the report of a rule entitled ''Institutional Eligibility; Student Assistance General Provisions; Federal Work-Study Programs; and the Federal Pell Grant Program'' (RIN1845–AA19) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11494. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Postmarking Studies for Approved Human Drug and Licensed Biological Products; Status Reports'' (Docket No. 99N–1852) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11495. A communication from the Director of the Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Gastroenterology and Urology Devices; Effective Date of the Requirement for Premarket Approval of the Implanted Mechanical/Hydraulic Urinary Continence Device; Correction'' (Docket No. 94N–0380) received on November 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11496. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Imported Fire Ant; Addition to Quarantined Areas'' (Docket #00–07601) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11497. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pork Promotion, Research, and Consumer Information Program: Amendment to Procedures for the Conduct of Referendum'' (Docket #LS–00–10) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11498. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Fees for Science and Technology (SandT) Laboratory Service'' (Docket #SandT–99–008) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11499. A communication from the Associate Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Fresh Bartlett Pears Grown in Oregon and Washington; Decreased Assessment Rate'' (Docket #FV00–931–1 FIR) received on November 2, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11500. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfentrazone; Pesticide Tolerance for Emergency Exemptions'' (FRL #6751–7) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11501. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Copper Sulfate Pentahydrate; Exemption from the Requirement of a Tolerance'' (FRL #6747–3) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11502. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Extension of Tolerance for Emergency Exemptions'' (FRL #6753–3) received on November 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11503. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Material Inspection and Receiving Report'' (DFARS Case 2000–D008) received on October 26, 2000; to the Committee on Armed Services.

EC–11504. A communication from the Alternate Office of the Secretary of Defense Federal Register Liaison Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''TRICARE Dental Program—Final Rule'' (RIN0720–AA58) received on October 26, 2000; to the Committee on Armed Services.

EC–11505. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–047–FOR) received on November 9, 2000; to the Committee on Energy and Natural Resources.

EC–11506. A communication from the Associate General Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Notice of Revised Contract Rent Annual Adjustment Factors'' (FR–4626–N–01) received on November 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11507. A communication from the Director of Congressional Affairs, Overseas Private Investment Corporation, transmitting, a draft of proposed legislation entitled ''Freedom of Information''; to the Committee on the Judiciary.

EC–11508. A communication from the National Treasurer of the Navy Wives Clubs of America, transmitting, pursuant to law, a report of an audit for the period of September 1, 1998 through August 31, 1999; to the Committee on the Judiciary.

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. SPECTER (for himself and Mr. HARKIN):

S. 3269. A bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. HATCH (for himself and Mr. CAMPBELL):

S. 3270. A bill to amend title XVIII of the Social Security Act to provide for a modification of medicare billing requirements for certain Indian providers; to the Committee on Finance.

By Mr. TORRICELLI:

S. 3271. A bill to require increased waste prevention and recycling measures to be incorporated in the daily operations of Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 384. A resolution relative to Rule XXXIII; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. TORRICELLI:

S. 3271. A bill to require increased waste prevention and recycling measures to be incorporated in the daily operations of Federal agencies, and other purposes; to the Committee on Governmental Affairs.

GREENING THE GOVERNMENT ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to offer the ''Greening the Government Act of 2000.'' This bill would allow the Federal Government to use its purchasing power to conserve natural resources, create markets for the materials that the American people recycle in their home and office recycling programs, and reduce the toxicity of products commonly used by establishing an infrastructure for coordinating and expanding Federal recycling and ''green'' purchasing activities.

The Federal Government spends $275 billion each year buying goods and services. With this immense purchasing power, and through its research, development and assistance programs, it can influence markets to create more environmentally friendly products. Indeed, I believe that the Federal Government should be a leader in demonstrating how organizations can meet their mission in a cost-effective and environmentally protective way.

Tomorrow, we will celebrate America Recycles Day. Millions of Americans will re-dedicate themselves to recycling and, more importantly, closing the recycling loop by buying recycled content products. Hundreds of American companies are also recognizing the importance and cost-effectiveness of ''greening'' their operations. For instance, in my State of New Jersey, Telecordia Technologies has saved more than $3 million by recycling 72 percent of its waste. Telecordia saves $4,000 per week by simply replacing disposable cafeteria trays with recycled content plastic trays. I believe that the Federal Government can also achieve similar savings by ''greening'' its operations and encouraging environmental innovation. Indeed, the Federal Government's purchasing decisions can tremendously affect the environment we leave to future generations.

Building on the progress made during the past seven years under President Clinton's Executive Order 13101, ''Greening the Government through Waste Prevention, Recycling, and Federal Acquisition,'' the Greening the Government Act of 2000 will establish a permanent infrastructure for coordinating, promoting, and expanding Federal recycling and ''green'' procurement activities. Under this legislation, the Environmental Protection Agency (EPA) will designate both recycled content products and environmentally

preferable products and services for Federal agencies to purchase. The U.S. Department of Agriculture (USDA) will also create a list of biobased products for agencies to consider purchasing. Federal agencies will then incorporate procurement of these USDA and EPA-designated products and services into their acquisition processes. Finally, Federal research and development monies, technology transfer programs, and assistance programs will be expanded to facilitate the development of greener technologies.

In 1994, approximately 12 percent of the copier paper purchased by the Federal Government was recycled content paper, and that contained only ten percent postconsumer (recycled content) fiber. President Clinton increased the Federal postconsumer content standard to 30 percent. Today, 98 percent of the copier paper purchased from the Government Printing Office and General Services Administration contains 30 percent postconsumer fiber. The Greening the Government Act of 2000 raises the Federal content standard to 40 percent postconsumer fiber and, for the first time, requires agencies both to consider purchasing office papers bleached without chlorine and to purchase wood products made with sustainably grown wood.

We all know that it is not easy to buy ''green'' products. It is my intention that the ''Greening of the Government Act'' will encourage manufacturers to identify their products as ''green,'' making it easier for all Americans to buy these products. It is time that the Federal Government truly live up to the resource conservation goals first established by Congress in 1976 within the Resource Conservation and Recovery Act and become a true role model in our nation's conservation efforts.

ADDITIONAL COSPONSORS

S. 876

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 876, a bill to amend the Communications Act of 1934 of require that the broadcast of violent video programming be limited to hours when children are not reasonably likely to comprise a substantial portion of the audience.

S. 3254

At the request of Mr. KENNEDY, the names of the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. HARKIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. REED), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 3254, a bill to provide assistance to East Timor to facilitate the transition of East Timor to an independent nation, and for other purposes.

S. 3259

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 3259, a bill to amend the Internal Revenue Code of 1986 to provide a rehabilitation credit for certain expenditures to rehabilitate historic performing arts facilities.

S.J. RES. 56

At the request of Mr. JOHNSON, his name was added as a cosponsor of S.J. Res. 56, a joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States.

SENATE RESOLUTION 384—RELATIVE TO RULE XXXIII

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 384

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 2000.

AMENDMENTS SUBMITTED

COUNTERTERRORISM ACT OF 2000

KYL (AND OTHERS) AMENDMENT NO. 4358

Mr. KYL (for himself and Mrs. FEINSTEIN) proposed an amendment to the bill (S. 3205) to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests; as follows:

In section 2(a), strike paragraph (3) and insert the following:

(3) Seventeen United States sailors were killed in the attack, and thirty-nine were injured.

In section 2(b)(1), strike ''take immediate actions'' and insert ''continue to take strong and effective actions''.

In section 3, strike paragraph (8) and redesignate paragraphs (9), (10), (11), (12), and (13) as paragraphs (8), (9), (10), (11) and (12), respectively.

In section 3(10), as so redesignated, strike ''There are 28 organizations'' and all that follows through the end and insert the following: ''There are currently 29 FTOs. The National Commission on Terrorism recommended that the Secretary of State ensure that the list of FTO designations is credible and updated regularly.''.

In section 3(12), as so redesignated, strike ''Such controls were designed to prevent accidents, not theft.''.

In section 7(c)(1), strike subparagraphs (A) and (B) and insert the following:

(A) The Committees on Appropriations, Armed Services, and the Judiciary and the Select Committee on Intelligence of the Senate.

(B) The Committees on Appropriations, Armed Services, International Relations, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

In section 9(a), strike ''the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives'' and insert ''the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives''.

In section 10(a), strike ''Congress'' and insert ''the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives''.

In section 12(a)(2)(A), insert after ''the Secretary of Defense,'' the following: ''the Secretary of Health and Human Services,''.

In 12(a), add after paragraph (3) the following:

(4) The Attorney General shall consult with the Secretary of Health and Human Services in preparing any recommendations under paragraph (2)(B), and shall include in the report under paragraph (1) a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by such recommendations.

In section 12(b), add at the end the following: ''The report shall include a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by the report.''.

COUNTERTERRORISM ACT OF 2000

Mr. WARNER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3205 and, further, the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3205) to enhance the capability of the United States to deter, prevent, thwart, and respond to international acts of terrorism against United States nationals and interests.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4358

Mr. WARNER. Senators KYL and FEINSTEIN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KYL, for himself and Mrs. FEINSTEIN, proposes an amendment numbered 4358.

The amendment is as follows:

In section 2(a), strike paragraph (3) and insert the following:

(3) Seventeen United States sailors were killed in the attack, and thirty-nine were injured.

In section 2(b)(1), strike ''take immediate actions'' and insert ''continue to take strong and effective actions''.

In section 3, strike paragraph (8) and redesignate paragraphs (9), (10), (11), (12), and (13) as paragraphs (8), (9), (10), (11) and (12), respectively.

In section 3(10), as so redesignated, strike ''There are 28 organizations'' and all that follows through the end and insert the following: ''There are currently 29 FTOs. The National Commission on Terrorism recommended that the Secretary of State ensure that the list of FTO designations is credible and updated regularly.''.

In section 3(12), as so redesignated, strike ''Such controls were designed to prevent accidents, not theft.''.

In section 7(c)(1), strike subparagraphs (A) and (B) and insert the following:

(A) The Committees on Appropriations, Armed Services, and the Judiciary and the Select Committee on Intelligence of the Senate.

(B) The Committees on Appropriations, Armed Services, International Relations, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

In section 9(a), strike ''the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives'' and insert ''the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives''.

In section 10(a), strike ''Congress'' and insert ''the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives''.

In section 12(a)(2)(A), insert after ''the Secretary of Defense,'' the following: ''the Secretary of Health and Human Services,''.

In 12(a), add after paragraph (3) the following:

(4) The Attorney General shall consult with the Secretary of Health and Human Services in preparing any recommendations under paragraph (2)(B), and shall include in the report under paragraph (1) a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by such recommendations.

In section 12(b), add at the end the following: ''The report shall include a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by the report.''.

Mr. LEAHY. Mr. President, Senators KYL and FEINSTEIN introduced S. 3205, the Counterterrorism Act of 2000, on October 12, 2000. They base their bill on recommendations made in a report called ''Countering the Changing Threat of International Terrorism,'' issued on June 5, 2000 by the National Commission on Terrorism chaired by former Ambassador L. Paul Bremer III and Maurice Sonnenberg. The sponsors seek to have the Senate consider and pass the bill unanimously without hearings on its legislative language, without Committee consideration, without Senate debate and without amendment. In my efforts to be supportive of them I have shared with them concerns I have had about earlier versions of this legislation. In light of the improvements and corrections that the sponsors have now made, I am pleased to remove my objection to passage of the bill. I commend the sponsors for heeding constructive comments to improve the bill.

At the outset, I note that I have worked to help Senator KYL clear a number of matters of importance to him in this Congress. Most recently, the Senate passed on November 19, 1999, S. 692, the Internet Gambling Prohibition Act, and on September 28, 2000, repassed S. 704, the Federal Prisoner Health Care Copayment Act. Moreover, in the past few months, we have worked together to confirm three more judges for Arizona.

In past Congresses, I have also worked closely with Senator KYL. For example, in the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act. This law increased protection under federal criminal law for both government and private computers, and addressed the emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless certain extortion demands are met.

The NII Protection Act that I worked on with Senator KYL was intended to help law enforcement better address the problem of computer crime, in which cyber attacks are an important component. The Bremer-Sonnenberg Commission noted that, ''[r]easonable experts have published sobering scenarios about the potential impact of a successful cyber attack on the United States. Already, hackers and criminals have exploited some of our vulnerabilities.'' In short, the Commission found that, ''cyber security is a matter of grave importance.''

As technology advances, the Congress must remain vigilant to ensure that our laws remain up to date and our local, State and federal law enforcement resources are up to the job posed by new technological challenges. That is why I have continued to work over this Congress with the Chairman of the Judiciary Committee and Senator SCHUMER on S. 2448, which the Senate Judiciary Committee unanimously reported favorably on October 5th for consideration by the Senate as the Internet Security Act amendment on another bill. This legislation would make changes to the federal Computer Fraud and Abuse statute and provide significant new resources to federal law enforcement for forensic computer crime work.

I have also been pleased to work with Senator DEWINE on S. 1314, the Computer Crime Enforcement Act, to help provide the necessary funding for training and equipment for state and local law enforcement to deal with computer crimes. The Senate Judiciary Committee unanimously reported this bill favorably to the Senate on September 21, 2000. Although he is not a cosponsor of these bills, I appreciate Senator KYL's support for both S. 2448 and S. 1314 as those bills moved through Committee. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement.

In addition, the Senate Judiciary Committee has considered and reported unanimously on May 18, 2000, S. 2089, the Counterintelligence Reform Act, which I was pleased to cosponsor with Senators SPECTER, TORRICELLI, and others. Senator KYL did not cosponsor this bill.

The Counterintelligence Reform Act is intended to improve the coordination within and among federal agencies investigating and prosecuting espionage cases and other cases affecting national security. Specifically, this legislation amends the Foreign Intelligence Surveillance Act to state explicitly that past activities of a target may be considered in determining whether there is probable cause to believe that the target of electronic surveillance is an ''agent of a foreign power.'' This particular provision appears to address a criticism subsequently raised in the Bremer-Sonnenberg Commission report that the Office of Intelligence Policy and Review, which is the Justice Department unit responsible for preparing and presenting FISA applications to the FISA court, ''does not generally consider the past activities of the surveillance target relevant in determining whether the FISA probable cause test is met.''

The Bremer-Sonnenberg Commission report recommended that ''the Attorney General should substantially expand'' OIPR in order ''[t]o ensure timely review of the Foreign Intelligence Surveillance Act applications.'' I concur with this recommendation. In fact, even before the Commission report was released and during Judiciary Committee consideration of S. 2089, I offered an amendment to S. 2089, which was approved by the Judiciary Committee, that would authorize an increase in the budget for OIPR from its current funding level of $4,084,000 to $7,000,000 for FY 2001, with increases up to $8,000,000 over the following two years, for expanded personnel and technology resources. The Select Committee on Intelligence also approved this budget increase for OIPR upon consideration of S. 2089, which subsequently was passed by the Congress as part of the Intelligence Authorization Act, S. 2507.

Recently, the Congress passed as part of the conference report on the Trafficking Victims Protection Act, H.R. 3244, the Justice for Victims of Terrorism Act with an amendment that Senator FEINSTEIN and I authored dealing with support for victims of international terrorism. Senator KYL did not cosponsor this amendment. This amendment is intended to enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, and the Leahy-Feinstein amendment will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency reserve fund may be used, and the range of organizations to which assistance may be provided. The amendment allows OVC greater flexibility in

using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

This provision will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the provision will simplify the presently-authorized system of using VOCA funds to provide victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

The Leahy-Feinstein provision also clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately.

As is apparent from the work we have done both in this Congress and in prior Congresses, we all share the interest and concern of the sponsors of S. 3205 in protecting our national security from the threat and risks posed by terrorists determined to harm this country and its citizens and helping victims of terrorist acts. Yet, I have been concerned that earlier versions of this bill posed serious constitutional problems and risks to important civil liberties we hold dear. Unlike the secret holds that often stop good bills from passing often for no good reason, I have had no secret holds on S. 3205 or earlier versions of this legislation. On the contrary, when asked, I have made no secret about the concerns I had with this legislation.

An earlier version of this legislation, which Senator KYL tried to move as part of the Intelligence Authorization bill, S. 2507, prompted a firestorm of controversy from civil liberties and human rights organizations, as well as the Department of Justice. For example, the Department of Justice opposed the amendment on myriad grounds, including that (1) the provision amending the wiretap statute to permit law enforcement officers to share foreign intelligence or counterintelligence information obtained under a title III wiretap with the intelligence community ''could have significant implications for prosecutions and the discovery process in litigation''; (2) the provision giving the FBI sixty days to report on the feasibility of establishing a dissemination center within the FBI on international terrorism raised sufficiently significant issues that ''do not avail themselves of resolution in this very short time frame''; (3) the provision requiring the creation of a task force to disrupt the fundraising activities of international terrorist organizations would impose a ''rigid, statutory mandate'' that ''would interfere with the need for flexibility in tailoring enforcement strategies and mechanisms to fit the enforcement needs of the particular moment''; and (4) the provision requiring the Attorney General to make legislative language recommendations on matters relating to biological pathogens were ''invalid under the Recommendations Clause'' and ''interferes with the President's efforts to formulate and present his own recommendations and proposals and to control the policy agenda of his Administration.''

Similarly, the Center for Democracy and Technology, the Center for National Security Studies and the American Civil Liberties Union, described in detail their concerns that ''provisions in the Act pose grave threats to constitutional rights.''

I shared many of the concerns of those organizations and the Justice Department, and note that the version of S. 3205 that we consider today addresses those concerns with substantial revisions to the original legislation. For example, no longer does the bill require a change in the wiretap statute allowing the permissive disclosure of information obtained in a title III wiretap to the intelligence agencies. No longer does the bill direct the Central Intelligence Agency to make legislative recommendations to enhance the recruitment of terrorist informants, without any countervailing considerations. Instead, the bill now requests a more balanced picture of the policy considerations that prompted the 1995 guidelines on the use of terrorists as informants and the limitations that may be necessary to assure that the United States does not encourage human rights abuse abroad.

After the bill was introduced, I first advised the sponsors of the bill and then the Senate about the remaining areas of concern that should be fixed in the bill before Senate passage.

In this regard, I note that Senator KYL suggested to the Senate on October 25th that if the Justice Department was satisfied with his legislation, I or my staff had earlier indicated that I would be satisfied. I respect the expertise of the Department of Justice and the many fine lawyers and public servants who work there and, where appropriate, seek out their views, as do many Members. That does not mean that I always share the views of the Department of Justice or follow the Department's preferred course and recommendations without exercising my own independent judgment. I would never represent that if the Justice Department were satisfied with his bill, I would automatically defer to their view. Furthermore, my staff has advised me that no such representation was ever made.

I am pleased that the further corrections to and refinements of this bill have now been made and that the version of the bill that the Senate is now being asked to consider and pass has been improved. First, the bill now contains the correct numbers of sailors killed and injured in the sense of the Congress concerning the tragic bombing attack on the U.S.S. *Cole.* I believe that each of the 17 sailors killed and 39 sailors injured deserve recognition and that the full scope of the attack should be properly reflected in this Senate bill. I commend the sponsors of the bill for correcting this part of the bill.

Second, the sense of the Congress originally urged the United States Government to ''take immediate actions to investigate rapidly the unprovoked attack on the'' U.S.S. *Cole,* without acknowledging the fact that such immediate action has been taken. In fact, the Navy began immediate investigative steps shortly after the attack occurred, and the FBI established a presence on the ground and began investigating within 24 hours. The Director himself went to Yemen to guide this investigation. That investigation is active and ongoing, and no Senate bill should reflect differently, as this one originally did. The corrected bill now urges the government ''to continue to take strong and effective actions'' to investigate this attack. I commend the Administration for the swift and immediate actions it has taken to investigate this attack and the strong statements made by the President making clear that no stone will be left unturned to find the criminals who planned this bloody attack.

Third, the ''Findings'' section of this bill contained several factual errors or inaccuracies that are now corrected. For example, the original bill stated that there are ''38 organizations'' designated as Foreign Terrorist Organizations (FTOs) when there are currently 29, which has been corrected. The original bill stated that ''current practice is to update the list of FTOs every two years'' when in fact the statute requires redesignation of FTOs every two years. This statement has been corrected. The original bill stated that current controls on the transfer and possession of biological pathogens were ''designed to prevent accidents, not theft,'' which according to the Justice Department is simply not accurate. This inaccurate statement has been eliminated.

Fourth, the original bill required reports on issues within the jurisdiction of the Senate Judiciary Committee without any direction that those reports be submitted to that Committee. For example, section 9 of the bill required the FBI to submit to the Select Committees on Intelligence of the Senate and the House a feasibility report on establishing a new capability within the FBI for the dissemination of law enforcement information to the Intelligence community. My suggestion that these reports also be required to

be submitted to the Judiciary Committees has been adopted.

Fifth, the bill requires reports, with recommendations for appropriate legislative or regulation changes, by the Attorney General and the Secretary of Health and Human Services on safeguarding biological pathogens at research labs, pharmaceutical companies and other facilities in the United States. No definition of ''biological pathogen'' is included in the bill and the scope of these reports could therefore cover a vast array of biological materials. To address this concern over the potentially broad focus of this provision, the bill has been amended to include a direction to the Attorney General and the Secretary of Health and Human Services to define and determine the type and classes of pathogens that should be covered by any recommendations.

Finally, the bill would require reimbursement for professional liability insurance for law enforcement officers performing official counterterrorism duties and for intelligence officials performing such duties outside the United States. I scoured the record in vain for explanatory statements by the sponsors of this bill about their views on the need for this provision. Current law curiously provides for payments of only half the costs of professional liability insurance for law enforcement officers and federal judges to cover the costs of legal liability for damages resulting from any tortious act, error of omission while in the performance of the employee's duties and the costs of legal representation in connection with any administrative or judicial proceeding relating to such act, error or omission. 5 U.S.C. § 5941 prec. note. The Bremer-Sonnenberg Commission report recommended that the Congress amend current law to mandate full reimbursement of the costs of personal liability insurance for FBI and CIA counterterrorism agents. In light of this explanation, I am prepared to proceed while noting that this is an area that deserves more comprehensive review. The same reasons for providing full reimbursement for counterterrorism officers may apply to other law enforcement and intelligence officers.

The bill has been greatly improved since its first iteration, and I am pleased to withdraw my objection.

Mr. WARNER. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4358) was agreed to.

Mr. WARNER. I ask unanimous consent the bill be read a third time and passed, as amended, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

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

The bill (S. 3205), as amended, was read the third time and passed, as follows:

S. 3205

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 ''Counterterrorism Act of 2000''.

SEC. 2. SENSE OF CONGRESS ON THE ATTACK ON THE U.S.S. COLE.

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

(1) On October 12, 2000, the United States naval vessel U.S.S. Cole was attacked in Aden, Yemen.

(2) The attack occurred while the U.S.S. Cole was refueling, and was unprovoked.

(3) Seventeen United States sailors were killed in the attack, and thirty-nine were injured.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) continue to take strong and effective actions to investigate rapidly the unprovoked attack on the United States naval vessel U.S.S. Cole;

(2) ensure that the perpetrators of this cowardly act are swiftly brought to justice; and

(3) take appropriate actions to protect from terrorist attack all other members and units of the United States Armed Forces that are deployed overseas.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) The Commission on National Security in the 21st Century, chaired by former Senators Hart and Rudman, concluded that ''[s]tates, terrorists, and other disaffected groups will acquire weapons of mass destruction and mass disruption, and some will use them. Americans will likely die on American soil, possibly in large number.''.

(2) United States counterterrorism efforts must be improved to meet the evolving threat of international terrorism against United States nationals and interests. The bipartisan National Commission of Terrorism chaired by Ambassador Paul Bremer and Maurice Sonnenberg was mandated by Congress to evaluate current United States policy and make recommendations on improvements. This Act stems from the findings and recommendations of that Commission.

(3) The face of terrorism has changed significantly over the last 25 years. With the fall of the Soviet Union, many state-sponsored terrorist groups have been replaced by more loosely knit organizations with varying motives. These transnational terrorist networks are more difficult to track and penetrate than state sponsored terrorist groups, and their actions are more difficult to predict.

(4) State support of terrorism has not disappeared. Despite political change in Iran, the country continues to be the foremost state sponsor of terrorism in the world. In April 2000, the Department of State issued ''Patterns of Global Terrorism'', which provides a detailed account of Iran's continued support of terrorism.

(5) According to the report of the National Commission on Terrorism, there are indications of Iranian involvement in the 1996 bombing of the Khobar Towers complex in Saudi Arabia, in which 19 United States soldiers were killed and more than 500 injured. In October 1999, President Clinton officially requested cooperation from Iran in the investigation of the bombing. Thus far, Iran has not responded to this request.

(6) Terrorist attacks are becoming more lethal. A growing number of terrorist attacks are designed to kill the maximum number of people. Although conventional explosives have remained the weapon of choice, terrorist groups are investing in the acquisition of unconventional weapons such as nuclear, chemical, and biological agents.

(7) Syria was placed on the first list of state-sponsors of terrorism by the United States Government in 1979, due to its long history of using terrorism to advance its interests. Syria continues to support terrorist training and logistics.

(8) According to the National Commission on Terrorism, the 1995 guidelines of the Central Intelligence Agency on the use of terrorists as informants set up complex procedures for seeking approval to recruit as informants terrorists who have been involved in human rights violations. That Commission found that these guidelines have inhibited the recruitment of essential, if sometimes unsavory, terrorist informants. As a result, that Commission concluded that the United States has relied too heavily on foreign intelligence services in attempting to uncover information about terrorist organizations.

(9) No other country, much less any subnational organization, can match United States scientific and technological prowess (including quality control) in biotechnology and pharmaceutical production, electronics, computer science, and other pursuits that could help overcome and defeat the technologies used by future terrorists.

(10) Currently, the United States focuses its efforts to discourage private financial support to terrorists on prosecutions under the provisions of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) and the amendments made by that Act. Under an amendment made by that Act, section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) requires the Secretary of State to designate groups that threaten United States interests and security as Foreign Terrorist Organizations (FTOs). There are currently 29 FTOs. The National Commission on Terrorism recommended that the Secretary of State ensure that the list of FTO designations is credible and updated regularly.

(11) It is in the interest of the United States that the Federal Government take a broader approach to cutting off the flow of financial support for terrorism from within the United States. Anyone providing to terrorist organizations funds that he or she knows will be used to support terrorist acts should be prosecuted under all relevant statutes, including statutes addressing money laundering, conspiracy, and tax or fraud violations. In addition, Federal agencies such as the Office of Foreign Assets Control (OFAC) of the Internet Revenue Service and the Customs Service should be better utilized to thwart terrorist fundraising. Such activities should not violate constitutional rights and values.

(12) Current controls on the transfer and possession of biological pathogens that could be used in biological weapons are inadequate. Controls on the equipment needed to turn such pathogens into weapons are virtually nonexistent. The National Commission on Terrorism concluded that the standards for the storage, transport, and handling of biological pathogens should be as rigorous as the current standards for the physical protection and security of critical nuclear materials.

SEC. 4. SYRIA.

It is the sense of Congress that the United States should keep Syria on the list of countries who sponsor terrorism until Syria—

(1) shuts down training camps and other terrorist support facilities in Syrian-controlled territory; and

(2) prohibits financial or other support of terrorists through Syrian-controlled territory.

SEC. 5. IRAN.

It is the sense of Congress that the United States should keep Iran on the list of countries who sponsor terrorism, and make no concessions to Iran, until Iran—

(1) demonstrates that it has stopped supporting terrorism; and

(2) cooperates fully with the United States in the investigation into the 1996 bombing of the Khobar Towers complex in Saudi Arabia.

SEC. 6. GUIDELINES ON RECRUITMENT OF TERRORIST INFORMANTS.

(a) REPORT ON GUIDELINES.—Not later than six months after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress, including the Committees on the Judiciary of the Senate and the House of Representatives, a report on the Director's response to the findings of the National Commission on Terrorism regarding the recruitment of terrorist informants.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) A detailed response to the findings referred to in that subsection, and a detailed description of any other policy considerations that prompted the 1995 guidelines of the Central Intelligence Agency on the use of terrorists as informants.

(2) Recommendations, if any, for legislation to enhance the recruitment of terrorist informants, including any limitations that may be necessary to assure that the United States does not encourage human rights abuse abroad.

SEC. 7. REVIEW OF AUTHORITY OF FEDERAL AGENCIES TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) REVIEW REQUIRED.—The Attorney General shall conduct a review of the legal authority of various Federal agencies, including the Department of Defense, to respond to, and to prevent, pre-empt, detect, and interdict, catastrophic terrorist attacks.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the review conducted under subsection (a). The report shall include any recommendations that the Attorney General considers appropriate, including recommendations whether additional legal authority for particular Federal agencies is advisable in order to enhance the capability of the Federal Government to respond to, and to prevent, pre-empt, detect, and interdict, catastrophic terrorist attacks.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the following:

(A) The Committees on Appropriations, Armed Services, and the Judiciary and the Select Committee on Intelligence of the Senate.

(B) The Committees on Appropriations, Armed Services, International Relations, and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CATASTROPHIC TERRORIST ATTACK.—The term ''catastrophic terrorist attack'' means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 8. LONG-TERM RESEARCH AND DEVELOPMENT TO ADDRESS CATASTROPHIC TERRORIST ATTACKS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there has not been sufficient emphasis on long-term research and development on technologies useful in fighting terrorism; and

(2) the United States should make better use of its considerable accomplishments in science and technology to prevent or address terrorist attacks in the future, particularly attacks involving chemical, biological, or nuclear agents.

(b) ESTABLISHMENT OF PROGRAM.—Not later than one year after the date of the enactment of this Act, the President shall establish a comprehensive program (including a comprehensive set of requirements for the program) of long-term research and development relating to science and technology necessary to prevent, pre-empt, detect, interdict, and respond to catastrophic terrorist attacks.

(c) REPORT ON PROPOSED PROGRAM.—Not later than 30 days before the commencement of the program required by subsection (b), the President shall submit to Congress a report on the program. The report on the program shall include the following:

(1) A description of the proposed organization and mission of the program.

(2) A description of the current capabilities of the Federal Government to rapidly identify and contain an attack in the United States involving chemical or biological agents, including any proposals for future enhancements of such capabilities that the President considers appropriate.

(d) CATASTROPHIC TERRORIST ATTACK DEFINED.—In this section, the term ''catastrophic terrorist attack'' means a terrorist attack against the United States perpetrated by a state, substate, or nonstate actor that involves mass casualties or the use of a weapon of mass destruction.

SEC. 9. DISSEMINATION OF LAW ENFORCEMENT INFORMATION TO THE INTELLIGENCE COMMUNITY.

(a) REPORT ON ESTABLISHMENT OF INTELLIGENCE REPORTING FUNCTION.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report on the feasibility of establishing within the Bureau a comprehensive intelligence reporting function having the responsibility for disseminating among the elements of the intelligence community information collected and assembled by the Bureau on international terrorism and other national security matters.

(b) REPORT ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the requirements applicable to the creation of the function referred to in that subsection, including the funding required for the function.

(2) A discussion of the legal and policy issues, including any reasonable restrictions on the sharing of information and the potential effects on open criminal investigations, associated with disseminating to the elements of the intelligence community law enforcement information relating to international terrorism and other national security matters.

SEC. 10. DISCLOSURE BY LAW ENFORCEMENT AGENCIES OF CERTAIN INTELLIGENCE OBTAINED BY INTERCEPTION OF COMMUNICATIONS.

(a) REPORT ON AUTHORITIES RELATING TO SHARING OF CRIMINAL WIRETAP INFORMATION.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report on the legal authorities that govern the sharing of criminal wiretap information under relevant United States laws, including section 104 of the National Security Act of 1947 (50 U.S.C. 403–4). The report shall include—

(1) a description of the type of information that can be shared by the Department of Justice or other United States law enforcement agencies with elements of the United States intelligence community, including a description of all such information that the Department of Justice or other such law enforcement agencies currently share with elements of the United States intelligence community and the legal limitations if any, that apply to the use of such information by elements of the intelligence community; and

(2) recommendations, if any, for such legislative language as the President considers appropriate to improve the capability of the Department of Justice, or other law enforcement agencies, to share foreign intelligence information or counterintelligence information with elements of the United States intelligence community on matters such as counterterrorism.

(b) DEFINITIONS.—As used in this section, the terms ''foreign intelligence'' and ''counterintelligence'' have the meanings given those terms in paragraphs (2) and (3), respectively, of section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

SEC. 11. JOINT TASK FORCE ON TERRORIST FUNDRAISING.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) many terrorist groups secretly solicit and exploit the resources of international nongovernmental organizations, companies, and wealthy individuals;

(2) the Federal Government could do more to utilize all the tools available to the Federal Government to prevent, deter, and disrupt the fundraising activities of international terrorist organizations; and

(3) the employment of any such tools to combat terrorism must not violate speech, association, and equal protection rights guaranteed by the Constitution of the United States.

(b) ESTABLISHMENT OF JOINT TASK FORCE.—Not later than six months after the date of the enactment of this Act, the President shall establish a joint task force for purposes of developing and implementing a broad approach toward discouraging the fundraising activities of international terrorist organizations. The approach shall utilize all criminal, civil, and administrative sanctions available under Federal law, including sanctions for money laundering, tax and fraud violations, and conspiracy. The approach shall not infringe upon constitutional and civil rights in the United States.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the joint task force established under subsection (b) shall submit to Congress a report on the activities of the joint task force. The report shall include any findings and recommendations (including recommendations for modifications of United States law or policy) that the joint task force considers appropriate regarding United States efforts to thwart the fundraising activities of international terrorist organizations while protecting constitutional and civil rights in the United States.

SEC. 12. IMPROVEMENT OF CONTROLS ON PATHOGENS AND EQUIPMENT FOR PRODUCTION OF BIOLOGICAL WEAPONS.

(a) REPORT ON IMPROVEMENT OF CONTROLS.—(1) Not later than one year after the date of the enactment of this Act, the Attorney General shall submit to Congress a report on the means of improving United States controls of biological pathogens and the equipment necessary to develop, produce, or deliver biological weapons.

(2) Subject to paragraph (3), the report under paragraph (1) should include the following:

(A) A list of the equipment identified by the Attorney General, in consultation with the Secretary of Defense, the Secretary of Health and Human Services, the Director of Central Intelligence, other appropriate Federal officials, and other appropriate members of public and private organizations, as critical to the development, production, or delivery of biological weapons.

(B) Recommendations, if any, for such legislative language as the Attorney General considers appropriate to make illegal the possession of the biological pathogens by anyone who is not properly certified for the possession of such pathogens, or for other than a legitimate purpose.

(C) Recommendations, if any, for such legislative language as the Attorney General considers appropriate to control the domestic sale and transfer of the equipment identified under subparagraph (A), including any appropriate steps to track, tag, or otherwise mark or monitor such equipment.

(3) The recommendations of the Attorney General under paragraph (2) shall take into consideration the impact of additional controls on legitimate industrial or medical activities, and shall include an assessment of the economic and scientific effects of such controls on such activities.

(4) The Attorney General shall consult with the Secretary of Health and Human Services in preparing any recommendations under paragraph (2)(B), and shall include in the report under paragraph (1) a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by such recommendations.

(b) IMPROVED SECURITY OF FACILITIES.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with other appropriate Federal officials and appropriate members of public and private organizations, shall submit to Congress a report with detailed analysis and recommendations for appropriate regulations, or modifications to current law, to enhance the standards for the physical protection and security of the biological pathogens described in subsection (a) at research laboratories and other facilities in the United States that create, possess, handle, store, or transport such pathogens in order to protect against the theft or other diversion for illegitimate purposes of such pathogens from such laboratories and facilities. The report shall include a detailed description of the methodology and criteria used to define and determine the types and classes of pathogens covered by the report.

SEC. 13. REIMBURSEMENT OF PERSONNEL PERFORMING COUNTERTERRORISM DUTIES FOR PROFESSIONAL LIABILITY INSURANCE.

(a) REQUIREMENT FOR FULL REIMBURSEMENT.—(1) Notwithstanding any other provision of law and subject to paragraph (2), the head of an agency employing a qualified employee shall reimburse the qualified employee for the costs incurred by the qualified employee for professional liability insurance.

(2) Reimbursement of a qualified employee under paragraph (1) shall be contingent on the submission by the qualified employee to the head of the agency concerned of such information or documentation as the head of the agency concerned shall require.

(3) Amounts for reimbursements under paragraph (1) shall be derived from amounts available to the agency concerned for salaries and expenses.

(b) QUALIFIED EMPLOYEE.—For purposes of this section, the term ''qualified employee'' means an employee of an agency whose position is that of—

(1) a law enforcement officer performing official counterterrorism duties; or

(2) an official of an element of the intelligence community performing official counterterrorism duties outside the United States.

(c) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' means any Executive agency, as that term is defined in section 105 of title 5, United States Code, and includes any agency of the Legislative Branch of Government.

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(3) LAW ENFORCEMENT OFFICER; PROFESSIONAL LIABILITY INSURANCE.—The terms ''law enforcement officer'' and ''professional liability insurance'' have the meanings given those terms in section 636(c) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (5 U.S.C. prec. 5941 note).

Mrs. FEINSTEIN. Mr. President, today the Senate passed by unanimous consent important legislation Senator KYL and I sponsored that seeks to improve the United States' ability to prevent and respond to terrorist attacks. This bill, S. 3205, the Counterterrorism Act of 2000—together with a Kyl-Feinstein amendment making a few technical changes—implements major recommendations from a bipartisan, blue-ribbon commission on terrorism.

Let me describe what the bill would do. First, it urges that the U.S. government continue to take strong and effective actions to investigate the recent attack on the U.S.S. *Cole* and ensure that the perpetrators are brought to justice. The assault on the *Cole* is the worst against the U.S. military since the bombing of an Air Force barracks in Saudi Arabia killed 19 airmen in 1996. It is also the worst attack on a Navy ship since an Iraqi missile struck an American guided-missile frigate in 1987, killing 37 sailors.

Second, the bill requires the Department of Justice to review legal authority of federal agencies responsible for responding to a catastrophic terrorist attack and determine whether additional legal authority is necessary.

Third, the bill requires the president to establish a program for long-term research and development to counter catastrophic terrorist attacks and submit a report to Congress on this program. It also expresses the sense of Congress that there should be more long-term research and development in this area.

Fourth, the bill mandates that the attorney general issue a report on how to improve U.S. controls on biological pathogens and the equipment necessary to produce biological weapons, and requires the Health & Human Services secretary to issue a report on any appropriate actions that should be taken to protect against unlawful diversion of pathogens.

Fifth, the bill requires that the president establish a joint task force to develop a broad approach toward discouraging the fundraising activities of international terrorist organizations and that the task force issue a report.

Sixth, the bill requires the FBI to report on whether it can set up a central mechanism to distribute intelligence information it gleans about international terrorists to other members of the intelligence community.

Seventh, the bill directs the president to review the type of information shared by U.S. law enforcement agencies and intelligence agencies as well as legal limitations on the sharing of this information. The president shall provide any recommendations regarding the sharing of foreign intelligence or counterintelligence information between such agencies.

Eighth, the bill mandates that the CIA shall issue a report responding to the Commission on Terrorism's finding that the CIA should scrap a internal classified guideline requiring CIA agents to get approval from headquarters before recruiting unsavory individuals to act as informants about terrorism.

Ninth, the bill expresses the Sense of Congress that Syria and Iran should remain on the list of countries that sponsor terrorism.

Finally, the bill would ensure that federal counterintelligence personnel be fully reimbursed for buying insurance they purchase to protect themselves from liability if they are sued for their officially authorized activities. Currently, the government reimburses federal criminal law enforcement officers, supervisors, and management officials for one-half of their insurance expenses. These individuals purchase professional liability insurance because government representation may not be available to them.

However, FBI special agents and CIA officers who do counterterrorism work may not be reimbursed at all when they buy such insurance. This is particularly unfortunate because counterterrorism work is so risky—especially when the work occurs overseas. There can be few more dangerous tasks than infiltrating a terrorist cell in, say, Yemen or Afghanistan.

The Kyl-Feinstein Counterterrorism Act of 2000 is not a panacea for the problem of terrorism. Rather, it seeks to implement a number of specific improvements to our counterterrorism policy unanimously suggested by the Commission on Terrorism, a bipartisan group of experts.

The bill also lays the groundwork for a number of further improvements. We will be revisiting many of the issues covered by the bill in the next Congress once we receive more detailed information and recommendations from the Executive Branch. I look forward to working with my colleagues in Congress and with the next Administration to implement S. 3205.

I believe that we need to take strong action to combat terrorism. There is no question that terrorist attacks will

continue and that they will become more deadly. Terrorists today often act out of a visceral hatred of the U.S. or the West and seek to wreak maximum destruction and kill as many people as possible.

At the same time, I believe that our counterterrorism policy must be conducted in a way that remains consistent with our democratic values and our commitment to an open, free society.

In many ways, the Kyl-Feinstein Counterterrorism Act of 2000 is a counterpart bill to the Justice for Victims of Terrorism Act that recently passed the Senate 95 to 0. That legislation, which I cosponsored, will make it easier for American victims of terrorism abroad to collect court-awarded compensation and ensure that the state sponsors of terrorism pay a price for their crimes.

While I strongly support assisting terrorist victims, I also believe that we need to do more to prevent Americans from becoming victims of terrorism in the first place. Thus, I am glad that the Senate has acted to pass S. 3205 with such dispatch. It is crucial to act now before terrorists strike again, killing and injuring more Americans and leaving more families grieving. I urge the House to pass S. 3205 before we adjourn.

In conclusion, I want to thank my good friend Senator KYL for his tireless efforts to get this bill passed. His work, as always, has been invaluable.

I also thank my other colleagues for their assistance in helping us pass this bill. I know Senator LEAHY, for instance, initially had a number of concerns with the legislation. I am grateful for the time he spent working through these issues with us, and I am glad that we can move this bill forward unanimously.

UNANIMOUS CONSENT AGREEMENT—H.R. 5633

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 5633, the appropriations bill to fund the District of Columbia, if the text is identical to the text I now send to the desk, then the bill be considered passed and the motion to reconsider laid upon the table.

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

Mr. WARNER. I now send the text of the bill to the desk.

The PRESIDING OFFICER. The bill will be received.

ORDERS FOR TUESDAY, DECEMBER 5, 2000

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it recess until the hour of 12 noon on Tuesday, December 5, under the provisions of H. Con. Res. 442.

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

Mr. WARNER. I further ask consent that when the Senate reconvenes on Tuesday, December 5, the Journal of proceedings be approved to date, and following the leaders' time, there be a period for the transaction of morning business until the hour of 12:30 p.m., with Members permitted to speak for up to 5 minutes each.

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

PROGRAM

Mr. WARNER. The Senate will be considering a continuing resolution on Tuesday, December 5, and may be considering other legislative items. Therefore, votes could occur during Tuesday's session of the Senate. All Senators will be notified via the hotline system as to those votes when it becomes clear as to their time.

Again, I wish all Senators a safe and happy Thanksgiving. I do that on behalf of the bipartisan leadership in the Senate. I look forward to working with all Senators when they return on Tuesday, the 5th.

ORDER FOR RECESS

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the provisions of H. Con. Res. 442, following the remarks of Senator DASCHLE, should he seek the floor, for such period not to exceed 15 minutes.

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

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATE BUSINESS AND ELECTIONS

Mr. DASCHLE. Mr. President, although the Senate will not resume work in earnest today on the issues remaining before the 106th Congress, we certainly hope that when we do return on the 5th of December we will be able to complete action on the appropriations bills, the minimum wage increase, the Balanced Budget Refinement Act, and deal with the immigration issue, as well as a fair and balanced tax relief package.

In the 3 weeks until then, I certainly hope that both parties and the administration will redouble their efforts to reach agreement on these important issues. We do not have to wait until we get back. It is so troubling that we are so close to the end of the calendar year and we do not have as much to show for our efforts over the last 2 years as I would have liked.

The lameduck session will give us an opportunity to make progress on each of those issues. I hope we will seize that opportunity.

I have spoken with the majority leader about this issue, and about our desire to complete our work in a positive way. I think we agree: We need to work closely together in the final days of this Congress. He certainly reiterated his desire to do that.

When we left before the election, everyone assumed we would return to a relative certainty. We assumed we would have a President-elect. We assumed we would know the balance of power in the next Congress. Of course, to everyone's surprise, we still do not know either of these things.

The situation in which we now find ourselves is virtually unprecedented. It certainly is unusual. But with the elections this close, a period of uncertainty is certainly unavoidable.

While none of us has ever seen such a close Presidential election, some of us have seen this on a smaller scale. I am one of those people.

In 1978, in my first race for election to the House of Representatives, I was behind by 28 votes at the end of election night and was declared the loser. The next day, amid much confusion, I was actually declared the winner by 14 votes. Talk about a roller coaster ride. And that was just the first day.

Over the next few months, after more recounts, and the discovery of computational errors, and more confusion, the election went all the way to the South Dakota Supreme Court.

In August of 1979, the court heard oral arguments and examined every ballot.

Finally, on November 27, 1979—more than a year after the election—the South Dakota Supreme Court issued its decision. It added 5 more votes to the earlier total and declared me the winner by a margin of 110 votes, which I like to say in South Dakota is about 60 percent.

In recounting this story, I am not suggesting that we can afford to take that much time in getting a fair and accurate count in this Presidential election. Clearly, because of the surpassing importance of the Presidency, this election must be decided on an expedited basis. I am confident that it will be.

Instead, I tell this story to illustrate the point that our system has dealt successfully with close elections in the past.

My first race for Congress is just one example. There are many others. Even as we speak, votes are still being counted in another too-close-to-call race: the Senate race in Washington State.

Since last Tuesday, many colleagues have told me of similar experiences in their own elections. To a person, they all agree that the important thing is to take whatever time is needed to get a

fair and accurate vote count. That is the only way to maintain public confidence in the outcome of the election. So yes, this is an unusual situation. But it is not a constitutional crisis.

In a Newsweek poll taken over the weekend, Americans were asked which was more important: Resolving the uncertainty over the election now so we know who the next President will be Or making certain to remove all reasonable doubt that the vote count in Florida is fair and accurate.

By a margin of 3 to 1, Americans say it is more important to get the results right than to get them right now.

Their response is proof of their faith in our system of government.

It is a system of unequaled strength and stability. And it should be allowed to work.

What we all need right now is patience.

What we do not need is ''spin'' from people with vested interests in the outcome.

It was particularly disturbing earlier today to see a representative of the Bush campaign on national television announce what he called a ''compromise offer.''

In fact, his proposal merely restated his campaign's previous position that ballots counted by hand after 5 o'clock this evening should be ignored.

He then went on to cite fluctuations in the stock market as proof that a winner must be declared in the presidential election now—even if it means sacrificing a full and fair count.

I hope that everyone involved in this critically important matter would refrain from such overheated rhetoric. It is not helpful to this process. We are all anxious to know who our next President is. We all want finality. But not at the expense of fairness.

That is what the Vice President wants.

That is what the American people want. That is what I believe Democrats and Republicans want.

That is what is needed to reassure voters in Florida and all across America that their votes in this election counted.

That is what is needed for Americans to reassure Americans that their faith in our election system is well-founded.

Regardless of who they voted for as long as Americans have this reassurance I believe they will accept the outcome of this election and give our next President their support.

It is worth exercising a little patience to get that result.

I yield the floor.

RECESS UNTIL TUESDAY, DECEMBER 5, 2000

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess.

Thereupon, the Senate, at 4:31 p.m., recessed until Tuesday, December 5, 2000, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate November 14, 2000:

DEPARTMENT OF STATE

LARRY CARP, OF MISSOURI, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RICHARD N. GARDNER, OF NEW YORK, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

JAY T. SNYDER, OF NEW YORK, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTY-FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.