SENATE—*Thursday, April 22, 1999*

The Senate met at 9:37 a.m. and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Jack C. Bishop, Jr.

PRAYER

The guest Chaplain, Dr. Jack C. Bishop, Jr., pastor, First Baptist Church, Waynesville, NC, offered the following prayer:

Our gracious Lord, Your word declares, ''They that wait upon the Lord shall renew their strength.'' You summon us to reverence and honor this day as in every day. By seeking Your wisdom, we can make wise and fair choices. By trusting Your love and justice, we can aspire to a democracy that protects and provides for all citizens. By accepting Your forgiveness and grace, we can be forgiving and graceful ourselves. What a blessed Nation we are!

In the stillness of Your power and glory, may Your spirit prevail upon these national leaders. Give them the steady assurance of Your will and goodness in the most complex of matters they will consider this day. Give them devout courage, humility, and vision for their tasks. Give them fantastic energy from their fellow citizens who wear no badge of honor but who pray for them every day. Protect the Senators from disillusionment and invigorate them with the progress of Your righteousness. Let them see Your glory when people freely do good and serve others. Let the nations see the glory of the God-given democracy where equality and justice abound.

O Lord, we are particularly mindful of the grieving community in Littleton, CO, and the burdens of our Nation considering war. Deliver our world from violence and war that through You we might be peacemakers and keepers.

Thank You for the gifts of these national leaders, their service to our Nation, and their faith in You. Be with their families and let them all feel appreciated. O God, You are the Author of liberty, both now and forevermore. In Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 22, 1999.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. ENZI. Mr. President, this morning the Senate will immediately resume debate on the Social Security lockbox legislation with a vote on cloture at 11:30 a.m. Pursuant to rule XXII, Senators have until 10:30 a.m. to file second-degree amendments to the Lott amendment. Following the vote, if cloture is not invoked, it is the intention of the leader to proceed to the important Y2K legislation. The Senate may also consider any other legislative or executive items cleared for action. As a reminder, the Senate will not be in session on Friday due to the NATO summit taking place in Washington throughout the weekend.

I thank my colleagues for their attention and, Mr. President, I yield myself such time as might be necessary.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 hours of debate, equally divided, on amendment No. 254 to S. 557, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as part of the budget process.

The Senate resumed consideration of the bill.

Pending:

Lott (for Abraham) amendment No. 254, to preserve and protect the surpluses of the social security trust funds by reaffirming the exclusion of receipts and disbursement from the budget, by setting a limit on the debt held by the public, and by amending the Congressional Budget Act of 1974 to provide a process to reduce the limit on the debt held by the public.

Abraham amendment No. 255 (to amendment No. 254), in the nature of a substitute.

Mr. ENZI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I rise in support of the Social Security lockbox amendment as offered by the distinguished majority leader, Senator LOTT, and the Budget Committee chairman, Senator DOMENICI.

You can't spend IOUs. Right now, Social Security is a marked trust fund, but it is a box of IOUs. This amendment represents an unparalleled commitment by the Senate to pay off some IOUs, truly lock the Social Security money up and thereby assure present seniors and following generations of seniors that their Social Security benefits will be there when they need them most. When Social Security first started, there were 45 people working to take care of one person who is retired. It has been a huge pyramid, but it is now becoming inverted. We are fast approaching a time when only two or three people will be funding the one who is retired. If you have kids, think about how you would feel about making your children pay your Social Security by themselves out of their paychecks. That is what the future looks like. You can see what a bite out of a paycheck that is going to be for two or three people to be able to pay the monthly benefit of one retiree.

Being fiscally responsible is one way to remedy this problem. Passing this lockbox amendment is a means to avoiding a last-minute Draconian event. As an accountant, I have an appreciation and respect for numbers. They can be just as misleading as they are truthful. But there should be no misconception about what our Nation's budget projections tell us. The surplus we expect to get over the next 15 years is Social Security revenue.

This is an important point to understand. Budget surplus revenue, during the next 15 years, comes from mandatory Federal payroll taxes paid by working Americans. What is paid into the Federal Government as FICA taxes goes towards keeping the Social Security program running. What is paid in by the people working gets paid out to the people who are on retirement, and there is a slight excess at the moment. It just happens to match up with what we called the surplus last year.

I have never seen an administration squeeze so much political mileage as there has been on the budget surplus. That is not hard to do when folks are promised funding for every popular Federal program, including a few that don't even exist at the moment. Unfortunately, I am unable to look people in the eye and tell them that the budget surplus is America's ''golden calf.'' Not only is it unconscionable, it is simply not true.

These empty promises are how folks get the impression that the budget surplus is based on general revenue. It could be in just a few years, if we only respect and act on what the numbers really tell us, that the current surplus isn't general revenue but actually Social Security receipts. There can be some surplus if we have some discipline. If the Senate adopts the Social Security lockbox amendment, Congress could be debating what to do with true general revenue surplus shortly.

For now, we have a duty to do what is right, preserve Social Security by retiring part of the $5.5 trillion debt and locking out the spending of Social Security money. Even though the economy is strong, I am surprised that so few people are aware that we, as a Nation, are in danger of passing on to our kids and our grandkids a $5.5 trillion debt and a potentially bankrupt Social Security system. Our society has become so tied to the immediate gratification received from spending money that we fail to recognize the danger that looms from this Federal credit card spending.

Congress has no room to talk. Our massive Federal debt and ever-changing demographics will place a tremendous amount of pressure on our young workforce. Future generations deserve the same opportunities we demand for ourselves. Neglecting our responsibility to ensure Social Security solvency for future retirees begs distrust from our kids. We must not leave a financial burden we created for them to repay and no Social Security. If this amendment fails, we will continue to pay 13½ percent of total budget outlays in interest on the Federal debt. That alone amounts to $231 billion that could be used to help preserve Social Security each year.

If this amendment does not pass, over $10 trillion of interest payments over the next 30 years will continue to be paid by taxpayers. Preserving the Social Security program by retiring our debt is the only way to avoid such senseless spending without a major reform. It isn't just Members of the Senate that believe in fiscal responsibility. I encourage the administration to read the testimony of Federal Reserve Chairman Alan Greenspan before the Senate Budget Committee earlier this year. He advises caution in our spending because Federal revenues are not guaranteed and they may fall short of expectations. Rather, we should be aiming for budget surpluses, true budget surpluses, and using the proceeds to retire outstanding Federal debt. That, he said, will help the economy and protect Social Security for a long time to come. That is Alan Greenspan.

This amendment does just what Alan Greenspan said and recognizes real-life economic situations. We are in one of those real-life economic situations now with the war. Senators DOMENICI and ABRAHAM have gone to great lengths to ensure that the pending Social Security lockbox amendment is sound and fair, providing flexible administration. If passed, it would authorize adjustments to the debt limits established for any Social Security modernization legislation that Congress and the administration enacts in the coming years.

I continue to hope that the administration is serious about sensible structural changes to the program itself. In addition, the requirements of this amendment would be suspended during a period of economic recession, as well as for emergency spending and a declaration of war. Most would agree that such situations should not be subjected to statutory debt limitations.

No tricks or gimmicks here. This is upfront fiscal responsibility. By retiring our debt, this amendment would protect the Social Security budget surplus from being spent on non-Social Security programs. It begins an overdue process of paying back the Government creditors and helping the taxpaying workers. Why should the Federal Government be allowed to incur a debt it currently has no intention of paying back? Repayment is the responsible thing to do. It makes sound economic sense.

I strongly support the passage of the Social Security lockbox amendment. I commend the authors for this legislation. Their dedication to preserving Social Security through fiscal responsibility is admirable. I encourage all of my Senate colleagues to vote in favor of this amendment.

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

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

Mr. ENZI. If it is off your time, yes.

Mr. HOLLINGS. Yes. The distinguished Senator said, as I was coming in, that there was a box of IOUs. How do you think in the Social Security trust fund you got the IOUs?

Mr. ENZI. The Social Security trust fund is lent to the Federal Government and we spend every dime that is lent to us. It is a loan.

Mr. HOLLINGS. That is right. While spending every dime of the trust fund, we reduce the public debt, so that what we have is the unified debt. I have heard the Senator and everybody else say, this time, leave it out of the unified deficit. That is how you bring out the unified deficit, and rather than the regular deficit, and the unified budget; isn't that correct?

Mr. ENZI. No. If you paid the Social Security portion of the debt, you are really taking money out of the bank and putting it right back into the piggy bank. It has to be reloaned. There is no other alternative. Until there is reform on it, there is no other alternative except to loan it out. When it gets loaned out, we spend every penny.

We are not supposed to spend the Social Security money. We are not supposed to be robbing the piggy bank. But that is what happens. That piggy bank, that trust fund, is IOUs. It is money lent to the Federal Government again, and spent again.

Mr. HOLLINGS. That is exactly right. It is a Social Security piggy bank. That is the whole point I am trying to make—the same point the Senator from Wyoming is making—that we have been robbing the Social Security piggy bank, as I show you here, and other banks, incidentally, whereby this year we owe Social Security $857 billion.

Isn't that correct?

Mr. ENZI. That is correct.

Mr. HOLLINGS. Then we apply it using these trust funds to pay down the debt. That is what we have been doing, by any and every other program, whether it is a tax cut, whether it is defense spending, whether it is disaster in the farm areas, whatever it is. That runs up the debt. When you pay down the debt, you get to the unified deficit.

That is what they have all been bragging about—how the unified deficit has been coming down and we have a surplus. We don't have an actual surplus. We spend $100 billion more than we take in this year—$100 billion more than we take in this year. But yet we say we have a surplus, because it is unified, because we have used Social Security to pay down the public debt.

Mr. ENZI. Absolutely. We have used Social Security, and then we put the money back into Social Security again, and then we spend it again. There has to be some major reform if we are going to have some Social Security money that is actually a trust fund that people will be able to use on their own.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina has the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Wyoming is exactly right. We have to do something. That is what we did. We say this charade has to stop. We are really looting Social Security while we say we are trying to save it. As a result, we have gotten Social Security into a tremendous debt. We have savaged the fund. Now everybody comes to say they want to save Social Security.

That's why I put in the bill S. 605. We will introduce it. I ask unanimous consent to have it printed in the RECORD as if delivered right now.

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

S. 605

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 ''Social Security Fiscal Protection Act of 1999''.

SEC. 2. OFF BUDGET STATUS OF SOCIAL SECURITY TRUST FUNDS.

Notwithstanding any other provision of law, the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund shall not be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

(1) the budget of the United States Government as submitted by the President,

(2) the congressional budget, or

(3) the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 3. EXCLUSION OF RECEIPTS AND DISBURSEMENTS FROM SURPLUS AND DEFICIT TOTALS.

The receipts and disbursements of the old-age, survivors, and disability insurance program established under title II of the Social Security Act and the revenues under sections 86, 1401, 3101, and 3111 of the Internal Revenue Code of 1986 related to such program shall not be included in any surplus or deficit totals required under the Congressional Budget Act of 1974 or chapter 11 of title 31, United States Code.

SEC. 4. CONFORMITY OF OFFICIAL STATEMENTS TO BUDGETARY REQUIREMENTS.

Any official statement issued by the Office of Management and Budget or by the Congressional Budget office of surplus or deficit totals of the budget of the United States Government as submitted by the President or of the surplus or deficit totals of the congressional budget, and any description of, or reference to, such totals in any official publication or material issued by either of such Offices, shall exclude all receipts and disbursements under the old-age, survivors, and disability insurance program under title II of the Social Security Act and the related provisions of the Internal Revenue Code of 1986 (including the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund).

SEC. 5. REPOSITORY REQUIREMENT.

Notwithstanding any other provision of law, throughout each month that begins after October 1, 1999, the Secretary of the Treasury shall maintain, in a secure repository or repositories, cash in a total amount equal to the total redemption value of all obligations issued to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund pursuant to section 201(d) of the Social Security Act that are outstanding on the first day of such month.

Mr. HOLLINGS. Mr. President, that is drawn up with the counsel of the Social Security Administration whereby we do exactly what the distinguished Senator from Wyoming would like to do. We get the interest. We allow the Government to buy our Social Security moneys and give us the Treasury bills. Then each month, at the first of the month, we transfer that same amount of money back into a trust fund to be spent on Social Security, and only Social Security.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, today the Senate is debating the so-called Social Security lockbox. This is legislation that was intended to protect the Social Security surpluses. Unfortunately, it failed.

Throughout my tenure in the Senate, as a member of the Senate Budget Committee and the Senate Finance Committee, I have done my level best to support balancing the budget without counting Social Security surpluses and to protect those surpluses.

That is why I was looking forward to this debate. I was hoping we were going to have a chance to really engage in a discussion about how to protect Social Security—to go through the normal legislative process, to offer amendments, to have votes and to let Senators decide the outcome.

Unfortunately, the advocates of this particular approach apparently are so insecure about their approach that they won't permit any amendments. They don't want a debate. They do not want votes to decide the outcome. That is unfortunate.

But I think it speaks volumes about the weakness of their position. It seems incredibly ironic to this Senator that a bill whose sponsors say is designed to protect Social Security actually puts Social Security benefit payments at risk.

Let me repeat that.

This bill which is advertised to protect Social Security actually puts Social Security benefit payments at risk.

That is not just the view of this Senator. That is the view of the Secretary of the Treasury, who has the responsibility for making Social Security payments. The Secretary of the Treasury, Mr. Rubin, in a letter dated yesterday, wrote in part:

> Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn.

The Secretary of the Treasury says this bill is the wrong way to protect Social Security.

Interestingly enough, it is not just the Secretary of the Treasury who says that and has reached that conclusion. We also have a letter from the Chairman of the Ways and Means Committee in the House of Representatives, Chairman ARCHER. Chairman ARCHER in a letter to the Chairman of the Budget Committee in the House of Representatives, dated April 9, says:

> One has only to read the arguments presented in the March 17, 1999, letter from Secretary Rubin to appreciate the dire consequences always presented during a debt limit crisis—disruption of Treasury bond management and worldwide financial markets, doubts about making government payments including Social Security benefits, and raising borrowing costs to the taxpayers—and why Congress always votes to raise the limit.

Chairman ARCHER, the Republican Chairman of the Ways and Means Committee in the House of Representatives that has jurisdiction over this issue, says in conclusion in his letter:

> I see no need to enact limits, even if merely advisory, that do not directly protect the Social Security surplus and re-ignite the debt limit controversy that proved so bitter and futile for everyone four years ago.

That is the Chairman of the Ways and Means Committee in the House of Representatives warning that this legislation is not the way to protect Social Security.

Instead, he says:

> In my view, strict budget enforcement measures are the most effective way to control spending. To reduce debt, the President and the Congress, like every American household, must commit themselves to spending constraint.

The Chairman of the Ways and Means Committee is exactly right. The Secretary of the Treasury is exactly right. We are pursuing an illusion here. It is an attractive illusion. It is an illusion that suggests if we just will adopt it, that it is going to save Social Security. Unfortunately, it will not.

I would really like to know what the sponsors of this legislation are so afraid of. Why have they, through a contorted plan, blocked anybody from offering an amendment? Why do they want to prevent Senators from voting on alternatives? Why? Because they are afraid of the results. They are afraid they would lose in the cold, hard light of day. They fear that if we have a real debate out here about options and alternatives that their alternative wouldn't hold up.

What is there to fear by having votes right here on the floor of the Senate, and deciding this issue the way we decide all others? Why have they gone through their contorted legislative process, this legislative scheme, to prevent people from voting their conscience? I think it is because they know they have a plan that does not hold up.

I think you really have to wonder. Are they really interested in protecting Social Security, including its trust funds and benefit payments? Or do they just want a quick vote on a bill whose provisions can't withstand scrutiny?

Mr. President, I think we should subject this legislation to scrutiny just as we do other legislation. If we do, we will see that instead of protecting Social Security, this legislation endangers Social Security, while risking

more Government shutdowns and default on our obligations.

Mr. President, the lockbox that has been offered here today creates limits on publicly-held debt that are supposedly enforceable with 60-vote points of order.

I strongly support the goal of paying down publicly-held debt. But creating supermajority points of order against raising the debt limit won't accomplish that goal. The ability of the Federal Government to pay down publicly-held debt is created through tough fiscal decisions, decisions to control spending, decisions not to squander the surpluses that are projected to occur over the next 10 years.

If Congress fails to make those tough decisions and spends the surpluses, debt will rise. Creating a debt crisis at that point in time is too late. At that point, the Federal Government has obligations it simply must meet.

Interestingly enough, Chairman ARCHER agrees with me on this point as well. He says:

> . . . debt limits have a long history of failure in preventing spending and deficits. Hitting a debt limit, like a credit card limit, merely represents the consequences of government spending already approved by the President and Congress.

So these new limits on debt could preclude the United States from meeting its future financial obligations to repay debt and to honor its commitments. They would produce permanent damage to our credit standing. The debt obligations of the United States are currently recognized as the most creditworthy of any investment in the world. It is in our interest to maintain that standard. Even the appearance of risk would impose significant additional costs on American taxpayers.

I think we all remember November of 1995. A debt crisis was precipitated when Government borrowing reached the debt limit; two months later, in January, Moody's, the credit-rating firm, placed Treasury securities on review for possible downgrade. It is absurd to put us back in that position—endangering the credit rating of the United States to supposedly protect us against rising debt, when this legislation doesn't do that.

In addition to the damage that can be done to the U.S. credit rating, this lockbox also puts Social Security benefit payments at risk, as I have indicated before. Again, that is not just my opinion, it is the opinion of the Secretary of the Treasury who has the responsibility to make those payments. It is the opinion of the Chairman of the Ways and Means Committee in the House of Representatives who has jurisdiction over these issues.

The point is simple: during a debt crisis, the Treasury Department has no ability to prioritize the payment of Government benefits that are coming due. If Congress cannot raise the debt limit, Social Security benefits cannot be made.

The sponsors of this lockbox claim they have addressed this problem in their legislation. They say they have directed Treasury to give priority to Social Security payments. Unfortunately, the Treasury Department has no ability to do that now. If the Treasury Department runs out of borrowing authority and has no cash coming in, prioritization of payments won't help anyway. The Treasury would have no ability to pay Social Security benefits that are due. Using the debt limit as a fiscal policy tool is bad policy. It directly places at risk the benefit payments to Social Security recipients.

These are not the only shortcomings of this legislation. Another of the serious problems with the legislation before the Senate is that it risks creating longer and deeper recessions than our economy might otherwise experience.

I am concerned about the economic and fiscal impact these debt limit targets could have on the economy during a time of recession. I believe these limits would require the Federal Government to take the wrong actions during recessionary periods, making recessions more severe and negating the stabilizing counter-cyclical tools the Federal Government can use during times of recession.

Sometimes I wonder if we learn from the past. Sometimes I wonder if we are not condemned to repeat the unfortunate experiences of the past because we don't learn those lessons. We suffered depression after depression in this country before we finally figured out how to counter the cycle of recession and depression. What this legislation could do is take away those tools at the very time they are most needed.

This lockbox legislation requires the Federal Government to hit a debt limit target on May 1 of each year. Throughout the year, the debt target could not be exceeded. During years when we are heading towards the trough of the business cycle, revenues grow more slowly because more people are unemployed and expenditures for programs like unemployment insurance and food stamps rise. When those two things happen, the deficit gets larger and the Treasury has to issue more debt. Under this proposal, the Treasury couldn't issue more debt. At that point, the lockbox would become a noose on this economy, making the recession worse, requiring the Congress to either raise taxes or cut spending at precisely the wrong time.

That is economic folly. It is at that very time that the counter-cyclical tools ought to be used to lessen the recession, to prevent depression. That is what our economic history teaches. We should not forget the lessons so bitterly learned.

Our friends advocating this legislation say they have included an exception for recession in their lockbox. The problem is, it won't work. The exception allows the debt limit targets in the lockbox to turn off if the U.S. economy experiences two quarters of real GDP growth that is less than 1 percent.

This chart shows a few examples of recessions over the last 20 years to see what would have happened had this legislation been in place. For example, the recession of 1981–1982 lasted from July of 1981 to November of 1982. The chart shows what was happening with economic growth during that period. The recession began back in July of 1981. But the trigger under this lockbox legislation would come nine months after the recession had already begun. It chokes off the counter-cyclical tools needed for the first nine months, guaranteeing a deeper recession and perhaps even plunging this economy into depression.

This is truly dangerous legislation. It should not be passed. We have the Secretary of the Treasury warning, ''Do not pass this legislation;'' we have the Republican chairman of the House Ways and Means Committee warning, ''Do not pass this legislation.'' What is wrong with those who continue to advocate, in the face of those warnings, legislation that will not protect Social Security, that will endanger it, that further endangers plunging this economy into a worse recession or perhaps even a depression in a time of economic downturn—especially when we have alternatives that we know will work.

Those alternatives can't be considered because the advocates of this legislation have engaged in a legislative scheme to prevent amendments, to prevent the consideration of alternatives. What a way to legislate.

If we look at another example, the recession of 1973–1975, we see the quarterly economic growth fluctuated greatly. That recession lasted from November of 1973 to March of 1975. The lockbox provided for in this legislation would not have kicked in until January of 1975, when the recession had been going on for more than a year. We can see on the chart why that is the case. The recession started back in 1973. We can see economic growth fluctuated back and forth—growing, falling; growing, falling. It would have only been late in the recession that this lockbox legislation would have allowed the counter-cyclical policies of the Government to come into play. This legislation simply does not work. This data shows that a recession in the U.S. economy will very likely precipitate a debt crisis, despite the exemption provided in the lockbox.

These are not the only defects of this legislation. There is another major problem with the lockbox that is before us, because there is something not included in the lockbox. Medicare is not included in this lockbox. Not one penny of non-Social Security surpluses

is included in this lockbox, not one penny. Medicare is under more severe fiscal pressure than Social Security, but Medicare has been left out. Why? Because our friends who are the advocates of this proposal prefer to use the surplus for a tax break scheme. They prefer a tax break scheme, so they do not guarantee one penny of the non-Social Security surplus for Medicare.

We have an important decision to make. Do we use the non-Social Security surplus in a tax cut scheme that will provide the greatest relief for the wealthiest among us? Or do we save the Social Security surpluses for Social Security, extend the solvency of Medicare, and still provide room for targeted tax relief and high-priority domestic needs like education, agriculture, health care, and defense? To me, the choice is absolutely clear; we must honor our commitments to the seniors of America.

That does not mean we do not need to reform Medicare; obviously we do. I think everybody understands we need to take action to put Medicare on a more sound financial footing, and I have voted consistently in the Finance Committee to do that. But we must also ensure that whatever we do to put Medicare on a more sound financial footing also preserves affordable access to high-quality health care for our senior citizens.

Responsible Medicare reform will be much more difficult if we do not provide additional resources to Medicare during this time of severe pressure, because of the demographic changes in this country. The very real pain the balanced budget act of 1997 is already causing suggests to me that making additional cuts of hundreds of billions of dollars over the next 10 years in Medicare, without providing additional resources, would be irresponsible. That is why the lockbox I have supported protects Social Security and Medicare.

Senator LAUTENBERG and I have an alternative lockbox that really does protect Social Security, that does protect Medicare, that does pay down the Federal debt even more aggressively than what our friends on the other side of the aisle are proposing, that does provide room for targeted tax relief and for high-priority domestic needs like education, agriculture, health care, and defense.

Our Social Security and Medicare lockbox creates supermajority points of order against any legislation that does not save the entire Social Security surplus in each year and does not save at least 40 percent of the non-Social Security surplus for Medicare. Our lockbox is enforced with points of order and sequestration. It is not enforced through the debt limit. It follows the advice of the Secretary of the Treasury, Mr. Rubin. It follows the advice of the Chairman of the Ways and Means Committee in the House of Representatives.

Our amendment provides a remedy if Social Security surpluses are spent—across-the-board cuts in other programs. That is a real defense of Social Security. That is something we know works. Our amendment also adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. Our amendment reserves $65 billion for Medicare over the next 5 years, and $376 billion over the next 10 years. After passage of comprehensive Social Security and Medicare reform, our alternative provides $385 billion over the next 10 years for targeted tax relief and for high-priority needs like education, agriculture, health care, and defense. And our amendment reduces publicly-held debt by $300 billion more than the Republican lockbox. It protects Social Security, the surpluses and the benefit payments, and it provides additional resources for Medicare.

That is the type of lockbox the Senate should approve. I hope we have an opportunity to consider this alternative. But under the current legislative structure we will not, because the advocates of the legislation before us do not want an alternative considered. They do not want any amendments. They do not want any alternatives. They do not want to give Senators a chance to choose. They want it their way or no way.

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

Mr. CONRAD. I have ended my presentation. I will be happy to respond to a question.

Mr. ABRAHAM. If the Senator will yield, perhaps I will seek time.

Mr. CONRAD. I yield.

The PRESIDING OFFICER (Mr. ROBERTS). Who yields time?

Mr. ABRAHAM. Mr. President, I will in a moment yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, just a quick response. The cloture vote which we will be having is cloture on the amendment. It is not cloture on the bill. If we were able to invoke cloture, then we would go to a vote ultimately on this amendment. But assuming that amendment was then dispensed with, either by passage or failure in a final vote, the bill itself would remain on the floor subject to other amendments which could include, of course, the ones that have been alluded to by the Senator from North Dakota and a variety of other people; the Senator from South Carolina has talked about his approach; and so on.

Our goal is simply to get a vote on this amendment, and then we can consider other options after that. So I want to clarify this for all Senators. This is a vote on cloture on this amendment. It is not cloture on the bill, so the bill would still be subject to other amendments if and when we dispense with this.

At this time I yield such time as he may need to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I thank our colleague for clarifying that.

When our colleague says he doesn't get a chance to present his proposal—obviously, being in the majority, we have the opportunity to present bills and the majority leader has the right to offer amendments first. We have offered our proposal and we are trying to move toward the passage of a bill. But the amendment of the Senator would be in order if it was relevant to the underlying bill—actually, even if it were not relevant it would be in order—after we had completed action on the amendment by the majority leader. So that part of the argument simply will not hold water. But that makes it parallel to every other part of the argument, since none of it will hold water.

What our colleague has said and what we are hearing here is basically this: That a lockbox is a bad, terrible, destructive, dangerous idea that could cause a recession or a depression and be catastrophic for America. That is argument No. 1. But argument No. 2 is: If you want to do it, we have a better way of doing it and ours will do all these things better.

If logic could speak for itself on the floor of the Senate, it would scream at the torture that it is being put to here. What we are seeing here is very simply the President being called on a commitment he has made, and the President was not telling the truth when he made the commitment, and he desperately does not want to have to live up to it. Those are strong words and I would not say them if I could not back them up.

Here is the reality of where we are. In 1993 Social Security took in $45 billion more than it spent in benefits, and under the Clinton administration and the Congress every penny of that $45 billion was spent on something other than Social Security.

In 1994, Social Security took in $56 billion more than it paid out in benefits, and under the Clinton administration and the Congress every penny of that $56 billion was plundered and spent on something else.

In 1995, $62 billion was taken in in Social Security taxes above the amount we needed to pay benefits, and every penny of that $62 billion was plundered and spent funding other Government programs.

In 1996, it was $67 billion that was plundered.

In 1997, it was $81 billion that was plundered.

In 1998, the President said, ''Save Social Security first; don't spend a penny of this surplus on Government programs; don't give a penny of it back in

tax relief.'' Everybody remembers the President saying that. But in 1998, we spent $30 billion of the $99 billion that Social Security took in above the amount it needed to pay benefits.

The plain truth, despite all this talk about saving the Social Security trust fund, is we have consistently spent the money that came into the trust fund on other Government programs.

Let's get one thing clear from the language. Nobody is talking about saving Social Security here. To save Social Security, you have to have a program to replace all these IOUs with wealth. You have to have a program to replace all this debt with investment.

As you will remember, when the President said, ''Save Social Security first,'' he was going to study the problem for a year. He studied it for a year. Then he had a big meeting down at the White House, which I and many others here attended. We were waiting for some proposal from the President. What we got was a political copout which, for all practical purposes, did nothing and it continued plundering the Social Security trust fund.

Senator DOMENICI has come up with a very simple program. It has not saved Social Security. It does not deal with the huge financial liability in Social Security in the future. What it does is it tries to prevent us from taking the Social Security surplus and spending it on something else, something that many of our colleagues desperately want to do, but they do not want people to know they want to do it.

How does the Domenici proposal work and the proposal that has been refined by Senator ABRAHAM? What the Abraham-Domenici proposal does is this: It sets the amount of money that the Government can borrow each year so that the Social Security surplus has to be used to buy down the Government debt, so that the Social Security surplus cannot be spent, and so that it cannot be used for tax cuts.

The proposal before us is not very complicated, despite all the cloud of rhetoric and doublespeak. The proposal before us is very, very simple. It says that next year, we are going to be taking in $138 billion of surplus in Social Security, so that we want to set the amount of money the Government can borrow without having to vote on borrowing again, such that none of that $138 billion can be spent.

That is pretty simple. If it is spent, what we will have to do is have a vote in the Senate where someone will have to get 60 votes in order to plunder that money from Social Security.

This is not unlike what families do when they sit around the kitchen table and get out their pencil and on the back of an envelope and set out a budget and say: I want to save this much money, and we are setting this limit on the amount of money that we can spend because we want to use this money to pay off some of the debt we have, or we want to use this money to send our children to college or buy a new refrigerator, go on vacation, or whatever they want to do.

In response to our proposal to prevent the Social Security surplus from being spent or used for tax cuts, for that matter, since our colleague launched off on that program, what do our Democrat colleagues say, and what does the administration say? They say, if you do not leave the law as it is so we can plunder the Social Security surplus, we could have a recession. They say: If you don't allow us to plunder the Social Security surplus, the creditworthiness of the Government could be lowered because we could have trouble borrowing money. In essence, they are saying that the financial world, the prosperity of America, the creditworthiness of the Federal Government will all come to an end if we do not let the Federal Government steal money from the Social Security surplus.

It seems to me if we are talking about the creditworthiness of the Government, in terms of its credibility with working Americans, that the way we get real credibility in the Government is to stop stealing the Social Security surplus.

In terms of the Secretary of the Treasury saying we are doing it the wrong way, the reality is, they do not want to do it any way. If they have a better proposal, let's see it. If it is enforceable, let's consider it. If they are willing to set out a procedure which strengthens our ability to stop stealing money from the Social Security trust fund, I would like to get a chance to look at it.

Let me tell you, the reality is that the opposition to the proposal by Senator ABRAHAM and Senator DOMENICI is, they do not want to stop stealing from the Social Security trust fund, so they create this giant ruse that somehow the Treasury will not be able to operate if it cannot take money out of the Social Security trust fund; that we are going to have a recession if we cannot take money out of the Social Security trust fund. Any legitimate concern about the flexibility of the Treasury in borrowing, we have said from the beginning we are willing to work on. Any flexibility they need in dealing with short-term cash problems, we are willing to work on. But what we are not willing to negotiate away is a commitment to stop this plundering of the Social Security trust fund. That is what this issue is about.

The President's budget this year, and I have the budget right here, if we do everything the President proposes to do, most of which we are not going to do, it says he will take $42 billion out of the Social Security trust fund this year and spend it on other things. We believe that is wrong. We do not believe the Social Security trust fund should be spent on other Government programs.

What we are trying to do with this lockbox is to guarantee that none of this Social Security money is spent and none of this Social Security money is used for tax cuts; that the money is used, until we decide how we are going to fix Social Security, to simply buy down the Government debt.

The amazing thing to me is that this is exactly what the President says he wants to do. It is exactly what our Democrat colleagues say they want to do. But when we try to put teeth in it and make it enforceable with a supermajority vote, suddenly they do not want to do it. Suddenly, when we try to make it enforceable, they say, ''Well, we could have a recession; the Federal Government could lose its creditworthiness and its ability to borrow.''

What does it tell you when the President says, ''Save Social Security first, don't spend the surplus, don't give it back in taxes''; when our Democrat colleagues say, ''Save Social Security, don't spend the surplus, don't give it back in taxes''; and then we have two of our Members, Senator ABRAHAM and Senator DOMENICI, come forward with a proposal that actually does what they say they want to do, and not only does it, but would require 60 votes in the Senate, rather than 51, in order to actually violate the commitment. In other words, the difference here is, we are not talking about words, we are not talking about rhetoric, we are talking about a real lockbox program.

A real lockbox program is put forward that would require a supermajority vote in order to plunder the Social Security trust fund. Then, all of a sudden, the President does not want to do what he told us he wanted to do.

All of a sudden, our Democrat colleagues have all kinds of concerns: We are going to have a recession; we are going to destroy the creditworthiness of the Federal Government; prosperity as we know it is going to come to an end—if we stop the Federal Government from plundering the Social Security trust fund. It would lead one to believe that they did not mean it when they said it.

We are all in agreement if we say do not plunder the Social Security trust fund. If we held up our hands here, 100 Members would say do not plunder the Social Security trust fund. But when two Members come forward with a program to really prevent it from being plundered, then all of a sudden we do not agree anymore. I know these issues get confusing, but I think people are going to have to make a judgment here as to who is serious about protecting the Social Security surplus and who is not.

We have a proposal to stop the plundering of Social Security by simply requiring that the debt be bought down by the amount of the surplus and that

if you do not do that, you have to get 60 votes in the Senate; in other words, you have to prove that something extraordinary happened to convince 60 Members of the Senate to go back on their word. That is all this bill does. It is not complicated.

If you do not want to do that, it suggests to me that you were not serious to begin with, that you did not mean it when you said, ''Save Social Security first,'' that you did not mean it when you said, ''Don't plunder the Social Security trust fund.''

We know the President did not mean it because in his budget he plunders $42 billion right here in black and white. The question is not, Was the President being straight with the American people? We know he was not. The question is, Is Congress being straight with the American people when we say we are not going to do it?

If our Democrat colleagues have a better way to do this, I would like to see it. I do not believe we have any monopoly on wisdom. But the plain truth is, I do not believe everybody wants to stop plundering the Social Security trust fund. I believe there are people who want to continue to plunder it. And I think that is what this debate is about.

Let me run over some of these issues.

''It is risky to stop stealing from the Social Security trust fund.'' That is what our colleagues say. I think it is risky to continue to steal from the Social Security trust fund because when the baby boomers start to retire, unless we begin to invest this money, there is no way we can pay benefits, and we are going to have to raise the payroll tax or cut benefits. So our colleagues say it is risky not to steal the trust fund. I say it is risky to continue to steal it.

They say using the debt limit as a policy tool is dangerous. Well, what other tool do we have? They act as if we are just simply robots—that every time the President goes out and spends money, that when the bill collector is knocking on the door, all we do is just pay out the money and go on about our business. That is not the way America works.

When the bill collector comes and knocks on the door of the modest dwellings of working men and women in America, they do have to pay the bill collector. But they do not just keep merrily going along their way. They sit down, get out their credit cards, get out the butcher knives, cut up the credit cards, they write out a budget, they have a ''come to Jesus'' meeting at the kitchen table, and then they start again.

What we are trying to do in Government with this amendment is nothing less than what Joe and Sarah Brown do on the first day of the month every month that comes along; and that is, set out priorities and set some kind of limit on our spending. If we cannot use the debt collector being at the door to do something about spending and plundering the Social Security trust fund, what can we use? If you do not get alarmed when the bill collector is knocking on your door, you are going to end up going bankrupt. Now is the time, when the bill collector is at the door, to try to change the way we are doing business. That is all this bill does.

As far as the suggestion that if we try to prevent stealing from the Social Security trust fund, we are going to have a recession, I mean, please, it is one thing to try to confuse people, it is another thing to insult their intelligence. How can reducing Government debt cause a recession? How can stopping stealing from the trust fund send the economy into a tailspin? Exactly the opposite is true.

Now then, the final bromide, unimaginable suggestion is, ''Well, what about Medicare? They are solving the Social Security problem, but they're not solving the Medicare problem.'' There are a lot of problems we are not solving here. This bill does not bring peace in Kosovo either. This bill does not stop violence in our schools either. This bill does not make people love their families and pay their bills either. This bill does not make people feel good about themselves in all cases either. But the bill does not claim to do all those things.

Why don't we solve the Social Security problem today, and then start working on Medicare? But to suggest that there is something wrong with this bill because it only stops plundering from Social Security and that we have not fixed the Medicare problem—we can always find something we have not done, but what we ought to be concerned about is what we are doing.

There is no surplus in the Medicare trust fund. Medicare is a very different program from Social Security. But I would like to say that on a bipartisan basis, led by Senator BREAUX, we had a bipartisan majority on a commission that wanted to fix Medicare; and this President, Bill Clinton, killed that effort—killed that effort. So to stand up here and suggest that when Senator ABRAHAM is trying to stop the stealing from Social Security, that there is something wrong because he had not solved the problems of Medicare is absolutely outrageous—outrageous.

Let's solve the problem with Social Security today, and start working on Medicare tomorrow. And, by the way, it seems to me that Senator BREAUX and Senator BOB KERREY and most Members who sit on this side of the aisle are ready to deal with Medicare and the President and most Members who sit on the other side of the aisle do not seem to care.

The next thing is, somehow this has to do with tax breaks for the rich. Our colleagues can never debate an issue without engaging in class warfare. They can never debate an issue without saying somehow this is helping the rich: ''If you stop stealing from the Social Security trust fund, you are helping the rich. If you let people keep more of what they earn, you are helping the rich.'' Of course, whenever they are raising taxes, they are taxing only the rich, even if the rich make $25,000 a year.

The point is, this bill has absolutely nothing to do with tax cuts for the rich, the poor, or the people in between. In fact, this bill says that the Social Security surplus cannot be used for tax cuts. And to suggest that somehow, by locking away the Social Security trust fund, and not letting it be plundered either to spend, which is the real danger, or to be used for tax cuts, that somehow to suggest that helps rich people, what it does is it helps the creditworthiness of the Government and it puts us in a position to fix Social Security.

But the idea that this somehow helps the wealthiest among us—anytime the Democrats do not want to do something, always their excuse is, the wealthiest among us are going to benefit. ''If we do not keep plundering the Social Security trust fund, the wealthiest among us are going to benefit. If we can't steal that money and spend it on all these programs, the wealthiest among us are going to benefit. Let us keep stealing the Social Security trust fund because, if you don't keep stealing it, the wealthiest among us will benefit.''

I do not know who these people are talking about. The wealthiest among us do not depend on Social Security as much as middle-income Americans depend on Social Security. What does this wealthiest among us business have to do with stealing from Social Security?

Finally, they say they have another way. It reminds me when we were debating a balanced budget amendment to the Constitution and we were one vote short of sending it to the States. We know the States would have ratified it. Our colleagues who were against it and who voted against it and who killed it, they weren't really against it. They just didn't like the way we were doing it. They had other ways of doing it. They had a better program, which by the way contained a limit on debt held by the public, the very mechanism contained in this amendment. They would have done it better than we would have done it. They killed the balanced budget amendment to the Constitution. It failed by one vote. It could have changed American history.

They didn't say they were against it. They are not against the lockbox. They are not against what Senator ABRAHAM is trying to do. They just want to do it

differently. They think it is a bad idea and it could cause a recession and it could help the wealthiest among us and it could do all those things, but they want to do it. If you decide you want to do it after they tell you what a terrible idea it is to quit stealing from Social Security, after you have crossed that threshold, then they say, well, actually we are not against it, but we want to do it a different way. If we took their way, they would be for doing it another way.

The problem is, they are not for it. The problem is, they want to keep stealing this money out of the Social Security trust fund. That is what this debate is about.

The sadness of this whole deal is that instead of debating a legitimate issue, we are engaged in this gigantic ruse to confuse and befuddle the American people. We have a proposal before us that is very simple. It says we are going to collect $138 billion more than we are spending in Social Security, and we do not want any of that money spent. So we are going to adjust the amount of money Government can borrow and force that $138 billion to be used to reduce the indebtedness of the Federal Government. That is what this amendment does.

But rather than our colleagues standing up and saying, no, we do not want to do that because we want to spend part of that money on other things, instead of standing up and saying, here is what we want to spend it on, we want to spend it on A, B, C, D, and E, and these are all vitally important and it is worth stealing the money from the Social Security trust fund to fund it, rather than standing up and saying that, they say you are going to cause a recession. You are going to destroy the creditworthiness of the Federal Government. You are going to help the richest among us. The richest among us are going to benefit if you don't steal from the Social Security trust fund.

Maybe the American people are confused or maybe with all the terrible things that are happening in the world today, maybe they do not care. But it seems to me that we can't have a meaningful political dialogue when we do not debate the issues that are before us. If you are not for preventing the Social Security trust fund from being spent for other things, stand up and say it. But this tortured logic that if you really force the money to be used to buy down the debt of the Federal Government, you are risking a recession or you are helping the richest among us or that if you decide to get through all that, well, but there is a better way to do it, they could do it in a better way if we just let them do it, I wish for once we could have a straightforward debate. Do you want to stop taking this money out of the Social Security trust fund and spend it on other things or not? Yea or nay. Yes or no. Black or white. But you know why we are not having that debate—because our colleagues have already said they want to do this. The President has already said he wants to do this. He has urged us to do it.

What is the difference between what they are saying and what Senator ABRAHAM is doing? The difference is simple. They are saying it, and he is doing it. The difference is, they are getting the rhetoric right; he is getting the program right. The difference is, they are saying don't spend it, don't use it for tax cuts, use it to pay off debt. The problem they have is that the Abraham amendment actually pays the debt off, and it would force the Federal Government to get a supermajority vote in order to violate that principle.

If you say you are for something and then somebody has a way of doing it and you vote no, what does it mean? Well, to finish and yield the floor, what it means is, you weren't serious when you said it to begin with.

The debate here is between people who do want to pillage the trust fund and those who do not. It is that simple.

Using this to buy down debt does not solve the Social Security problem, but we have in this amendment the vehicle that would let us use this money we are saving to solve the Social Security problem, if we could reach a bipartisan agreement. But we can't solve it if we don't have the money, and if we don't do something very much like the Abraham amendment has proposed, we are going to end up spending this money.

Do you want to spend the money or do you want to see it buy down debt? If you want to buy down debt, support the Abraham amendment. If you don't, vote no but say so. I think that is really what the debate is about.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

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

Mr. HOLLINGS. Mr. President, the distinguished Senator from Texas said we ought to have a good political debate, and he allows me to make a good political debate in that he made it political talking about Democrats and taxes and the wealthy.

The truth of the matter is, that is how the economy got this way, outstandingly good, in that we taxed the wealthy back in 1993 on Social Security. It was that gentleman, the Senator from Texas, who said they are going to be hunting us down in the street and shooting us like dogs.

He raises these strawmen. Another strawman—I am going to use his text; I wouldn't say these things if I couldn't back them up—he says, the trouble here is that we feel that a lockbox is a dangerous thing.

That is exactly what he said back in July 1990. I made the motion on the Budget Committee and we voted 19 to 1 for a lockbox, bipartisan except for one. It was the distinguished Senator from Texas who said it was a dangerous thing. But we went ahead, passed it in the House and Senate, and President George Bush, on November 5, 1990, signed that lockbox into law. That lockbox is part of the amendment of the majority leader and the Senator from Michigan. Look on page 3. You see they reiterate 13301, but on page 10 they take it away.

The distinguished Presiding Officer heard me tell about that insurance company slogan that ''Capital Life will surely pay, if the small print on the back don't take it away.''

My Republican colleague talked about how we always get into a wealth argument. They get into any and every effort to get rid of Social Security. They don't like it. In 1964, I remember, in the Goldwater campaign, they were going to abolish Social Security. In 1990, I finally got the Senator from Pennsylvania, Mr. Heinz, to agree with me, and he changed around the mindset. I wish we had him here now and in the caucus to straighten out this nonsense, because what they are doing is exactly what they are not doing. They guarantee that every dime that is spent is going to be spent on either tax cuts or other spending rather than Social Security, when you pay down the debt. That is what they are saying.

How is the debt caused? The debt is caused by spending too much. Spending too much on what? Any and every program. It could be defense. It could be Kosovo. It could be food stamps. It could be foreign aid. It could be law enforcement. But when you spend too much, you have a debt.

We haven't spent too much on Social Security. That is one particular point on which I agree with the distinguished Senator from Texas. When he says, plundering, plundering—I use the word ''loot''—we can just say: Trust funds plundered in order to give that balanced budget, that unified budget, that unified debt—you don't hear that word—that is the same thing as paying down the public debt.

So, yes, we plundered Social Security for $857 billion, and we plundered military retirement, civil retirement, unemployment, highway, airport, and even Medicare, and we have been violating our very doctrine, making it a criminal penalty to use trust funds, pension funds, to pay the company debt. That is the Pension Act of 1994. I know the distinguished Presiding Officer—he and I ended up talking about Denny McLain. I won't have to say that again. I can tell you now what we say in the private economy is, if you use the company pension fund to pay down the company debt, it is a felony. But it is good Government up here.

But back to my poor Republican friends. Not only '64 and '90, but in '93

we got to the balanced budget amendment and we said, gentlemen, on the other side of the aisle, I will vote for you on a balanced budget amendment to the Constitution if you do not plunder Social Security. It is section 7, on page 5—I remember it well—where they said, no, we have to still plunder it. They could have gotten a group of us Senators on this side of the aisle, but they demanded to plunder Social Security. Then, Mr. President, right on up to the present date, read what they say. They say that the surplus shall not be used for non-Social Security spending or tax cuts, but then when they say it uses the Social Security surplus to reduce the debt, that is exactly what it does.

The distinguished Senator from Texas says there is no plan here to save Social Security or make up for its debt. Why don't we say, use the Social Security surplus for only Social Security purposes, namely, pay down the $857 billion we owe it? They don't come and say that, Mr. President, no siree. They just demand, at every particular turn, that we get rid of it and now they want to privatize it. I refer, of course, to the particular language in section 202 of the budget resolution that they just brought in here as a group. This says that when the Committee on Ways and Means of the House and the Finance Committee in the Senate gets a conference report submitted that enhances retirement security—that is nebulous; they think it is enhanced when they savage it, plunder it—through structural programmatic reform, the appropriate chairman of the Committee on the Budget—that means Mr. KASICH on the House side and Mr. DOMENICI on the Senate side—they can do anything: increase the appropriate allocations and aggregates of the budget authority; they can adjust the levels to determine compliance with pay-as-you-go, which in essence repeals the pay-as-you-go provision; and they can reduce the revenue aggregates.

What does it mean? You have to call New Mexico and find out from the Senator from New Mexico what it means. That is what is going to happen. Monkeyshines here is going into the particular amendment.

I can tell you here and now, Mr. President, that this is really a disaster. What we are doing is formalizing spending, spending all the Social Security surplus. At least the President of the United States says he wants to save 62 percent and he is going to spend 38 percent on something else. That is what the President said in his budget. We are going to save 62 percent, but we are going to spend 38 percent on something else.

Do you know what this Republican amendment says? It says we want to make sure we spend 100 percent on something else because it is not for Social Security, it is for the debt. When they use that euphemism ''public debt,'' as I have explained many times, you have an American Express and a Visa card. The Senator from Texas has abandoned Dickie Flats; he has gone to Joe and Sarah Brown. He says when Joe and Sarah Brown sit around the kitchen table and pay their bills—but I can tell you what Joe and Sarah Brown never do: They don't take their Visa card and pay off their American Express. But that's what this amendment does. It says take your Social Security card, the surplus, and pay off the debt of any and every other program or tax cut—100 percent. They formalize what we tried to stop having been done in the law, when we passed the Balanced Budget Act of 1990. This amendment repeals that particular discipline, the pay-as-you-go program. It goes right on down there plundering. That is all it can be used for. It can't be used for Social Security. There, Mr. President, is the fiscal cancer. This Senator has been working on it for years.

I ask unanimous consent to have printed this chart in the RECORD.

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

TRUST FUNDS LOOTED TO BALANCE BUDGET

[By fiscal year, in billions]

	1999	2000	2004
Social Security	857	994	1,624
Medicare:			
HI	129	140	184
SMI	39	44	64
Military Retirement	141	148	181
Civilian Retirement	490	520	634
Unemployment	79	88	113
Highway	25	26	32
Airport	11	14	25
Railroad Retirement	23	24	28
Other	57	59	69
Total	1,851	2,057	2,954

Mr. HOLLINGS. Mr. President, I ask unanimous consent to have printed this budget realities chart.

There being no objection, the chart was ordered to be printed in the RECORD, as follows.

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1945	92.7	5.4	47.6		260.1	
1946	55.2	−5.0	−15.9	−10.9	271.0	
1947	34.5	−9.9	4.0	13.9	257.1	
1948	29.8	6.7	11.8	5.1	252.0	
1949	38.8	1.2	0.6	−0.6	252.6	
1950	42.6	1.2	−3.1	−4.3	256.9	
1951	45.5	4.5	6.1	1.6	255.3	
1952	67.7	2.3	−1.5	−3.8	259.1	
1953	76.1	0.4	−6.5	−6.9	266.0	
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	
1955	68.4	0.6	−3.0	−3.6	274.4	
1956	70.6	2.2	3.9	1.7	272.7	
1957	76.6	3.0	3.4	0.4	272.3	
1958	82.4	4.6	−2.8	−7.4	279.7	
1959	92.1	−5.0	−12.8	−7.8	287.5	
1960	92.2	3.3	0.3	−3.0	290.5	
1961	97.7	−1.2	−3.3	−2.1	292.6	
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,453.1	153.5	−107.4	−260.9	5,181.9	344.0
1997	1,601.2	165.9	−21.9	−187.8	5,369.7	355.8
1998	1,651.4	179.0	70.0	−109.0	5,478.7	363.8
1999	1,704.1	215.7	110.5	−105.2	5,583.9	356.3
2000	1,737.0	224.8	133.0	−91.8	5,675.7	349.6

*Hsitorical Tables, Budget of the U.S. Government FY 1998, beginning in 1962 CBO's 2000 Economic and Budget Outlook.

Mr. HOLLINGS. Mr. President, as you pay down the debt—that was the unified—that is how it was going down. That is where they got here this year to talk about a surplus for the first time. But we got together with the Concord Coalition and we got together with Barrons and several other responsible groups and they said there isn't any surplus. This Barrons headline says, ''Hey, Guys, There is No Budget Surplus.''

The only reason they can call it a surplus is because of what they recommend in this amendment, paying down the public debt. That is the unified budget. But in the regular overall budget, the debt continues to increase and increase, and the interest costs continue to increase and increase, and you can't give a tax cut without raising taxes. You can't just cut your revenues without increasing your debt.

We have had all the spending cuts for 8 years of Reagan, 4 years of Bush, 6 years of Clinton. Nobody is recommending around here any cut in spending. The first order of business was $18 billion more for the military pay. The next order of business we are going to vote on is another $6 billion to $10 billion for Kosovo. Everybody is going to support that. So the spending goes up, up and away. We are down to bare bones. Yes, instead of abolishing the Department of Education, now they want to increase spending for education. So we can save, and the Presiding Officer can save, $10 billion or $20 billion; any individual can. But, collectively, as a Congress, we are not going to do it. What happens is that we need revenues in here, and we need to quit playing the game of paying down the public debt.

Our problem is that the White House doesn't know how to run a war and our Republican Congress doesn't know how to run a peace. They come up here with this Mickey Mouse amendment, saying exactly the opposite of what it really provides. They say you can't use it or any spending. You have to use it on all spending but Social Security, because you are using Social Security money. You can't use it on tax cuts, you have to use it for tax cuts. Certainly, you can't use it for Social Security.

Mr. DORGAN. I wonder, will the Senator yield?

Mr. HOLLINGS. I am glad to yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I appreciate the Senator yielding for a question. I wanted to note that for, I guess, the seventh year now that I have been here in the Senate, the one consistent voice on this issue has been the Senator from South Carolina. I find it interesting, and I wonder if he sees the same irony as I do, that the very people that now bring us the notion of a lockbox, because they are worried about the Social Security trust fund, were just a few years ago on the floor of the Senate ridiculing the Senator from South Carolina, myself, my colleague from North Dakota, and others, because we said what you want to do with a constitutional amendment to require a balanced budget is to put a provision in the Constitution that says Social Security revenues must be counted not as part of a trust fund, but as part of the ordinary operating revenues of the Federal budget.

In other words, they wanted to put in the Constitution the misuse of the Social Security trust funds and decide that you have a budget surplus only when you have used the Social Security trust funds to get there. So we said no; if you are going to do something in the Constitution about a constitutional amendment to balance the budget, let's at least be honest with the trust funds and say the budget is only balanced when you have not misused Social Security trust funds.

I should have brought the charts. I was thinking about bringing the charts over to read all of the comments that were made on the floor of the Senate about our position at that point.

They have three stages of denial:

First, we are not misusing the Social Security trust funds.

Second, they said but if we are misusing them, we promise to stop.

If we promise to stop, we can't do it for the first 8 years. We will promise to stop 12 years from now.

Those were the three stages of denial when we debated the issue of a constitutional amendment.

But I just find it interesting that those who now say they are the protectors are the ones who are building a lockbox and are the very, very same interests who are on the floor of the Senate saying we should amend the Constitution in a manner that provides that Social Security revenues will be treated like all other revenues of government. It is no protection at all, and they would cement that in the Constitution of the United States. When we objected, they said: You are wrong; this is exactly what we want to do. Now we have this little pirouette on this floor when they come back and say we are the ones who want to protect Social Security.

I just wanted to ask the question if the Senator from South Carolina sees the same irony here, although this amendment doesn't do what it is advertised to do. The Senator from South Carolina is absolutely correct; the rhetoric in support of this amendment is directly in contradiction to the kind of things we heard from that side of the aisle just 3 to 4 years ago.

Mr. HOLLINGS. This the same trickery. It is one grand farce. It is one grand fraud.

So to the lockbox everyone is given the keys, whether you want a tax cut, or spending for a particular program on policy, or otherwise. They are given the key, except Social Security. That is the only crowd that can't spend it. You can spend it for any and everything but Social Security.

I yield the floor.

Mr. KENNEDY. Mr. President, the Republican lockbox proposal is deeply flawed, and does not deserve to be adopted. It does nothing to extend the life of the Social Security Trust Fund for future beneficiaries. In fact, it would do just the reverse. This legislation actually places Social Security at greater risk than it is today. It would allow payroll tax dollars that belong to Social Security to be spent instead on risky privatization schemes. And, because of the harsh debt ceiling limits it would impose, this plan could produce a governmental shutdown that would jeopardize the timely payment of Social Security benefits to current recipients.

It is time to look behind the rhetoric of the proponents of the lockbox. Their statements convey the impression that they have taken a major step toward protecting Social Security. In truth, they have done nothing to strengthen Social Security. Their proposal would not provide even one additional dollar to pay benefits to future retirees. Nor would it extend the solvency of the Trust Fund by even one more day. It merely recommits to Social Security those dollars which already belong to the Trust Fund under current law. At best, that is all their so-called lockbox would do.

By contrast, President Clinton's proposed budget would contribute 2.8 trillion new dollars of the surplus to Social Security over the next 15 years. By doing so, the President's budget would extend the life of the Trust Fund by more than a generation, to beyond 2050.

There is a fundamental difference between the parties over what to do with the savings which will result from using the surplus for debt reduction. The Federal Government will realize enormous savings from paying down the debt. As a result, billions of dollars that would have been required to pay interest on the national debt will become available each year for other purposes. President Clinton believes those debt savings should be used to strengthen Social Security. I wholeheartedly agree. But the Republicans refuse to commit those dollars to Social Security. They are short-changing Social Security, while pretending to save it.

Currently, the Federal Government spends more than 11 cents of every budget dollar to pay the cost of interest on the national debt. By using the Social Security surplus to pay down the debt over the next 15 years, we can reduce the debt service cost to just 2 cents of every budget dollar by 2014; and to zero by 2018. Sensible fiscal management now will produce enormous savings to the Government in future years. Since it was payroll tax revenues which make the debt reduction possible, those savings should in turn be used to strengthen Social Security.

That is what President Clinton rightly proposed in his budget. His plan would provide an additional $2.8 trillion to Social Security, most of it debt service savings, between 2030 and 2055. As a result, the current level of Social Security benefits would be fully financed for all future recipients for more than half a century. It is an eminently reasonable plan. But Republican Members of Congress oppose it.

Not only does the Republican plan fail to provide any new resources to fund Social Security benefits for future retirees, it does not even effectively guarantee that existing payroll tax revenues will be used to pay Social Security benefits. They have deliberately built a trapdoor in their lockbox. Their plan would allow Social Security payroll taxes to be used instead to finance unspecified reform plans. This loophole opens the door to risky schemes to finance private retirement accounts at the expense of Social Security's guaranteed benefits. If these dollars are expended on private accounts, there will be nothing left for debt reduction, and no new resources to fund future Social Security benefits. Such a privatization plan could actually make Social Security's financial picture far worse than it is today, necessitating deep benefit cuts in the future.

A genuine lockbox would prevent any such diversion of funds. A genuine lockbox would guarantee that those payroll tax dollars would be in the Trust Fund when needed to pay benefits to future recipients. The Republican lockbox does just the opposite. It actually invites a raid on the Social Security Trust Fund.

Republican retirement security reform could be nothing more than tax cuts to subsidize private accounts disproportionately benefiting their wealthy friends. Placing Social Security on a firm financial footing should be our highest budget priority, not further enriching the already wealthy. Two-thirds of our senior citizens depend upon Social Security retirement benefits for more than 50 percent of their annual income. Without it, half the Nation's elderly would fall below the poverty line.

To our Republican colleagues, I say: ''If you are unwilling to strengthen Social Security, at least do not weaken it. Do not divert dollars which belong to the Social Security Trust Fund for other purposes. Every dollar in that Trust Fund is needed to pay future Social Security benefits.''

The proposed lockbox poses a second, very serious threat to Social Security. By using the debt ceiling as an enforcement mechanism, it runs the risk of creating a government shutdown crisis. The Republicans propose to enforce their lockbox by mandating dangerously low debt ceilings. Such a reduced debt ceiling could make it impossible for the Federal Government to meet its financial obligations—including its obligation to pay Social Security benefits to millions of men and women who depend upon them. The risk is real.

The misguided debt ceiling proposal would create a Sword of Damocles which could fall at any time with the slightest miscalculation. If the Congressional Budget Office's economic projections are slightly off, if there is an economic downturn and unemployment rises, if the on-budget surplus is not quite as large as anticipated—any of these events could cause the sword to fall. The proposal is so extreme that it could trigger a shutdown crisis even if the level of debt was declining, merely because it was not declining as quickly as projected. The Government shutdown provoked by irresponsible Republican tactics in 1995 taught us the danger inherent in taking such risks. Yet, the current debt ceiling scheme seems to suggest that the Republican elephant's memory is failing.

There would be many innocent casualties of a new government shutdown. It is ironic that many of those who would be harmed most by a shutdown are the elderly and disabled citizens dependent on Social Security. If the debt ceiling is reached, the government would be unable to issue their benefit checks. The law is very clear. The President would have no discretion. Social Security benefits could not be paid.

The sponsors of the lockbox claim that the legislation protects Social Security benefits by making them a ''priority'' for payment. However, that will not solve the problem. Once the debt limit has been reached, payment priorities will be irrelevant. The debt ceiling will prevent all payments from being made. There will be no money to pay any obligation of the federal government—including Social Security benefits.

Those advocating this harsh bill will also claim that Congress would never allow Social Security recipients to go without their checks for long. However, this bill would require a supermajority to raise the debt ceiling so that the checks could be issued. Getting the necessary votes would take time. I believe even a few days would be too long for us to ask the elderly and disabled to wait. For many Social Security recipients, that monthly check is a financial lifeline. They need

it to buy food and prescription drugs, to pay the rent, and for other necessities of life. They can't afford to wait while Congress debates. This legislation, if enacted, would make Social Security recipients potential pawns in a future debt ceiling crisis. That may not be the sponsor's intent, but it could very well be the result. It is fundamentally wrong to put those who depend on Social Security at risk in this way.

The lockbox which proponents claim will save Social Security actually imperils it. As Treasury Secretary Rubin has said, ''This legislation does nothing to extend the solvency of the Social Security Trust Fund, while potentially threatening the ability to make Social Security payments to millions of Americans.''

While this lockbox provides no genuine protection for Social Security, it provides no protection at all for Medicare. The Republicans are so indifferent to senior citizens' health care that they have completely omitted Medicare from their lockbox.

By contrast, Democrats have proposed to devote 15 percent of the surplus to Medicare over the next 15 years. Those new dollars would come entirely from the on-budget portion of the surplus. The Republicans have adamantly refused to provide any additional funds for Medicare. Instead, they propose to spend the entire on-budget surplus on tax cuts disproportionately benefitting the wealthiest Americans.

According to the most recent projections of the Medicare Trustees, if we do not provide additional resources, keeping Medicare solvent for the next 25 years will require benefit cuts of almost 11 percent—massive cuts of hundreds of billions of dollars. Keeping it solvent for 50 years will require cuts of 25 percent.

The conference agreement passed by House and Senate Republicans earmarks the money that should be used for Medicare for tax cuts. Eight-hundred billion dollars are earmarked for tax cuts—and not a penny for Medicare. The top priority for the American people is to protect both Social Security and Medicare. But this misguided budget puts Medicare and Social Security last, not first.

Democrats oppose this ''lockbox'' because we want real protection for Social Security and Medicare. Our proposal says: save Social Security and Medicare first, before the surpluses earned by American workers are squandered on new tax breaks or new spending. It says: extend the solvency of the Medicare Trust Fund, by assuring that some of the bounty of our booming economy is used to preserve, protect, and improve Medicare.

Our proposal does not say no to tax cuts. Substantial amounts would still be available for tax relief. It does not say no to new spending on important national priorities. But it does say that protecting Medicare should be as high a national priority for the Congress as it is for the American people.

Every senior citizen knows—and their children and grandchildren know, too—that the elderly cannot afford cuts in Medicare. They are already stretched to the limit—and often beyond the limit—to purchase the health care they need. Because of gaps in Medicare and rising health costs, Medicare now covers only about 50 percent of the health bills of senior citizens. On average, senior citizens spend 19 percent of their limited incomes to purchase the health care they need—almost as large a proportion as they had to pay before Medicare was enacted a generation ago. By 2025, if we do nothing, that proportion will have risen to 29 percent. Too often, even with today's Medicare benefits, senior citizens have to choose between putting food on the table, paying the rent, or purchasing the health care they need. This problem demands our attention.

Those on the other side of the aisle have tried to conceal their own indifference to Medicare behind a cloud of obfuscation. They say that their plan does not cut Medicare. That may be true in a narrow, legalistic sense—but it is fundamentally false and misleading. Between now and 2025, Medicare has a shortfall of almost $1 trillion. If we do nothing to address that shortfall, we are imposing almost $1 trillion in Medicare cuts, just as surely as if we directly legislated those cuts. No amount of rhetoric can conceal this fundamental fact. The authors of the Republican budget resolution had a choice to make between tax breaks for the wealthy and saving Medicare—and they chose to slash Medicare.

I urge my colleagues, on both sides of the aisle, to reject this ill-conceived proposal. It jeopardizes Social Security and ignores Medicare. It is an assault on America's senior citizens, and it does not deserve to pass.

Mr. ALLARD. Mr. President, I support this effort to wall off the surplus Social Security revenues.

By establishing a lockbox we ensure that all savings in the program are used to build the trust fund and extend the solvency of Social Security.

We learned last year that to leave unobligated money lying around Washington is a bad idea because it gets spent!

This is one of several budget reforms that I have been actively supporting.

First, the budget process is too complicated and frequently abused. I feel it needs to be simplified. This is a step in that direction.

With this provision we can remove the temptation that the Social Security surplus presents to those who tend to spend our money carelessly.

As we search for ways to modernize Social Security, it makes sense to dedicate the Social Security surplus to repaying debt owed to the trust fund. Paying down the debt and modernizing Social Security need to happen together.

It is important to take this issue up now, especially since we have already considered three requests for supplemental spending for this year, totaling $1.36 billion.

These proposals spend the surplus without regard to major budgetary commitments such as Social Security.

I have long been a supporter of debt repayment.

I believe that Federal debt retirement should be a priority when decisions must be made regarding a Federal budgetary surplus. That is why I sponsored the American Debt Repayment Act, which requires repayment of the federal debt.

Likewise, I support the legislation before us today that sets a statutory limit on federal debt held by the public.

We must obligate ourselves to a plan in order to make any progress toward paying down the debt; otherwise, the surplus will most likely invite increased spending.

Consider the impact that debt reduction would have on the fate of Social Security.

We would be making positive changes to ensure the solvency of Social Security for future generations.

We would be making payments on the national debt which is the best way to provide flexibility and a source of funds for changes in Social Security that will modernize it for the generations of the next century.

So long as the federal government carries a $5.6 trillion debt, we cannot tell our children and grandchildren that we have provided for their future.

By enacting this plan we will be helping to preserve Social Security for future generations.

I hope my colleagues will join me in supporting the Social Security lock box to keep the Social Security surplus safe from raids that further threaten the financial condition of the fund.

Mr. ROBB. Mr. President, I rise to announce my position on the cloture petition on the so-called Social Security lockbox legislation before the Senate.

First, let me say that I am disappointed with our Republican colleagues for making this a political issue. The fact of the matter is that both Democrats and Republicans in this body believe that Social Security surpluses should be protected and, absent extraordinary circumstances, should be used to reduce the public debt. Budget resolutions sponsored by both Democrats and Republicans abided by that rule. In essence, then, the legislation presented to us today is designed as little more than a political show vote that will give a basis for claiming that Republicans alone are

committed to protecting Social Security while Democrats are not. Nothing could be more disingenuous.

Let me also say that we could use some truth-in-advertising around here. This is not even a true lockbox. There are significant exceptions included in this legislation. No. 1, the so-called lockbox allows for adjustment of its scriptures for emergency spending, with the likelihood that significant defense-related emergency spending will be enacted. As one individual commented, ''if we don't have an on-budget surplus to fund emergencies, then we adjust the debt limits to borrow from the Trust Fund.'' No. 2, it should also be pointed out that the debt limits can also be adjusted for whatever is deemed Social Security reform. That is so open-ended in my view it gives Congress a loophole through which it could easily evade the so-called lockbox altogether.

What concerns me most in this proposal, however, is that it gives the American people the false impression that this is the answer to our fiscal problems. Instead of just resisting the temptation to go on a tax-cutting or spending spree, dealing honestly with solving the long-term funding challenges in Social Security and Medicare, and paying down our enormous debt with the entire surplus, we claim that the lockbox, an artificial mechanism which only commits part of the total surplus to reduce the debt, is the most fiscally responsible thing we can do. What makes this proposal all the more disingenuous from our Republican colleagues is that the large tax cut that they hope to enact threatens most our ability to meet the scriptures of the so-called lockbox.

In the final analysis, this political stunt isn't worth risking the credit worthiness of the United States.

Mr. President, I agree wholeheartedly with the thrust of this legislation that the Social Security surplus should be used to pay down the publicly held debt, although I would commit the entire surplus to that purpose. My concern is that the proposal before us is nothing more than an attempt to politicize an issue on which we all agree, and that it has the potential to do more harm than good by risking the credit worthiness of the United States.

Mr. LIEBERMAN. Mr. President. I rise today to express my strong opposition to Senator DOMENICI's amendment ''The Social Security Surplus Preservation and Debt Reduction Act''. I supported the original legislation, S. 557, which was reported out of the Committee on Governmental Affairs, and would have provided guidance for the designation of emergencies. But this amendment uses S. 557 as a vehicle to introduce a highly controversial and partisan proposal on Social Security. It also changes an important provision in the original bill regarding emergency designations, in a way that undermines the bipartisan compromise which we had reached in Committee. As Ranking Democrat of the Committee on Governmental Affairs, I will limit my comments to the bill we reported out of committee, and to the reasons I object to the changes made to those emergency designation provisions.

First, I would like to provide some background about why I support the unamended version of S. 557, and how it came to be reported out of the Governmental Affairs Committee. Passed in 1990, the Budget Enforcement Act requires that the cost of appropriations legislation stay within spending caps and that the cost of all other legislation satisfies the ''pay-as-you-go'' requirements. At the time the bill was passed, however, there was a legitimate concern that these new limits on spending could impede Congress' ability to provide additional funds for emergencies. As a result, Congress provided that if the President designates a provision as an emergency requirement and the Congress agrees in legislation, then the spending caps and ''pay-go'' limitations do not apply to that provision. Congress did not provide any guidance regarding what constitutes an emergency.

Not counting 1991, when emergency spending spiked because of the Persian Gulf War, the annual emergency expenditure had ranged from $16 billion to $5 billion before last year's Omnibus spending legislation set a new record, at $21.5 billion. The emergency spending designation has been used appropriately in many cases. Every year money is provided to the Federal Emergency Management Agency to respond to natural disasters such as hurricanes and floods. Emergency spending has included military funding for Operation Desert Storm and for peacekeeping efforts in Bosnia. The emergency designation has also been used to provide funds after other cataclysmic domestic events, such as the riots in Los Angeles in 1992 and the terrorist bombing in Oklahoma City in 1995. The 1999 emergency funds addressed a wider variety of needs than in prior years. According to the Congressional Budget Office, last year emergency funds were used for the first time for increased security at U.S. embassies, for price supports for U.S. farmers, to respond to the Year 2000 Computer problem, for counter-drug and drug interdiction efforts, for ballistic missile defense enhancements, and to address funding shortfalls in the defense health program, among other things.

While these expenses may all be legitimate uses of tax dollars, Senators on both sides of the aisle feel that some of the past designations of emergency spending were inappropriate, and have been looking for a statutory solution. The problem is the complete absence of guidelines on what constitutes an emergency, as well as insufficient procedural safeguards to prevent the misuse of the subjective emergency designation.

The provision on emergency spending originally contained in Senator DOMENICI's ''Budget Enforcement Act of 1999'' addressed this problem by establishing a 60-vote point of order against any emergency spending provision contained in a bill, amendment, or conference report. A number of Senators in the Committee on Governmental Affairs, myself included, felt that the super-majority point of order was neither necessary nor appropriate. It would have trampled on the rights of the Minority, and might have led to scenarios where aid is held up in cases of regional emergencies, particularly if a determined bloc of senators hoped to extract some unrelated legislative concession in return for the release of funds. We have seen cases where floods have ravaged the river valleys of the Dakotas, or tornadoes have decimated swaths of countryside in just one or two rural states. Severe droughts are emergencies to the farmers suffering their long-term effects, but may not seem quite so urgent to Senators representing other states. Allowing a reticent voting bloc to hold up funding for emergencies that are recognized by both the President and a majority of Senators seems to be an extreme measure to take, before having attempted a more measured response.

Accordingly, I was quite pleased when we were able to work out an agreement with Senator DOMENICI and Chairman THOMPSON regarding emergency spending. Our compromise preserved the point of order against all emergency spending, but converted it from a super-majority point of order to a simple majority point of order. The agreement retained criteria defining what constitutes an emergency.

The bill we reported out frames the debate whenever an emergency expenditure is challenged. The bill requires the President and congressional committees to analyze whether a proposed emergency funding requirement is necessary, sudden, urgent, unforeseen, and not permanent. If a proposed requirement does not meet one of these five criteria, the President or committee must justify in writing why the requirement still constitutes an emergency. Although the five criteria are not binding, the existence of this new statutory guidance, along with the explanations that may be contained in any accompanying report, will provide an essential framework for emergency spending designation decisions that has heretofore been lacking. A Senator raising a point of order against an emergency spending designation would have codified criteria to point to, and the process contained in this legislation encourages more challenges of abuses of the emergency spending designation.

After our bipartisan bill was reported to the full Senate, Senator DOMENICI included in his budget resolution a 60-vote point of order against any emergency designation. During the ensuing consideration of the resolution, Senators DURBIN, BYRD and I co-sponsored an amendment bringing back the simple-majority point of order. Senator DOMENICI accepted this amendment rather than hold a roll-call vote; nevertheless, our measure was subsequently stripped out in Conference. Accordingly, for the next year we will be governed by a Senate rule which requires a super-majority to designate emergencies, a rule which has not won the approval of even a simple majority of any Senate body.

Now we have before us an amendment that goes even further than the provision contained in the budget resolution. The amendment would re-establish the 60-vote point of order against emergency designations which had been removed by consensus in the committee. This point of order would last for ten years, and it would be codified rather than be a Senate rule. For reasons that are not clear, there would be an exception for Defense emergencies, but not for any other type of emergency, including natural disasters.

Importantly, the amended point of order applies to the emergency designation and not the spending itself. If it is raised and sustained, the bill's spending for scoring purposes would be increased, thereby potentially causing it to exceed its allocation. That would leave the entire bill vulnerable to a second point of order. This potential for procedural logjams would only complicate Congress' efforts to provide adequate funding to cope with real and pressing emergencies.

Accordingly, I urge my colleagues to reject the amendment to S. 557, and to accept instead the bill originally reported out of Committee, which addresses the issue of emergency designations in a sensible way, and which has won the support of members of both parties in the Committee.

Mr. ROTH. Mr. President, I rise to oppose the measure now before the Senate. This bill would create new budget procedures to prevent the spending of any surpluses attributed to Social Security, other than for reducing the public debt or for Social Security reform. Although this bill is well intended, in my view the bill is unlikely to accomplish its objectives and, worse, may have negative, unintended consequences.

Before describing specific objections, let me first commend Senator DOMENICI for his leadership on the budget resolution and his commitment to Social Security. The FY 2000 budget resolution that passed Congress last week sets aside every penny of every dollar of the $1.8 trillion in Social Security surpluses expected over the next 10 years. This measure demonstrates unequivocally our commitment to protecting Social Security and to restoring confidence and accountability in Social Security's financing.

On the other hand, the President's budget would spend $158 billion of the Social Security surpluses over the next 5 years, and even more thereafter. The differences between the President's budget plan and Congress's could not be more clear.

Mr. President, the bill now before the Senate intends to provide additional protections against spending so-called ''off budget'' surpluses, by, among other things, creating a new public debt limit.

In my view, the bill has serious substantive problems. The simple fact is that if Congress does not authorize spending, money cannot be spent. Debt is issued solely to pay for spending Congress authorizes. Indeed, Congress delegated its exclusive constitutional authority to borrow money on the credit of the United States in 1917 to the Treasury Department. Prior to 1917, Congress individually authorized each debt issue, specifying interest rates and maturity

Over the years, debt ceilings have made little difference in preventing spending or deficits. But, as those of us who have been involved with debt ceiling legislation know too well, the need to raise the debt ceiling can and has often created a sense of crisis. Indeed, this bill could hamper the Federal government from paying its bills in a timely manner; injure the Federal government's credit standing; and limit the Treasury's flexibility to manage the debt in the most efficient manner.

Having said that, the legislation before us does attempt to address some of these problems. For example, the bill contains exceptions for emergency spending, recession, and war. However, these exceptions seem to undo the very purposes of the bill, without providing the flexibility needed to properly manage the debt. Moreover, the language of the bill ensuring the timely payment of Social Security benefits should be strengthened.

The best solution is to prevent spending, not to undo spending with a new type of debt limit. Indeed, the whole point of the 1974 Congressional Budget Act, and subsequent budget process legislation, has been to provide an organized, disciplined framework for consideration of the nation's budget and of public spending. If the current budget procedures are not adequate to prevent spending authorizations, new remedies should be devised without creating a new type of debt limit.

I received a letter from Treasury Secretary Rubin which addresses the pending amendment. In this letter Secretary Rubin raises concern that the amendment, if enacted, could actually jeopardize the payment of Social Security benefits. This concerns me as well.

Mr. President, I ask unanimous consent to print the letter from the Treasury Secretary in the RECORD following my remarks.

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

(See Exhibit 1.)

Mr. ROTH. Mr. President, let me turn now to one other issue before closing—the importance of prompt action on Social Security reform. The bill before us is at best intended to be a stopgap measure until Social Security reform is accomplished. Social Security has long-term financial problems, which the President and Congress must address. Indeed, there is broad agreement—in Congress and by the President—that Social Security reform is better done sooner than later. I strongly agree, although any action will require Presidential leadership and a bipartisan consensus in Congress.

EXHIBIT 1

DEPARTMENT OF THE TREASURY,
Washington, DC, April 21, 1999.

Hon. WILLIAM ROTH,
U.S. Senate, Washington, DC.

DEAR BILL: This letter transmits an analysis of the Social Security Surplus Preservation and Debt Reducation Act, the amendment offered by Chairman Domenici and Senators Abraham and Ashcroft to S. 557, which is currently being debated on the Senate floor. This Act would create new statutory limits on debt held by the public in addition to the existing ceiling on the total debt held by the public and the Federal trust funds. Our analysis indicates that this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn. Let me refer you to my earlier letter as I will not repeat here all of the concerns I have with this proposal. For all of the reasons I mention there, I would recommend to the President that he veto this Act if it were presented to him for his signature.

It is still my view and the view of the Administration that fiscal restraint is best exercised through the tools of the budget process. Debt limits should not be used as an additional means of imposing restraint. By the time a debt limit is reached the Government is already obligated to make payments and must have enough money to meet its obligations. These proposed new debt limits, despite the changes made, could run the risk of precipitating a debt crisis in the future.

The proposal makes only limited exceptions for unanticipated developments on the non-Social Security side of the budget. However, the potential for forecast error is great even for estimates made for one year in the future, let alone for ten years. Projections of future budget surpluses are made using hundreds of assumptions, any of which is subject to error. Indeed, the Congressional Budget Office (CBO) studied the errors in its own five-year estimates and concluded that, based on their average deviation, the annual surplus estimate for 2004 could vary by $250 billion. Much smaller forecast errors could cause these new debt limits to be reached.

The amendment's shift of the effective date from October 1 to May 1 may provide some degree of cushion but it does not eliminate the risk that the debt limit could be reached in the normal course of business. It

reduces the debt limit just after the large revenue bulge in April. However, the size of the cushion and the impact of the timing shift can be far smaller than the deviations from surplus projections described above.

The amendment could run the risk of worsening an economic downturn. The debt limit would be suspended following two consecutive quarters of real GDP growth below one percent. However, an economic slowdown of any duration that did not result in real growth of less than one percent for two consecutive quarters could increase spending and reduce receipts—and both CBO and OMB estimates indicate that such a moderate slowdown could require the borrowing of hundreds of billions of dollars over a period of just a few years. Absent a super-majority vote to raise the debt limit, Congress would need to reduce other spending or raise taxes. Either cutting spending or raising taxes in a slowing economy could aggravate the economic slowdown and substantially raise the risk of a significant recession. In addition, there would be a lag of at least seven months from the onset of a recession to the time that the statistics were available to demonstrate two consecutive quarters of real growth of less than one percent. During these seven or more months, as in the first case, revenues would likely decline and outlays increase necessitating that Congress either reduce other spending or raise taxes. In both cases, the tax increases and spending cuts could turn out to be inadequate to satisfy all existing payment obligations and to keep the debt under the limit, and the debt-limit crisis could worsen.

In addition, the Act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. The Act requires the Treasury Secretary to give priority to the payment of Social Security benefits but, if the Treasury could no longer borrow any money, there might not be enough cash to pay all Social Security benefits due on a given day. We believe that all obligations of the Federal government should be honored. We do not believe that prioritizing payments by program is a sound way to approach the government's affairs (*e.g.*, giving Social Security payments precedence over tax refunds or other benefits, such as those for veterans). In addition, this Act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.

Clearly, there could be very serious risks to Social Security and other benefits and to the credit worthiness of the United States if this Act were enacted into law. To ensure fiscal discipline, the Administration recommends instead that the pay-go rules and the discretionary spending caps in current law be extended beyond FY 2002. These tools of fiscal discipline—which do not rely on debt limits—have been highly effective since they were adopted in 1990 on a bipartisan basis. I urge the Congress to consider these provisions—rather than new debt ceilings—as the best choice for maintaining our hard-won fiscal discipline.

Sincerely,

ROBERT E. RUBIN.

Mr. BUNNING. Mr. President, I rise to make a few remarks concerning the Social Security lockbox legislation. Last year, as chairman of the Social Security Subcommittee in the House of Representatives, I introduced legislation which would have reserved 100 percent of the anticipated budget surpluses for Social Security.

When that bill was marked up in committee, it was changed to 90 percent. Subsequently, that bill was passed by the full House of Representatives but it was attacked viciously by the President and our colleagues on the other side of the aisle because it did not protect 100 percent of the Social Security surplus.

The bill we are considering now in the Senate would do exactly what I originally set out to do in 1998. It would do exactly what the President promised to do in 1998. It locks up the Social Security surpluses to protect them and to insure those surpluses are not used for other programs, tax cuts, or additional spending. It locks up 100 percent of the Social Security surpluses—not 62 percent—not 90 percent—but 100 percent. It requires that those surpluses—and we are talking about a lot of money, as much as $1.8 trillion over the next 10 years—are not recycled out as debt and spent on other Government programs as we have done in the past.

This is a good bill. It is a good concept. It pays down the debt and it protects Social Security. I urge my colleagues to support this bill and to vote for the motion to invoke cloture.

Mr. REED. Mr. President, I rise today to express my profound concern with several provisions in the Abraham ''lock box'' amendment pending before us here today. I share many of the objectives the sponsors of this amendment portend to support, such as preserving the Social Security Trust Fund, promoting fiscal responsibility and paying down the debt. However, I fear this amendment could potentially have dangerous and disastrous effects on our nation's economy and Social Security.

The Abraham ''lock box'' proposal establishes statutory annual, declining limits for debt held by the public over the next ten years, based on projections from the Congressional Budget Office (CBO). Proponents of the amendment contend that these statutory limits will force a greater degree of fiscal responsibility upon the federal government. In order to raise the debt limit, a 60-vote point of order in the Senate would be required.

On the surface, this legislation may appear to provide potential benefits to the American economy and government spending. However, there are several fundamental flaws to this approach, which is why I am unable to support the proposal.

First, the Abraham proposal relies upon CBO budget projections to derive the statutory public debt limits. While CBO budget projections are an insightful and beneficial tool for policymakers, they are in no way an exact measure of future budget levels. As any economist would tell you, there are too many uncontrolled factors that can come into play. By CBO's own admission, unanticipated developments in the economy, demographics, or other factors may alter the nations' budget landscape.

For instance, an assessment of CBO budget projections between fiscal years 1988 and 1998 found that projections were off by an average of 13 percent per year. Looking ahead to 2004, this margin of error would mean that CBO's current budget projections could be off by as much as $250 billion. Yet, under this proposal, these inaccurate projections would become the standard.

Second, the statutory debt limits proposed by the Abraham amendment could make the federal government's responsibility to meet daily financial obligations extremely difficult. Treasury Secretary Robert Rubin has stated that debt limits may drastically hinder the Treasury's ability to cover near-term shortfalls in the government balance sheet. The government receives revenues and makes payments on a daily basis. Daily, weekly, or monthly swings in cash flows can exceed balances, and under the ''lock box'' scenario, debt limits as well. If the government has reached the debt limit, it would likely become necessary to temporarily suspend unemployment benefits, or other payments, until budget cuts or tax increases are implemented to make up the difference.

Third, arbitrary debt limits could exasperate economic downturns. The amendment includes a provision that its supporters claim would lift the debt limit during a recession, which is defined as two consecutive quarters where real economic growth is less than one percent. However, lags in economic reporting mean that data on GDP growth are generally not available until several months after an economic downturn has actually begun.

For example, the recession that started in July 1990 was not revealed through economic data until April 1991. When the economy slows, unemployment compensation and other outlays rise, while tax revenues slow or decline. As a result, debt limits could be breached more quickly. However, unless Congress musters 60 votes to breach the debt limit, cutting government expenditures or raising taxes would be required. These delays could push an already weak economy into a recession.

Fourth, effective measures are already in place to ensure fiscal restraint. Over the last ten years, pay-as-you go and discretionary spending caps have been highly successful in producing fiscal discipline without threatening budget cuts or tax increases. These enforcement mechanisms, which were enacted as part of the Budget Enforcement Act of 1990, have been key elements in maintaining fiscal discipline over the past decade. Supplementing these successful laws is unnecessary and may create greater volatility in our budget process.

Lastly, I would be remiss if I did not point out that the ''lock box'' proposal does nothing to stimulate meaningful Social Security reform, nor does it extend the solvency of the program. In fact, the amendment contains a clause that would allow money dedicated to the payment of Social Security benefits to be siphoned off for other purposes, like the creation of private accounts. It also completely ignores the solvency problems facing Medicare.

Mr. President, although the ''lock box'' amendment is seemingly well intended, if enacted, it could dramatically impact the federal government's ability to meet its financial obligations and react to economic downturns. Furthermore, it could exacerbate times of economic hardship and tie the hands of the federal government in meeting its financial commitments to the American people. Most importantly, the amendment does nothing to secure the solvency of Social Security and Medicare. I urge my colleagues to reject this potentially harmful amendment.

Thank you, Mr. President.

Mr. MCCAIN. Mr. President, I am proud to join Senators LOTT, DOMENICI, and others in cosponsoring this amendment to S. 577, The Budget Reform Act. I was an original cosponsor along with Senator ABRAHAM and others of the legislation upon which the Lott-Domenici amendment is based.

This amendment expresses clearly our commitment to protect the Social Security Trust Fund for current and future beneficiaries. This legislation reiterates the importance of adhering to the provisions of the 1990 law that prevented Congress and the President from using Social Security surpluses to mask the size of annual budget deficits. It also urges the establishment of a budgetary ''lock box'' for Social Security funds, with effective enforcement mechanism, to prevent Congress and the President from using Social Security receipts to pay for other government spending or to offset tax cuts.

We all have seen the predictions that the Social Security system will be bankrupt in 2032, short-changing the millions of Americans who included Social Security benefit payments in their retirement planning. Simply walling off the Trust Fund from depletion for other purposes will not solve this long-term problem. Clearly, we must continue to work to find a viable long-term solution to the financial problems of the Social Security system that restructures the system in a manner which provides working Americans with the opportunity, choices, and flexibility necessary to ensure their future retirement needs are fully met. At the same time, we must guarantee that everyone who has worked and invested in the Social Security system receives the benefits they were promised, without placing an unfair burden on today's workers.

Saving Social Security should not be a partisan issue. For our parents today and our grandchildren tomorrow, saving Social Security is too important for politics to guide us rather than principle. With predictions of sustained budget surpluses for at least the next ten years, saving Social Security should be our first priority.

I endorse the President's proposal to set aside two-thirds of the estimated $2.8 trillion non-Social Security surplus to shore up the Social Security system. However, I question whether the President is truly wedded to saving Social Security. His own budget shows that he does not set aside a single extra dollar for Social Security for at least ten years. Instead, he spends the surplus on new government programs.

It is also alarming that the President feels that the government should become an institutional investor in the stock market, using Social Security funds. The government has no business going into business. How could the government bring action against a company for violating anti-trust laws if it has a large equity investment in that same company? And can anyone fathom how the forces of political correctness might distort the market? Would the government eventually become the majority stockholder in Ben and Jerry's?

Saving Social Security has one simple objective: to guarantee that everyone who has worked and invested in Social Security receives the benefits they were promised. We must establish an effective ''lock box'' to ensure that 100 percent of Social Security receipts go to the Social Security trust fund and stay there earning interest. We must stop the federal government from stealing money from the Social Security trust fund to pay for its excessive spending habits. Social Security is a sacred promise which must not be broken. Fiscally responsible members of Congress must stand up and not allow the Federal Government to take the hard-earned money of taxpayers and threaten the financial security of our nation's retirement system.

Let me just point out that walling off the Social Security Trust Fund and reserving future surpluses to ensure the solvency of our nation's retirement system does not mean we can not also have a tax cut. Americans need and deserve a tax cut. Federal taxes consume nearly 21 percent of America's gross domestic product, the highest level since World War II. A recent Congressional Research Study found that over the next ten years an average American family will pay $5,307 more in taxes than the government needs to operate. Congress did not balance the budget so Washington spending could grow unnecessarily at the taxpayer's expense. Letting the American people keep more of their own money to spend on their priorities will continue to fuel the economy and help create more small business jobs and other employment opportunities.

We can provide meaningful tax relief to American families and still save Social Security. The Federal Government wastes billions of dollars every year on pork-barrel spending projects, much of which is earmarked by powerful Members of Congress for their home states and districts. Just this past year, Congress directed over $9 billion to special-interest projects. We also continue to allow businesses to use tax loopholes and other subsidies that do not make economic sense. According to the Progressive Policy Institute, we could easily save $200 billion over the next five years by eliminating inequitable corporate subsidies, including phasing out operating subsidies for Amtrak and eliminating the ethanol tax credit.

We can and should pay for tax relief for middle-class Americans and families with the money we throw away on pork-barrel projects and inequitable corporate subsidies, not money raided from Social Security surpluses.

Mr. President, on behalf of the millions of Americans who have paid into the Social Security system for decades and those who are working and paying into the system today, I urge my colleagues to support this amendment and demonstrate their continued commitment to truly saving Social Security for future generations.

Mr. DASCHLE. Mr. President, there is an old saying heard quite often in the midwest and perhaps other parts of the country as well. The saying is ''what you see is what you get.'' The adage is as simple as it is straightforward. It's a way of letting another person know there will be no surprises—good or bad—associated with the person or object in question. Things are pretty much as they appear.

Unfortunately, the proponents of this legislation, the so-called ''Social Security Surplus Preservation And Debt Reduction Act,'' do not subscribe to this plainspoken logic. In fact, quite the contrary. What you see when you examine their language is quite different from what you get when you listen to their rhetoric. They argue they are preserving Social Security. Their own bill language says otherwise. They argue they are reducing the public debt. Again, their bill language betrays them. And finally, they argue they have created a sound mechanism to lock away Social Security. The Treasury Department tells us differently. Mr. President, if votes on this bill are based on what people see and not on what they would actually get, I am confident this measure will be defeated. I strongly recommend that course of action.

Let me state at this time that I and every member of the Democratic caucus totally support the objectives expressed by this bill's authors. We must

ensure that every dollar of Social Security taxes is dedicated solely and exclusively to Social Security benefits. I have joined with Democrats to fight for this principle earlier this year on the budget resolution. Furthermore, Democrats advocate taking an additional step. We feel Medicare also faces grave challenges and will need additional resources to ensure that radical reform is not necessary. The Democratic alternative to the bill before us today locks away every dollar of Social Security and helps Medicare. It does so in a secure manner that will not threaten the fiscal stability of this country.

Unless there is a change in the current procedural situation, Democrats will be precluded from getting a vote on our proposal at this time. If the proponents of this legislation were truly interested in a serious, substantive debate on how to protect Social Security and Medicare, they would not, as a first step, seek to limit Senators' rights to offer amendments. There is only one reason you would stack the deck in this manner on such an important bill before the Senate could even begin debating the merits of the legislation. That reason is partisan politics. The proponents of this bill have decided they would rather play politics with this issue than work together to produce good policy. Only by voting against cloture will Senators be allowed to work their will and offer improvements or substitutes to the Republican bill.

I would like to spend a few moments discussing my concerns about the specifics of the Republican bill. To do that, I must take a brief look back. Earlier this year, we witnessed an event that many members of Congress, indeed many Americans, never thought we would see in our lifetimes. After decades of deficits and trillions of debt, the Congressional Budget Office issued its fiscal report projecting budget surpluses as far as the eye could see. According to CBO, surpluses would total $2.6 trillion, including $787 billion in non-Social Security surpluses. Over 15 years, these totals would reach $4.6 trillion and $1.8 trillion, respectively. Democrats proposed on the budget resolution last month that we lock away every penny of the $2.8 trillion Social Security surplus and set aside close to $700 billion of the remaining surplus to keep our commitments to Medicare. Republicans opposed this approach then, and their actions today indicate they have not changed their minds. A $4.6 trillion surplus and the Republicans continue to say nothing for Medicare. Not a dollar. Not a dime.

This attitude might be somewhat easier to explain if the Republican bill truly set aside the $2.8 trillion in surplus Social Security taxes for Social Security benefits. Unfortunately, Mr. President, the title of the bill notwithstanding, the Republican proposal fails to preserve Social Security taxes for Social Security benefits. What is the basis for my assertion? Take a look at page 16 of the Republican bill. This page contains language that all Social Security taxes will be set aside unless Congress enacts ''Social Security Reform Legislation.'' And what is ''Social Security Reform Legislation''? Reading from the Republican bill, ''[it] means a bill or joint resolution that is enacted into law and includes a provision stating the following: Social Security Reform Legislation. For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, this act constitutes Social Security reform legislation.''

In other words, Social Security Reform is anything a majority of Congress says it is. And, once declared, this same majority can spend Social Security taxes on anything they choose. Far from setting aside Social Security taxes for Social Security and paying off the national debt, this language allows its supporters to use these proceeds to bankroll tax cuts or other spending programs—hardly a sound means for preserving Social Security or reducing the federal debt. If you are serious about protecting Social Security taxes for Social Security benefits, this is not the bill for you. If you think we should lock in debt reduction, this bill falls short. In light of this huge loophole, it is Orwellian for Republicans to entitle their bill the Social Security Surplus Preservation and Debt Reduction Act.

My third criticism of this bill centers on the impact its enactment would have on the full faith and credit of the United States government and our economy. This bill creates new statutory limits on debt held by the public. By linking enforcement of its provisions to the publicly held debt ceiling, the Secretary of the Treasury has concluded, ''this provision could preclude the United States from meeting its financial obligations to repay maturing debt and to make benefit payments—including Social Security checks—and could also worsen a future economic downturn.'' In spite of the alterations made to the original version of this bill, the Treasury Secretary has wisely concluded the bill still puts at risk the creditworthiness of the federal government, the U.S. economy, and indeed, Social Security itself. Not surprisingly, Secretary Rubin recommends that the President veto this bill.

Now the proponents of this bill have challenged the statement that enactment of their bill could threaten Social Security payments. They point to section 203 of their bill. This section purports to protect Social Security benefits by asking the Secretary of the Treasury to give priority to the payment of Social Security benefits if Treasury funds are running low. Secretary Rubin has looked at this provision very carefully. His conclusion? ''The act does not guarantee that Social Security benefits will be paid as scheduled in the event that the debt ceiling were reached. . ..We do not believe that prioritizing payments by program is a sound way to approach the government's affairs. In addition, this act does not indicate how this complex prioritization process should be implemented, no system currently exists to do so, and any such system would be impractical.''

Mr. President, clearly the bill before us is fatally flawed. In spite of the desires and remarks of its supporters, the Social Surplus Preservation And Debt Reduction Act actually accomplishes neither. Social Security is not truly preserved, and debt reduction is by no means guaranteed. Ideally, Senators would be able to offer amendments to improve this bill and accomplish the stated objectives of its supporters. Unfortunately, that choice is not currently before the Senate. Instead, we are being asked to cut off debate before it has even begun. This is an option we can afford to pass up. I ask that my colleagues oppose cloture.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that each side of the aisle be allotted 1 hour each for debate on the pending amendment, and that all time consumed to this point count against the time limitation, and the scheduled vote occur at the expiration of that time.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, how much time is that?

Mr. ABRAHAM. Let me explain.

The PRESIDING OFFICER. Five minutes to a side, in answer to the question.

Mr. ABRAHAM. In effect, we started late, and the original plan was to have a 2-hour discussion, equally divided, from 9:30 until 11:30. We started 10 minutes late. So the purpose of this unanimous consent agreement would be to add in the additional 5 minutes to each side because of our late initiation. That isn't how much time is left. That is how much time will be added to each side because of the loss.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I yield to the Senator from Minnesota for 5 minutes to speak to the amendment.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Thank you very much, Mr. President.

Mr. President, I wanted to be here this morning to strongly support safe deposit box legislation that would lock in any future Social Security surpluses, again only to be used for Social Security.

That doesn't sound like rhetoric to me, although that is what others are charging. But this is an effort to make sure the surpluses for Social Security go forward to making sure that Social Security is going to be solvent in the future.

I commend the Senate majority leader and Senator DOMENICI for making this legislation a top priority. I am pleased to join Senators ABRAHAM, ASHCROFT, and DOMENICI to offer this important substitute amendment.

The recently released 1999 Social Security Trustee's Report shows the financial status of the Social Security Trust Funds has slightly improved due to our strong economy.

The Trustee's report that Social Security will begin operating in the red in 2014, a year longer than last year's report, and it will go broke in 2034, two years later than projected last year.

This does not mean we don't need to worry about Social Security any more, and that future economic growth will wipe out all of our problems with Social Security as some suggest.

On the contrary, it reveals that Social Security unfunded liability has increased by $752 billion, which means Social Security is falling deeper into debt. It makes reform of Social Security more urgent than ever.

Although the increased surplus has slightly pushed back the date of insolvency, the significant increase of unfunded liability makes it harder to fix Social Security. Clearly, nearly $20 trillion in unfunded liability makes Social Security reform more imperative, not less—$20 trillion in unfunded liability. That means $20 trillion worth of benefits that the Government has promised that is not available in the Social Security Trust Funds.

That's why we are introducing this legislation today as an essential first step to save and strengthen Social Security.

Mr. President, this legislation is an enforceable mechanism to preserve the surplus generated by Social Security. It is designed to lock in every penny of the $1.8 trillion Social Security surplus in the next 10 years to be exclusively used for Social Security.

Pending reforms, these surpluses would retire debt held by the public to increase cash reserves in the Social Security trust funds. This mechanism ensures the surplus will be used in the future to pay for promised Social Security benefits once retired baby boomers threaten the solvency of the trust funds.

Although I prefer an immediate reform to move Social Security to a fully-funded retirement system, I believe this is the only way to actually save Social Security at this time, and to provide the dollars needed of any reform package in the offing.

President Clinton unveiled his Social Security proposal under his FY 2000 budget. The bottom line of his plan is that it allows the Government to control the retirement dollars of the American people by investing for them. It does nothing, however, to save Social Security from bankruptcy.

Worse still, despite his rhetoric about saving every penny for Social Security, President Clinton has proposed to take $158 billion in Social Security dollars to finance Government programs unrelated to Social Security.

The only positive aspect of his proposal is that the President has admitted the insolvency of Social Security and has recognized the power of the markets to generate a better rate of return, and therefore improved benefits.

The fundamental problem with our Social Security system is that it's basically a Ponzi scheme—a pay-as-you-go pyramid that takes the retirement dollars of today's workers to pay benefits for today's retirees.

It has no real assets and makes no real investment. With changing demographics that translate into fewer and fewer workers supporting each retiree, the system has begun to collapse.

There is a lot of double-counting and double talk in President Clinton's Social Security framework. The truth of the matter is the President spends the same money twice and claims that he has saved Social Security.

All the President has done is create a second set of the IOUs in the trust fund. It is like taking the money he owes Paul out of one pocket and applying it to the money he owes Peter in the other pocket, and then pretending that he has doubled his money and is now able to pay them both.

In addition, the President has proposed to spend $58 billion of Social Security money in FY 2000 for new Government spending. Over the next five years, he will spend $158 billion of our Social Security money.

President Clinton's plan does not live up to his claim of saving Social Security. He has not pushed back the date when the Social Security Trust Fund will begin real deficit spending. That date is still the same—2014. Social Security will have a shortfall that year and the shortfall will continue to grow larger year after year.

There are no longer surpluses building up in the Social Security account. There will actually be a deficit, and the shortfall will be $200 billion a year by the year 2021. By the year 2048, that deficit would run $1.5 trillion a year.

Since the government has spent the surplus and has not set aside money to make up for this shortfall, it will have to raise taxes to cover the gap—something that economists estimate will require a doubling of the payroll tax.

The proposal by the President to have the government invest a portion of the Social Security Trust Funds is no solution. It would give the government unwarranted new powers over our economy, and it will not provide retirees the rate of return they deserve.

Mr. President, it's going to take real reform, not Washington schemes, to help provide security in retirement for all Americans. The first essential step is to stop raiding from the Social Security Trust Funds, and truly preserve and protect the Social Security surplus to be used exclusively for Social Security.

This is exactly what this safe-deposit box legislation will achieve.

Mr. President, the best part of this legislation is that it will prevent Congress and the Administration from spending the Social Security surplus.

As I mentioned earlier, Social Security operates on a cash-in and cash-out basis. In 1998, American workers paid $489 billion into the system, but most of the money, $382 billion, was immediately paid out to 44 million beneficiaries the same year.

That left a $106 billion surplus. The total accumulated surplus in the trust fund is $763 billion.

Unfortunately, this surplus exists only on paper. The government has consumed all the $763 billion for non-Social Security related programs. All it has are the Treasury IOUs that ''fit in four ordinary brown accordian-style folders that one can easily hold in both hands.''

Despite the President's rhetoric of using every penny of Social Security surplus to save Social Security, last year's Omnibus Appropriations bill alone spent over $21 billion of the Social Security surplus.

Without the enforceable lockbox created by this legislation, future surpluses are likely to be spent to fund other government programs, leaving nothing for baby boomers and future generations.

Another important component is that this legislation would use the Social Security surplus to reduce the amount of federal debt held by the public.

Clearly, there is a valid economic reason to pay down the federal debt. Although I join most economists who agree that paying off the federal debt with a budget surplus would not stimulate growth in the same way that a tax cut would, it is still far preferable to having the government spend all the surplus.

Mr. President, many of us in Congress agree with the President that we should, and indeed must, devote the entire Social Security surplus to saving Social Security. However, his plan does not do what he says while our legislation does.

Mr. President, this legislation will be an essential first step to save and

strengthen Social Security. I urge my colleagues to support this important legislation.

Thank you, Mr. President.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 5 minutes to the Senator from North Carolina.

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

Mr. EDWARDS. Mr. President, I rise in opposition to this Republican lockbox for two very basic reasons: No. 1, it does nothing to extend the solvency of Social Security which we all, as Americans, ought to be concerned about; No. 2, the so-called lockbox is really no lockbox at all; it does not provide the protection we need.

First, let me speak to this issue of the extension of the financial viability of Social Security. We know from projections that Social Security's financial viability is expected to last through the year 2034. This proposal does nothing to extend that time. It adds no funds to the Social Security fund at all. We have a very fundamental problem. This is not pocket money we are talking about; this is money that elderly Americans all over this country and in North Carolina depend on for their livelihood.

For example, over 90 percent of Americans over the age of 65 depend on Social Security and receive Social Security benefits. Nine out of ten elderly Americans who have escaped poverty as a result of Government or Federal help have done so as a result of Social Security. In my home State of North Carolina, over half of the elderly would be in poverty—54 percent—in the absence of Social Security.

I have a simple question and I think it is a question the American people ask: What will happen when the year 2034 arrives and these folks can no longer receive their Social Security payments? We made a promise to these people. They spent their lives working, doing exactly what they were obligated to do, paying their payroll taxes. Now the question is whether we, as a government, are going to meet our promise and our responsibilities to them.

There is a second fundamental problem with this proposal. The lockbox is really no lockbox at all. It is a lockbox with lots of keys. The problem is, those keys are in the hands of folks who in the past have shown a willingness to let Social Security go to the side and instead use the money for tax cuts and other such things. What we need is a real lockbox, a lockbox that cannot be opened, a lockbox that does not have a provision, as this bill does, that provides for Social Security reform. This lockbox can be opened.

The elderly Americans need to know this Social Security money is, in fact, locked. We need to do what is necessary to accomplish that. We have an obligation to our elderly Americans. We made them a promise. They fulfilled their part of that obligation.

There is a fundamental question. If we are going to lock up this Social Security money, we need to lock it up in the correct way, in a way that it can't be reached. We need to do what is necessary to extend the life of Social Security. We have an obligation to do that. We have an obligation not to undermine the integrity of the Social Security system. We need to meet our promise and our obligation to elderly Americans who spent their whole lives working, expecting they would receive these benefits when they retired.

I yield back the remainder of my time.

Mr. LAUTENBERG. Mr. President, I yield 6 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this amendment before the Senate, which I do not favor, saddens me. It is not being straight with the American people. It is packaged in a way to look as if it is protecting Social Security. It is like a lot of products: They are packaged, with a promise on the label which may or may not describe what is inside the package.

The package here is called a lockbox to save Social Security. That is the package. That is the wrapping around the product. It is not indicative of the product inside. What is the product inside? Inside the package, the so-called lockbox package, not one penny is added to Social Security. The Social Security trust fund is due to expire in roughly the year 2034. The passage of this amendment does not extend that by one day. There is no difference, no change.

What is the product inside this so-called package? What is inside is essentially a provision which will be in the law which says public debt has to decline by the amount that the Congressional Budget Office projects. If at any date it does not, then the debt ceiling is in effect. That means that Government cannot make its payments and meet its obligations as we bump up against the debt ceiling.

The amendment before the Senate, the public debt ceiling limit, declines right along with reductions in public debt as projected by the CBO. Why is that a problem? It is a problem because the debt limit is not the way we force fiscal discipline. It is a charade. I have been in the Senate for almost 20 years. I have been part of many debt limit extension debates. They are very embarrassing, very embarrassing. The Government has, through the Congress, through authorization programs, obligations. Of course we have to increase the debt limit or we don't meet our obligations and the creditworthiness is in jeopardy, as in 1975 when Moody put us on a list for possible downgrade. At that point, we were flirting with whether or not to raise the debt limit.

Some Senators wanted to add different provisions. It was a political nonargument because we all knew we had to pass the debt. It is a game that is being played here. That is why I stood at the outset to say I am saddened by this amendment. It is not being straight with the American people.

Enforce fiscal discipline by spending less, pay-go, or through spending caps we enact and adhere to. That is the main reason the budget deficit declined and now we are reaching surpluses. It is not because of any debt limits. We already have a total debt limit in existence—the public debt plus the debt the Government owes to itself. We have that. This is inside the package, a new debt limit, which is meaningless, totally meaningless, because, obviously, if we meet the debt limit, we have to either raise the debt limit or we do not meet our obligations, which means we cannot spend money we are obligated to spend.

Social Security is supposed to be protected, but it is only a priority. If the debt limit is exceeded by such a great amount, it is possible that Social Security beneficiaries will not be receiving their payments. It is a priority above veterans. Veteran benefits could be cut if we pass the debt limit.

In addition, the usual debates in the past of whether to extend or raise debt limit ceilings are only majority votes. They are very, very difficult to get even though we all know it has to happen. The amendment before the Senate says it has to be a supermajority, 60 votes. We all know that is practically impossible.

The honest approach to saving Social Security and the honest approach to fiscal discipline is to continue the pay-go provisions, extend the caps on discretionary spending. We do our job here because this so-called lockbox, public debt limit provision, is not what it is cracked up to be. The other side is trying to make it look like they are protecting Social Security when, in fact, that is not what they are doing.

I yield the floor.

Mr. LAUTENBERG. Mr. President, I yield 30 seconds to the Senator from California.

Mrs. BOXER. Mr. President, we don't have a lockbox for Social Security before the Senate. We should be clear; this lockbox as it pertains to Social Security has no lock; it has no box. The fact is, there is a huge, giant crack in the box that says, ''Exception: Social Security reform.''

We have heard it before from the other side of the aisle: Privatization of Social Security. That is another way to say end Social Security as we know it.

My mother used to say, just because someone says he is your friend does not

mean he is your friend. Listen to who is speaking. Know who the true friends of Social Security are.

Vote ''no.''

Mr. LAUTENBERG. Like all the Democrats, I strongly support the purported goal of this amendment to secure the future funding of Social Security. I, like some of the other speakers on our side, believe this legislation is seriously flawed. We cannot rely on this plan to protect Social Security.

This lockbox, by any other name, could be called a leaky sieve. First, the amendment poses a direct threat to Social Security beneficiaries. Treasury Secretary Rubin has explained that under the proposal, an unexpected economic downturn could block the issuance of Social Security checks, as well as Medicare, veterans, and other benefits.

Additionally, the amendment changes a huge loophole, a minefield that would allow Social Security contributions to be diverted for purposes other than Social Security benefits. It is described as Social Security ''reform'' that would be exempt from the lockbox. That tells us beware, be on your guard, because it says something along the way might permit us, in the interest of reform, to divert funds that should be directed exclusively to Social Security. Things suggested could be risky privatization plans, tax cuts—who knows what?

The second problem with the amendment is that it does absolutely nothing to protect Medicare. Instead, it allows Congress to use what might be necessary funds for Medicare on tax breaks for wealthy individuals. I had hoped to be able to offer an amendment to establish a lockbox, one that is truly locked, one that is truly secure, to protect both Social Security and Medicare. That lockbox proposal would reserve all of Social Security surpluses exclusively for Social Security, and 40 percent of the non-Social Security surpluses for Medicare. Unfortunately, the majority is unwilling to even give us an opportunity to offer an amendment. They are not willing to subject it to the wishes of the Senate. Why? Is there something they are afraid of?

Finally, and perhaps most importantly, this amendment could present us with a Government default in the long term. In the short term, it could undermine our Nation's credit standing and increase interest costs. Ultimately, blocked benefit payments could lead to a world economic crisis. Our Nation has never defaulted on an obligation that is backed by the full faith and credit of our country. Yet, according to the Treasury Secretary, Bob Rubin, who is very respected, the creditworthiness of the United States could be subject to very serious risks if this legislation were enacted, and that is why he would recommend the President veto the bill if it ever reached his desk.

We Democrats have a proposal, a lockbox that protects both Social Security and Medicare, and our lockbox would not require a new debt limit, and it would not risk a default. It would use supermajority points of order and across-the-board cuts to guarantee enforcement. That is a better, more responsible approach. Unfortunately, the majority is not going to give us an opportunity to present our plan to the Senate. I do not think it is right. I wish we could have a reversal of the majority opinion or the majority view on that.

Social Security lockbox legislation is a new proposal. It has not gone through a committee. It has not been subjected to hearings. In fact, it was not even introduced until a couple of days ago, and it resulted from a conference in the privacy of a single room. Yet the majority is using parliamentary tricks to prevent us from offering any amendments to improve the bill. It is not the right way to do business, especially given the high stakes involved both for Social Security and for our entire country. So I am going to ask my colleagues to oppose cloture on this legislation. Let us continue this debate. Let us find out what really is in this proposal. Let us make it a real lockbox, not one that could be threatening Social Security benefits and does not do anything for Medicare and risks our national credit.

I yield the floor.

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

Mr. ABRAHAM. Mr. President, I yield myself an initial 5 minutes, and if the Chair will let me know when that time is reached, we will see how much time is remaining to speak.

I have had the pleasure of listening now for about 3 days to a variety of criticisms raised by the other side of the aisle on this amendment, almost all of which are baseless in every conceivable way. Some of them, I think, are caused by failure to read it, some because of a reliance on letters received from the Department of Treasury before it had even been drafted, and some for reasons that are frankly, to me, still confusing—the most recent being the comments of the distinguished ranking member of the Budget Committee that they have had no opportunity to address the issue. What we have before us is cloture on this amendment, not cloture on this bill. If cloture is invoked, then we will go ultimately to a vote on this amendment, and once it is dispensed with, up or down, the bill will still be available for amendment. If there are better lockbox proposals or alternative proposals, there will be an opportunity for that.

Let me also say, this Senator certainly is receptive to, and anxious to hear from, the Secretary of the Treasury or anybody else with respect to ways to perfect the approach we have taken. But what we have tried to do is simply put into a legislative form that which we passed as part of our budget resolution on a 99–0 vote. What that said, very simply, was we were going to reduce the Federal debt held by the public because it is a national priority; that Social Security surpluses should be used for Social Security reform, or to reduce the debt held by the public and should not be used for any other purpose.

Mr. President, 99 people voted for this. Now, all of a sudden, we hear that having the words ''Social Security reform'' in this amendment is some kind of diabolical plot; or using the Social Security surplus to pay down the national debt is somehow a threat to the economy. If people believe that, I cannot imagine why they voted in the first place 99–0 for this amendment when it was offered by myself and others during the budget resolution debate. The only thing that has happened since then is that we have tried to put into legislative context that which everybody said they were for. If there are criticisms of this, I think they would have to be technical ones because the basic principles that were voted on 99–0 are exactly what are embodied in this amendment before us today.

We recently heard the statement: Who are the real friends of Social Security? We will find that out here in a few minutes. The question will be this, and this will be a question for seniors and those who will soon be recipients of Social Security benefits to answer for themselves: Are your friends the people who want to make sure the Social Security surpluses are protected from being spent or used for other Government programs or tax cuts or anything other than to reduce the national debt? Or are your friends the people who want to spend the Social Security surplus, such as the President proposed in his budget, or those who will vote against a provision, this amendment, that would protect the surpluses from being spent?

Every time I talk to seniors in my State, I hear complaints that we have plundered the Social Security trust fund and spent those dollars on other things. This amendment is designed to put an end to that, to require 60 Senators to stand on this floor and to vote to spend Social Security money on something other than Social Security. Yet all of a sudden we find all kinds of excuses to oppose that.

We will let the seniors decide who their friends really are. I think for too long we have seen these surplus dollars spent on other Government programs. It is time for that to stop. It is time for those dollars to be protected, to be used to pay down the public debt, or used as part of a Social Security modernization program. And that is not going to happen until we have bipartisan consensus on such a program.

In the meantime, do we send those dollars off to other priorities in the budget, or do we put them into the reduction of the publicly held debt so that we, in fact, strengthen the economy, reduce our interest payments, and make more funds available in the future for Social Security when it will need it?

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

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the entire text of Senate Amendment No. 143, as well as the results of the Senate vote on that amendment be entered in the RECORD following my remarks.

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

At the appropriate place, insert:

AMENDMENT NO. 143

SEC. XX. FINDINGS; SENSE OF CONGRESS ON THE PROTECTION OF THE SOCIAL SECURITY SURPLUSES.

(a) The Congress finds that—

(1) Congress and the President should balance the budget excluding the surpluses generated by the Social Security trust funds;

(2) reducing the federal debt held by the public is a top national priority, strongly supported on a bipartisan basis, as evidenced by Federal Reserve Chairman Alan Greenspan's comments that debt reduction ''is a very important element in sustaining economic growth,'' as well as President Clinton's comments that it ''is very, very important that we get the government debt down'' when referencing his own plans to use the budget surplus to reduce federal debt held by the public;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the Social Security trust funds will reduce debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009, $417,000,000,000, or 32 percent, more than it would be reduced under the President's fiscal year 2000 budget submission;

(4) further according to the Congressional Budget Office, that the President's budget would actually spend $40,000,000,000 of the Social Security surpluses in fiscal year 2000 on new spending programs, and spend $158,000,000,000 of the Social Security surpluses on new spending programs from fiscal year 2000 through 2004; and

(5) Social Security surpluses should be used for Social Security reform or to reduce the debt held by the public and should not be used for other purposes.

(b) It is the sense of Congress that the functional totals in this concurrent resolution on the budget assume that Congress shall pass legislation which—

(1) Reaffirms the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985, and provides for a Point of Order within the Senate against any concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates that section.

(2) Mandates that the Social Security surpluses are used only for the payment of Social Security benefits, Social Security reform or to reduce the federal debt held by the public, and not spent on non-Social Security programs or used to offset tax cuts.

(3) Provides for a Senate super-majority Point of Order against any bill, resolution, amendment, motion or conference report that would use Social Security surpluses on anything other than the payment of Social Security benefits, Social Security reform or the reduction of the federal debt held by the public.

(4) Ensures that all Social Security benefits are paid on time.

(5) Accommodates Social Security reform legislation.

ROLLCALL NO. 58, MARCH 24, 1999

YEAS—99

Abraham	Enzi	Lott
Akaka	Feingold	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Mikulski
Bayh	Gorton	Moynihan
Bennett	Graham	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Boxer	Gregg	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
Crapo	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Voinovich
Dorgan	Levin	Warner
Durbin	Lieberman	Wellstone
Edwards	Lincoln	Wyden

NOT VOTING—1

Lugar

Mr. ABRAHAM. Mr. President, I thank you, and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time do I have?

The PRESIDING OFFICER. Eleven minutes and about 5 seconds.

Mr. DOMENICI. And then we vote, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. Mr. President, me thinks they doth protest too much. That is my paraphrasing of what some great writer said applying it in the singular. I am applying it in the plural.

First of all, I recall vividly my very good friend and one-time chairman of the Budget Committee coming to the floor of the Senate with a big sign that said: ''Quit embezzling Social Security money.'' In fact, he said embezzlement is what is happening when we use their trust fund money for Government. Isn't it interesting that there are many Senators who at least feel that way enough to talk about it as embezzlement or stealing money from the senior citizens?

Today, the seniors ought to ask: If it is embezzlement, what are you all going to do to prevent the embezzlement from continuing? The answer is going to be: Little or nothing, because whatever you try to do that is really serious and makes it hard to embezzle, they have some reason on that side of the aisle for not doing it.

If you think this Senator, who has listened attentively and asked his staff to summarize the arguments on that side, is not frustrated when he hears, first, that a financial crisis will occur—let me tell you, the seniors think a financial crisis has already occurred because we are taking their money and spending it for Government.

Secretary Rubin, for whom I have the highest respect, who does not want to tie the future debt limit of the United States to whether or not you use this Social Security trust fund, has written a letter and, essentially, the letter says he needs more flexibility because the money does not come in every month at the same level. We gave him the flexibility. Read the statute before you. If Secretary Rubin is worried about that, we gave him the flexibility.

Now he raises a new argument: We may not be able to pay Social Security beneficiaries—an absurd argument. But we gave him the authority in this statute. We said if that the Secretary should give payments of Social Security checks priority.

We thought we clearly took care of the most significant problem and concern of the Secretary of the Treasury.

Then we hear: You have done nothing to extend the solvency of Social Security. Of course, we haven't. We said don't touch their fund until you have a reform package that helps with the solvency of Social Security, and if you have that, you can use it for that.

Why wouldn't the senior citizens like that? Do they want us to just leave it there or they want us to use it in case we need it for Social Security reform or transition? Of course, that is an argument in favor of this statute, not against it.

Then we were accused of perhaps putting Medicare in this Social Security trust fund. That was last week. It should just be for Social Security. Right? That was the big argument. We made it just for Social Security.

Now what is the argument? You did not take care of Medicare. This money does not belong to Medicare. This money belongs to Social Security. If you want to take care of Medicare, take care of it another way. Do not use the Social Security money for Medicare.

Last week, the Democrats were saying that lockbox is not going to be good because you might be able to use

the money for Medicare. We agreed with them. We did not put it in this statute. Now we are not doing enough for Medicare.

Then we are accused of making this Government live on too rigid a budget for the appetite for spending or tax cuts. We are being accused of tying the hands too tightly.

What do we do? We say, OK, we want to be reasonable about this. If we have a recession for two quarters, then this does not apply. Who would want this to apply in the middle of a recession if you needed money for unemployment compensation? Of course, you would not want it to. If you needed to do something to help the economy come up so the Social Security program would be helped by recovery and prosperity, who would object to that?

Put that alongside of having no lockbox so you could use it for anything, like the President wanted to in his budget. It is amazing. The President wants to spend $158 billion of this trust fund for just programs, not emergencies, not a war, just for programs to expand on the Government. You can count on it, seniors. You cannot do that if this lockbox is put in effect. You will have to find the money in other program cuts or do something else, but you could not use it.

We also said, if there is a war, if there is an emergency with reference to the defense of our country, you could use it, but not for ordinary expenditures of Government.

I remind everyone, this is a lot of money, $1.8 trillion going in this trust fund over a decade which belongs to the seniors and takes down our national debt while it sits there waiting for us to use it for Social Security purposes only. Now we have somebody arguing it may be some new Social Security program that just Republicans want that you would use it for. That is kind of preposterous.

When you have a reform Social Security program, it is going to have to clear both Houses of Congress and be signed by a President. It is obviously going to be a good program. Seniors are going to be watching it. But that is what we think this money ought too be used for.

As I view it, everybody on both sides of the aisle and the White House talk about not using this trust fund for anything but Social Security. I worked very hard to find a way that will clearly say: You can't do it; you can't spend it; you need 60 votes, and you are going to have to increase the debt limit in order to spend this money.

I thought that was something everybody would like. Frankly, I thought those running across America saying, ''We want to take care of Social Security,'' would not be for this.

Do you know what I think? I think it is just too tight a lockbox. It is not a loose lockbox like they are talking about. It is too tight. You are not going to be able to embezzle from it anymore. You are not going to be able to rob from it anymore. You are not going to be able—if you do not think it was embezzlement or robbery; if you just think we were spending the money—you are not going to be able to spend the money anymore.

What is wrong with that? I believe that is exactly what we ought to do. Frankly, I anxiously await the vote. I do not believe we will get cloture, but everybody knows by not giving us cloture, the Democratic side of this Senate is clearly saying: We want to make sure you cannot spend the money, but don't make too sure that we can't spend the money; don't make it too certain that we can't spend the money; just leave a little bit open there so in case we need it, we can spend it, because we would like some new programs or we would like to cut taxes.

Actually, this applies to tax cuts, too. You cannot use it for tax cuts because it says in there what it can be used for and nothing else.

I thank everyone for the debate. It has probably been a healthy one. In particular, I thank Senator ABRAHAM, a valid member and respected member of our Budget Committee. He is the principal sponsor of this proposal. I think he has carried the load admirably on the floor, and I thank him for his efforts.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. Two minutes.

Mr. DOMENICI. Would Senator LAUTENBERG like 1 minute of my time?

Mr. LAUTENBERG. That would be very generous.

Mr. DOMENICI. I give the Senator 1 minute of my time.

Mr. LAUTENBERG. Thank you, Mr. President.

The chairman of the Budget Committee knows his products very well. But I am forced to ask this question, and that is whether or not, under any stretch of view, Social Security reform could include a tax cut measure, perhaps in the interest of raising some retirement benefit that someone might have?

Mr. DOMENICI. No, unequivocally no.

Mr. LAUTENBERG. So it could only be used for Social Security reform, which would mean what?

Mr. DOMENICI. It means any programmatic reform that the Congress of the United States passed and a President signed that increases the longevity of the trust fund and makes the Social Security program available for longer periods of time, increasing the solvency of the fund and guaranteeing the payments.

Mr. LAUTENBERG. I thank the Senator.

Mr. DOMENICI. Let me close this. If nobody objects, we can vote 30 seconds early.

I thank everybody for their participation. From my standpoint, I wish we had a reform-Social-Security package before us. That is my wish. But since we do not, we ought to leave the money there until we do. I hope everybody understands it is easy to make excuses; it is hard to come up with things that will really lock this money up. We have one before us today.

I yield back my time. And obviously, the yeas and nays have been ordered; have they not?

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative assistant read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 254 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as part of the budget process:

Trent Lott, Pete V. Domenici, Ben Nighthorse Campbell, Jeff Sessions, Kay Bailey Hutchison, Craig Thomas, Slade Gorton, Chuck Hagel, Spencer Abraham, Thad Cochran, Pat Roberts, Conrad Burns, Christopher S. Bond, John Ashcroft, Jon Kyl, and Mike DeWine.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 254 to Senate bill 557, a bill to provide guidance for the designation of emergencies as part of the budget process, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New York (Mr. MOYNIHAN) is absent due to surgery.

I further announce that, if present and voting, the Senator from New York (Mr. MOYNIHAN) would vote ''no.''

The yeas and nays resulted—yeas 54, nays 45, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—54

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Campbell	Hatch	Smith (NH)
Chafee	Helms	Smith (OR)
Cochran	Hutchinson	Snowe
Collins	Hutchison	Specter
Coverdell	Inhofe	Stevens
Craig	Jeffords	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Breaux	Inouye	Reid
Bryan	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Roth
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

NOT VOTING—1

Moynihan

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT REQUEST—S. 96

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 34, S. 96 regarding an orderly resolution to the Y2K problems.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

Y2K ACT—MOTION TO PROCEED

Mr. LOTT. I now move to proceed to S. 96, and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 34, S. 96, the Y2K legislation:

Trent Lott, John McCain, Rick Santorum, Spencer Abraham, Judd Gregg, Pat Roberts, Wayne Allard, Rod Grams, Jon Kyl, Larry Craig, Bob Smith, Craig Thomas, Paul Coverdell, Pete Domenici, Don Nickles, and Phil Gramm.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I regret having to file a cloture motion on this important piece of legislation. However, we need to have a vote on Monday afternoon so that Members will be here. We can have committee meetings hopefully Monday and Tuesday.

We have a number of very important issues that need to be considered by committees. We need to move forward on the now two supplemental appropriations requests that we have. So we are going to have a vote on Monday in any case.

But also I think this is very important legislation in and of itself. It is important that we get up and get started on the discussion. I had hoped we could actually work on it today and tomorrow. But because of the NATO meeting and the congestion and the concerns about access to and from the Capitol, we will not be in session on tomorrow. That gives the Members who are working together—Senator MCCAIN I know is working with others, Senator BIDEN, Senator DODD—time to try to work out some of the remaining problems on this legislation.

We can go forward with this cloture vote on Monday afternoon. Or, if something is worked out where it is not necessary, we could still vitiate the cloture vote.

We need to get this done. This is urgent. The clock is ticking. We are moving towards 2000. This liability, this problem, is hanging over us like a sword. I think it is important that we go forward. I hope that next week—Tuesday or Wednesday, certainly—we will be in the substance of the bill and we can get to a final conclusion on the substance.

I encourage Members on both sides of the aisle to work together to see if we can't resolve this issue and move it on into conference.

I thank Senator MCCAIN, Senator HATCH, and Senators from both sides who have been working on it.

Having said that, I ask unanimous consent that Friday be considered the intervening day under the provisions of rule XXII.

The PRESIDING OFFICER. Is there objection?

Mr. KERRY addressed the Chair.

Mr. LOTT. Mr. President, if I could, if there was not an objection, I would be glad to yield to the Senator from Massachusetts for a question.

May I confirm that there is not an objection to that request?

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

Mr. LOTT. Mr. President, I would be glad to yield to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the majority leader for yielding. I simply wanted to inform him, I wasn't on the floor at the moment the objection was raised to the Senate proceeding as Senator MCCAIN hoped to do.

I want to say that I had a discussion with Senator MCCAIN, Senator DODD, Senator HOLLINGS, and others. A bona fide effort is being made right now to work with the technology community as well as with the legal community. I think there is the capacity to come together around some form of compromise.

I thank Senator MCCAIN for his leadership on this. I think it may be possible within hours to come together around something.

Mr. LOTT. That is certainly my hope. It is encouraging that the Senator from Massachusetts would say that.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. LOTT. Yes. I am happy to yield to the Senator from South Carolina.

Mr. HOLLINGS. We are trying to work out the matter of the quorum call that is required with, of course, the vote on Monday. I would have to object to dispensing with that call for a quorum on Monday, and maybe we can change it by the end of the afternoon. I am trying to check around right now.

The Senator from Arizona doesn't mind, does he?

Mr. MCCAIN. No. I will always do what the Senator from South Carolina says.

(Laughter.)

Mr. LOTT. Did the Senator from South Carolina have anything further he wanted to say?

Mr. HOLLINGS. No. That is all.

Mr. LOTT. Then I will go ahead and ask unanimous consent that the cloture vote occur at 5 p.m. on Monday, and that the mandatory quorum under rule XXII be waived.

Mr. HOLLINGS. I object to the mandatory waiver of the quorum call.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Of course under the request that has already been agreed to and under the rules of the Senate, we will have a vote on Monday afternoon. It is just a question of time. I know there is an effort here to try to set the schedule at a later time.

I remind Senators that I wrestle with this all the time. For every two Senators you are trying to protect who won't get here until 6, you are hurting a couple of Senators who may have to leave at 5:30. This is a very delicate dance.

Mr. HOLLINGS. I understand. That is why we are calling around now trying to work it out with the leader. He just hasn't gotten it worked out yet.

Mr. LOTT. I hope the Senator would keep in mind that we are going to be squeezed on both ends. We will try to work out a time that benefits the maximum number of Senators. But if you go into the night beyond 6 o'clock, you have all kinds of problems on the other side of the issue.

With that, I yield the floor. Mr. President, we are ready to proceed with the debate on the issue.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously I am disappointed that we did not proceed to S. 96. I am encouraged by the comments of the Senator from Massachusetts and others. The Senator from Oregon and I are continuing to have a dialog also with the Senator from Connecticut, Mr. DODD, and, of

course, with the distinguished Democrat on the committee, Senator HOLLINGS.

So I hope we can come to some agreement. I am given occasionally to flights of rhetoric, but the fact is, this is a very, very serious issue and one that we really cannot delay too much longer. The clock is ticking. We need to move forward. There may be some differences. I don't think anybody believes that we need to do something destructive.

This problem is critically important. The potential for litigation to overwhelm the judicial system for the most egregious cases involving Y2K problems is very real. Litigation costs have been estimated as high as $1 trillion. Certainly the burden of paying for litigation will be distributed to the public in the form of increased costs in technological goods and services.

The potential drain on the Nation's economy and the world's economy from fixing computer systems and responding to litigation is staggering. While the estimates being circulated are speculative, the costs of making the corrections in all the computer systems in the country are astronomical. Chase Manhattan Bank has been quoted as spending $250 million to fix problems with its 200 million lines of affected computer codes. The estimated costs of fixing the problem in the United States ranges from $200 billion to $1 trillion. The resources which would be directed to litigation are resources that would not be available for continued improvements in technology-producing new products and maintaining the economy that supports the United States position as a world leader.

Time is of the essence. If the bill is going to have the intended effect of encouraging proactive prevention and remediation of Y2K problems, it has to be passed quickly. This bill will have limited value if it is to be passed after the August recess. I urge my colleagues to vote for cloture on Monday when we move forward with that.

I have a number of letters, studies, and a lot of information I will present when we move to the bill. I will be very clear. From the technology network, we have letters of support from Cisco Systems, Intel, Microsoft, American Online, Merrill Lynch, Novell, Adobe Systems, Alexander Ogilvy Public Relations Worldwide, Platinum Software, American Electronics Association, Marimba, Inc., NVCA, Kleiner Perkins Caulfield & Byers, LSI Logic—the list goes on and on.

This is an important issue to the high-tech industry in America. It is very important. It is of critical importance as to how these corporations that are leading the American economy are able to proceed with the business of business rather than the business of litigation.

I hope all of my colleagues will support this legislation and that we can move forward. As the Senator from Connecticut will state, we still have differences but we are working hard on working those out with the Senator from Oregon, the Senator from Massachusetts, and of course, the much esteemed Senator from South Carolina, Mr. HOLLINGS.

I see my other colleagues would like to make comments on this very important issue. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I'll be brief because I know my colleagues from Oregon and South Carolina and others may want to speak on this. I think there is a need to try to come up with some legislation to minimize what could be runaway litigation in this Nation. There have already been some 80 lawsuits, many of them class action lawsuits, filed on the Y2K issue.

I think all of my colleagues are aware that the leaders asked Senator BENNETT of Utah and myself to chair this Special Committee of the Senate to examine the Y2K problem. We have been working for well over a year. We have had some 17 hearings in which we have invited various sectors of our economy —both private and public—to give their assessment of how the remediation efforts are progressing and the condition of our institutions. Both of us, I think, feel confident that things are progressing well, that we are not going to have as much of a problem as we thought a few months ago, but that there still could be difficulties. Y2K issues internationally may be a much greater problem than those here at home.

There is a report out which has been sent to each and every Senate office, which I encourage our colleagues to take a look at to get a sense of how the issue is progressing. It is an open-ended question whether we are going to have a whole new area of litigation here—unwarranted litigation—which could destroy some small companies that lack the capacity to take on the kind of predatory lawsuits that too often do more damage than good.

Simultaneously, I adamantly oppose any legislation to try to use this issue as a way of rewriting the tort laws of the country. This ought not to be that kind of vehicle. There is a legitimacy to the Y2K problem, but no one should think it possible to take advantage of the Y2K problem to achieve tort reform beyond the scope of the actual problem. I don't think our colleagues would support it—at least not a majority, and the legislation, if it managed to get through Congress, would be vetoed. As the Senator from Arizona pointed out, we would have failed in our obligation to try to do something in an intelligent, thoughtful, common-sense way that legitimately deals with the issue presented by the Y2K problem without going overboard and doing, as some have suggested, a lot more damage than good.

I am hopeful we can work something out here. Senator WYDEN has been working on it. I know the Senator from South Carolina has strong interests in this issue, as he has on so many other issues. We can find some common language here. My hope is that we will enjoy broad-based support in the Congress, achieve the desired effects, and provide some real assistance in the face of this potential problem that lurks 253 days from today, which begins the new millennium.

Senator BENNETT and I have spent the last year serving on a Senate committee totally devoted to the Y2K issue. We've held 18 hearings exploring every sector of our economy that might be affected by the Y2K problem, including financial institutions, utilities, healthcare, telecommunications, and business. Throughout this year one thing has been made abundantly clear. Wherever the Y2K problem exists next year, litigation will follow.

Americans have become accustomed to living in a litigious society. The occasional abuses of the legal system that come along arise from problems that are limited in scope. As a result, the numbers of lawsuits related to those problems are limited, and our legal system and economy continue to function notwithstanding these occasional abuses. But the Y2K problem is not limited in scope. Potentially, any business in the country might be swept into the Y2K problem, either because it is itself not prepared or because a firm it depends upon is not prepared. Just six weeks ago the committee reported that as many as 15 percent of the businesses in this country will suffer Y2K-related failures of some kind. Even now we read that small and medium-sized businesses across the globe are not taking the necessary steps to become Y2K-compliant, and many think they don't have a Y2K problem. Since businesses are interconnected these days, just one failure in one business may generate cascading failures that may then generate numerous lawsuits.

It has been suggested that as a result of Y2K, the United States could easily find itself witnessing a huge surge in litigation. This potential litigious bloodletting could have long-term consequences on the economic well-being of our country. Various experts, including the Gartner Group from my own state of Connecticut, have estimated that the costs of litigation may rise to $1 trillion, a phenomenal figure. Such a massive amount of litigation has the potential to overwhelm the court system, disrupting already-crowded dockets for years into the next millennium. We must be careful that an avalanche of lawsuits does not smother American corporations and bury their competitive edge. A maelstrom of class action

lawsuits could have long-term consequences on the American economy and the American people. The rush to file lawsuits might curb the future economic development in a number of different sectors. Moreover, all of the money that would be set aside this year by businesses for legal expenses associated with the Y2K problem, both as defendants and as plaintiffs, cannot be spent on fixing the Y2K problem. As we heard in our hearing on this issue, both large and small businesses are concerned that the fear of litigation later is preventing them from solving problems now.

For this reason, I have long believed that the Congress could perform an essential service to the nation's economy by developing legislation that would encourage companies, in the first instance, to solve their own Y2K problems instead of going to court right away, and to curtail the inevitable frivolous litigation that accompanies any national problem. We should not force businesses to choose between spending money on remediation or spending money on preparing for litigation. An alternative to this choice is reasonable litigation reform.

Within the Banking Committee, I am on record for supporting significant securities litigation reform. Our 1995 bill, which was passed, despite veto by the White House, spoke to definitive and repetitive litigation abuse. At that time the legal system was no longer an avenue for aggrieved investors seeking justice and restitution. Instead, it had become a pathway for a few enterprising attorneys to manipulate legal procedures for their own profit. This profit came at the expense and the detriment of legitimate companies and investors across the nation. The crucial factor driving securities reform legislation was a specific, clear-cut pattern of abusive litigation. In the case of Y2K, however, we don't yet know what abuses might arise.

In other words, I have strongly supported litigation reform efforts in the past. But clearly we need a bipartisan, narrowly crafted, well-structured, and easily understandable bill. As with securities litigation reform, the need for Y2K litigation reform arises from a national problem amenable to a narrow, tailored solution, such as the bill I introduced.

I have great concerns that the bill before us today does not represent the narrow, tailored solution to the Y2K problem that I believe is necessary. It contains broad provisions tantamount to massive tort reform, which should be saved for another day. The Y2K problem should not be used as an excuse to pile on these broad measures. I think we can all agree on what we'd like a bill to do; indeed, the bill before us today and the Hatch-Feinstein bill contain many of the same provisions as are in my bill. I take issue, however, with a few provisions in both of these bills that I veiw as unnecessary window dressing for interests unrelated to the Y2K problem.

First, the bill before us places caps on punitive damages except where the defendant acted intentionally. Nothing inherent in the Y2K problem requires that this be done. No state allows for the award of punitive damages unless the defendant has acted in some egregious manner. Defendants who have behaved responsibly will not be assessed punitive damages, and defendants who have behaved egregiously should not be rewarded by limiting the amount of punitive damages which they might be required to pay. My bill does not cap punitive damages because it is not necessary to do so.

Second, the bill before us places caps on the personal liability of officers and directors, those individuals with the ultimate responsibility for the management of their firms. For years now Senator BENNETT and I have done everything possible to get upper management, including officers and directors, not only to pay attention to the Y2K efforts of their firms but to become directly involved and responsible for those efforts. After a lot of hard work in this area, our efforts have finally paid off and most upper management of major firms have appropriately shouldered these responsibilities. To come in now and place caps on the personal liability of officers and directors would set back our efforts to get management's attention on this issue. Passing such caps gives these ultimate decision-makers less incentive to maintain their active involvement in Y2K remediation efforts. A related provision in the bill that raises the standard of proof for such individuals for many tort actions gives them the same excuse. My bill does not contain such provisions because I believe they are an excessive solution to an uncertain problem.

What my bill does do is provide the narrow, tailored provisions I think necessary to address the problem presented by the spectre of Y2K litigation. Just as the other two Y2K liability bills introduced in the Senate do, my bill provides for a 90-day cooling off period to allow businesses to work out their Y2K problems together before they are forced to go to court. Just as the other bills do, my bill places a duty to mitigate damages on all parties which gives them an incentive to seek out solutions to their own Y2K problems. Just as the other bills do, my bill discourages frivolous litigation by including specific pleading requirements and a requirement that defects alleged in class action lawsuits by material. Just as the other bills do, my bill rewards companies that have taken steps to become Y2K compliant by allowing for a reasonable balance between proportionate liability and joint and several liability.

While I strongly believe that a Y2K liability bill is necessary, I have great concerns about this Y2K liability bill in its present form. No one wants to see a solution to this problem more than I do, but I am not willing to compromise efforts to solve the Y2K problem to satisfy unrelated interests, nor am I willing to trade in the Y2K problem only to get a litigation problem down the road. While we are rushing to solve the Y2K problem and the policy issues therein, we should above all strive to enter the next century with a sense of vision, and this vision should include a prudent analysis of the looming challenges of potential Y2K litigation. I assure you that no one wants to begin the next millennium by trading a vision of the future for a subpoena.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I know the Senator from South Carolina has important remarks to make this morning.

I have joined with Senator MCCAIN in cosponsoring this legislation that comes before the Senate, after voting against the bill that came out of the Senate Commerce Committee. I have done so because there have been at least seven major changes made in the legislation after it came out of committee so that now when it comes before the Senate it is a balanced bill. It is a bill, in my view, that will ensure that innocent consumers are fully protected while at the same time helping to prevent the kind of chaos we could have in our economy if we have scores and scores of unwarranted lawsuits as a result of the Y2K problem.

As we all know, the Y2K issue is not a partisan issue. It affects every computer system that uses date information, every piece of hardware, every piece of an operating support system and all software that uses date-related information. Our goal ought to be to try to bring about Y2K compliance. That is our principal focus. The Senate is already on record in that regard. At the same time, we ought to put in place a safety net to ensure that innocent consumers, particularly small businesses, will have a remedy and will not see their businesses devastated.

I wrap up my brief remarks this morning by outlining a few of the changes that Senator MCCAIN and I worked on with Senator DODD, Senator FEINSTEIN, Senator LIEBERMAN, and others, so that the Senate has a sense of the many changes that have been made to ensure consumers get a fair shake and that are in the bill before the Senate today.

The first that I think is particularly important is we will make sure there is a sunset provision in this legislation. The original bill contained no sunset provision. There were some who said this is just opening up brand new areas of tort law that are going to exist forever, this is just a backdoor effort to

hot wire the legal system and ensure that we are restricting liability suits in the future. That is not the future. There is a sunset date to ensure that we are addressing just legitimate problems that have come about as a result of the Y2K failures.

Second, and another area I feel so strongly about, is we ensure, when there are really egregious, outrageous offensive instances of conduct in the private marketplace, fraudulent conduct, that punitive damages will still be available. It is important to us that there not be new preemptive Federal standards in that area. That has been done.

Next, we have made changes with respect to the principle of joint liability. This is especially important where you have defendants who are involved, again, in committing these outrageous acts, essentially fraudulent acts. That is kept in place as well.

So I do believe this is a bill that is targeted specifically at the kinds of problems that are going to be seen if we do not pass a balanced, responsible piece of legislation. This involves business-to-business activity. I suggest to some of our colleagues this has nothing to do with personal injury issues. If someone is injured, for example, as a result of an elevator accident because computers have broken down, and is maimed or killed, all of those personal remedies will lie.

So those are briefly some of the changes since the bill came from committee. We have seen, again, the Senate wants to work in a collegial way on this. My good friend from South Carolina and I have had several spirited discussions on this issue in recent days. He feels very strongly about it. My part of the country has looked at technology as a big part of our economic future. We want to come up with a responsible, balanced bill.

The Senator from Connecticut and I have put on the desks of all Democratic Members of the Senate today a letter which outlines a number of the changes that have been made. We heard earlier Senator KERRY is pursuing some discussions as well. So I am hopeful between now and next week we can have a bipartisan bill that is balanced, that comes before the Senate and builds on the work Senator MCCAIN and I have tried to do since the partisan vote in committee. I look forward to working with my colleagues towards that end, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, with respect to the Y2K problem, it is very interesting to note, the problem has been prepared for technologically, by the very groups they say the bill is to protect, for 30 years. They have the technology. There is no hocus-pocus about that.

I wish everyone would look back about 4 weeks ago and pull out of an edition of Business Week an extensive article to the effect that the market force is working. Large businesses, the GEs, the Ford Motors, the Xeroxes, the IBMs and everybody else, working with their suppliers down the line, have long since put them on notice. I do not have my file with me, but the drop dead date is the end of this particular month, April 1999, where you still have several more months to comply. But the market, knowing the technology is there, knowing of course you are going to be facing this, is trying to, like a Paul Revere, wake the town and tell the people. And they have been doing it. We did it last year, on a bipartisan basis, when we said: ''Wait a minute, if we cannot work these problems out, we will be slammed with antitrust.'' We got together quickly, the Senator from Connecticut and others, and on a bipartisan basis we passed that measure. Everything has been working fine.

I spoke earlier this year—I do not want to mislead—I spoke with my friend, Mr. Andy Grove of Intel, who is very much concerned about proportionality. But other than that, we spent a good hour in my office talking about large computerization and everything else. That community knows. They are way ahead of lawyers and lawsuits, I can tell you that, as the business leaders.

William Gates—Bill Gates, out at Davos, Switzerland, at the conference, said there was no problem. And this past week the New York Times wrote a summary article on the Y2K problem.

Mind you me, this is the middle of April 1999, months ahead, of course, of January 2000. They said people are moving along and everything else. You see, it is a practical problem. There is a bunch of old equipment on hand. Every automobile dealer faces this every year because they are going to bring out another model. So they all know about bringing out new models and everything else like that. Of course the new model needed for 2000 is the Year 2000-compliant model.

But what happens is that a side group has come in, upon this particular concern and interest, not at all interested in the Y2K. We could win this debate hands down on Y2K. But they are interested in distorting the tort liability laws of America. They have been about it and I have been with them for 20 years. There is a wonderful gentleman named Victor Schwartz with the National Association of Manufacturers, and he sends me a wonderful Christmas greeting, thanking me for the wonderful year he has had, because I keep his clients current as long as we can continue to defeat product liability.

But now we have another gentleman who has come over to the Chamber of Commerce named Tom Donohue, and I know him well. I worked with him in the Truckers'. He is coordinating this conspiracy. There is a great problem. ''We have legitimate business folks in the computerization business who are going to front for us. We don't want to argue about taking away the rights of trial by jury that we have beat upon.'' They don't want to have to take on the Association of State Supreme Court Justices and everything else of that kind. ''We want to talk about Y2K, Y2K, Y2K, crisis, crisis, crisis.'' And they even act like there is one, 7 months ahead of time.

My little State of South Carolina just reported they would be compliant in July of this particular year, 1999. If South Carolina can get ready, everybody and anybody can get ready by the year 2000, I can tell you that. But they come in under the auspices of a crisis, to try to change punitive damages, try to change trial by jury, try to change joint and several liability—they are trying to change it all. Anywhere they can get a foot in the door for this particular precedent by this particular Congress under the general phraseology ''tort reform,'' they think they are home free. And I am afraid they would be.

The truth of the matter is, under the present legal system of the States', we are having the finest, most booming economy you have ever seen. The stock market has gone over 10,000, the interest rates are low, the unemployment rate is about the lowest it has ever been in 30 years, and right on down the list. So what you are finding out, right to the point, is that there is not a problem. Business is doing well.

In fact, the analysis done in this particular debate over 20 years has found it has not been greedy trial lawyers bringing fanciful suits with no substance whatsoever, just harassing. Mr. President, the good trial lawyer has no time for that nonsense. He does not get paid until he wins. He has to prevail. He has to come to court, he has to prove his case by the greater preponderance of evidence. He has to get not just 5 or 6 votes, he has to get all 12 votes. Then he has to go through the obstacle course of an appeal to the Supreme Court. Why? Because corporate America continues to get paid as long as the clock runs.

It is a tragic thing that has been occurring in the system of jurisprudence in America, because I practiced law for 20 years and I practiced representing businesses, incorporated and otherwise, but predominantly on the trial side with poor clients. I did not get a recovery unless the client got a recovery.

I was against continuances, against motions, against more depositions, against more discoveries. You see that mahogany-wall, oriental-rug crowd down here. There are 60,000 registered to practice in the District of Columbia trying to fix your vote and my vote, just fixing juries. They will never get to the courtroom. They sit around and tell the clients: Come on, computer industry, we can change the tort system

so we can take away the rights of the very group, Mr. President, that it is supposed to protect—mainly small business.

They have the National Federation of Independent Businesses. That is the small business group that the law now protects. Instead, under the bill as proposed, a small business owner will have to wait 90 days before he or she could bring proceedings in court to recover damages. They know at the very beginning what is contracted for and what is wrong, but this requirement is going to delay them, increasing the time and costs of the suit. Then you have to prove various other measures by one of the highest standards of proof, almost like in a civil case. In cases where a party generally is required to prove by a preponderance, they seek to have the standard to be clear and convincing.

I say that advisedly because with this particular system, as it has worked out over the years—come to South Carolina. We had tort reform, but I have, they say, the competitive businesses. I am bringing in the Hondas, the BMWs, as well as the expansion of the GEs and other industries from all over the United States and the world coming into South Carolina where we have a civil statewide tort system.

Actually, these contracts are under the Uniform Commercial Code and ought to be tried on a contract basis. But, no, they do not want to even talk about the defect in the entire measure. The measure is not needed. The measure is misguided. The measure is an adulteration of the system, and bringing it to the Federal level, trying to tell the States—and that is what I hear from the other side of the aisle, that the people back home know best, they keep quoting Jefferson to me, less Government, let the States operate and everything else of that kind. They do that until they get something for big business. Now they want to come in and make sure they can have that clock run, that they can make a fortune, and the little man cannot even afford to bring his particular action.

I have every objection in the world to this measure. I do not mind compromising. I have always dealt with that particular approach for the almost 50 years now that I have been in public service. But I can tell you what this is. This is not Y2K. They have everybody running all around. Look at the morning Washington Post and you will see the different people. It is like: ''Sooey, pig, you come, we got them, we're going to get you to do this, get them to do that,'' and take the person who has made the contract—and right now they can look at their contract and see what is what in April 1999, months ahead of January 1.

They know whether they have the bad model or the right contract, and they know what is going to be required. This really allows an industry to offload all the old stuff and then come in with an adaptation next year that is going to cost over and above the particular computer.

It is bad business. It really distorts the jury system and the tried-and-true system of American jurisprudence. That is why I had to object, because I have been busy on this other farce, this so-called lockbox that allows everybody to have the key but the poor Social Security crowd that is bringing about the surplus. There is not any question about that farce that is going on. They are just trying to make for a TV short in next year's campaign. We are going to make TV spots and show the inaccuracy of it. That is exactly what we have been doing, paying down public debt with Social Security money, thereby running up, up, up and away the Social Security debt. When you pay down someone else's debt with your money, you incur an indebtedness increase in your own program, namely Social Security.

There we are. They are trying their best to ram it through on Y2K, and they are all going around oozing and goozing how reasonable we are and we are trying to work this out. It ought to be killed dead in its tracks. Anybody who is looking out for the individual rights of the small businessman, the little doctor, the little law firm—any little business person who does not keep a lawyer on retainer and they have an instrumentality, namely a computer, that they say is ready to comply, and then they find out it does not comply, that is a breach of contract under the Uniform Contract Code. They can bring that action. Mr. President, unless there is a fraudulent breach, it does not come under tort law, it comes under the contract law.

Incidentally, it is businesses suing businesses. That is the big logjam. Any study, any research done with respect to the actual increase in the volume of lawsuits in America will find businesses suing businesses. I am exhibit 1 on this particular issue, for the main and simple reason, we worked for 4 years to get through the 1996 Telecommunications Act. Once we got it through, rather than businesses doing what they said, namely competing, they all started with their lawyers: It was unconstitutional, take it up to this court—they have all been in court. Why? The ratepayers are paying for the lawyers. It does not cost them any money, and they are going around buying up each other, combining rather than competing.

They have a legal game going, which is in some measure the same thing they had going with AT&T that caused Judge Greene to break it up. It seems to me that we are going to have to break it up again. That is what we are looking at now with the FCC: getting a drop-dead date for them to comply with the law that they wrote.

They do not want to comply. They want to combine. They want to use their monopolistic powers with their lawyers in business. But it is not the poor little injured party in court with a jury trial that is at issue, generally speaking, with respect to Y2K. It is the downtown crowd that is scaring up clients and scaring up fees and scaring up activity against the States.

The States have their own laws. The State of Illinois is well regarded as a place of high jurisprudence, and they do not need the Federal Government coming in and telling them how to protect the little man. Here, under the auspices of protecting the little man, we are going to take away his rights and drag him out, as if he had a lawyer waiting. It is to discourage the little man's day in court. That is why we will be watching it very closely.

I don't know that this one will be worked out. In all reality, I think we can get the votes—not necessarily on the matter of proceeding. We do not mind proceeding, we are just trying to get the time. We can get the votes on the cloture to kill this measure.

If the computer industry is really serious about it, there may be some compromise, but for this particular Senator, I have no plans at all of compromising on the fundamental constitutional rights of a trial by jury and what the States have developed over many, many years, which is the finest business environment that exists in the world today. Nothing is hurting them. I do not have any of these foreign industries coming in and saying, ''But, Senator, we're worried about product liability, we are worried about joint and several, we are worried about trial by jury, we are worried about all these other punitive damages.'' You do not hear that until you can get politicians running for national office, and then they put it in the polls.

Under ''Henry V,'' Shakespeare said, ''Kill all the lawyers.'' Of course, it was the biggest compliment. The only way that individual rights and freedom could not be sustained is to kill off the crowd that was going to protect individual rights and freedom. So it really was the greatest of all compliments. It was not that they were against lawyers, but they knew how to start anarchy. So that is what they told Dick the Butcher when they shouted, ''Kill all the lawyers.''

That is what you have on Monday when we get to the regular debate. We will see which lawyer crowd we are going to kill off.

I yield the floor.

Mr. LEAHY. Mr. President, the sweeping terms of the bill before us are not justified. Senator MCCAIN's substitute, like the underlying bill, unfortunately, remains a wish list for special interests that are or might become involved in Y2K litigation. The broad liability limitations in the legislation

risk rewarding irresponsible parties at the expense of the responsible and the innocent. That is not fair or responsible.

I cannot support such one-sided legislation that restricts the rights of American consumers, small business owners and family farmers who seek redress for harms caused by Year 2000 computer problems.

I remain open to continuing to work with interested members of the Senate on bipartisan, consensus legislation that would deter frivolous Y2K lawsuits and encourage responsible Y2K compliance. In my judgment, today's bill would more likely have the opposite effect. It proposes sweeping liability protection that will encourage more Y2K litigation and discourage curing Y2K problems.

The right approach is to fix as many of these problems ahead of time as we can. Ultimately, the best defense against any Y2K-based lawsuit is to be Y2K compliant.

Let me offer a few examples how this bill would restructure the laws of the 50 states and cause great harm to the nationwide effort to fix our Y2K computer problems in 1999.

First, this bill provides special liability protection to directors and officers of companies involved in Y2K disputes. Why are we doing this? Directors and officers are already protected by the business judgment rule, which has been adopted by each of the 50 states. How will this special legal protection for corporate directors and officers affect the well-established precedents interpreting the business judgment rule in our states?

Moreover, every director and officer of a corporation has standard insurance coverage to protect him or her from personal liability in the course of their duties. Will insurance companies reap windfall profits from this special legal protection for corporate directors and officers? Or should insurance companies rebate the premiums they have charged for existing insurance coverage for corporate directors or officers because it might be superfluous now? Who knows? But these questions will be hot spots for future litigation if this bill becomes law.

Providing special Y2K liability protection to the key decision makers in a company at this juncture sends the wrong message to the business community.

We want to encourage these key decision makers to be overseeing aggressive year 2000 compliance measures. Instead, this bill says to corporate officers and directors: ''Don't worry, be happy.''

I want those corporate officers motivated to fix their company's Y2K problems now. After their corporation is Y2K compliant and they have worked with their suppliers and customers and business partners and we have avoided Y2K problems is the time to be happy.

Second, this bill caps punitive damages to 3 times the amount of compensatory damages or $250,000, whichever is greater. If the defendant is a small business, then $250,000 is the ceiling for any punitive damage award.

These punitive damages caps again send the wrong message to the business community by protecting the bad actor, instead of rewarding the responsible business owner.

The bill contains an exception to these punitive damages caps if a plaintiff can prove by clear and convincing evidence that the defendant intentionally defrauded the plaintiff. This exception will prove meaningless in the real world because no one will be able to meet this high and specific standard for proving the injury was specifically intended. How in the world is a plaintiff going to prove some intentionally tried to injury him or her in a Y2K case? Get real.

Punitive damages are awarded only in cases of outrageous conduct. If a business takes responsible steps to become Y2K compliant, it will not be subject to punitive damages. These caps on punitive damages, like many other parts of the bill, discourage responsible Y2K remediation efforts.

Indeed, by limiting punitive damage to a dollar figure, $250,000, these special legal protections may encourage some companies to analyze the costs and potential risks of Y2K noncompliance and make the calculated business decision not to make the investment needed to come into compliance. The same type of calculation, for example, apparently made by Ford in the exploding Pinto gas tank case.

A cost-benefit approach does not fix a corporation's Y2K problems, but only leads to more litigation. Litigation with punitive damages caps may, in the judgment of the company's accountants, be worth enduring if it costs less than Y2K compliance.

Third, the bill severely restricts the amount of damages that an innocent plaintiff can recover from a guilty defendant by abolishing joint and several liability in most cases. The exceptions to this proportionate liability are so complex that they invited more litigation, not less.

This proportionate liability may unfairly penalize innocent consumers and small businesses and reward irresponsible companies.

For example, a small business forced to shut down temporarily because of a Y2K computer malfunction may not be able to recoup all of its losses under proportionate liability if it fails to identify all the responsible parties that caused that Y2K problem. As a result, that small business may be forced to file for bankruptcy because of its limited resources. Why is the innocent small business owner, who may not know and should not know all the responsible parties in the manufacturing chain of a non Y2K compliant product, forced to go out of business?

Moreover, this bill's many federal preemptions of state contract and tort law are all one-sided. The bill's provisions benefit only defendants, not plaintiffs, in Y2K disputes.

The bill raises the standards of proof from a preponderance test to a clear and convincing test for plaintiffs to prove negligence and other torts claims without any corresponding responsibility on defendants. The bill adds new state of mind requirements on plaintiffs to prove tort claims without any corresponding responsibility on defendants.

The bill also greatly expands the jurisdiction of the federal courts to consider Y2K cases under its class action provisions—an approach soundly rejected last month by Chief Justice Rehnquist and the Judicial Conference. The Judicial Conference found that shifting Y2K cases from state courts ''holds the potential for overwhelming the federal courts, resulting in substantial costs and delays.''

In addition, the Judicial Conference concluded ''the proposed Y2K amendments are inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction.'' I ask unanimous consent that a letter from the Judicial Conference opposing this expanded federal court jurisdiction be printed in the RECORD.

Finally, the bill adds a sunset date of January 1, 2016, according to the latest public draft. A bill that stays effective for the next 17 years is not narrow in scope. This sunset date is not reasonable. Is this bill intended to cover year 2015 computer problems?

I agree with Assistant Attorney General Eleanor Acheson who testified at the Judiciary Committee hearing a few weeks ago on similar Y2K liability legislation that ''this bill would be by far the most sweeping litigation reform measure ever enacted.''

So why do we need these sweeping litigation reforms to address year 2000 computer problems? I don't know. The proponents of this legislation have offered no solid evidence to justify these sweeping provisions.

There is no reasonable justification for the sweeping liability protections in this bill because these protections are not reasonable. This bill overreaches again and again. It is not close to being balanced.

Worst of all, this bill as presently drafted would preempt the consumer protection laws of each of the 50 states and restrict the legal rights of consumers who are harmed by Y2K computer failures. Why is this bill taking away existing protections for the ordinary citizen?

We all know that individual consumers do not have the same knowledge or bargaining power in the marketplace as businesses with more resources. Many consumers may not be

aware of potential Y2K problems in the products that they buy for personal, family or household purposes.

Consumers just go to the local store downtown or at the mall to buy a home computer or the latest software package. They expect their new purchase to work. But what if it does not work because of a Y2K problem?

Then the average consumer should be able to use his or her home state's consumer protection laws to get a refund, replacement part or other justice. During the Judiciary Committee consideration of similar legislation, I offered an amendment to allow consumers to do just that. I may offer a similar amendment on this bill.

Those of us in Congress who have been active on technology-related issues have struggled mightily, and successfully, to act in a bipartisan way. It would be unfortunate, and it would be harmful to the technology industry, technology users and to all consumers, if that pattern is broken over this bill.

I sense that some may be seeking to use fear of the Y2K millennium bug to revive failed liability limitation legislation of the past. These controversial proposals may be good politics in some circles, but they are not true solutions to the Y2K problem. Instead, we should be looking to the future and creating incentives in this country and around the world for accelerating our efforts to resolve potential Y2K problems before they cause harm.

Last year, I joined with Senator HATCH to pass into law a consensus bill known as ''The Year 2000 Information and Readiness Disclosure Act.'' We worked on a bipartisan basis with Senator BENNETT, Senator DODD, the Administration, industry representatives and others to reach agreement on a bill to facilitate information sharing to encourage Y2K compliance.

The new law, enacted six months ago, is working to encourage companies to work together and share Y2K solutions and test results. It promotes company-to-company information sharing while not limiting rights of consumers. That is the model we should use to enact balanced and narrow legislation to deter any frivolous Y2K litigation while encouraging responsible Y2K compliance.

I am continuing to work with Senators from both sides of the aisle to negotiate a narrow and balanced bill.

Unfortunately, this special interest legislation before us today is not narrow and it is not balanced.

I must oppose it.

Mr. President, I ask Unanimous Consent that a letter received by the Judiciary Committee from the Judicial Conference of the United States be printed in the RECORD.

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

JUDICIAL CONFERENCE OF THE UNITED STATES,
Washington, DC, March 24, 1999.

Hon. ORRIN G. HATCH,
Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the Judicial Conference of the United States, I write to transmit views with respect to pending year 2000 (''Y2K'') legislation. S. 461, as well as S. 96 and H.R. 775, seeks to promote the resolution of potentially large numbers of Y2K disputes. The federal judiciary recognizes the commendable efforts of Congress to resolve Y2K disputes short of full-scale litigation so as to alleviate the burden of such litigation on private parties as well as on federal and state courts. These are clearly laudable public policy objectives.

Some of the provisions, however, will affect the administration of justice in the federal courts. The Judicial Conference, at its March 16th session, determined to oppose the provisions expanding federal court jurisdiction over Y2K class actions in bills (S. 461, S. 96, and H.R. 775) currently under consideration by the 106th Congress. In addition, because the Y2K pleading requirements included in these bills circumvent the Rules Enabling Act, the Conference also opposes these provisions.

CLASS ACTIONS

These bills create no federal cause of action. Instead, they assume that plaintiffs will rely on typical state causes of action to provide relief in Y2K disputes. Under the bills, individual plaintiffs, as opposed to class action plaintiffs, can bring their tort, contract, and fraud suits in a state court where they will remain until resolved. While federal defenses and liability limitations established in the legislation may be raised in such litigation, the bills recognize that state courts are fully capable of applying these provisions and carrying out federal policy. This reliance on state courts, which today handle 95 percent of the nation's judicial business, follows the traditional allocation of work between the state and federal courts.

The provisions of these Y2K bills take a radically different approach to Y2K class actions—one that would effect a major reallocation of class action workloads. These bills create original federal court jurisdiction over any Y2K class action based on state law, regardless of the amount in controversy, where there is minimal diversity of citizenship—that is, where any single member of the proposed plaintiff class and any defendant are from different states. They also provide for the removal of any such Y2K class action to federal court by any single defendant or any single member of the plaintiff class who is not a representative party. While these bills do identify limited circumstances in which a federal district court may abstain from hearing a Y2K class action, it is unlikely that many actions will meet the specified criteria. The net result of these provisions will be that most Y2K class action cases will be litigated in the federal courts.

This assignment of the class action workload to the federal courts is particularly troubling because the Y2K problem may result in a very large number of class actions. While no one knows how many cases will be filed, Senator Robert Bennett, Chair of the Special Committee on the Year 2000 Technology Problem, has predicted that there could be a ''tidal wave'' of litigation resulting from Y2K problems. Given the nature of the Y2K problem, it is reasonable to expect that similar claims will often arise in favor of multiple plaintiffs against the same defendant or defendants. Thus, it can be expected that a substantial portion of these cases will be brought as class actions. Responding to class actions, regardless of where they are filed, will likely be a monumental task. If the current class action provisions remain in these bills, however, the important contribution the state courts would otherwise make to meeting this challenge will be lost, and the burden of the federal system will be correspondingly increased. The transfer of this burden of the federal courts holds the potential of overwhelming federal judicial resources and the capacity of the federal courts to resolve not only Y2K cases, but other causes of action as well.

Federal administration of these state-law class actions will impose other substantial burdens. By shifting state-created claims into federal court, the bills confront the federal courts with the responsibility to engage in difficult and time-consuming choice-of-law decisions. The *Erie* doctrine requires that federal district courts, sitting in diversity, apply the law of the forum state of determine which body of state law controls the existence of a right of action. The wholesale shift of state-law class actions into federal court makes this choice-of-law obligation all the more daunting as the sheer number of possible subclasses and relevant bodies of state law multiples. Some federal courts have taken the position that such multiplicity of law itself stands as a barrier to the certification of a nationwide class action. Even where a district court agreed to certify a class, it would have to make choice of law and substantive determinations that would have no binding force in subsequent Y2K litigation in the states in question.

In addition to the potential adverse docket impact on the federal courts, the proposed bills infringe upon the traditional authority of the states to manage their own judicial business. State legislatures and other rulemaking bodies provide rules for the aggregation of state-law claims into class-wide litigation in order to achieve certain litigation economies of scale. By providing for class treatment, state policymakers express the view that the state's own resources can be best deployed not through repetitive and potentially duplicative individual litigation, but through some form of class treatment. The proposed bills could deprive the state courts of the power to hear much of this class litigation and might well create incentives for plaintiffs who prefer a state forum to bring a series of individual claims. Such individual litigation might place a greater burden on the state courts and thwart the states' policies of more efficient disposition.

Federal jurisdiction over class action litigation is an area where change should be approached with caution and careful consideration of the underlying relationship between state and federal courts. The Judicial Conference Advisory Committee on Civil Rules has recently devoted several years of study to the rules in class action litigation. One outgrowth of that study was the appointment by the Chief Justice of a Mass Torts Working Group. The Working Group undertook a study which revealed the complexities of litigation that aggregates large numbers of claims and illustrates the need for a deliberative review of the issues that must be addressed in attempting to improve the process for resolution of such litigation. Such issues involve not only procedural rules, but also the jurisdiction of federal and

state courts and the interaction between federal and state law. Y2K class action litigation implicates the same complex and fundamental issues that the Working Group identified. Even for familiar categories of litigation, these issues can be satisfactorily resolved only by further study. An attempt to address them in isolation, for an unfamiliar category of cases that remains to be developed only in the future, is unwise.

It may well be that extending minimal diversity to mass torts may be appropriate if accompanied by suitable restrictions. The Judicial Conference, for example, has endorsed in principle the use of minimal diversity jurisdiction in single-event, mass tort situations, like airplane crash litigation, and there may be other situations in which the efficiencies to be gained from consolidating mass tort litigation in federal courts are justified. Expansion of class action jurisdiction over Y2K class actions in the manner provided in the pending bills, however, would be inconsistent with the objective of preserving the federal courts as tribunals of limited jurisdiction and the reality that the federal courts are staffed and supported to function as tribunals of limited jurisdiction.

Judicial federalism relies on the principle that state and federal courts together comprise an integrated system for the delivery of justice in the United States. There appears to be no substantial justification for the potentially massive transfer of workload under these bills, and such a transfer would seem to be counterproductive. State courts provide most of the nation's judicial capacity, and a decision to limit access to this capacity in the face of the burden that Y2K litigation may impose could have significant consequences for the efficient resolution of Y2K disputes.

PLEADING REQUIREMENTS

S. 461, as well as S. 96 and H.R. 775, sets forth specific pleading provisions in Y2K litigation that would require a plaintiff to state with particularity certain matters in the complaint regarding the nature and amount of damages, material defects, and the defendant's state of mind. These requirements are inconsistent with the general notice pleading provisions found in the Federal Rules of civil Procedure (i.e., Rule 8), which apply to civil cases. The bills' provisions bypass the rulemaking provisions in the rules Enabling Act (28 U.S.C. §§2071–77). They have not been subjected to bench, bar, and public scrutiny envisioned under the Rules Enabling Act and are inconsistent with the policies underlying the Act, which the Judicial Conference has long supported.

Not only do the statutory pleading requirements bypass the Rules Enabling Act, they do so in a particularly objectionable way because they are contained in stand-alone statutory provisions outside the federal rules. This will cause confusion and traps for unwary lawyers who are accustomed to relying on the Federal Rules of civil Procedure for pleading requirements. It also would signal yet another departure from uniform, national procedural rules, following closely in the wake of similar pleading requirements contained in the Private Securities Reform Litigation Act.

On behalf of the federal judiciary, I appreciate your consideration of these views. If you or your staff have any questions, please contact Mike Blommer, Assistant Director, Office of Legislative Affairs (202–502–1700).

Sincerely,

LEONIDAS RALPH MECHAM,
Secretary.

MORNING BUSINESS

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak for up to 15 minutes each.

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

Mr. VOINOVICH. I further ask unanimous consent that Senator BINGAMAN be recognized to speak following my remarks, but that before I speak, Senator STEVENS be recognized for a couple of minutes.

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

The Senator from Alaska.

BEYOND THE BOUNDS OF PROPRIETY

Mr. STEVENS. Mr. President, in the past several months when radio personalities—sometimes known as ''shock jocks''—have gone beyond the bounds of propriety, their employers have been quick to dismiss them.

For example, the Charlotte, NC, station just yesterday fired a radio talk show host who made an on-the-air joke about this week's tragedy in Littleton, CO. There was also a Washington, DC, station that immediately fired the ''Greaseman'' for his racist remarks after the tragic dragging death of a Texas man that we all remember.

Now in Chicago we learn of another one of these offensive on-the-air personalities who has stepped over the line. He made insulting remarks against Special Olympians. What he said about these brave athletes is indefensible. What he said was—and it bothers me even to repeat it—

Watch them run, watch them fall, watch them try to catch a ball. Olympics, Special Olympics. Watch them laugh, watch them drool, watch them fall into the pool. That's diving at the Special Olympics. And I know full well that I will burn in Hell, but those guys playing wheelchair basketball gotta be about the funniest—

And the expletive is deleted; they took that out—

thing I've ever seen in my life. [And it is all] at the Special Olympics.

Mr. President, these young men and women have overcome obstacles that we cannot understand. They deserve our applause and admiration. They should not be the targets of juvenile jokes on the public airwaves.

Instead, despite this disgusting display of ill-manners and bad taste, this radio station has refused to fire that shock jock.

Mr. President, I urge all of those who listen to this man in Chicago to call for his immediate dismissal.

I yield the floor.

NATO, KOSOVO AND SLOVENIA

50 YEARS OF NATO & KOSOVO

Mr. VOINOVICH. Mr. President, on Friday, the official recognition of the 50th anniversary of the North Atlantic Treaty Organization, NATO, will begin.

And even as the participants acknowledge 50 years of NATO achievements, a cloud of war hangs over the proceedings.

No doubt NATO's involvement today in Yugoslavia will be the most talked about topic among the attendees.

And as I have stated on this floor, I oppose the introduction of ground troops. I reiterate that opposition today.

As the members gather, it is my fervent hope that they will give their full devotion to those actions that can be done to prevent further bloodshed. I believe there is no greater challenge facing the United States, NATO, and the United Nations than finding a peaceful solution to this current crisis.

NATO must also look to the future to determine what its role will be in the world and what will be the responsibility of its respective members.

And, Mr. President, I would like to draw attention to a recent Washington Post article that gives an excellent historical reference for my colleagues and NATO on the perils of introducing ground troops into the Balkan region. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, Apr. 14, 1999]

U.S. NATO STUDY WWII YUGOSLAV REBELS

(By John Diamond)

WASHINGTON, (AP).—Pentagon and NATO officials considering ground troop options for Yugoslavia are studying the history of Yugoslav resistance during World War II, when hundreds of thousands of German soldiers failed to pacify determined guerrilla opposition.

The Nazi campaign was called Operation Punishment, reflecting Adolf Hitler's rage against Yugoslav partisans who overthrew their own government after Belgrade made a pact with Berlin. The campaign was well-named—Yugoslav civilians were attacked with an intensity far beyond anything NATO would contemplate.

In the end, though, the Wermacht took plenty of punishment. And five decades later, the campaign offers lessons for any force reckoning to do battle with the hardy ''South Slavs'' who plagued the German army in a costly guerrilla war.

When NATO first studied ground troop options last fall, Clinton administration planners cited the German experience as one reason to rule out ground troops as an option in the Kosovo crisis.

''We always look at historic campaigns—that's something we always do'' when planning a deployment, said Maj. Shelly Stellwagen, an Army spokeswoman. But she cautioned, ''History alone is not enough—you've got to look at the big picture.''

After insisting for weeks that no plans for ground troops were in the works, top Clinton administration officials now concede that some contingencies were studied and that plans could be activated quickly if NATO decided on ground assault. U.S. lawmakers, frustrated with the continuing ethnic cleansing in the Kosovo province of Yugoslavia despite a three-week NATO air campaign, are

pushing a resolution to authorize ground troops.

Pentagon planners said they were careful not to overdo the comparison of two markedly different armies fighting with different equipment in different political contexts. Moreover, Yugoslavia today constitutes a country less then half the size of the one the German army invaded in 1941. But the difficulty of the terrain and the stubbornness of the Yugoslav people remain powerful common denominators, they said.

The German invasion force of nearly 200,000—a figure some U.S. officials have cited as necessary to invade Yugoslavia today—fluctuated after 1941 from a low of 60,000 to a high of 700,000. Through it all, the German were never able to quell the multiple and dogged Yugoslav resistance forces.

An official U.S. Army history of the campaign, written in the early 1950s, contained a warning for any future force contemplating challenging Yugoslavia on the ground.

''The success achieved by the (Yugoslav) guerrillas against the Germans . . . strengthened considerably the tradition of resistance to foreign occupation forces,'' the Army history concluded. ''There is little doubt that a foreign invader today, whether from East or West, would be confronted with a formidable task of pacification following a successful campaign against the regular forces of the Balkan nations.''

As Hitler planned Operation Barbarossa, the German invasion of the Soviet Union, he wanted to secure his southern flank by neutralizing Greece. To do that he needed Yugoslavia's cooperation, and in early 1941 he thought he had it.

But Hitler badly misjudged the sentiments of the Yugoslav people.

A coup in March 1941 toppled Yugoslavia's royal government, setting a precedent that undoubtedly influences the thinking of Yugoslavia's current leadership: Governments that cave in the foreign pressure will be ousted from within.

Hitler, in a rage, ordered the carpet-bombing of Belgrade.

Hitler's War Directive No. 25 said, ''The ground installations of the Yugoslav air force and the city of Belgrade will be destroyed from the air by continual day and night attacks.'' The strikes began 58 years ago this month, on April 6, 1941.

The Germans aimed specifically at killing civilians during 48 hours of near-continuous bombing. Hitler wanted to spare Yugoslavia's factories for his own use. NATO, by contrast, has been seeking to avoid civilian casualties while aiming at destroying Yugoslav military and weapons installations. The Germans used 1,000 attack and escort aircraft in those 48 hours. NATO has employed 700—soon to be 1,000—strike and support aircraft in three weeks of attacks.

Estimated death tolls from the Nazi bombing range widely, but published German and American estimates put the total as high as 17,000.

The German ground invasion consisted of a dozen divisions—roughly 180,000 troops—supplemented by forces from Bulgaria and Italy. German forces completed their conquest of the Balkans in 11 days.

But the lightning conquest only began Germany's troubles in the Balkans.

Despite brutal tactics, summary executions and wholesale burning of villages, German forces assaulted guerrilla strongholds again and again only to see the rebels slip into the hills and forests. By mid-1943, the U.S. Army history recounted, ''It was obvious that more German troops would be required if the Balkans were to be held.''

Total German forces peaked at 700,000 at the beginning of 1943, though many of these troops were either green or battle-weary veterans resting from the Russian front. No precise casualty figures exist for German forces in Yugoslavia.

Belgrade fell to the westward-marching Russians on Oct. 20, 1944.

POLAND, HUNGARY AND CZECH REPUBLIC

Mr. VOINOVICH. Today we have three new members in NATO—Poland, Hungary, and the Czech Republic.

I have long been an ardent supporter of what we use to call ''the Captive Nations.'' There are many events that I remember as mayor of Cleveland and Governor of Ohio where we celebrated the resolve of these people to one day taste the freedoms that we have here in America.

In those days, I often wondered if I would ever witness a free Poland or a free Hungary or other nations hat used to be dominated by the then-Soviet Union. This morning I attended a reception sponsored by the Polish American Congress where Prime Minister Buzek shared with me that the wondered if it would happen in his lifetime that the would see a free and independent Poland—going from the iron curtain to solidarity to NATO.

And let me say—it's just wonderful that these nations now have self-determination and they are making great progress politically and economically from where they were 20 or even 10 years ago.

I am very proud that I was one of those who encouraged the inclusion of these three nations into the NATO alliance.

And as NATO opened its arms to these three nations, I hope NATO will open its arms to take-in the Republic of Slovenia as a member. This would be an additional of particular importance considering the events happening in Kosovo today.

SLOVENIA

I strongly support the NATO membership of the Republic of Slovenia.

As many of my colleagues know, a large number of the countries of central and eastern Europe who formerly were considered ''Warsaw Pact'' nations have struggled economically and politically in the years since the collapse of the Soviet Union.

The former Yugoslavia, with whom we are now at war with, has been one of our greatest foreign policy challenges in recent years.

However, despite facing many of the same challenges that have hampered other states, Slovenia has emerged as the one state in the Balkans that has established itself as the model of our democratic ideals. Slovenia possesses a stable political system, has committed to free market principles and has modernized their armed forces. It is clearly a beacon in the region.

I believe that Slovenia's involvement in NATO would powerfully underscore to the other nations of the region that reforms bring rewards, and that full acceptance by the international community is a real and attainable goal.

Further, and I think this is important, I believe that the Alliance would be strengthened by Slovenia's participation.

And let me just add that I know that my colleague, Senator ROTH has been a champion for the inclusion of Slovenia in NATO and I would be remiss if I did not mention his efforts in that respect.

CANDIDACY FOR NATO

NATO's 1995 Study on Enlargement laid out the general guidelines to be used by NATO member governments during the consideration of additional members.

Candidates must have five qualifications:

(1) free-market economies;

(2) a democratic political system based on the rule of law;

(3) a commitment to the norms of the Organization for Security and Cooperation in Europe (OSCE), including resolution of ethnic and territorial disputes with neighboring countries;

(4) civilian control over militaries; and

(5) the ability to contribute to NATO's collective defense as well as to NATO's new missions.

Since gaining independence from Yugoslavia in 1991, Slovenia has met all of these obligations and has surpassed the standard set for NATO membership established with the invitation of Poland, the Czech Republic and Hungary to the NATO Alliance.

(1) FREE-MARKET ECONOMY

Slovenia has committed to a market economy and enjoys the highest per capita Gross Domestic Product (GDP) in central and eastern Europe. This has given them the highest international credit rating in the region.

In a further indication of Slovenia's economic development, the European Union, EU, began membership talks with Slovenia in March of 1998. A November 1998 Commission report indicated that Slovenia ''can be regarded as a functioning market economy.'' Clearly, Slovenia has met this candidacy requirement.

(2) DEMOCRATIC POLITICAL SYSTEM

Slovenia has a vibrant parliamentary democracy characterized by peaceful and meaningful political debate. Elections are free, fair, and open. There is an independent judiciary.

As the U.S. State Department's Report on Human Rights Practices for 1998 mentioned, ''the press is a vigorous institution'' and ''in theory and practice, the media enjoy full freedom in their journalistic pursuits.''

Further, the Report states that ''the Government respects the human rights of its citizens, and the law and judiciary provide adequate means of dealing with individual instances of abuse.'' Slovenia has met the NATO candidacy requirement.

(3) COMMITMENT TO OSCE

With regards to Slovenia's role in the international community thus far, it is a member of the Organization for Security and Cooperation in Europe, OSCE, the Council of Europe, NATO's Partnership for Peace and Euro-Atlantic Partnership Council, the World Trade Organization, the International Monetary Fund as well as the World Bank.

Property rights concerns that had existed with Italy were resolved in 1996 with the Association Agreement between Slovenia and the European Union. Slovenia has again met the NATO candidacy requirement.

(4) CIVILIAN CONTROL OVER MILITARY

Since Slovenia had not fielded a military prior to its independence, ensuring civilian control was not as problematic as it might have been otherwise.

Specifically, the armed forces are controlled by the civilian defense minister while the legislative branch plays an oversight role. The NATO candidacy requirement has been met.

(5) ABILITY TO CONTRIBUTE TO NATO'S COLLECTIVE DEFENSE AND MISSIONS

While Slovenia has more than exceeded the other requirements for NATO membership, there have been some criticisms regarding its ability to contribute to NATO's collective defense as well as future NATO missions.

Slovenia's population is just under 2 million people. This reality limits the viable size of its armed forces.

In response to this challenge, Slovenia has focused on developing a professional force that is smaller in size than many of the NATO aspirants but which may be more effective in the field.

To that end, Slovenia has set defense spending at 1.89 percent of its GDP—which I might add is a higher percentage than a number of current NATO member countries. Plans are in place to raise this to 2.3 percent by the year 2003.

Thus far, these monies have largely been spent on air defense, antiarmor weapons and communications equipment that are designed to be interoperable with existing NATO forces and equipment.

While Slovenia's forces are comparatively small in size, they have been actively involved in a variety of international operations over the years. Slovenia is involved in peacekeeping missions in Albania, the NATO-led Stabilization Force in Bosnia (SFOR) and United Nations efforts in Cyprus.

Finally, Slovenia has expressed its willingness to participate in any NATO deployment initiated to promote peace in Kosovo. Again, Slovenia has met difficult challenges to achieve NATO membership and has responded creatively and positively.

ECONOMIC INTEREST TO AMERICA

Let me point out that in addition to these strategic foreign policy concerns, there is a very real economic interest for the United States in bringing Slovenia further into the international community.

During the 1992 through 1997 time period, U.S. exports to Slovenia increased by 197 percent. Over the same period, Ohio's exports have increased a staggering 220 percent.

TRADE WITH OHIO

In an effort to further develop these trade ties, as Governor of the State of Ohio, I had the opportunity to lead two trade missions of business leaders to Slovenia in 1993 and 1995. Soon after these missions, Goodyear Tire & Rubber Company of Akron, OH, made the largest direct U.S. investment in Slovenian history. The inclusion of Slovenia in the NATO community would provide an important incentive for this type of trading relationship in the future.

CONCLUSION

Our nation is on a path to enlarge NATO and ensure that the freedom and prosperity that western Europe has enjoyed for decades spreads to the nations of central and eastern Europe.

With those goals in mind, we must support Slovenia's entrance into NATO. And there is no perfect time than this, the 50th Anniversary of ANTO summit to let the people of Slovenia, as well as the rest of Europe, know that their democratic changes, economic reforms and military modernization will be rewarded with full participation in the international community.

Mr. President, with your permission, I will make a statement in regard to one of Ohio's outstanding citizens who is celebrating his 80th birthday.

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

80TH BIRTHDAY OF CARL LINDNER

Mr. VOINOVICH. Mr. President, today, my dear friend, and one of Ohio's and America's most successful businessmen, Carl Lindner, is celebrating his 80th birthday. I extend to him my sincere best wishes.

Carl got his business start in 1940, founding United Dairy Farmers along with his father and his brothers, Bob and Dick and his sister Dorothy.

From that first beginning, Carl Lindner fine-tuned his business acumen and has never looked back. As he says, ''only in America.'' Today, he is chairman of the board and chief executive officer and founder of American Financial Group, one of our Nation's largest insurance firms.

He is also chairman of the board and CEO of Chiquita Brands International as well as the Great American Group of Insurance Companies.

He is active in a number of organizations and institutions in the Cincinnati area and in Washington.

He is the recipient of numerous awards and accolades—and there are a number of them—including the Golden Plate Award by the American Academy of Achievement in 1978. He is also a 33rd degree Mason and is the recipient of the Van Rensselaer Medal—one of only 14 people worldwide to receive such a distinction.

In 1998, he was awarded the Gourgas Medal, which is the most distinguished honor given by the Supreme Council of the Scottish Rite ''in recognition of notably distinguished service in the cause of Freemasonry, country or humanity.''

A religious man, Carl Lindner has given of himself to those of faiths other than his own. In 1989, the Hebrew Union College awarded Carl the Jewish Institute of Religion Interfaith Award. In 1995 he received the Jewish National Fund's International Peace Award—the highest international honor and award given by the Jewish National Fund.

Carl's civic and business accomplishments run the gamut, from the Friars Club's Centennial Award in 1985 to the National Council of the Boy Scouts of America's ''Silver Beaver'' award in 1995 to the Distinguished Service Citation by the National Conference of Christians and Jews.

He has also been inducted into the Greater Cincinnati Business Hall of Fame and the Junior Achievement National Business Hall of Fame. Further, in 1997, he received the Heritage Award from the Cincinnati Urban League.

Carl Lindner is also a great believer in quality education, and has devoted his time, energy and resources to encourage students and provide them with institutions in which to learn. His service and generosity have earned him three honorary doctorates from Judson College in 1983, the University of Cincinnati in 1985 and Xavier University in 1991. He was also presented with the Lincoln Award from Northern Kentucky University in 1993.

In addition, the College of Business Administration at the University of Cincinnati is housed in Carl Lindner Hall and the school has established the Carl Lindner Annual Medal for Outstanding Business Achievement and a new honors program—the Carl Lindner Honors-Plus program. Xavier University has dedicated the Carl Lindner Family Physics Building. Carl and his wife Edyth are also major benefactors of Cincinnati Hills Christian Academy, a school founded by their son, Carl Lindner III.

The generosity of Carl and Edyth Lindner has been felt by the Cincinnati Zoo with its Lindner Family Center for Reproduction of Endangered Wildlife, the Museum Center with its Lindner Ice Age Exhibit, the Health Alliance of Cincinnati with its Lindner Center for Clinical Cardiovascular Research Center, and the Scottish Rite with its Lindner Learning Center.

Carl Lindner's success in business is only surpassed by his outstanding service to his fellow man. He is not a man to point to his achievements; people only know a fraction of what he has contributed to the community. He has given to scores of charities that no one knows about, and he gives because he has a tremendous heart. In fact, he goes out of his way to avoid publicity.

I will never forget that when in 1996 the gambling interests in the country were trying to bring casino gambling into Ohio. As the Governor, I didn't think it was in the best interest of the State to have casino gambling, that the liabilities far outweighed the benefits. Those in favor of gambling were spending money like water on advertising. I wanted to oppose it, but I didn't have the money to match even a fraction of what they were spending. I called upon Carl Lindner.

I explained to him the other side of the story on gambling and why we needed to keep it out of Ohio. Fortunately, I didn't have to convince him. He, too, agreed that gambling was not the way for Ohio and he offered whatever assistance we needed to ensure that gambling did not come to our state. The proponents of gambling fought hard, but we fought back thanks to Carl. And we won—two-thirds of the voters rejected casino gambling in Ohio. I will say today on the Senate floor, without Carl Lindner's help we would not have won that battle.

It is because of his selflessness and humility that I felt it important to rise on the Senate floor today to pay tribute to this great American. There are few people in this nation who have the kind of strength of their beliefs that Carl Lindner has, and usually they end at people's wallets, but Carl backs up his beliefs with his support both in time and money. We need more people in this country like Carl Lindner.

And one more thing that impresses me about Carl is his relationship with his wonderful family. Carl rejoices in his marvelous family, his children and particularly his wife, Edyth. Edyth has been a wonderful partner of his over the years, and they have a great marriage. And I know Carl is especially proud of his sons. As a father, I understand that so often the successes of our children surpasses anything we do in our own right.

Mr. President, there are few Americans I know who have done as much and have given as much to their nation as Carl Lindner. I have been truly blessed with his friendship and I am inspired by his warmth and humility, and Mr. President, if you look up humility in the dictionary, there should be a picture of Carl Lindner. May Carl and his beloved family celebrate many more birthdays together.

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

The PRESIDING OFFICER. The Senator from New Mexico.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 864 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN addressed the Chair.

YOUTH SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT AND THE CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT

Mr. BINGAMAN. Mr. President, I want to make a very short comment on two measures that comprise a basic cornerstone for the efforts that I made to ensure that the fundamental needs of children in my State of New Mexico and throughout the country are met.

The basic idea here is that children have to have, if they are going to grow into full and honorable adulthood, access to quality, affordable health care. A child who is sick cannot go to school, and cannot be expected to learn in school, and cannot be expected to grow up and thrive and go on to be a productive citizen. In New Mexico, we have a particularly compelling case because the Children's Defense Fund, this last year, identified our State as having a higher number of uninsured children than any other State in the Union—uninsured for health care insurance. Consequently, I have two measures that try to address this need.

The first deals with a problem that has sadly become an epidemic in New Mexico; it is the Youth Substance Abuse Prevention and Treatment Act. This is designed to increase access to drug prevention and treatment services for young people in the country.

Second is the Children's Dental Health Improvement Act, which is designed to increase access to dental services for young people, particularly young people who are eligible to participate in Medicaid.

Mr. President, I will be introducing both of those bills and I commend them to my colleagues. I hope they will also get a full hearing this Congress and that we can enact them into law and send them to the President as well.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Bryan Giddings, Kelly Maher, Leesa Washington, Suzanne Matwyshen, and Jordan Coyle be granted floor privileges for the duration of my remarks.

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

The Senator from Florida is recognized.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 868 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, what is the pending parliamentary situation?

The PRESIDING OFFICER. The Senate is conducting morning business and Senators may speak for up to 15 minutes each.

Mr. LEAHY. I thank the distinguished Presiding Officer. I believe this is the first time I have spoken when the Senator from Illinois has been in the Chair. I appreciate the opportunity.

SCHOOL VIOLENCE

Mr. LEAHY. Mr. President, we are all grieving again for victims of school violence. Pearl High School in Pearl, MS; Heath High School in West Paducah, KY; Westside Middle School in Jonesboro, AR; Parker Middle School in Edinboro, PA; Lincoln County High School in Fayetteville, TN; Thurston High School in Springfield, OR; and Columbine High School in Littleton, CO.

The President spoke for all Americans Tuesday night when he expressed the shock and sadness of the Nation. He spoke about reaching out to our children and our prayers for the families of those who have suffered loss.

I heard Senator KENNEDY reach out to the families yesterday from the Senate floor. I commend Senator DASCHLE also for his thoughtful statement. I know other Senators from both sides of the aisle have spoken to this tragedy, as well.

This morning, my wife and I watched on television one of the most painful and difficult interviews I have ever watched. The father of a young African American boy killed in Colorado spoke of his hopes and dreams for his son. Sitting next to him was another student, who is white and who recounted how his classmate and friend, an African American, had died, how he had been selected because he was black and because he was an athlete. To compound the tragedy, the young man who had spoken also recounted the fact that his own sister died in the shooting. It ended with the African American father holding the hand of the young student, each trying to comfort the other, each seeking solace in their faith, but each at a loss, as we are, to what might have caused this terrible, terrible event.

How could students be picked out to be murdered because they were athletes, or because of the color of their skin, or because they happened to be wearing a certain kind of clothes? What kind of nihilistic aberration causes something like this to happen? What causes a person to do that? What causes the kind of behavior around the world where people die because of their faith, because of their color, because of who they are, their ethnic background?

I suggest the Senate pause for a moment in the wake of this tragedy and rededicate ourselves to the work ahead and turn our attention to these matters.

I serve on the Judiciary Committee and we spent a lot of time this week and this past year on a proposed flag amendment to the Constitution. We spent a lot more time on that than we have on school violence. We held three hearings on a proposed constitutional amendment within the last year. We have held none on the tragic school incidents that have occurred throughout the country. We ought to reconsider the agenda of that committee, maybe even of the Senate.

We have become so polarized and so politicized in this Senate—more than I have seen at any time in my 25 years here. We do no good to the country, Republican or Democrat, if we allow that to continue. We ignore the real problems of this Nation when we allow that.

We are going to devote our time in the Senate to an artificially truncated debate of proposals to limit corporate liability for Y2K problems because the business lobby wants us to do that. Yet we cannot have a full debate on the needs for a real Patients' Bill of Rights, something that would affect not a special interest group, but every single American.

The Senate will turn to a bankruptcy bill to help financial institutions extract additional payments from consumers forced into bankruptcy instead of considering a much needed increase in the minimum wage.

The majority leader has indicated that we will be debated on the proposed constitutional amendment to cut back on the first amendment for the first time in our history to make a symbolic statement against flag burning, because that will be popular. Mr. President, no flags were burned at Columbine High School earlier this week, but children and a teacher died at Columbine High School. That is the reality.

We should start applying ourselves to substance and not symbols in the Senate. Let the reality get past the rhetoric. We all need to redouble our efforts to find ways to help parents and State and local authorities on matters of school safety. We need to redouble our efforts to help local law enforcement keep our streets safe. After 3 years in which we have missed opportunity after opportunity to cooperate in a bipartisan way on these matters, it is long past time to put partisanship aside and work together with the administration to make progress in prevention and security that remains so desperately needed.

We are all Americans in this—not Republicans and Democrats. Let's set partisanship aside for a change. How many Senators, as parents, worry when our children go to school? How many of the staff and the visitors in our galleries have children who go to school and now are terrified and worried and are almost afraid to hear the phone ring?

We all know the Federal Government and Federal law cannot solve the problem of school violence or local crime, but we should at least help or make help available. I know the Federal Government has been providing assistance in Littleton; victims services and counselors are being provided. I am proud of the efforts that have been made by the Office for Victims of Crime in coordination with States and local assistance providers. A special reserve fund from my 1996 amendment to the Victims of Crime Act is available to help. These are concrete initiatives, not symbolic things.

I want to praise President Clinton for having convened the October 1998 White House Conference on School Safety, and those people, Republicans and Democrats alike, who joined with him. We are working with him to provide additional community police and school resource officers across the country. In addition, the Attorney General, the Secretary of Education, and the Surgeon General are all working on additional initiatives.

Over the last several years, I have sponsored legislation in this area with Senator BIDEN, Senator KENNEDY, Senator DASCHLE, Senator BINGAMAN and a number of others. A lot of that legislation has never even been considered in our committee, although we were able to incorporate pieces of it in measures that have been enacted. We reintroduced, again, on the first legislative day of the session one of the Democratic priorities, S. 9, the Safe Schools, Safe Streets, and Secure Borders Act of 1999, which builds on the successful programs we implemented in the 1994 crime law, but also addresses emerging crime problems.

It is a comprehensive and realistic bill. We tried to avoid the easy rhetoric about crime that some have to offer in this crucial area. Instead, we put in legislation that might make a difference. The Safe Schools, Safe Streets, and Secure Borders Act targets violent crime in our schools, it reforms the juvenile justice system, combats gang violence, cracks down on the sale and use of illegal drugs, enhances the rights of crime victims, and provides meaningful assistance to law enforcement officers.

Title I deals with proposals for combating violence in the schools and punishing juvenile crime. It gives technical assistance to the schools, reforms the juvenile justice system, and assists States for prosecuting juvenile offenders, but it also protects children from violence, including violence from the misuse of guns.

It includes Senator BINGAMAN's proposal for a School Security Technology Center, an inventive proposal building upon expertise from the Sandia National Labs. There are a lot of very real things in it.

It is short on rhetoric. It is strong on reality. This is a law that could work. It could be done without federalizing juvenile offenses. It follows what many from the Chief Justice on through have said is important.

Our bill contains important initiatives to protect children from violence, including violence resulting from the misuse of guns. Americans want concrete proposals to reduce the risk of such incidents recurring. At the same time, we must preserve adults' rights to use guns for legitimate purposes, such as home protection, hunting and for sport. The bill imposes a prospective gun ban for juveniles convicted or adjudicated delinquent for violent crimes. It also require revocation of a firearms dealer's license for failing to have secure gun storage or safety devices available for sale with firearms. The bill enhances the penalty for the violation of certain firearm laws involving juveniles. In addition, the bill authorizes competitive grant programs for the establishment of juvenile gun courts and youth violence courts.

The bill would also make important reforms to the federal juvenile system, without federalizing run-of-the-mill juvenile offenses or ignoring the traditional prerogative of the States to handle the bulk of juvenile crime. One of the significant flaws in the Republican juvenile crime bills last year was that it would have—in the words of Chief Justice Rehnquist—''eviscerate[d] this traditional deference to state prosecutions, thereby increasing substantially the potential workload of the federal judiciary.'' The Chief Justice has repeatedly raised concerns about ''federalizing'' more crimes. The Democratic proposals for reform of the Federal juvenile justice system heed this sound advice and respect our Federal system.

Our bill authorizes grants to the States for incarcerating violent and chronic juvenile offenders (with each qualifying State getting at least one percent of available funds), and provides graduated sanctions, reimburses States for the cost of incarcerating juvenile alien offenders, and establishes a pilot program to replicate successful juvenile crime reduction strategies.

Also directly relevant is Title IV of the bill, which includes a number of

prevention programs that are critical to further reducing juvenile crime. These programs include grants to youth organizations and ''Say No to Drugs'' Community Centers, as well as reauthorization of the Runaway and Homeless Youth Act, Anti-Drug Abuse Programs and Local Delinquency Prevention Programs. Additional sections include a program to establish a competitive grant program to reduce truancy, with priority given to efforts to replicate successful programs.

The bill would also reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA) in a similar fashion to H.R. 1818, a bill passed by the House with strong bipartisan support in the last Congress. This section creates a new juvenile justice block grant program and retains the four core protections for youth in the juvenile justice system, while adopting greater flexibility for rural areas.

Last year, the Senate Republicans tried to gut these core protections in their juvenile crime bill, S. 10. This Democratic crime bill puts ideology aside, and follows the advice of numerous child advocacy experts—including the Children's Defense Fund, National Collaboration for Youth, Youth Law Center and National Network for Youth—who believe these key protections must be preserved in order to protect juveniles who have been arrested or detained. These core protections ensure that juveniles are not housed with adults, do not have verbal or physical contact with adult inmates, and any disproportionate confinement of minority youth is addressed by the States. If these protections are abolished, many more youth may end up committing suicide or being released with serious physical or emotional scars.

I previously described the other titles, programs and initiatives of the Safe Schools, Safe Streets, and Secure Borders Act when we introduced it. It is a comprehensive and realistic set of proposals for keeping our schools safe, our streets safe, our citizens safe when they go abroad, and our borders secure. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 106th Congress and to working with the Administration, with the Department of Justice and with the Department of Education to do what we can to be helpful in the continuing school safety crisis.

Why I am here today is to join with the Democratic leader in his call for a ''thoughtful discussion about how to shape a comprehensive national response to the problem of violence in our schools and in our communities.'' I commend him for including the Safe Schools, Safe Streets, and Secure Borders Act on the priority list that he sent to the majority leader on Monday.

From a personal observation, I recall one time when my children were young, they were in grade school, and I was a prosecutor. Without going into all of the details, a very credible threat was made against me and my family. In fact, one that, had the person been able to carry it out before being apprehended, all of us would have died. I recall during that time, when the police were coming to me and saying, we will set up this cordon of armed police officers around you, my only concern, and the natural concern of any parent, was for my children; I recall even today the terror I felt in my heart and soul.

I remember today, almost 30 years later, how I felt until I knew they were safe. They were young children. They saw the police officers coming to school to pick them up and for them it was a lark, they were getting out of school early. For their mother and me, it was a matter of some great concern.

Think how parents around this country feel today when they kiss their children goodbye in the morning, and virtually all of them will come back safely, but every parent has to have in his or her soul the thought, what if they don't come back? How does a parent live through this? How do the other students ever go back to a school where this has happened? What about our young people themselves, when they read about this or see this and wonder are they next?

There are two areas of great violence in the world today. One we see unfolding in the former Yugoslavia, where the United States and our NATO allies are trying to stop a person who is exercising war crimes that we have not seen in that part of the world since the time of Hitler. We see the people who are suffering there. Yet some respond by seeing who can get out the best sound.

Then we see this in Mississippi, Kentucky, Arkansas, Pennsylvania, Tennessee, Oregon and Colorado—enough variety of States to tell every one of us that our own State and our own community is not immune.

We are still tempted to dwell on symbols. Symbols do not stop this; substance does. It is not symbolic to set up programs that we know will work, that will allow teachers and parents and police and others to work with students to stop something from happening. That is the key. It is not to respond afterward—and we will respond. We are sending out counselors and investigators and everybody else to Colorado now. How much better, though, if we could respond before it happens.

So I ask Senators when they go home this weekend, pause and think: Do we help solve the problems of Littleton, CO, or the problems of Kosovo, or the problems that face our great Nation, by continuing heavy, destructive, unnecessarily partisan actions in the Senate and in the other body? Or do we come back together, as we have so many times in the past, Republicans and Democrats alike, admit the United States faces many crises and that we solve them only by working together, not in seeking short-term political gain?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

GUN CONTROL

Mr. SCHUMER. Mr. President, first let me commend the Senator from Vermont for his remarks. As always, they are considered and thoughtful and right to the point. His career and legislation has been just the same way. I consider myself, as always, privileged to be here to listen to his remarks. I thank the Senator. I also thank the Senator from Maine for her courtesy, allowing me to make these brief remarks before she makes hers.

Mr. President, as we remain transfixed and horrified by the images of Littleton, as we listen to the stories of the survivors and hear the sobs of the families of the victims, we can feel that America is looking to Congress to do something to keep lethal weapons out of the hands of kids. This morning I watched television as did millions of Americans. My eyes filled with tears, listening to the families of the students talk about their ideal, and to hear them ask what can be done. Since time began, there have been troubled teenagers. We have always sought to help them through their families, through spiritual leadership, through schools. That is nothing new. But what is new today is that it is far too easy for a disturbed young person to get his hands on a gun or a bomb and channel his anger into carnage.

Mr. President, 25 years ago all an angry, troubled teenager had was his fists. Scores of students were not killed when that troubled boy vented his rage. Today we live in a different world. It is no coincidence that the tragedies that we have heard and read about throughout the last year did not occur 10, 15, and 20 years ago with this kind of horror, with this kind of frequency.

In Littleton, we do not know how these two teenagers managed to get their guns. We don't know if they took the guns from their parents or stole them from a neighbor. We don't know if they bought them at a gun show or if they bought their guns off the Internet, although certainly they were immersed in a computer fantasy world, and there are dozens of web sites that offer guns to anyone, anywhere, no questions asked.

We know that gun control alone is not the only solution. We need better counseling in the schools. We have to be more vigilant at identifying and condemning hate groups in schools. But, my colleagues, let us not kid ourselves. It is not possible to confront the

epidemic of violence in our schools without dealing with guns.

Yesterday there was a shift in the gun debate that I have never seen before in my career in Congress, and it gives me a glimmer of hope that maybe we can do something to make schools safer. Yesterday, pro-gun lawmakers of Colorado, Florida, and Illinois each withdrew their legislation which would have made it easier for people in those States to buy and/or carry firearms.

They did it because of Littleton. They did it because they know that the easy availability of guns is part of the problem. They put a stop to their own legislation.

Yesterday, the National Rifle Association scaled back its annual convention, which is to be held in 2 weeks. It will not admit it, but the NRA did it because of Littleton. It will not admit that it is simple common sense that rational gun control equals fewer Littletons, but in its collective heart, the NRA knows that that is true.

So in a small but significant way, the NRA has changed. Now we have to change. Congress has to wake up. America's mothers and fathers are looking to us. To my Democratic and Republican colleagues, many of whom have traditionally opposed gun restrictions, we can pass reasonable, targeted, measured laws that make guns safer and keep them away from kids but still respect people's right to bear arms.

I would like to mention several of these modest measures, measures that will make a great deal of difference and have little or no impact on the people in your State who hunt, who target shoot, who own guns for sport, collection, or protection.

We should pass the parts of either the Kennedy or the Durbin legislation which require adults to safely store their handguns and rifles in their homes. Nearly every day, some kid takes their parent's gun and does something horrible with it. Why? Because half the families who own guns do not lock them away or leave the gun unloaded. We can change that, and we should change that. No one will be harmed, and no one will be inconvenienced.

We have to ban the unlicensed sale of guns on the Internet. It is numbing what a kid can buy simply by going on line and searching gun web sites—handguns, semiautomatic weapons, ammunition feeders; everything is available with no questions asked. This morning, a parent came up to me and said he asked his son how kids get guns. His son answered, without a blink of the eye: ''On the Internet.''

I have a bill which will stop that. It will have no effect on law-abiding gun owners or licensed gun dealers. Ask yourself: Who needs to buy a gun with no questions asked? The answer is only two groups—kids and criminals. Let's pass this bill.

We should also bring public and private dollars together to develop smart guns. These are guns which contain a device that permits only the owner to fire the weapon. Imagine a gun that is useless when it is stolen, taken without authorization, or sold on the black market. It can be done. The technology is available. I will talk more in the next week about ways we can bring gun makers and the military together to develop a gun that is safe. This could transform the gun industry and make us all rest easier.

Finally, and in the meantime, let's make a strong, secure trigger-lock requirement on all guns. Every car has a seat belt; every gun should have a lock.

Mr. President, each of these measures will make schools, homes, and neighborhoods safer without denying a single law-abiding citizen the right to buy the gun of their choice. How can anyone oppose that?

In conclusion, every time we tune in and see another group of innocent children fleeing from school, we pray that it will be the last time. We can help make our prayers come true. America is waiting for us to do what is right and necessary to keep guns out of the hands of kids. Let's not let them down.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 870 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

MTBE IMPORTS AFFECT U.S. ENERGY SECURITY

Mr. DASCHLE. Mr. President, we are approaching the tenth anniversary of the birth of the reformulated gasoline (RFG) program. This initiative, enacted in 1990 as part of the Clean Air Act Amendments, established strict fuel quality standards for the nation's most polluted cities in order to reduce air pollution. It includes a minimum oxygen content requirement, which was intended to provide an opportunity for America to reduce its dependence on foreign oil through the use of domestically produced ethanol and MTBE.

Reformulated gasoline was introduced in the American marketplace in 1995. Today it accounts for approximately one-third of all gasoline sold in this country.

Congress had several objectives in establishing the RFG program: (1) to substantially reduce harmful air pollutants caused by fuel-related emissions, especially ground level ozone and air toxics; (2) to reduce imports of crude oil and petroleum products, especially those from unstable regions like the Middle East; and (3) to stimulate investment in domestic ethanol and ether plants, thus creating jobs and adding value to grains and other domestic raw materials.

The first objective has been not only met, it has been exceeded. In fact, EPA Administrator Carol Browner has called the RFG program ''the most successful air pollution reduction program since the phase-out of lead in gasoline.'' The other two objectives also have been met, though not to the extent that many of us had hoped.

A major impediment to full realization of the potential of the RFG program has been the importation of massive volumes of MTBE, much of it subsidized by the Saudi Arabian government, into the United States. Domestic ethanol and MTBE producers have been harmed, and American plants have not been built, largely due to the influx of subsidized product from offshore that makes potential investors unwilling to commit capital to U.S. ethanol and ether plants.

The winners in this situation are the Saudi government and a few multi-national corporations. The losers are U.S. corn farmers, butane suppliers and plant workers as well as American consumers who remain potential hostages to foreign energy suppliers.

Mr. President, the benefits of the RFG program have been substantial. However, as we prepare to enter Phase II of the program, it is incumbent upon policymakers to reflect upon whether it is achieving its potential in terms of air quality improvements and oil import reductions.

It seems clear that the answer to the first question is ''yes.'' RFG is generating substantial air quality benefits and even exceeding the predictions that many had made when the original rules were written.

The answer to the second question, however, is a resounding ''no.'' Imports of Saudi Arabian MTBE are growing, and the exclusionary effect of unfairly traded MTBE imports on ethanol usage in key markets such as California has become increasingly problematic.

On April 1, 1999, the International Trade Commission (ITC) held a public hearing on its Investigation No. 332–404, concerning MTBE imports and their impact on the domestic oxygenate industry. This inquiry is timely and important. It will cut through the rhetoric, provide policymakers with a clear picture of the nature and effect of MTBE imports on domestic production and U.S. energy security, and set a factual foundation for discussion of what, if anything, should be done about this situation.

With those objectives in mind, I commend to my colleagues attention the testimony presented before the ITC by Bob Dinneen, Legislative Director of the Renewable Fuels Association, and Todd Sneller, Executive Director of the Nebraska Ethanol Board, that underscores the damage that has been done

by unfairly traded MTBE imports. Mr. Dinneen and Mr. Sneller present cogent analyses of the impact that increasing volumes of heavily subsidized MTBE are having on the domestic oxygenates industry. Their testimony should be a warning to us all.

I ask unanimous consent that the testimony of Mr. Dinneen and Mr. Sneller be printed in the RECORD.

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

TESTIMONY OF BOB DINNEEN, LEGISLATIVE DIRECTOR, RENEWABLE FUELS ASSOCIATION

Mr. Chairman and members of the Commission, on behalf of the members of the Renewable Fuels Association, the national trade association for the domestic ethanol industry, I want to thank you for the opportunity to provide comments today on the Commission's investigation of MTBE. Ethanol and MTBE are competitive additives to gasoline that increase octane and oxygen to fuels, resulting in dramatically reduced emissions. As such, the domestic ethanol industry is directly and negatively impacted by the importation of subsidized MTBE, and we commend the Commission's decision to investigate this issue.

Ethanol is a renewable fuel produced from corn and other agricultural feedstocks. Today, ethanol is the third largest user of corn, behind only feed and export markets. Virtually all ethanol consumed in the U.S. is produced domestically. Last year, the U.S. ethanol industry processed approximately 560 million bushels of grain into 1.4 billion gallons of fuel ethanol at 53 plants located in 20 states. A report completed for the Midwestern Governors' Conference, The Economic Impact of the Demand for Ethanol, concludes that the ethanol industry: increases net farm income more than $4.5 billion; boosts total employment by 195,000 jobs; improves the balance of trade over $2 billion; adds over $450 million to state tax receipts; and results in a net savings to the Federal budget of more than $3.5 billion.

Background: Since the twin oil supply shortages and price shocks of the 1970's, promoting increased energy security has been a national priority. Toward that end, beginning with the National Energy Security Act of 1979, the Congress has worked to stimulate the production and use of domestically-produced alternative fuels. As noted by the U.S. Senate Committee on Energy and Natural Resources:

''Increased dependence on oil imports means, inevitably, increased dependence on the nations of the Persian Gulf. The potential for economic disruption and war in the event of interruptions in Persian Gulf supplies will increase...

''If the projected United States dependence on Persian Gulf oil materializes, not only will the probability of economic disruption and war increase, but policies available to the United States to deal with political turmoil in the world, including the Mideast, will be affected.''—S. Rep. No. 72, 102nd Cong., 1st Sess. at p. 204.

In 1990, the Congress extended its commitment to the development of domestic energy resources by passing the Daschle/Dole amendment to the Clean Air Act requiring refiners to add certain levels of oxygen to new reformulated gasolines. A critical rationale for the oxygen requirement was the energy security benefits attributable to the increased use of ethanol and other domestically-produced oxygenates. At the time, more than 400,000 troops were stationed in the Persian Gulf, in large part to protect the free flow of oil from the Mideast. The U.S. Environmental Protection Agency estimated the oxygen requirements of the Clean Air Act would reduce energy imports by 500,000 to 800,000 barrels per day. Consider these statements by proponents of the RFG program:

''I support this amendment because it will reduce the toxic aromatics currently used to boost octane in gasoline; it will reduce ozone-forming automobile emissions; it will begin to reduce our dependence on imported oil; and it will enhance rural and farm economies. [136 Cong. Rec. S3522 (Statement of Senator Kent Conrad)(daily ed. March 29, 1990)]

''The second thing we ought to recognize is this is the only part of the bill that helps our extraordinary dependence on imported oil.'' [136 Cong. Rec. S3519 (Statement of Senator Tim Wirth)(daily ed. March 29, 1990)]

But the promise of increased market opportunities for ethanol in the RFG program has been undermined by the unanticipated and rising levels, of MTBE imports. EPA data shows that despite the intention that ethanol market opportunities be significantly expanded in RFG, ethanol has actually garnered just 12% of the RFG market, primarily in Chicago and Milwaukee. In coastal RFG markets where MTBE is readily imported, ethanol has virtually no market penetration.

At the same time, the RFG program has proven a boon to imported MTBE. MTBE imports have risen from just 30 million gallons in 1990 to more than 1.4 billion gallons in 1998. Moreover, the majority of MTBE imports are from Saudi Arabia and other OPEC countries. In 1997, 70% of U.S. imports of MTBE came from Saudi Arabia and other OPEC countries. Imports now represent a third of U.S. MTBE consumption, and is roughly equal to U.S. merchant production.

To respond to these alarming levels of MTBE imports, particularly from Saudi Arabia Senate Democratic Leader Tom Daschle (SD) has introduced legislation that would require the Commerce Department to investigate, under Section 702 of the Tariff Act of 1930, whether Saudi Arabia has provided unfair subsidies to its exporters of MTBE, giving them an unfair market advantage in the U.S. oxygenate market. If it is determined to be so, S. 2391 would impose an import fee large enough to offset the subsidiaries. The RFA supporters S. 2391, as MTBE imports have increased U.S. dependence on foreign supplies at the expense of domestic oxygenate producers.

The following is a break-down of 1998 MTBE production and imports:

1998 MTBE PRODUCTION

Source	Production b/d	Annual gals (billion)
Merchant Plants	103,000 b/d	1.5
Captive Plants [1]	102,000 b/d	1.5
Imports	90,000 b/d	1.4
Total	295,000 b/d	4.4

[1] A captive plant refers to MTBE produced at refineries, used by those refineries for octane trimming and is not available for merchant oxygenate or octane markets.

Source: Energy Information Administration.

In the absence of such precipitous MTBE import level, the domestic ethanol industry would have been able to double in size—creating more domestic jobs, providing increased rural economic development and further enhancing our balance of trade.

MTBE DUTY RATES

An important issue for the Commission to consider is the variable duty rates paid on MTBE. There are currently three classifications of the Harmonized Tariff Schedule (HTS) under which MTBE may be imported: as a motor fuel (2710.00.15); as MTBE (2909.19.14); or as a gasoline additive (3811.90.00). Each classification has a different duty rate. Current HTS duty rates for each classification are as follows:

Product	HTS classification	General rate of duty
Motor Fuel (RFG)	2710.00.15	52.5¢/bbl (1,25¢/gal).
MTBE	2909.19.14	5.5% ad valorem (approx. 5¢/gal).
Gasoline Additives	3811.90.00	2.2¢/kg & 10.8% ad valorem (approx. 11.6¢/gal) [1].

[1] Assumes $0.90 cost and .74 kg. weight of MTBE.

It is becoming clear the MTBE is increasingly being imported under the HTS classification for motor fuel. According to the Energy Information Administration, 66,000 b/d of MTBE was imported last year. But an additional 24,000 b/d of MTBE was imported in finished RFG. (Assumes MTBE at 11% by volume to meet federal 2.0 wt.% oxygen requirement in RFG.) This compares to 74,000 b/d as MTBE and 18,000 b/d as RFG in 1997. Thus, the trend is to import more MTBE as finished RFG, and pay the reduced duty. Moreover, according to DeWitt & Company, an MTBE industry trade publication and research group, the actual amount of MTBE imported in finished gasoline could be much higher. That is possible because importers could overblend MTBE for shipment and blend down to meet U.S. RFG oxygen specifications at the gasoline terminal. It is, in effect, a means of circumventing the duty on MTBE. It should be stopped.

MTBE IMPORTS

Year	MTBE	MTBE in RFG (assumes 11% by volume)	Total
1997	74,000 b/d	18,000 b/d +	92,000 b/d +
1998	66,000 b/d +	24,000 b/d +	90,000 b/d +

Thus, under current law refiners importing MTBE in RFG are short-changing the Treasury at least $16.5 million annually (24,000 x $0.90 x .05 x 42 [42 gallons/barrel] x 365) by importing MTBE under the motor fuel classification.

OXYGENATE TYPE ANALYSIS 1997 RFG SURVEY DATA

Area	Percent of samples with majority of oxygen from [1]				
	MTBE	Ethanol	ETBE	TAME	Combo/ other [2]
Atlantic City, NJ	97.47	1.27	0.00	1.27	0.00
Baltimore, MD	98.94	0.00	0.00	1.06	0.00
Boston-Worcester, MA	95.93	1.74	0.00	2.33	0.00
Chicago-Lake Co., IL, Gary, IN	5.84	94.16	0.00	0.00	0.00
Dallas-Fort Worth, TX	100.00	0.00	0.00	0.00	0.00
Hartford, CT	98.44	1.56	0.00	0.00	0.00
Houston-Galveston, TX	92.73	0.00	0.00	6.57	0.69

OXYGENATE TYPE ANALYSIS 1997 RFG SURVEY DATA—Continued

Area	Percent of samples with majority of oxygen from [1]				
	MTBE	Ethanol	ETBE	TAME	Combo/other [2]
Los Angeles, CA	100.00	0.00	0.00	0.00	0.00
Louisville, KY	74.75	25.25	0.00	0.00	0.00
Manchester, NH	100.00	0.00	0.00	0.00	0.00
Milwaukee-Racine, WI	4.60	95.40	0.00	0.00	0.00
NY-NJ-Long Is.-CT	98.93	1.07	0.00	0.00	0.00
Norfolk-Virginia Beach, VA	100.00	0.00	0.00	0.00	0.00
Phila.-Wilm, DE-Trenton, NJ	98.69	0.65	0.00	0.98	0.00
Phoenix, AZ	49.18	50.82	0.00	0.00	0.00
Portland, ME	100.00	0.00	0.00	0.00	0.00
Poughkeepsie, NY	97.76	2.24	0.00	0.00	0.00
Rhode Island	98.82	1.18	0.00	0.00	0.00
Richmond, VA	100.00	0.00	0.00	0.00	0.00
Sacramento, CA	100.00	0.00	0.00	0.00	0.00
San Diego, CA	100.00	0.00	0.00	0.00	0.00
Springfield-MA	98.20	1.80	0.00	0.00	0.00
Washington, D.C. area	98.07	0.00	0.00	1.54	0.39

[1] RFG Survey samples taken at retail gasoline stations. Categorization based on the oxygenate providing more than 50% by weight of total oxygen in a sample.

[2] The "Other" category is composed of samples containing combinations of oxygenates with no single oxygenate providing more than 50% of total oxygen.

COMMENTS SUBMITTED BY: TODD C. SNELLER, ADMINISTRATOR, NEBRASKA ETHANOL BOARD

BACKGROUND

The Nebraska Ethanol Board is a state agency established in 1971 by Nebraska statute. The board is directed to assist the private sector in establishing ethanol production facilities; promote air quality improvement programs; establish marketing procedures for ethanol based fuels; and sponsor research related to the use of ethanol fuels.

In 1988 the board entered into an agreement for research and development of ethanol based ethers and fuels containing combinations of alcohol/ether mixtures. Partnership in this effort was with American Eagle Fuels (AEF), a private corporation. The board and AEF expended more than $2 million to develop a small commercial scale facility capable of producing ethyl tertiary butyl ether (ETBE). ETBE was produced at the facility near Lincoln, Nebraska and small quantities of the product were sold in Japan, Europe and the United States for experimental purposes. At the same time, the board engaged in an extensive cooperative testing program with Sun Refining Company and other parties to examine the properties of ethanol/ether combinations. This work was intended to form the basis for an application to the U.S. EPA that would seek approval for higher concentrations of ethanol/ether mixtures to be blended in gasoline for commercial sale.

The board's investment in research and development of ETBE was based on the expectation that ethanol and ETBE would play a significant role in oxygenated and reformulated fuel programs required under the Clean Air Act Amendments of 1990. Discussions during debate on CAA amendments, and recorded floor debate in the Senate, clearly reflect the expectation that ethanol and ETBE use would increase significantly as a result of the oxygenate requirements included among the 1990 amendments to the Act.

IMPACT OF MTBE

Despite expectations that ethanol and ETBE would capture a significant share of the oxygenated fuel market, experience in the marketplace differed significantly from early expectations. In one of the first oxygenated fuel markets, the Colorado Front Range, the oxygenate most often used at the outset of the Colorado program was MTBE. In the initial years of the program, MTBE use constituted as much as 95% of the oxygenated fuel sold during the carbon monoxide abatement program. This occurred despite the fact that ethanol could easily be transported by rail and truck from Nebraska and other locations at rates competitive with gasoline. In other oxygenated fuel program areas in the Midwest, such as Milwaukee, MTBE quickly captured the market for oxygenated gasoline despite the proximity of such areas to large ethanol production facilities. In oxygenated fuel program areas outside the Midwest, the aggressive marketing of low priced MTBE allowed virtual market control. Price was clearly a key and MTBE was available at rates equal to or below the cost of gasoline.

The experience in reformulated gasoline market areas was similar to the carbon monoxide abatement program. A review of U.S. EPA market surveys of RFG areas for 1995–97 clearly illustrates the trend toward MTBE. Early surveys show modest use of ethanol in a few metropolitan areas and nominal use of ETBE in fewer areas. However, the data show a clear trend toward MTBE use following he first year of the federal RFG program. The trend generally continues, with few exceptions, in 1999.

The technical attributes of ETBE are well documented. Compared to MTBE, ETBE is superior in virtually all areas except price. ETBE, in the opinion of many refiners and auto makers, is the perfect oxygenate because "it acts like gasoline". Octane and distillation properties, low vapor pressure characteristics, and ability to reduce aromatic and sulfur levels while maintaining other performance qualities of gasoline make ETBE an excellent component for cleaner burning gasoline. However, economics in the highly competitive world of petroleum refining and marketing is the key criteria in most oxygenate purchasing transactions. MTBE has a distinct advantage in pricing due, in large part, to the low cost of methanol.

Methanol and MTBE are global commodities and as such respond to pricing strategies of the largest producers of these products. The public announcement of King Fahd's 1992 royal decree was clearly a confirmation that a significant incentive was being instituted in the pricing of methanol and related components of MTBE. This incentive has been calculated to provide raw material price discounts at levels thirty per cent below world prices. The impact of this decree has been apparent over the past seven years. MTBE production from Saudi Arabian plants has increased rapidly and steadily, to nearly 100,000 barrels per day according to published reports. That volume constitutes nearly half of total U.S. MTBE demand. Due to this low cost, made possible by the Saudi Arabian subsidy, a significant volume of the MTBE used in the U.S. today is imported directly or indirectly from plants in Saudi Arabia. As a result, ETBE cannot possibly be competitive with this product on a cost basis, despite the obvious technical advantages of ETBE. In addition, domestic MTBE producers are keenly aware of this pricing differential and the adverse impact it has on domestic supply and price.

CONCLUSION

The result of the Saudi Arabian subsidy is clear. Domestic ethanol and MTBE producers are disadvantaged and oxygenates from domestic production facilities are often displaced by low cost MTBE imports from Saudi Arabia. The intent of Congress has been thwarted by imported MTBE use in the oxygenate programs which were intended to stimulate a domestic industry. U.S. grain producers who were told of the predictions for increased corn and grain sorghum use via ethanol and ETBE plants have not seen that domestic market materialize in the substantial way predicted in 1990. The U.S. balance of trade, already reeling from a high level of imported petroleum products, is further exacerbated by increased imports of MTBE from off shore plants. Oxygenate pricing, pegged to the lower cost MTBE imports from Saudi Arabia, reduces revenue and return on investment of domestic oxygenate producers, thereby discouraging investment in new or expanded plants in the United States. As a result, the oxygenated fuel provisions of the Clean Air Act are not generating domestic economic benefits to the extent possible. The mechanism generating these adverse impacts, instituted following the 1992 royal decree, must be removed or offset to protect domestic economic interests.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 21, 1999, the federal debt stood at $5,630,289,872,162.63 (Five trillion, six hundred thirty billion, two hundred eighty-nine million, eight hundred seventy-two thousand, one hundred sixty-two dollars and sixty-three cents).

One year ago, April 21, 1998, the federal debt stood at $5,518,978,000,000 (Five trillion, five hundred eighteen billion, nine hundred seventy-eight million).

Five years ago, April 21, 1994, the federal debt stood at $4,555,161,000,000 (Four trillion, five hundred fifty-five billion, one hundred sixty-one million).

Ten years ago, April 21, 1989, the federal debt stood at $2,754,358,000,000 (Two trillion, seven hundred fifty-four billion, three hundred fifty-eight million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,875,931,872,162.63 (Two trillion, eight hundred seventy-five billion, nine hundred thirty-one million, eight hundred seventy-two thousand, one hundred sixty-two dollars and sixty-three cents) during the past 10 years.

COMMEMORATION OF THE ARMENIAN GENOCIDE

Mr. REED. Mr. President, I rise to commemorate the 84th anniversary of the Armenian Genocide.

This weekend, members of Armenian communities around the world will gather together to remember the spring morning of April 24, 1915, when the Ottoman Empire and the successor Turkish nationalist regime began a brutal policy of deportation and murder. Over the next eight years, 1.5 million Armenians would be massacred at the hands of the Turks and another 500,000 would have their property confiscated and be driven from their homeland.

Despite having already undergone such terrible persecution and hardship, the people of the Armenian Republic

still suffer today. The peace talks have regrettably made little progress toward the resolution of the Karabagh conflict. Turkey continues to blockade humanitarian aid to Armenia.

However, the Armenian people look hopefully to the future. Their quest for peace and democracy continues to inspire people around the world. On May 30th, Armenia will again hold democratic elections. Armenians who have emigrated to other countries, especially those in my home state of Rhode Island, bring their traditions with them. They enrich the culture and contribute much to the society of their new homelands.

Although each year's commemoration of the Armenian genocide is important, I believe this year's observance is particularly significant—because of the crisis in Kosovo. Each night the television shows images of hundreds of thousands of refugees forced from their homes and each morning the paper is filled with stories of innocent civilians robbed and killed. These stories and images are heartwrenching—but the people of Kosovo have not been abandoned. The nineteen nations of NATO are united in their resolve that another genocide will not be tolerated.

One of the reasons the world could not stand idly by watching events unfold in the Balkans is because of commemorations like the observance of the Armenian Genocide. We must stand as witnesses to protect those who are persecuted because they are different. We must remain vigilant as long as hate and intolerance exist in our world.

Menk panav chenk mornar. Thank you, Mr. President.

Mrs. BOXER. Mr. President, each year on April 24 many of us in Congress pause to remember the tragedy of the Armenian Genocide. On that date in 1915, more than 200 Armenian religious, political and intellectual leaders were arrested in Constantinople—now Istanbul—and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire. This brutal campaign would result in the massacre of a million and a half Armenian men, women and children.

Thousands of Armenians were subjected to torture, deportation, slavery and murder. More than 500,000 were removed from their homes and sent on forced death marches through the deserts of Syria. This dark time is among the saddest chapters in the history of man.

But Armenians are strong people and their dream of freedom did not die. More than seventy years after the genocide, the new Republic of Armenia was born as the Soviet Union crumbled. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet, independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter. There are those who have failed to recognize its very existence. We must not allow the horror of the Armenian genocide to be either diminished or denied.

Genocide is the worst of all crimes against humanity. As indications of genocide arise in Kosovo, it is especially important to remember those who lost their lives in the first genocide of this century. We must never forget the victims of the Armenian Genocide.

HONORING CARL LINDNER

Mr. DEWINE. Mr. President, I rise today to salute a truly great American on the occasion of his eightieth birthday. Carl Lindner is an important figure in the history of American business—he is also a good man and a dear friend.

The Carl Lindner story is a genuine, old-fashioned American success story. He came from a modest background. He started out delivering milk—and ended up owning an ice cream company. And many other companies besides!

He was born in Dayton, Ohio, on April 22, 1919. He grew up in the small town of Norwood, in Hamilton County. And he brought the values he learned there to the creation of a huge business empire—United Dairy Farmers, American Financial Corporation, Chiquita Brands, Penn Central Corporation, Great American Communications Company.

And throughout all of this, Carl Lindner remains today a kind, unassuming family man—with the values of a businessman beloved by his friends in a small town. A man who cares about others—and about the welfare of his whole community.

It has been said that just about everybody who grows up in southwest Ohio spends at least some time working for one of Carl Lindner's companies. He is certainly one of the key employers in the entire Tristate area, if not the country.

But he doesn't just help people by employing them. He is also one of the most generous philanthropists in America. He is a quiet man with a heart of gold—and he works tirelessly to improve the health and education of the people of Ohio, our nation, and the whole world.

Mr. President, America gave Carl Lindner the opportunity to work hard and achieve a great deal. And he has given a lot back to this country. His most important contribution—is his example. He proves that the most important thing in a man's life is not how much money he makes, but what he does for people.

He is not a man who clamors for attention; this week, he is in the headlines because of his purchase of the Cincinnati Reds. But the real Carl Lindner—the one I know—is a man whose most important priority is helping people.

To Carl Lindner, on his eightieth birthday, the people of Ohio say congratulations, and a deep and heartfelt thank you from all of us whose lives you have touched!

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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

ENROLLED BILL SIGNED

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve quality of coastal recreation waters, and for other purposes.

H.R. 1184. An act to authorize appropriations for carrying out the Earthquake hazards Reductions Act of 1977 for fiscal years 2000 and 2001, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. YOUNG of Florida, Mr. REGULA, Mr. LEWIS of California, Mr. PORTER, Mr. ROGERS, Mr. SKEEN, Mr. WOLF, Mr. KOLBE, Mr. PACKARD, Mr. CALLAHAN, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. OBEY, Mr. MURTHA, Mr. DICKS, Mr. SABO, Mr. HOYER, Mr. MOLLOAHN, Ms. KAPTUR, Ms. PELOSI, Mr. SERRANO, AND Mr. PASTOR as the managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 999. An act to amend the Federal Water Pollution Control Act to improve quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1184. An act to authorize appropriations for carrying out the Earthquake Hazards Reductions Act of 1977 for fiscal years 2000 and 2001, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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–2672. A communication from the Director, Torts Branch, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Radiation Exposure Compensation Act: Evidentiary Requirements; Definitions, and Number of Times Claims May Be Filed'' (RIN 1105–AA49), received on April 15, 1999, to the Committee on the Judiciary.

EC–2673. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a detailed boundary map for a 39-mile segment of the Missouri National Recreation River; to the Committee on Energy and Natural Resources.

EC–2674. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation entitled ''The Comprehensive Electricity Competition Act''; to the Committee on Energy and Natural Resources.

EC–2675. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a notice of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–2676. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the report under the Foreign Agents Registration Act for the period January 1, 1998 through June 30, 1998; to the Committee on Foreign Affairs.

EC–2677. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the annex on domestic preparedness to the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2678. A communication from the Under Secretary, Policy, Department of Defense, transmitting, pursuant to law, a report relative to actions taken to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction; to the Committee on Armed Services.

EC–2679. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on government-wide spending to combat terrorism; to the Committee on Armed Services.

EC–2680. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the financial report of the United States government for fiscal year 1998; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

S. 858. A bill to designate the Federal building and United States courthouse located at 18 Greenville Street in Newman, Georgia, as the ''Lewis R. Morgan Federal Building and United States Courthouse''; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 869. A bill for the relief of Mina Vahedi Notash; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. ROTH, Mr. GRASSLEY, and Mr. BOND):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of Inspecter General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr. ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Res. 82. A resolution expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate; considered and agreed to.

By Mr. THURMOND:

S. Res. 83. A resolution expressing the sense of the Senate regarding the settlement of claims of citizens of Germany regarding

deaths resulting from the accident near Cavalese, Italy, on February 3, 1998, before the settlement of claims with respect to the deaths of members of the United States Air Force resulting from the accident off Namibia on September 13, 1997; to the Committee on Foreign Relations.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD):

S. Con. Res. 29. A concurrent resolution authorizing the use of the Capitol Grounds for concerts to be authorized by the National Symphony Orchestra; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COVERDELL:

S. 857. A bill to amend the Emergency Planning and Community Right-To-Know Act of 1986 to cover Federal facilities; to the Committee on Environment and Public Works.

FEDERAL FACILITIES COMMUNITY RIGHT TO KNOW ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to introduce legislation—the Federal Facilities Community Right-To-Know Act of 1999—which provides that the federal government is held to the same reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 as private entities. In 1986, Congress directed the Environmental Protection Agency (EPA) to establish a national inventory to inform the public about chemicals used and released in their communities. Since enactment of the Emergency Planning and Community Right-To-Know Act, manufactures have been required to keep extensive records on how they use and store hazardous chemicals and report releases of hundreds of hazardous chemicals annually. EPA compiles the reported information into the Toxic Release Inventory (TRI).

The Toxic Release Inventory is a publicly available data base containing specific chemical release and transfer information from manufacturing facilities throughout the United States. The TRI is intended to promote planning for chemical emergencies and to provide information to the public regarding the presence and release of toxic and hazardous chemicals in their communities.

In August 1993, President Clinton signed Executive Order 12856, which required Federal facilities to begin submitting TRI reports beginning in calendar year 1994 activities. I commend President Clinton for taking this action. However, this executive order does not have the force of law and could be changed by a future Administration. The National Governors Association's policy on federal facilities states that ''Congress should ensure that federal and state 'right to know' requirements apply to federal facilities.'' My legislation simply amends the Emergency Planning and Community Right-To-Know Act to cover federal facilities. It is important for the Federal government to protect the environment and its citizens from hazardous substances. People living near federal facilities have the right to know what hazardous substances are being released into the environment by these facilities so they can better protect themselves and their children from these potential threats. It is my strong belief that federal facilities should be treated the same as private entities. My legislation attempts to move us closer towards that goal.

By Mr. JEFFORDS (for himself and Ms. SNOWE):

S. 859. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT OF 1999

Mr. JEFFORDS. Mr. President, I rise today in celebration of Earth Day to introduce the National Beverage Container Reuse and Recycling Act of 1999. I introduce this bill again today because I firmly believe that deposit laws are a common sense, proven method to increase recycling, save energy, create jobs, and decrease the generation of waste and proliferation of landfills. Unfortunately, recycling rates for beverage containers have recently dropped, making this legislation even more important.

The experience of ten states, including Vermont, attest to the success of a deposit law or bottle bill as it is commonly called. The recycling rates in these states for aluminum cans is 80 percent, while the overall national average in 1998 was only 55 percent. Cans recycled in deposit states accounted for half of all cans recycled in the country during this period. Although a national recycling rate of 55 percent may seem significant, every three seconds, 14,000 aluminum cans are discarded as waste.

Such waste is rapidly overflowing landfills, washing up on our beaches, and piling up on our roadways. Our country's solid waste problems are very real, and they will continue to haunt us until we take action. The throw-away ethic that has emerged in this country is not insurmountable, and recycling is part of the solution.

The concept of a national bottle bill is simple: to provide the consumer with an incentive to return the container for reuse of recycling. Consumers pay a nominal cost per bottle or can when purchasing a beverage and are refunded their money when they bring the container back either to a retailer or redemption center. Retailers are paid a fee for their participation in the program, and any unclaimed deposits are used to finance state environmental programs.

Under my proposal, a 10-cent deposit on certain beverage containers would take effect in states which have beverage container recovery rates of less than 70 percent, the minimum recovery rate achieved by existing bottle bill states. Labels showing the deposit value would be affixed to containers, and retailers would receive a 2-cent fee per container for their participation in the program.

This legislation I introduce today is consistent with our nation's solid waste management objectives. A national bottle bill would reduce solid waste and litter, save natural resources and energy, and create a much needed partnership between consumers, industry, and local governments. I urge my colleagues to join these ten states, including Vermont, and support a nationwide bottle deposit law. Because for our children, the health of the planet may be our most enduring legacy.

By Mr. GRAHAM (for himself, Mr. MACK, Mr. HOLLINGS, and Mr. LEVIN):

S. 860. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

IMPORTED PRODUCE LABELING ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today to introduce legislation that would require country of origin labeling of perishable agricultural commodities imported into the United States. I offer the ''Imported Produce Labeling Act'' to ensure that Americans know the origin of every orange, banana, tomato, cucumber, and green pepper on display in the grocery store.

For two decades, Floridians shopping at their local grocery stores have been able to make educated choices about the food products they purchase for their families. In 1979, in my first year as Governor, I proudly signed legislation to make country of origin labels commonplace in produce sections all over Florida. This labeling requirement has proven to be neither complicated nor burdensome for Florida's farmers or retailers.

Country of origin labeling is not new to the American marketplace. For decades, ''Made In'' labels have been as visible as price tags on clothes, toys, television sets, watches, and many other products. It makes little sense that such labels are nowhere to be found in the produce section of grocery stores in the vast majority of states.

The current lack of identifying information on produce means that Americans who wish to heed government health warnings about foreign products or who have justifiable concerns about

other nations' labor, environmental, and agricultural standards are powerless to choose other perishables. In fact, according to nationwide surveys, between 74 and 83 percent of consumers favor mandatory country of origin labeling for fresh produce.

This is a low-cost, common sense method of informing consumers, as retailers will simply be asked to provide this information by means of a label, stamp, or placard. Implementation of this practice in Florida resulted in an estimated cost of only $10 monthly per grocery store, a remarkably small price to pay to provide American consumers with the information they need to make informed produce purchases.

In addition, a study by the U.S. Department of Agriculture found that twenty-six of our key trading partners require country of origin labeling for fresh fruits and vegetables. By adopting this amendment, our law will become more consistent with the laws of our global trading partners.

Consumers have the right to know basic information about the fruits and vegetables that they bring home to their families. Congress can take a major step toward achieving this simple goal by passing the ''Imported Produce Labeling Act,'' thereby restoring American shoppers' ability to make an informed decision.

By Mr. DURBIN (for himself, Mr. FEINGOLD, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. TORRICELLI, Mr. KERRY, Mr. REED, Mrs. BOXER, Mr. HARKIN, Mr. SCHUMER, and Mr. WELLSTONE):

S. 861. A bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

AMERICA'S RED ROCK WILDERNESS ACT

Mr. DURBIN. Mr. President, today I am introducing America's Red Rock Wilderness Act to protect an important part of our nation's natural heritage. America's Red Rock Wilderness Act designates 9.1 million acres of public land in Utah as wilderness.

Passage of America's Red Rock Wilderness Act is essential to protect a national treasure for future generations of Americans. It provides wilderness protection for magnificent canyons, red rock cliffs and rock formations unlike any on earth. The lands included in this legislation contain steep slick rock canyons, high cliffs offering spectacular vistas of rare rock formations, desert lands, important archeological sites, and habitat for rare plant and animal species.

The areas designated for wilderness protection in America's Red Rock Wilderness Act are based on a detailed inventory of lands managed by the Bureau of Land Management conducted by volunteers from the Utah Wilderness Coalition. Between 1996 and 1998, UWC volunteers and staff surveyed thousands of square miles of BLM land, taking over 50,000 photos and compiling documentation to ensure that these areas meet federal wilderness criteria.

As a result of this inventory, an additional 3.4 million acres not included in earlier Utah wilderness bills have been added to the wilderness designations in America's Red Rock Wilderness Act. Most of the areas added to the bill are in the remote Great Basin deserts in the western portion of the state and the red rock canyons in Southern Utah, which had not been included in earlier inventories.

Recently, BLM completed a re-inventory of approximately 6 million acres of federal land which had been proposed for wilderness designation in previous wilderness bills. The results provide a convincing confirmation of the inventory conducted by UWC volunteers. Of the 6 million acres it re-inventoried, BLM found that 5.8 million acres qualified for wilderness consideration. Almost all of these lands are included in America's Red Rock Wilderness Act.

Theodore Roosevelt once stated, ''The Nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value.'' Unfortunately, these fragile, scenic lands in Utah are threatened by oil, gas and mining interests, destructive use by off-road vehicles, increased commercial development, and proposals to construct roads, communication towers, transmission lines, and dams. We must act now to protect these lands for future generations.

America's Red Rock Wilderness Act is supported by a broad coalition of over 150 environmental, conservation, and recreational organizations and citizen groups. In independent television and newspaper surveys and public hearings on this issue, the citizens of Utah also have expressed overwhelming support for a strong wilderness bill.

Yesterday was John Muir's birthday. He observed that ''Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity; that mountain parks and reservations are useful not only as fountains of timber and irrigating rivers, but as fountains of life.'' America's Red Rock Wilderness Act honors his vision.

The preservation of our nation's vital natural resources will be one of our most important legacies. I urge my colleagues to join me as a cosponsor of this important bill to protect the America's Red Rock Wilderness area in Utah for future generations.

Mr. FEINGOLD. Mr. President, I am very pleased to join the Senator from Illinois (Mr. DURBIN) as an original cosponsor of legislation to designate 9.1 million acres of Bureau of Land Management (BLM) lands in Utah as wilderness.

Though this is the second time this particular measure has been introduced in this body, this year's legislation has been substantially revised. As the Senator from Illinois (Mr. DURBIN) has already described, these revisions have been made on the basis of a citizen-led re-inventory of the wilderness quality lands that remain on BLM lands in Utah.

During the April recess I had an opportunity to travel to Utah. I viewed firsthand some of the lands that would be designated for wilderness under Senator DURBIN's bill. I was able to view most of the proposed wilderness areas from the air, and was able to enhance my understanding through hikes outside of the Zion National Park on the Dry Creek Bench wilderness unit contained in this proposal, and inside the Grand Staircase-Escalante National Monument to Upper Calf Creek Falls.

I support this legislation, for a few reasons, Mr. President, but most of all because I have personally seen what is at stake, and I know the marvelous resources that Wisconsinites and all Americans own in the BLM lands of Southern Utah.

Second, Mr. President, I support this legislation because I believe it sets the broadest and boldest mark for the lands that should be protected in Southern Utah. I believe that when the Senate considers wilderness legislation it ought to know, as a benchmark, the full measure of those lands which are deserving of wilderness protection. This bill encompases all the BLM lands of wilderness quality in Utah. Unfortunately, Mr. President, the Senate has not, as we do today, always had the benefit of considering wilderness designations for all of the deserving lands in Southern Utah. During the 104th Congress, I joined with the former Senator from New Jersey (Mr. Bradley) in opposing that Congress' Omnibus Parks legislation. It contained provisions, which were eventually removed, that many in my home state of Wisconsin believed not only designated as wilderness too little of the Bureau of Land Management's holding in Utah deserving of such protection, but also substantively changed the protections afforded designated lands under the Wilderness Act of 1964.

The lands of Southern Utah are very special to the people of Wisconsin. In writing to me last Congress, my constituents described these lands as places of solitude, special family moments, and incredible beauty. In December 1997, Ron Raunikar of the Capital Times, a paper in Madison, WI, wrote:

> Other remaining wilderness in the U.S. is at first daunting, but then endearing and always a treasure for all Americans.
>
> The sensually sculpted slickrock of the Colorado Plateau and windswept crag lines

of the Great Basin include some of the last of our country's wilderness which is not fully protected.

We must ask our elected officials to redress this circumstance, by enacting legislation which would protect those national lands within the boundaries of Utah.

This wilderness is a treasure we can lose only once or a legacy we can be forever proud to bestow to our children.

Some may say, Mr. President, that this legislation is unnecessary and Utah already has the ''monument'' that Wallace Stegner wrote about, designated by President Clinton on September 18, 1997. However, it is important to note, the land of the Grand Staircase Escalante National Monument comprises only about one tenth of the lands that will be granted wilderness protection under this bill.

I supported the President's actions to designate the Grand Staircase Escalante National Monument. On September 17, 1997, amid reports of the pending designation, I wrote a letter to President Clinton to support that action which was co-signed by six other members of the Senate. That letter concluded with the following statement ''We remain interested in working with the Administration on appropriate legislation to evaluate and protect the full extent of public lands in Utah that meet the criteria of the 1964 Wilderness Act.''

I believe that the measure being introduced today will accomplish that goal. Identical in its designations to legislation sponsored in the other body by Rep. MAURICE HINCHEY of New York, it is the culmination of more than 15 years and four Congresses of effort in the other body beginning with the legislative work of the former Congressman from Utah (Mr. Owens).

The measure protects wild lands that really are not done justice by any description in words. In my trip I found widely varied and distinct terrain, remarkable American resources of red rock cliff walls, desert, canyons and gorges which encompass the canyon country of the Colorado Plateau, the Mojave Desert and portions of the Great Basin. The lands also include mountain ranges in western Utah, and stark areas like the new National Monument. These regions appeal to all types of American outdoor interests from hikers and sightseers to hunters.

Phil Haslanger of the Capital Times, answered an important question I am often asked when people want to know why a Senator from Wisconsin would co-sponsor legislation to protect lands in Utah. He wrote on September 13, 1995 simply that ''These are not scenes that you could see in Wisconsin. That's part of what makes them special.'' He continues, and adds what I think is an even more important reason to act to protect these lands than the landscape's uniqueness, ''the fight over wilderness lands in Utah is a test case of sorts. The anti-environmental factions in Congress are trying hard to remove restrictions on development in some of the nation's most splendid areas.''

Wisconsinites are watching this test case closely. I believe, Mr. President, that Wisconsinites view the outcome of this fight to save Utah's lands as a sign of where the nation is headed with respect to its stewardship of natural resources. For example, some in my home state believe that among federal lands that comprise the Apostle Islands National Lakeshore and the Nicolet and Chequamegon National Forests there are lands that are deserving of wilderness protection. These federal properties are incredibly important, and they mean a great deal to the people of Wisconsin. Wisconsinites want to know that, should additional lands in Wisconsin be brought forward for wilderness designation, the type of protection they expect from federal law is still available to be extended because it had been properly extended to other places of national significance.

What Haslanger's Capital Times comments make clear is that while some in Congress may express concern about creating new wilderness in Utah, wilderness, as Wisconsinites know, is not created by legislation. Legislation to protect existing wilderness insures that future generations may have an experience on public lands equal to that which is available today. The action of Congress to preserve wild lands by extending the protections of the Wilderness Act of 1964 will publicly codify that expectation and promise.

Third, this legislation has earned my support, and deserves the support of others in this body, because all of the acres that will be protected under this bill are already public lands held in trust by the federal government for the people of the United States. Thus, while they are physically located in Utah, their preservation is important to the citizens of Wisconsin as it is for other Americans.

Finally, I support this bill because I believe that there will likely be action during this Congress to develop consensus legislation to protect the lands contained in this proposal. We all need to be involved in helping to forge that consensus in order to ensure the best stewardship of that land. As many in this body know, the BLM has completed a review of the lands designated in the bill sponsored in the last Congress by the Senator from Illinois (Mr. DURBIN) and adjacent areas. BLM has found that 5.8 million acres of lands, slightly more than the acreage of the old bill, meet the criteria for wilderness protection under the Wilderness Act. While the re-inventory is not a formal recommendation to Congress for wilderness designation, it suggests that there are and should be more lands in play as the debate over wilderness protection in Utah moves forward.

I am also watching closely the ongoing dialogue between Governor Leavitt and Secretary Babbitt regarding possible wilderness protection for some of the West Desert lands that are contained in this legislation, and the formal Section 202 process in which the BLM will be engaged in Utah. I hope that the leaders of those efforts will look to this legislation as a guide in identifying the areas that need to be protected as wilderness.

I am eager to work with my colleague from Illinois (Mr. DURBIN) to protect these lands. I commend him for introducing this measure.

By Mr. LAUTENBERG (for himself and Mr. CONRAD):

S. 862. A bill to protect Social Security surpluses and reserve a portion of non-Social Security surpluses to strengthen and protect Medicare; to the Committee on the Budget and the Committee on Government Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

Mr. LAUTENBERG. Mr. President, today, along with Senator CONRAD, I am introducing legislation, the Social Security and Medicare Lock Box Act, to reserve budget surpluses for both Social Security and Medicare.

Mr. President, this bill is an alternative to the Abraham-Domenici-Ashcroft lock box legislation now before the Senate. There are several differences between the two versions. But I want to highlight this, most importantly: the Republican proposal claims to protect Social Security, but it doesn't even pretend to protect Medicare. This bill would reserve surpluses for both Social Security and Medicare. And the main question for the Senate is whether we care enough about Medicare to provide it with a real lock box.

Mr. President, as I explained earlier, the Republican lock box has three major flaws.

First, it fails to protect Social Security, and actually threatens benefits.

Second, it reserves nothing for Medicare.

And, third, it could result in a government default, which could trigger a world-wide economic catastrophe.

Our plan corrects each of these problems in a responsible way that will work. It provides an ironclad guarantee that 100 percent of the Social Security surplus will be saved for Social Security. It reserves 40 percent of the non-Social Security, on-budget surplus for Medicare. And, the lock box is enforced not by a risky new limit on public debt, but though the same budget procedures that produced the first budget surplus in 30 years.

With respect to Social Security, Mr. President, our lock box would create a new point of order against a budget resolution that spends the Social Security surplus. This provision is also in

the Republican amendment. But our point of order requires a supermajority to waive while theirs can be waived by a simple majority vote.

The Republican amendment also contains a trap door that would allow Social Security contributions to be diverted for purposes other than Social Security benefits, such as risky new privatization schemes. Our proposal includes no such trap door. To the contrary, its enforcement procedures would remain in effect until legislation is enacted certifying that Social Security's life has been extended for the long-term.

In addition to protecting Social Security, Mr. President, our lock box extends similar protections to the Medicare program. The proposal creates supermajority points of order against a budget resolution or any subsequent legislation that fails to reserve roughly 40 percent of the on-budget surplus for Medicare over the next 15 years.

Mr. President, the Medicare Trust Fund is now expected to be bankrupt by 2015. We should move quickly to reform and modernize the program. But it's also clear that we'll need additional resources when the baby boom generation starts to retire. Even with reforms that substantially reduce costs, the revenues coming to the Medicare Trust Fund will not support this larger number of beneficiaries. Nor will they provide the resources needed to modernize the program or provide a prescription drug benefit.

In case anyone has any doubt about that, consider the so-called Breaux-Thomas plan that was considered by the bipartisan Medicare Commission.

By their own calculation, that plan would save $100 billion over ten years and extends the Trust Fund for only 3 additional years. In the scheme of things, that's not very long. But even this meager extension of the Trust Fund relies on several controversial proposals, including raising the age of eligibility for Medicare, establishing unlimited home health copayments, and completely eliminating the Direct Medicare Education program from Medicare.

The bottom line, Mr. President, is that we need more resources for Medicare. And our amendment would give us an opportunity to provide them.

Under our proposal, in the short term, the Medicare reserve would be used to reduce the debt. Over the next ten years, our proposal would reduce debt held by the public by $30 billion more than the Republican plan. By reducing debt held by the public, our lockbox would dramatically reduce the government's interest costs. And that would free up resources to allow the government to meet its existing commitments to Medicare. By contrast, under the Republican plan, every penny of the non-Social Security surplus is consumed. That would increase interest costs and almost guarantee further cuts in benefits in the future.

Mr. President, not only does our lockbox do more to protect Medicare and reduce debt, it also has a stronger lock and more responsible enforcement procedure for both Social Security and Medicare.

As I've explained, Mr. President, the Republican amendment includes a reckless new scheme that relies on the threat of a default to enforce its provisions. That not only could permanently damage our credit standing, it could force the government to stop issuing Social Security checks.

We have a better idea, Mr. President. As I said earlier, we have a 60-vote point of order against including Social Security in the budget totals, as well as a 60-vote point of order against using any of the Medicare reserve. Then, even if Congress tries to spend that money, our lockbox blocks it through automatic across-the-board cuts, rather than creating a crisis.

Mr. President, this is the best way to ensure fiscal restraint. Not by causing a crisis after money has already been committed. But by using the tools of the budget process to block those commitments in the first place. That's why our legislation would enforce the lock box through the tried and true mechanisms of the pay-go rules and across-the-board cuts.

If Congress attempts to spend part of the Social Security surplus or Medicare reserve, the sequester rules of the Balanced Budget Act would make automatic spending cuts in order to keep the reserve intact. This is far better than triggering a debt crisis, and threatening a government default, as the Republican amendment proposes.

To sum up, Mr. President, the Republican amendment claims to protect Social Security, but it really threatens Social Security benefits. Ours is a real lockbox that protects both Social Security and Medicare. It's a more responsible alternative that avoids the risk of default. And it would reduce debt by more than the underlying amendment.

I hope my colleagues will support it and I ask unanimous consent that a copy of the bill, along with certain related materials, be printed in the RECORD.

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

S. 862

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 ''Social Security and Medicare Lock Box Act''.

SEC. 2. DEFINITIONS.

Section 3 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(11) The term 'Medicare surplus reserve' means the surplus amounts reserved to strengthen and preserve the Medicare program as calculated in accordance with section 316.''.

SEC. 3. PROTECTION BY CONGRESS

Congress reaffirms its support for the provisions of section 13301 of the Omnibus Budget Reconciliation Act of 1990 that provides that the receipts and disbursements of the Social Security trust funds shall not be counted for the purposes of the budget submitted by the President, the congressional budget, or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 4. SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY OFF-BUDGET POINT OF ORDER.—It shall not be in order in the House or the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that violates section 13301 of the Budget Enforcement Act of 1990.''.

SEC. 5. MEDICARE SURPLUS RESERVE POINT OF ORDER.

Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(k) MEDICARE SURPLUS RESERVE POINT OF ORDER.—It shall not be in order in the Senate to consider any concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the concurrent resolution below the levels of the Medicare surplus reserve for those fiscal years calculated in accordance with section 316.''.

SEC. 6. ENFORCEMENT OF MEDICARE SURPLUS RESERVE.

Section 311(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(4) ENFORCEMENT OF THE MEDICARE SURPLUS RESERVE.—After a concurrent resolution on the budget has been agreed to, it shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would cause a decrease in the Medicare surplus reserve in any of the fiscal years covered by the concurrent resolution. This paragraph shall not apply to a provision that appropriates new subsidies from the general fund to the Medicare Hospital Insurance Trust Fund.''.

SEC. 7. SUPERMAJORITY.

Subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 are amended by inserting after ''301(i),'' the following: ''301(j), 301(k), 311(a)(4),''.

SEC. 8. MEDICARE SURPLUS RESERVE.

Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''MEDICARE SURPLUS RESERVE

''SEC. 316. (a) IN GENERAL.—Subject to adjustment pursuant to subsection (b), the amounts reserved for the Medicare surplus reserve in each year are—

''(1) for fiscal year 2000, $0;
''(2) for fiscal year 2001, $3,000,000,000;
''(3) for fiscal year 2002, $26,000,000,000;
''(4) for fiscal year 2003, $15,000,000,000;
''(5) for fiscal year 2004, $21,000,000,000;
''(6) for fiscal year 2005, $35,000,000,000;
''(7) for fiscal year 2006, $63,000,000,000;
''(8) for fiscal year 2007, $68,000,000,000;
''(9) for fiscal year 2008, $72,000,000,000;
''(10) for fiscal year 2009, $73,000,000,000;
''(11) for fiscal year 2010, $70,000,000,000;

''(12) for fiscal year 2011, $73,000,000,000;

''(13) for fiscal year 2012, $70,000,000,000;

''(14) for fiscal year 2013, $66,000,000,000; and

''(15) for fiscal year 2014, $52,000,000,000.

''(b) ADJUSTMENT.—

''(1) IN GENERAL.—The amounts in subsection (a) for each fiscal year shall be adjusted in the budget resolution each fiscal year through 2014 by a fixed percentage equal to the adjustment required to those amounts sufficient to extend the solvency of the Federal Hospital Insurance Trust Fund through fiscal year 2027.

''(2) LIMIT BASED ON TOTAL SURPLUS.—The Medicare surplus reserve, as adjusted by paragraph (1), shall not exceed the total baseline surplus in any fiscal year.''.

SEC. 9. PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION.

(a) IN GENERAL.—Notwithstanding any other provision of law, sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 and section 202 of H. Con. Res. 67 (104th Congress) shall be enforced until Congress enacts legislation that—

(1) ensures the long-term fiscal solvency of the Social Security trust funds and extends the solvency of the Medicare trust fund through fiscal year 2027; and

(2) includes a certification in that legislation that the legislation complies with paragraph (1).

(b) DISCRETIONARY CAP EXTENSION.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after paragraph (7) the following:

''(8) for each fiscal year after 2002, the current services baseline based on the discretionary spending limit for fiscal year 2002;''.

SEC. 10. ADJUSTMENT OF BUDGET LEVELS AND REPEAL.

(a) ADJUSTMENTS.—Upon the enactment of this Act, the Chairmen of the Committees on the Budget shall file with their Houses appropriately revised budget aggregates, allocations, and levels (including reconciliation levels) under the Congressional Budget Act of 1974 to carry out this Act.

(b) REPEAL.—Section 207 of H. Con. Res. 68 (106th Congress) is repealed.

TWO LOCK BOX PROPOSALS

REPUBLICAN LOCK BOX

The Republican lock box purports to protect Social Security surpluses by establishing new limits on debt held by the public. The proposal creates a new super majority point of order against legislation that would increase the limits on public debt. The limits are set at levels that would allow all non-Social Security surpluses to be used for tax cuts or spending.

The GOP lock box has three major problems:

(1) *It does nothing to protect Medicare*. Instead, it allows Congress to use funds needed for Medicare to provide tax cuts.

(2) *It threatens Social Security*. If the economy slows, the government could be unable to issue Social Security or other benefit checks. Also, the GOP amendment includes a provision that would allow Social Security surpluses to be used for purposes other than Social Security benefits, if labeled as ''Social Security reform.''

(3) *It threatens default*. Secretary Rubin is concerned that the proposal could permanently *damage our credit standing*. The risk of default would increase interest costs for American taxpayers.

In November 1995, a debt crisis was precipitated when Government borrowing reached the debt limit and in January Moody's credit rating service placed Treasury securities on review for possible downgrade.

The proposal *could trigger an actual default based on factors beyond Congress's control*. Although the GOP proposal adjusts the debt ceiling for discrepancies between the actual and projected Social Security surpluses, it does not make similar corrections for unanticipated developments on the non-Social Security side of the budget. This means that an economic slowdown, a reduction in anticipated revenues, or an unexpected increase in mandatory spending could cause publicly held debt to exceed the new limits and create a debt crisis.

DEMOCRATIC LOCK BOX

The Democratic Lock Box creates a supermajority point of order against a budget resolution or any legislation that does not save at least 40 percent of the on-budget surplus for Medicare over the next 15 years and adds a new supermajority point of order against a budget resolution that violates the off-budget treatment of Social Security. (The budget act already contains supermajority points of order against a budget resolution or any legislation that reduces the Social Security surplus.)

The Democratic Lock Box has several advantages over the Republican approach.

(1) *It protects Social Security*. The language reserves all Social Security surpluses for Social Security, and does not allow these surpluses to be used for anything that does not increase the Solvency of the Social Security program.

(2) *It protects Medicare*. The Democratic bill reserves 40 percent of the on-budget surplus for Medicare; allows sufficient funding to extend the life of the Medicare HI Trust Fund through at least 2027.

(3) *It relies on responsible enforcement mechanisms*. The Democratic approach does not establish binding limits on publicly held debt and does not create a risk of default. Enforcement is through current budget procedures and across-the-board cuts. The Lock Box also restores the current pay-as-you-go point of order, which makes certain that no on-budget surplus can be used. Without a change in law, the Republican tax cuts will result in a pay-as-you-go sequester, which will come largely from Medicare.

(4) *It reduces more debt*. The Democratic Lock Box reduces more debt than the Republican proposal, which will lower future interest costs and free up government resources to meet its existing Social Security and Medicare obligations.

COMPARISON OF DEMOCRATIC AND REPUBLICAN LOCK BOX PROPOSALS

Democratic	Republican
Reserves 77 percent of unified surplus for Social Security and Medicare.	Claims to reserve 62 percent of unified surplus for Social Security but includes ''trap door'' loophole.
Prevents Social Security surplus from being used for other purposes.	Allows Social Security surplus to be used for anything labeled ''Social Security reform'' including tax cuts.
Reserves 40 percent of on-budget surplus for Medicare; allows solvency through 2027.	Reserves nothing for Medicare.
Enforcement through existing budget rules and across-the-board cuts; procedures that created the first budget surplus since 1969.	Enforcement through debt crisis; putting United States credit worthiness at risk and jeopardizing Social Security benefits.
Requires 60 votes to violate off-budget treatment of Social Security or for using Medicare reserve.	Requires 60 votes to violate off-budget treatment of Social Security; reserves nothing for Medicare.
Reduces debt held by the public to $1.6 trillion in 2009, $300 billion below the Republicans.	Reduces debt held by the public to $1.9 trillion in 2009.

SOCIAL SECURITY AND MEDICARE LOCK BOX ACT

The ''Social Security and Medicare Lock Box Act'' creates new budget points of order and budget enforcement mechanisms that would preclude any portion of the Social Security surplus *or* any portion of the surplus reserved for Medicare from being used for new spending or tax cuts. Over the next 15 years, the lockbox would save *77 percent* of the total unified surplus. The Medicare reserve would save 15 percent of the unified surplus and 40 percent of the on-budget surplus over the next 15 years.

SECTION 1: SHORT TITLE

Titles the bill the ''Social Security and Medicare Lock Box Act.''

SECTION 2. DEFINITIONS

Amends section 3 of the Congressional Budget Act of 1974 by adding a definition of the term ''Medicare surplus reserve.'' The Medicare surplus reserve refers to surplus amounts reserved to strengthen and extend the Medicare program.

SECTION 3: PROTECTION OF SOCIAL SECURITY TRUST FUNDS

Section 3 reaffirms Congress's support for the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

SECTION 4: SOCIAL SECURITY OFF-BUDGET POINT OF ORDER

Section 4 creates a supermajority point of order in the House and Senate against a budget resolution that violates the off-budget treatment of Social Security (section 13301 of the Omnibus Budget Reconciliation Act of 1990).

SECTION 5: MEDICARE SURPLUS RESERVE POINT OF ORDER

Section 5 creates a supermajority point of order in the House and Senate against a concurrent resolution on the budget (or amendment, motion, or conference report on the resolution) that would decrease the surplus in any of the fiscal years covered by the budget resolution below the level of the Medicare surplus reserve.

SECTION 6: ENFORCEMENT OF MEDICARE SURPLUS RESERVE

Section 6 creates a supermajority point of order in the House and Senate against any bill, joint resolution, amendment, motion, or conference report that would decrease the Medicare surplus reserve in any of the years covered by the budget resolution.

SECTION 7: SUPERMAJORITY POINTS OF ORDER

Section 7 makes all new points of order created in this amendment waivable only by a three-fifths supermajority vote.

SECTION 8: MEDICARE SURPLUS RESERVE

Section 8 lists the amounts reserved for Medicare in each year from 2000-2014. These amounts total $65 billion over 2000-2004; $376 billion over the period 2000-2009, and $707 billion for the period 2000-2014. This section also creates a procedure that requires these amounts to be adjusted annually in the budget resolution to make certain that they are sufficient to extend the solvency of the Hospital Insurance Trust Fund through 2027. The Medicare surplus reserve, however, cannot exceed the total on-budget surplus in any year so as not to deplete the Social Security surplus.

SECTION 9: PAY-AS-YOU-GO AND DISCRETIONARY CAP EXTENSION

Section 9 extends current budgetary discipline embodied in the discretionary spending caps, the paygo rule in the Senate, and the paygo sequestration provisions of the Budget Enforcement Act until Congress enacts legislation certifying that it has ensured the long-term fiscal solvency of Social

Security and extend the solvency of Medicare through fiscal year 2027.

SECTION 10: ADJUSTMENT OF BUDGET LEVELS AND REPEAL

Section 10 directs the Chairmen of the Budget Committees to revise the budget resolution to make it consistent with this Act and repeals the provision of the budget resolution that weakened the paygo rule in the Senate by allowing the on-budget surplus to be used for tax cuts.

By Mr. DASCHLE (for himself, Mrs. BOXER, and Mr. DORGAN):

S. 863. A bill to amend title XIX of the Social Security Act to provide for Medicaid coverage of all certified nurse practitioners and clinical nurse specialists; to the Committee on Finance.

MEDICAID NURSING INCENTIVE ACT

Mr. DASCHLE. Mr. President, today I am introducing the Medicaid Nursing Incentive Act, a bill to provide direct Medicaid reimbursement for nurse practitioners and clinical nurse specialists.

This legislation eliminates a counterproductive Medicaid payment policy. Under current law, State Medicaid programs may exclude certified nurse practitioners and clinical nurse specialists from Medicaid reimbursement, even though these practitioners are fully trained to provide many of the same services as those provided by primary care physicians. This policy is both discriminatory and shortsighted; it severs a critical access link for Medicaid beneficiaries.

The ultimate goal of this proposal is to enhance the availability of cost-effective primary care to our nation's most vulnerable citizens.

Studies have documented the fact that millions of Americans each year go without the health care services they need, because physicians simply are not available to care for them. This problem plagues rural and urban areas alike, in parts of the country as diverse as south central Los Angeles and Lemmon, South Dakota.

Medicaid beneficiaries are particularly vulnerable, since in recent years an increasing number of health professionals have chosen not to care for them or have been unwilling to locate in the inner-city and rural communities where many beneficiaries live. Fortunately, there is an exception to the trend: nurse practitioners and clinical nurse specialists frequently accept patients whom others will not treat and serve in areas where others refuse to work.

Studies have shown that nurse practitioners and clinical nurse specialists provide quality, cost-effective care. Their advanced clinical training enables them to assume responsibility for up to 80 percent of the primary care services usually performed by physicians, often at a lower cost and with a high level of patient satisfaction.

Congress has already recognized the expanding contributions of nurse practitioners and clinical nurse specialists. For more than a decade, CHAMPUS has provided direct payment to nurse practitioners. In 1990, Congress mandated direct payment for nurse practitioner services under the Federal Employee Health Benefits Plan. The Medicare program, which already covered nurse practitioners and clinical nurse specialist services in rural areas, was modified under the Balanced Budget Act of 1997 to provide coverage for these services in all geographic areas. The bill I am introducing today establishes the same payment policy under Medicaid.

Mr. President, the ramifications of this issue extend beyond the Medicaid program and its beneficiaries. There is a broader lesson here that applies to our effort to make cost-effective, high-quality health care services available and accessible to all Americans.

One of the cornerstones of this kind of care is the expansion of primary and preventive care, delivered to individuals in convenient, familiar places where they live, work, and go to school. More than 2 million of our nation's nurses currently provide care in these sites—in home health agencies, nursing homes, ambulatory care clinics, and schools. In places like South Dakota, nurses are often the only health care professionals available in the small towns and rural counties across the state.

These nurses and other nonphysician health professionals play an important role in the delivery of care. And this role will only increase as we move from a system that focuses on the costly treatment of illness to one that emphasizes primary preventive care and health promotion.

But, first, we must reevaluate outdated attitudes and break down barriers that prevent nurses from using the full range of their training and skills in caring for patients. In 1994, the Pew Health Professions Commission concluded that nurse practitioners are not being fully utilized to deliver primary care services. The commission recommended eliminating fiscal discrimination by paying nurse practitioners directly for the services they provide. This step will help nurse practitioners and clinical nurse specialists expand access to the primary care that so many communities currently lack.

As I have worked on access and reimbursement issues related to nurse practitioners and clinical nurse specialists, I have encountered two related issues I would also like to highlight.

Later this month, I plan to introduce legislation to increase the reimbursement rate for nurse practitioners and clinical nurse specialists who practice in rural and underserved areas. Currently, physicians who serve in a health professional shortage area receive a 10 percent boost in their Medicare payment as an incentive to provide services in the regions that need them the most. As we know, nurses are already providing critical primary and preventive care in these areas and deserve the bonus payments that physicians are already receiving.

I would also encourage my colleagues to closely monitor the impact of Medicaid managed care on access to care provided by nurse practitioners and clinical nurse specialists. In some areas of the country, implementation of managed care has prevented patients from continuing to receive health care services from nurse practitioners and clinical nurse specialists because they are not listed as primary care providers or preferred providers. Advanced practice nurses provide cost-effective, local, quality care, and I am concerned about early reports that access to these professionals is being limited by new health delivery arrangements. We should certainly keep an eye on this issue as Medicaid managed care systems develop.

Mr. President, I hope my colleagues will carefully consider the issues I have raised and support the measure I am introducing today, recognizing the critical role nurse practitioners and other nonphysician health professionals play in our health care delivery system, as well as the increasingly significant contribution they can make in the future. I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 863

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 ''Medicaid Nursing Incentive Act of 1999''.

SEC. 2. MEDICAID COVERAGE OF ALL CERTIFIED NURSE PRACTITIONER AND CLINICAL NURSE SPECIALIST SERVICES.

(a) IN GENERAL.—Section 1905(a)(21) of the Social Security Act (42 U.S.C. 1396d(a)(21)) is amended to read as follows:

''(21) services furnished by a certified nurse practitioner (as defined by the Secretary) or clinical nurse specialist (as defined in subsection (v)) which the certified nurse practitioner or clinical nurse specialist is legally authorized to perform under State law (or the State regulatory mechanism provided by State law), whether or not the certified nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider;''.

(b) CLINICAL NURSE SPECIALIST DEFINED.—Section 1905 of such Act (42 U.S.C. 1396d) is amended by adding at the end the following:

''(v) The term 'clinical nurse specialist' means an individual who—

''(1) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

''(2) holds a master's degree in a defined area of clinical nursing from an accredited educational institution.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective

with respect to payments for calendar quarters beginning on or after January 1, 2000.

By Mr. BINGAMAN (for himself and Mr. CHAFEE):

S. 864. A bill to designate April 22 as Earth Day; to the Committee on the Judiciary.

EARTH DAY ACT

Mr. BINGAMAN. Mr. President, this bill that I have sent to the desk is being introduced on behalf of myself and Senator CHAFEE. It is entitled ''The Earth Day Act.'' Its purpose is to designate April 22 as Earth Day.

Today, of course, is April 22. Let me provide a little history for my colleagues or anyone listening.

The first Earth Day was 29 years ago, in 1970, and I think we are all aware that Earth Day was first conceived by our former colleague, Senator Gaylord Nelson, who is universally considered the founder of Earth Day.

He has written a short summary of what brought Earth Day about, how it came about. In it he points out that in a speech that he gave in Seattle in September of 1969, he announced that there would be a national environmental teach-in in the spring of 1970. And the wire services picked up that story. And the next thing he knew, there was a movement afoot to actually have that happen.

That first Earth Day involved some 20 million Americans. Since then, the concept and the idea of Earth Day has focused the attention of the country, focused the attention of the world, in fact, on the importance of our environment and the importance of preserving and maintaining our environment. We have a great debt of gratitude we owe to former Senator Nelson for his leadership on this.

We also owe a great debt of gratitude to the person that did the nuts and bolts work of organizing that first Earth Day, and that, of course is Denis Hayes. He is now president of the Seattle-based Bullitt Foundation, but he has been recognized recently by Time magazine as one of their heroes of the planet. I think his instrumental role, his essential role in bringing about that first Earth Day, making such a success of it, has been recognized by all.

He is now, of course, trying to get in place the organization to make Earth Day 2000, which will occur exactly a year from today, an even greater celebration than we have known before.

Mr. President, I firmly believe that it is appropriate that we officially designate April 22 as Earth Day and that we permanently designate it as Earth Day. It has come to be known as Earth Day—April 22—for all of us. There are celebrations and teach-ins, and recognitions going on throughout our country today. As we hear the news about Kosovo, which is bad, and the news about Littleton, Colorado, and the terrible tragedy there, which is bad, and many of the other news stories that bombard us, it is good to know that there is one news story that we can all celebrate and rally around, and that is that today, again, we will be able to celebrate Earth Day.

Mr. President, it is my sincere hope that Senator CHAFEE and I can work in the next year to gain additional cosponsors and to obtain enactment of this, so that by the time Earth Day 2000 arrives, we will be able to have this in law, have it signed by the President. I am sure it will be supported by all of our colleagues. I think we all recognize the importance of this to many of the people we represent. I hope very much that the bill can be enacted.

By Mr. BIDEN:

S. 865. A bill to amend the Internal Revenue Code of 1986 to provide the same tax treatment for danger pay allowance as for combat pay; to the Committee on Finance.

DIPLOMATIC DANGER PAY

Mr. BIDEN. Mr. President, today I want to right a wrong—a small wrong, but a wrong nevertheless. It affects a handful of our diplomats who serve in the world's most dangerous places: Beirut, Bosnia, Kosovo, the unsettled nations of Africa and the former Soviet Union and elsewhere. And unfortunately, as the events of recent weeks prove, the need for Americans—soldiers and diplomats alike—to go in harm's way, is unlikely to abate.

Our diplomats, colleagues of those killed last summer in the tragic embassy bombings in Africa, receive an allowance for their service in the most frightening places in the world—a danger allowance.

This allowance is not unlike that paid to our military when they are in combat. In fact, in some places, such as Bosnia, where our military and diplomatic personnel serve side by side, both receive a special allowance for their sacrifices.

The military justifiably receives this benefit tax-free. But our diplomatic personnel do not. Through an oversight in the Internal Revenue Code, diplomats are taxed on their danger pay, even though they often face similar hardships and dangers. I think that's wrong.

I have a bill which would amend the Internal Revenue Code to right this wrong. It affects just a handful of people. But to them it will serve as recognition of the sacrifice they make when they represent the American people in dangerous settings overseas. I urge its quick passage.

I ask unanimous consent that the text of the bill appear in the RECORD.

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

S. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF DANGER PAY ALLOWANCE.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following:

"SEC. 7874. TREATMENT OF DANGER PAY ALLOWANCE.

''(a) GENERAL RULE.—For purposes of the following provisions, a danger pay allowance area shall be treated in the same manner as if it were a combat zone (as determined under section 112):

''(1) Section 2(a)(3) (relating to special rule where deceased spouse was in missing status).

''(2) Section 112 (relating to the exclusion of certain combat pay of members of the Armed Forces).

''(3) Section 692 (relating to income taxes of members of Armed Forces on death).

''(4) Section 2201 (relating to members of the Armed Forces dying in combat zone or by reason of combat-zone-incurred wounds, etc.).

''(5) Section 3401(a)(1) (defining wages relating to combat pay for members of the Armed Forces).

''(6) Section 4253(d) (relating to the taxation of phone service originating from a combat zone from members of the Armed Forces).

''(7) Section 6013(f)(1) (relating to joint return where individual is in missing status).

''(8) Section 7508 (relating to time for performing certain acts postponed by reason of service in combat zone).

''(b) DANGER PAY ALLOWANCE AREA.—For purposes of this section, the term 'danger pay allowance area' means any area in which an individual receives a danger pay allowance under section 5928 of title 5, United States Code, for services performed in such area.''

(b) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 7874. Treatment of danger pay allowance.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to remuneration paid in taxable years ending after the date of the enactment of this Act.

Mr. THURMOND. Mr. President, among the worst situations facing spouses, children, and families of members of the United States Armed Forces, is to be greeted by an official party, wearing their dress blue uniforms, announcing the grim news that their loved one has been killed or declared missing.

On Sunday, September 14, 1997 nine families endured such an experience as the United States Air Force declared one of its C–141 Starlifter cargo planes, en route from Namibia to Ascension Island, was overdue and presumed to have gone down in the Atlantic Ocean. At the same time, a German military plane was also declared missing in the same area, amid indications that the two planes had collided and crashed into the Atlantic.

An extensive search was begun, during which only a few airplane seats, a few papers, some debris from the U.S. cargo plane, remnants of the German

aircraft, and the body of one victim were recovered. No other remains were recovered, and no survivors were located. On Saturday, September 27, 1997 the search for the crewmen of the Air Force jet ended and all were declared dead.

Mr. President, an investigation confirmed everyone's worst fears. In fact, on that fateful day—September 13, 1997—a German Luftwaffe Tupelov TU–154M collided with a U.S. Air Force C–141 Starlifter off the coast of Namibia, Africa. As a result of that mid-air collision nine United States Air Force Service members were killed. These are the rank, name, age, assignment, and hometowns of those killed: Staff Sergeant Stacy D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans, 31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

At McGuire Air Force Base, New Jersey, families and members of the crewmen's squadron from the 305th Operation Group were trying to make sense of what happened. Monica Cindrich, wife of the pilot, had to explain to her 3 year-old son why his father would not be returning. On the day following the crash, Sharla Bucknam went alone to her son Andrew's third birthday party. Any Smart held out hope that her fiancé, Captain Ramsey, would return for their wedding, planned for the following May. And Justin Drager's father, Larry, a retired Air Force Master Sergeant prayed for a miracle. It was his son's very first mission since the Air Force certified him as a loadmaster on the giant cargo plane that would take the 19-year-old from Colorado Springs to the faraway places he joined the military to see.

At a memorial service at McGuire Air Force Base, the nine crew members were honored as heroes who gave their lives for a humanitarian mission. The plane was returning home to McGuire after delivering troops and 32,000 pounds of mine-clearing equipment to Namibia. As the chaplain called the names of each crew member in a final roll call, a squadron member answered ''Absent, sir.'' The crowd of more than 3,000 stood solemnly as a lone bugler played taps and three C–141s flew over in formation.

Formal investigations by both the government of Germany and the United States Air Force found that the German military plane was flying at the wrong altitude. The two planes, occupying the same air space, at the same altitude, closed on each other at a combined speed of over 1,000 miles per hour. The two planes hit almost nose to nose.

The German crew saw the U.S. plane about a second before impact and struggled for two-and-a-half minutes to regain control of the TU–154 as it crashed into the Atlantic.

The German military transport was carrying 12 German marines, two of their spouses and 10 crew members. Unfortunately, there were no survivors. The German Air Force plane was en route from Germany to Cape Town, South Africa, where the marines were to have participated in a boat race marking the 75th anniversary of the South African Navy.

The details concerning the crash are unsettling and I doubt anyone would want to die in the manner that the crew of ''MISSION REACH 4201'' did. While the German crew had about a one-and-one-half second warning that they were going to collide with another aircraft, the crew aboard the C–141 literally did not know what hit them.

The cockpit voice recorder aboard the American aircraft chillingly captures the conversations of the ''MISSION REACH 4201'' crew as fate cruelly steers the two military transports toward a deadly collision. Reviewing the transcript shows that Captains Greg Cindrich and Peter Vallejo—the two pilots of the Starlifter—had no inclination that a collision was imminent until it was too late. The two officers were discussing topics such as Social Security and the exploration of Mars.

The tape indicates that the crew survived for at least 13 seconds following the impact with the German transport. In those 13 seconds, the C–141 and crew of ''MISSION REACH 4201'' began hurtling toward the Atlantic Ocean. They spent the last 13 seconds of the flight, of their lives, strapping on oxygen masks and looking for flashlights to cope with a failed electrical system. Aviation experts have determined that it is possible that the nine doomed men may have actually survived for as long as 30-seconds before the C–141 exploded. For thirteen to 30 seconds, these men fought to survive, fought to right their plane, fought for their very lives. If thirteen to 30 seconds sounds like a short amount of time, I challenge anyone to try holding their hand over a burning match for that amount of time, let alone spend that amount of time aboard a multi-ton aircraft as it plummets toward the ocean. These men were able to contemplate for thirteen to 30 seconds that their aircraft was damaged and diving toward the ocean from an altitude of 35,000 feet. That was thirteen to 30 seconds that these men could have been thinking that no C–141 had successfully survived a crash landing in water. It was thirteen to 30 seconds for these men to realize that they were about to die.

Somewhere between thirteen and thirty seconds after the collision, the C–141 of ''Mission Reach 4201'' exploded and what did not vaporize became debris that was spread on the surface of the ocean, or sunk to its cold and murky depths. Needless to say, rescuers and salvage operators never recovered much of the American aircraft or crew. The Air Force ultimately found a few parts of the airplanes and 15 pounds of human remains of such minute quantities that DNA testing had to be conducted to determine who was who. As a point of comparison, a bag of cement is approximately 20 pounds. You could have put the entire remains of nine adult men in a bag that is used to hold cement and have room left over. There were not enough remains left of any one of the crew members to afford their families the comfort of laying their sons, fathers, brothers, and husbands to rest. Instead, only mementos were placed in caskets and buried.

Accident investigations conducted by the United States Air Force and the German Ministry of Defense both concluded that fault for the collision and deaths lay with the German crew, who not only filed an inaccurate flight plan, but were flying at the wrong altitude. The crew of the C–141 were operating appropriately, and were exactly where they were supposed to be when they met their untimely deaths. These nine men died through no fault or negligence of their own, the United States Air Force, or the government of the United States.

The families of each of the nine victims have endured not only tremendous mental anguish and suffering, but significant financial losses, and understandably, they are seeking compensation from the German government. Sadly, despite the fact that this crash took place almost two-years-ago, the German government has still to make the first pfenning of compensation to any of the victims' families.

I rise today to offer a Sense of the Senate resolution that calls upon the German government to make quick and generous compensation to these families. Just as this Body agreed by unanimous consent on March 23, to authorize the Secretary of Defense to make humanitarian relief payments of up to $2 million to each of the families killed in Cavalese, Italy when a Marine Corps jet struck a ski gondola, we should go on the record as expecting equitably fair and expeditious relief for the families of our servicemen killed through the negligence of the German government.

It gives me no pleasure to offer this resolution. The German government and people are unquestionably among the closest of allies and the best of

friends. We stood side-by-side during the Cold War, facing down the Eastern threat; we are working side-by-side in the Balkans now; our economies are linked; and we value the strong relationship between our two nations. Nevertheless, the Federal Republic of Germany has an undeniable responsibility to make quick and generous compensation to the nine families who lost loved ones aboard ''MISSION REACH 4201'' and I have pledged to Monica Cindrich, the widow of Captain Gregory Cindrich and the mother of their four-year-old son, that I will do all within my power to bring not only compensation to her, but closure to this tragedy. Passing this sense of the Senate resolution will help do just that.

Each of us gets into public service because we desire to help people, to do what is right, and to fight for fairness. This Sense of the Senate resolution allows us to achieve each of those goals. By securing compensation for the deaths of the nine men killed, we will unquestionably be helping their families; we will be making a stand for what is right by making a stand for our military families; and finally, we will be fighting for fairness. Just as our government has recognized our responsibility in the case of the Italian ski gondola incident, it is only fair that the German government recognize their responsibility and obligation in this matter.

It is my hope that this resolution will pass with the support of an overwhelming majority of Senators. By voting for this provision, each of you will not only be sending an unmistakable message to the German government, but perhaps even more importantly, you will be signaling to our men and women in uniform that their elected officials will always stand by them.

By Mr. CONRAD (for himself, Mr. CRAIG, and Mr. DORGAN):

S. 866. A bill to direct the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the Medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements; to the Committee on Finance.

ANESTHESIA SERVICE PRESERVATION ACT

Mr. CONRAD. Mr. President, I rise today to introduce legislation which would help clarify an issue that relates to Medicare coverage for anesthesia services and its impact on rural health care.

As a senator representing a predominantly rural state, I know only too well the difficulties facing rural health care needs. Access to care in rural areas is slowly worsening as more and more rural hospitals close their doors in the face of overwhelming cost pressures. Clearly, one aspect of access to care is access to surgical procedures. And without anesthesia services, general surgery becomes impossible.

Certified registered nurse anesthetists (CRNAs) tend to be the predominant anesthesia provider in rural and undeserved urban areas. In fact, CRNAs are the sole anesthesia provider in 65% of rural hospitals and in addition, provide at least 65% of the nation's anesthesia needs. The simple fact is that anesthesiologists have not been moving into rural areas in any significant numbers, and are not expected to do so in the foreseeable future. Given this trend, if rural hospitals are going to stay open, they desperately need CRNAs for their anesthesia and ultimately their surgical needs. That means we have to maintain a healthy supply of CRNAs to maintain access to care for rural Medicare beneficiaries.

Unfortunately, current Medicare rules with respect to supervision provide a disincentive for hospitals to use nurse anesthetists. Medicare's regulations require physician supervision of CRNAs as a condition for hospitals or ambulatory surgical centers to receive Medicare reimbursement, despite many state laws that allow nurse anesthetists to practice without such supervision. Although HCFA has issued a proposed rule that would drop this requirement and defer to states on the issue of supervision, this rule has never been finalized.

The federal supervision requirement creates several problems for CRNAs. First, some surgeons and hospitals have been dissuaded from working with CRNAs, in the face of arguments that the physicians may be subjecting themselves to liability for engaging in supervision. But the truth is, the attending physician—or the hospital—is no more legally liable for the CRNAs actions than he or she is for the acts of an anesthesiologist. Second, the federal restriction is anti-competitive, acting as a disincentive for CRNAs to be used. Finally, the restriction creates an inaccurate perception among some surgeons that they have an obligation to direct or control the substantive course of the anesthetic process, even though there is no such obligation.

The legislation I am introducing today would eliminate the Federal supervision requirement and instead direct Medicare to defer to state law requirements on supervision. By eliminating this prescriptive federal regulation, we can better maximize the use of nurse anesthetists and eliminate the confusion surrounding CRNA supervision. At a time when the Congress is seeking ways to reduce costs for the Medicare program without sacrificing quality or access to care, increasing the use of nurse anesthetists seems particularly appropriate.

In terms of quality of care, there are no significant differences between anesthesia provided by CRNAs or that provided by anesthesiologists. Notwithstanding the claims of anesthesiologists, it is clear from a careful reading of the studies that there are no quantifiable differences in outcomes when CRNAs work with anesthesiologists, or when anesthesiologists provide anesthesia alone. CRNAs have been providing anesthesia services for more than a century. They have been the principal anesthesia providers in combat areas in every war the United States has been engaged in since World War I. CRNAs have received medals and accolades for their dedication, commitment and competence. And CRNAs perform the same anesthesia delivery function as anesthesiologists and work in every setting in which anesthesia is delivered: traditional hospital suites, obstetrical delivery rooms, dentist's offices, HMO's ambulatory surgical centers, Veterans Administration facilities and others.

Mr. President, the Federal Government is deferring to state judgment on a whole host of issues, so it seems completely consistent to let states decide how best to use nurse anesthetists, particularly in light of CRNA's long track record of success. States, which have the primary responsibility for regulating nurse practice, have generally not seen any need for a physician supervision requirement in non-Medicare settings. Twenty-nine states do not require supervision of CRNAs in nurse practice acts or board of nursing rules. This clearly indicates that many states, as a matter of public policy, do not believe it is necessary to require physician supervision of CRNAs. It is easy to understand why. Anesthesia is provided only when necessary to permit some medical procedure or intervention. Thus, as a practical matter even when supervision is not required as a matter of law, a surgeon, podiatrist, or dentist will be in the room when anesthesia is provided, and would be capable of handling any emergency that might arise.

Finally, I would note that when CRNAs were given direct Medicare reimbursement in 1986, there was no statutory requirement that CRNAs be supervised by physicians in order to receive reimbursement. This was not a requirement imposed by Congress then, nor has there been one since. Had Congress believed that such a requirement was appropriate, it would have been imposed as a condition of reimbursement at that time. Moreover, HCFA routinely defers to the states on scope of practice issues as its relates to other health care professionals.

This proposed change is supported by the American Hospital Association and the National Rural Health Association. I urge my colleagues to support this legislation and let the states make

their own decisions about how to regulate a health care professional's scope of practice. Rural and undeserved urban areas need CRNAs and it's time the federal government removed impediments in regulations so that consumers' access to anesthesia care, particularly in rural areas, will not be jeopardized.

By Mr. ROTH (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. JEFFORDS, Mr. LIEBERMAN, Mr. BIDEN, Mr. LAUTENBERG, Mrs. MURRAY, Mrs. BOXER, Mr. KERRY, Mr. KENNEDY, Mr. WELLSTONE, Mr. TORRICELLI, Mr. HARKIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. FEINGOLD, Mr. KOHL, Mr. DODD, Mr. LEAHY, Mr. WYDEN, and Mr. DURBIN):

S. 867. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

ARCTIC NATIONAL REFUGE WILDERNESS ACT OF 1999

Mr. ROTH. Mr. President, in 1960 President Dwight Eisenhower had the wisdom to set aside a portion of America's Arctic for the benefit and enjoyment of future generations. His Arctic National Wildlife Refuge protected the highest peaks and glaciers of the Brooks Range, North America's two largest and most northerly alpine lakes, and nearly 200 different wildlife species, including polar bears, grizzlies, wolves, caribou, and millions of migratory birds.

Eisenhower's Secretary of Interior Fred Seaton called the new Arctic Range, ''one of the most magnificent wildlife and wilderness areas in North America . . . a wilderness experience not duplicated elsewhere.

With this in mind, I reintroduce legislation today, Earth Day 1999, that designates the coastal plain of Alaska as wilderness area. At the moment this area is a national wildlife refuge—one of our most beautiful and last frontiers. This legislation, the Arctic National Refuge Wilderness Act of 1999, would forever safeguard this great national treasure from oil exploration and development.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our Earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. Birds from the Arctic Refuge fly to or through every state in the continental U.S. In all, Mr. President, about 165 species use the coastal plain.

It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great Western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is 'the most splendid part of the American habitat; it is also the most fragile.' And we cannot enter 'it carrying habits that [are] inappropriate and expectations that [are] surely excessive.'

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Together, we need to embrace environmental policies that are workable and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations—and only when people have frontiers that are untrammeled and able to host their fondest dreams.

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. 867

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF PORTION OF ARCTIC NATIONAL WILDLIFE REFUGE AS WILDERNESS.

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended by adding at the end the following:

''(p) DESIGNATION OF CERTAIN LAND AS WILDERNESS.—Notwithstanding any other provision of this Act, a portion of the Arctic National Wildlife Refuge in Alaska comprising approximately 1,559,538 acres, as generally depicted on a map entitled 'Arctic National Wildlife Refuge—1002 Area. Alternative E—Wilderness Designation, October 28, 1991' and available for inspection in the offices of the Secretary of the Interior, is designated as a component of the National Wilderness Preservation System under the Wilderness Act (16 U.S.C. 1131 et seq.).''.

Mr. LIEBERMAN. Mr. President, I am proud to again join with Senator ROTH in the very important bipartisan effort to designate the coastal plain of the Arctic National Wildlife Refuge as wilderness—forever.

Today is Earth Day 1999. The introduction of the Arctic Wilderness Act is particularly appropriate on Earth Day because it will provide permanent protection for the unique and irreplaceable natural resources of an area that is the ''biological heart'' of the North Slope of Alaska. The coastal plain is a vital part of the tundra ecosystem that some have referred to as ''America's Serengetti.''

On Earth Day, we should take extra measure of special, rare, and threatened places. The Arctic National Wildlife Refuge coastal plain is one of these places. It is one natural treasure that we must protect as wilderness for current and future generations.

The coastal plain of the Arctic National Wildlife refuge represents the wildest and most pristine arctic coastal ecosystem in the United States. The coastal plain is where the calves of the awe-inspiring Porcupine caribou herd are born every year. It is also where snow geese feed in the fall and many female polar bears choose to den.

During the summer, migratory birds such as the red-throated loon, American golden-plover, and semipalmated sandpiper and others flock to the coastal plain of the Arctic National Wildlife Refuge in great numbers. In the fall, they return southward to and through the state of Connecticut among other places. By dedicating the coastal plain of the Arctic National Wildlife Refuge as wilderness, we can help ensure that this ancient natural rite continues into the 21st Century.

For more than a decade, Congress has repeatedly debated the advisability of opening the Arctic National Wildlife Refuge coastal plain to oil and gas exploration and development. Time and again, Congress and the American people have rejected the notion that we should sacrifice our last vestige of arctic coastal plain to petroleum development. The decision to prohibit coastal plain petroleum development reflects the tremendous value Americans place in the preservation of our great wilderness areas.

The degradation caused by developing oil and gas in places worthy of wilderness designation is irreversible. Once developed, the wilderness value of a place is lost.

The Alaska Wilderness Act designates the coastal plain of the Arctic National Wildlife Refuge as wilderness—an area to remain wild and undeveloped in perpetuity—and thereby preserves one of the last great natural

treasures on the North American continent for generations to come.

Mr. WELLSTONE. Mr. President, Earth Day is a celebration of the value and importance of our natural environment and a reminder of our duty to protect, rather than carelessly exploit and deplete, our natural heritage. Our commitment to future generations is something we in Minnesota take very seriously. It is a commitment to ensure that the environmental legacy we pass on to our children and grandchildren is not marred by failures such as the poisoning of our oceans, rivers, lakes and streams, the destruction of the natural habitat, and the irreversible extinction of species.

Environmental concerns have always been very important to me and to Minnesotans, and I am proud of the progress that we are making in protecting the environment. However, while recognizing the progress we have made, we Minnesotans also realize how much more needs to be done.

That is why I feel it is very appropriate that Senator ROTH, myself, and several of our colleagues, are introducing legislation on this day to designate a portion of the Arctic National Wildlife Refuge in Alaska as wilderness. My good friend Congressman BRUCE VENTO from Minnesota, along with over 150 of his colleagues, have introduced similar legislation in the House, called the Morris K. Udall Wilderness Act. This legislation is a tremendous step forward, crucial to preserving the biodiversity of one of our nation's last remaining frontiers.

This bill will designate the coastal plain of the Arctic Refuge as wilderness, protecting 1.5 million acres of some of the most unspoiled wilderness remaining in the United States. The Arctic National Wildlife Refuge is a one-of-a-kind national treasure, home to many unique species of plant and animal life, several of which are considered endangered or threatened. This magnificent wilderness contains a complete spectrum of arctic and sub-arctic ecosystems, which can be found nowhere else on the continent.

Moreover, the fragile balance of life in this wilderness is critical to the survival of the native Gwich'in Athabascan Indians of northeast Alaska, who depend on the land to maintain their centuries-old nomadic way of life. The Gwich'in rely on the 150,000-strong Porcupine River caribou herd, whose calving grounds are on the coastal plain.

Unfortunately, a few multinational oil companies have set their sights on this crown jewel of America's wilderness to extract their short-term profits. Oil drilling on the coastal plain would mean despoliation of this pristine land with hundreds of oil rigs, pipelines, air strips, and other industrial facilities. It would destroy one of the most magnificent wilderness areas in North America.

And it would do so much harm for so little gain. Allowing these multinationals to boost their profits by drilling oil would do nothing to solve our energy problems. The amount of oil that could potentially be recovered from the Refuge is relatively small, and most of it would likely be exported to Asia.

Instead of promoting oil drilling that destroys our natural environment, we should be promoting renewable sources of energy. In so doing, we could save more energy than would ever be extracted from the coastal plain of the Arctic Refuge.

Polls show that Americans strongly support protection of the Arctic Refuge. Yet the oil lobby in Washington has never suffered from a lack of representation. The oil multinationals pressure Congress every year to open up this coastal plain to drilling. It's time Congress stood up for the public interest, rather than the economic interests of the largest oil companies.

We have a responsibility to protect the environment for future generations. We must voice our protest and prevent those reckless policies which ignore the real costs of exhausting our natural resources and permanently distort our ecosystem's fragile balance.

We must continue to be a world leader in deterring the destruction of our natural heritage. We must continue to facilitate and promote successful programs that help us conserve and use our lands and resources wisely.

As we celebrate the last official Earth Day of the twentieth century, we must ensure that we will have cause to celebrate Earth Day in the twenty-first century. This legislation represents a significant step in the right direction, and I urge my colleagues to join us in cosponsoring this legislation on this very special day.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 868. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning and fuel treatment methods on private forest land, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FORESTRY INITIATIVE TO RESTORE THE ENVIRONMENT ACT OF 1999

Mr. GRAHAM. Mr. President, I have asked recognition this afternoon to commend the firefighters providing relief to the State of Florida and its citizens, which is once again besieged by fire due to excessive drought conditions. This, unfortunately, is not the first occasion on which I have risen to speak about forest fires in Florida.

The natural conditions in the State have been altered to the point where fires, normally a natural and essential part of the pine forests of this region, have burned uncontrollably, causing damage to local communities, private homes, and to the Florida forestry industry.

Last year, Florida sustained almost $300 million in private fire-related damage, and State and local governments spent over $100 million in responding to wild fires. Approximately 500,000 acres of forest were completely destroyed in 1998. And in 1999, fires in Florida have again commenced a process with severe consequences. As of today, 2,542 fires have burned more than 58,000 acres; 18 divisional forestry firefighters have been injured; 59 structures have been destroyed, and another 81 were damaged by fire.

Florida is not alone. Similar fires are occurring in Georgia, North Carolina, Arizona and New Mexico. My heart goes out to the unfortunate victims of these fires, as well as to the firefighters and volunteers who are working bravely to save families, homes and communities. As we speak, Americans from Alabama, Delaware, and Georgia, are fighting side by side with Floridians to prevent these fires in my State from endangering more lives, homes, and property. National Guardsmen, meteorologists, insurance specialist, and volunteers have converged in Florida to assist in response and recovery. These individuals' bravery and willingness to support people who they never met reaffirms our belief in the selflessness and vitality of the human spirit.

Mr. President, they say that a picture speaks a thousand words. I would like to draw your attention to the front page of the St. Petersburg Times of Tuesday, April 20, which has this dramatic picture of the Everglades afire. The Everglades, home to many endangered species, and the water source for millions of Floridians, has for the last several days been besieged by fire.

Now, fire is a natural phenomenon in the Everglades. It serves an important part in maintaining the ecosystem. However, human manipulation of this system has decreased water levels, making the Everglades more susceptible to fire and more ravaging consequences of that fire. This condition mirrors circumstances throughout Florida and many other States where efforts to prevent fires have allowed a large quantity of undergrowth to accumulate in our forestry lands.

As many of you know, the long-leaf pine ecosystem, which is prevalent in Florida and other southeastern States, depends heavily on the role of natural fire to rejuvenate the ecosystem. Prescribed burning mimics naturally occurring lightening fires, clears excess underbrush, which can rob lower plants of sunlight. This frequent, low-intensity fire retains the rich flora of the healthy long-leaf pine ecosystem. Without these frequent fires, underbrush robs lower plants, which in drought condition creates a ready fuel

source for a fire. It is this situation that has led to severe wildfires in Florida.

Mr. President, today, I will be introducing legislation that is aimed at the prevention of the recurrence in the future and to assure that this tragedy does not bring a second tragedy—a permanent loss of our forest lands in Florida and in the southeast. I am introducing the Forestry Initiative to Restore the Environment Act of 1999 to mitigate the damages and prevent fire disasters in the future.

What exactly does mitigation of losses mean for us today? Let me focus on my State of Florida. There are currently 16 million acres of forested lands, making up 47 percent of the State's total land area. The majority of this land—over 7 million acres—is owned by private farmers and individual corporate landowners. The State of Florida is continuing to grow at an explosive pace. It already has over 15 million people, and in 25 years it is projected to have over 20 million people. This rapid growth is creating pressure on land values throughout Florida and creating a circumstance in which there could be a massive conversion of this 7 million acres of privately owned timberland for development purposes.

These 7 million acres not only provide a substantial amount of forest products for the Nation but also provide critical habitats for a unique group of plants and animals.

These 7 million acres help to contain a human population explosion that would create additional demands on the already scarce water supply in Florida and lead to degradation of water quality.

It is therefore in our Nation's interest to maintain Florida's existing timber lands for community use.

This legislation provides a long-term plan to restore and protect private forestry lands damaged by wildfires and other natural disasters. It directs the U.S. Department of Agriculture to act on its existing authority to develop a crop insurance program for small forestry landowners.

This type of program—which allows producers to invest in their own future to protect themselves from natural disasters such as fires, hurricanes, or tornadoes—will provide the same protection for forestry producers as is provided through USDA insurance plans for crops such as wheat or corn.

The availability of this support in times of disaster will provide incentives for private landowners to retain lands in forestry after disasters such as the current wildfires that we are experiencing in 1999.

The second part of our legislation will help to reduce the severity of future fire disasters by increasing the incentives for prescribed burning.

The State of Florida has an active prescribed burning program and burns an average of two million acres per year, including forestry, grasslands, and agricultural lands.

However, as evidenced by this week's events, existing levels of prescribed burning are not enough.

Large quantities of brush fuel accompanied by drought have created dangerous wildfire conditions.

One solution is to increase the frequency of prescribed burning to reduce fuel levels and the severity of fires when they occur.

In a study conducted by the Florida Division of Forestry, Orlando District, for the period 1981 to 1990, it was shown that an increase in prescribed burning leads to a decrease in the frequency of wildfires.

The study compared two counties—Osceola County and Brevard County which differ in the amount of prescribed burning they conduct.

Approximately five-hundred thousand acres are burned in Osceola County every 2 or 4 years. This compares with just over two-hundred and fifty thousand acres of lands in Brevard County on which prescribed burning is conducted.

The study found that the number of wildfires, the acres burned, and the average wildfires per acre were lower in Osceola County than Brevard County.

Our legislation attempts to encourage the use of prescribed burning as a forest management tool on private lands.

First, it authorizes the U.S. Forest Service to provide both technical and financial assistance for prescribed burning to states.

Grants to pay up to 75 percent of the cost of carrying out prescribed burns would be made to private landowners.

Second, our legislation seeks to enhance public support for the use of prescribed fire by addressing one of the most challenging issues—the misunderstanding of urban and suburban residents of the purpose of prescribed burning.

In the urban interface zone where much of Florida's forested lands are located, the opposition of local residents to smoke plumes can stop any efforts to conduct prescribed burning.

Our bill requires that the U.S. Forest Service and the Environmental Protection Agency develop education and outreach programs on this topic and make them available to state environmental and forest management agencies.

With these actions, this legislation will create a system to mitigate damages from wildfires. It will help to reduce the severity of future fires by removing obstacles for private landowners to conduct prescribed burns.

I hope you will join me in our long-term efforts to create a system for mitigating damages from natural disasters and reducing the severity of future wildfires by encouraging prescribed burning.

Mr. President, I ask unanimous consent that two items be printed in the RECORD.

The first is an April 18 article from the Miami Herald describing some of the wildfire damage which occurred in that city last week.

The second is an Associated Press story summarizing remarks made by the Secretary of the Interior supporting the use of prescribed burning at a wildlife conference in Gainesville, Florida this week.

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

[From the Miami Herald, Apr. 18, 1999]

''HUGE WAVE'' OF FIRE STUNS PORT ST. LUCIE

(By Curtis Morgan)

PORT ST. LUCIE.—When Don Tagner pulled into his driveway at 4 p.m., the faint smoke curling in the pine scrub looked as harmless as late morning fog.

The fire seemed at a safe distance, a dozen blocks away. But as a precaution he sent his daughters off with a neighbor. Then he called around to cancel that evening's soccer practice.

When a neighbor pounded on his door 30 minutes later, Tagner opened it to a world he described as ''hell on a rampage.''

Black smoke blotted out the sun. He ran to his backyard just in time to recoil from a towering wall of fire rolling in like ''a huge wave. It sounded like a subway coming through. Whoosh.''

Like that, it engulfed Frank Schultz's home next door. Tagner rushed back in his home, grabbed his car keys and as he turned up a street toward safety, houses two blocks up San Sebastian Avenue turned into roaring red balls.

For the hundreds who fled it and the hundreds who fought it, Thursday's blaze truly was hellish, the wickedest, most destructive one-day wildfire in Florida in almost 15 years.

In a bit more than four hours, it raced three miles north-northeast from its starting point in southernmost Port St. Lucie—destroying 43 homes, damaging 33 others and scorching 545 acres in the heavily wooded neighborhoods east of Interstate 95.

''I've seen them travel fast before but I've never seen anything of this magnitude in the 16 years I've been fighting fires,'' said a weary, soot-stained Lt. Mike Gablemann of the St. Lucie County Fire District, who led a crew dousing hundreds of hot spots Friday—including a smoldering file cabinet in the Schultz home.

DROUGHT INDEX PEAKED

An unlucky combination of factors turned the small brush fire into a full-blown inferno.

Like most of Florida, a record drought has left much of rural St. Lucie County bone-dry and crisp as kindling.

''Just look at the grass,'' said Gene Madden, safety director for the state Division of Forestry. ''It's not green, it's brown. It crunches when you walk on it.''

At 1 p.m. Thursday, forecasters warned Treasure Coast counties that conditions for wildfires would peak that afternoon.

When the blaze flared up, so did the winds. It was like blowing on a hot coal.

A FIRE STORM

Fire crews rushing to contain the blaze battled to keep up, but couldn't, Gabelmann

said. They were outmanned and outmaneuvered by the relentless winds. As quickly as trucks pulled up to one house, flames would appear in treetops a quarter of a mile away.

''No fire department, no fire personnel are going to get out in front of it and stop a fire like this,'' Madden said.

Fires leapt from point to point and house to house in a path a mile wide, with destruction as unpredictable as wind currents.

''What we saw was the definition of a fire storm,'' said Lt. Ron Parish of the St. Lucie County Fire District.

Firefighters were frustrated by their inability to do what they normally do: Put out fires. This was more like triage. Sometimes, they had to drive past one burning house to get to another where they believed people were trapped.

''Having to leave a house unprotected . . . gives you a sick feeling,'' Parrish said.

UNPREDICTABLE PATTERN

The random patterns of damage showed just how difficult it was to predict where the fires would turn next.

On one block, two homes back-to-back burned but a wooden swing set between them wasn't even singed. Hundreds of brush-choked undeveloped lots and wood-framed homes provided plentiful fuel—enough for the fire to jump the 100-foot-wide C–24 Canal.

Franklin Navas, a former firefighter from Costa Rica and now an equipment manager, credited the survival of his home to clearing brush a few feet behind his property line. Flames left the vinyl siding on one side of his home drooping like limp spaghetti—but the home stood.

Ironically, a large group of Port St. Lucie residents had opposed bringing city water to their neighborhoods—and even sued the town to block the process. Hydrants had been scheduled for the area within two years.

NO TIME TO GET DRESSED

Navas and his wife, Mayra, and two sisters visiting from New Jersey left at 4 p.m. as police began rolling through the neighborhood ordering evacuations by loud-speakers.

''Just in time,'' he said. As they pulled away, the flames had hit the lot next door.

For many, there was little time to pack family papers or heirlooms or even to get dressed.

Mike Azbell said his wife, Shelby, pulled children Marissa, 4, and Tyler, 2, into the car in a panic once she got word. ''Tyler was running around the house naked and he left naked.''

At 5 p.m., Florida Power & Light shut off power to about 5,000 customers—a move to protect firefighters from live, fallen wires. it also left remaining homeowners defenseless. Without power, their pumps couldn't pull water from their wells for the garden hoses that some tried to use in mostly fruitless efforts to halt flames.

Outside the roadblocks, homeowners worried about what they would find when they returned or pitched in to help others protect their homes.

About 50 evacuees gathered at Mike Schachter's house a block outside the cordoned-off area. Some helped hose down his house, while Schachter's mother, Barbara, fed others and baby-sat panicky children—including Mike's son, who celebrated his first birthday that night.

''Everyone just tried to help everyone else,'' Mike Schachter said.

SURVEYING THE DAMAGE

By 7:30 that night, man and nature combined to tame the wildfire.

''Mother Nature started it and Mother Nature pinched it off,'' Madden said.

Local firefighters managed with the help of crews that came from as far south as Hollywood and vital reinforcements from water-bearing helicopters and a tanker plane.

Several hundred residents spent the night in a Red Cross shelter at the Port St. Lucie Community Center. At daylight on Friday residents returned to neighborhoods that, while devastated in spots, could have been hit much worse. No one was killed or hurt and the number of homes that escaped damage far outnumbered those lost.

Martha Brann began crying when she thought about all she lost: photos of her children, her mother's gold wedding band and the diamond ring from her former husband—mementos representing the special people in her life.

''I couldn't get nothing,'' said Brann, 59.

But Tagner found all: His wood-framed home remained almost as he had left it. Grass had burned to within a foot of his patio and he lost two plastic garbage cans and a recycling bin, which, as it burned, slightly charred a small section of his garage.

''Everybody keeps asking me what my secret was,'' he said. ''It was just luck.''

BABBITT ADVOCATES PRESCRIBED BURNING

GAINESVILLE, FLA. (AP)—State and local governments need to get more aggressive in preventing wildfires by using prescribed burns, Interior Secretary Bruce Babbitt said Tuesday.

''By taking fire off the land, we've actually increased the fire hazard,'' Babbitt said. ''We must abandon a warfare suppression model and find a thoughtful, scientific, cooperative way to acknowledge this force of nature and harness it to provide a better balance on the landscape.''

In addition to the controlled burns, which are intentionally set fires ignited to reduce fuel for wildfires, Babbitt also advocated requiring stringent building requirements that help fireproof communities.

Babbitt, whose office oversees national parkland, spoke to about 300 foresters at the University of Florida's John Gray Distinguished Lecture Series.

Babbitt said most legislators haven't done enough to plan for prescribed burns and push private property owners to act.

''In Oakland, Calif., after the fire in the early '90s which just about wiped out the city, Alameda County actually passed an ordinance requiring brush control,'' Babbitt said.

''For landowners who didn't do it, the county would do it and add the costs to their property taxes. I don't know if that's the right answer, but it's a way to do it,'' he said.

In Florida, the state's Division of Forestry said it has authorized prescribed burns for 700,000 acres of land this year.

There is no statewide plan for specific prescribed burns, though private and public landowners have their own plans. A state forestry official said landowners are encouraged to perform prescribed burns, but they can't be forced.

''We can designate areas as high fire hazards and by designating that we can burn it for them, but we can't tell them that they're going to burn one-third of their acreage,'' said Jim Brenner, fire management administrator for the forestry division.

As for fireproofing communities, Babbitt said local governments need to ensure that homes get built with fire resistant roofing. He also said the homes should be far enough away from thick woods and hanging trees, such as pines, to prevent damage from an approaching fire.

Babbitt also said if Florida's fires tap the state's firefighting resources, federal authorities will help provide the needed manpower and equipment.

By Ms. COLLINS (for herself, Mr. ROTH, and Mr. GRASSLEY):

S. 870. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to increase the efficiency and accountability of Offices of the Inspector General within Federal departments, and for other purposes; to the Committee on Governmental Affairs.

INSPECTOR GENERAL ACT

Ms. COLLINS. Mr. President, today I am introducing the Inspector General Act Amendments of 1999. I am very pleased to be joined by my colleagues, Senators ROTH, GRASSLEY, and BOND, who have demonstrated unparalleled leadership on IG issues in the Senate. Indeed, Senator ROTH is one of the architects of the inspector general law, having advocated its creation in 1978 and, in 1982, having introduced legislation that created IGs in the Departments of Defense, Justice, and the Treasury. In such distinguished company, I am confident that my legislation hits the mark of improving an already invaluable program.

As chairman of the Permanent Subcommittee on Investigations, one of my top priorities since coming to the Senate has been the seemingly never-ending fight against waste, fraud, and abuse. We have all heard the horror stories of $500 hammers and roads built to nowhere. The waste of scarce Federal resources not only picks the pockets of taxpayers, but also places severe financial pressures on already overburdened programs, in some cases forcing cutbacks in the delivery of vital Government services.

Over the past 2 years in my capacity as the subcommittee's chairman, I have seen disturbing fraud and waste firsthand in a wide variety of programs. Last year, for example, the subcommittee held several hearings to shine a spotlight on the massive fraud in the Medicare Program. To cite just one example of the subcommittee's findings, our investigation revealed that the Federal Government had been sending Medicare checks to 14 fraudulent health care companies. These companies provided absolutely no services to our senior citizens at all. Indeed, the address listed by one such company did not even exist, and if it had existed, it would have been located in the middle of the runway of the Miami International Airport.

The fraud we uncovered was stunning. It costs taxpayers millions of dollars each year, diverting scarce resources from the elderly and legitimate health care providers in a program already under enormous financial strain.

The Medicare fraud investigation and others like it were undertaken by my

subcommittee working hand in hand with the inspectors general for a variety of Federal agencies. The inspectors general are charged with identifying and eliminating waste, fraud, and abuse in Federal programs administered by the agencies they monitor.

Last year marked the 20th anniversary of the IG Act, the law that Congress passed to create these guardians of the public purse. As we recognize this important milestone, it is important for Congress to take a close look at the IG system. We must build on its strengths and remedy its weaknesses.

Over the past 21 years, the inspector general community has grown from 12 in 1978 to 58 inspectors general today. Offices of Inspectors General receive more than a billion dollars in annual funding and employ over 12,000 auditors, criminal investigators, and support personnel. Each Office of Inspector General shoulders tremendous responsibilities and is given considerable power to uncover waste, fraud, and abuse within Federal programs.

By and large, the IG community has performed in an outstanding manner. IGs have made thousands of recommendations to Congress, ultimately saving taxpayers billions of dollars. Inspectors general have conducted investigations that have resulted in the recovery of hundreds of millions of dollars from companies and individuals who have defrauded the Federal Government.

The inspectors general have a demonstrated record of success over the past 20 years. But as with all Government entities, we must ensure that the IG community is as well-managed, accountable, and effective as possible. IGs are public watchdogs, but they, too, must be watched. With these principles in mind and drawing on my extensive work with the inspectors general over the past 2 years, I am today introducing legislation to improve the accountability, independence, and efficiency of the inspectors general program.

The legislation I am introducing is designed to increase the accountability of inspectors general while retaining and, in some aspects, strengthening the provisions in law that guarantee their independence from the agencies they oversee.

My bill establishes a renewable 9-year term of office for each of the inspectors general who are appointed by the President and confirmed by the Senate. Currently, Presidential IGs serve for an indeterminate term.

The IG community has testified that having a fixed term of office would provide them with the assurances they need to be able to perform their vital but, in some cases, unpopular oversight responsibilities in a more independent environment.

The 9-year term also would enhance IG autonomy because it would extend beyond two Presidential administrations.

There has been considerable turnover in some of the IG positions, and the establishment of a fixed term would also encourage inspectors general to serve for longer periods of time, thus, adding experience to the IG community. Finally, by providing a defined term of service, an appropriate framework is provided for the evaluation of the performance of each IG to determine if reappointment is warranted. Thus, Mr. President, the 9-year term I am proposing would both enhance the independence of the IGs while improving their accountability.

My legislation also takes steps to streamline the IG offices themselves, making them more efficient and flexible, by consolidating existing offices and by reducing the frequency with which IGs must prepare and file resource-intensive reports.

Some of the IGs' offices that exist today are very small, with just a handful of employees. They could be made more efficient and effective by transferring their functions to larger IG offices that oversee similar programs.

For example, my legislation consolidates the current stand-alone office of the Federal Labor Relations Authority IG, which has just one employee, into the Office of Personnel Management, thus eliminating unnecessary overhead and bureaucracy but continuing the vital audit and oversight capacity of both agencies. In total, three existing small IGs' offices would be consolidated into the IG offices of major departments and two smaller IG offices would be consolidated into one office.

Currently, Mr. President, the Offices of Inspectors General are required by law to provide semiannual reports to Congress. To increase the value of these reports, I am reducing this requirement to a single annual report and streamlining the information presented. In this way, Congress can focus on high-risk areas before they get worse and before the problems become more difficult to solve.

Mr. President, the inspectors general have made very valuable contributions to the efficient operation of the Federal Government. Their record, however, is not without blemish. For example, the community's record was tarnished by the activities of the inspector general at the Department of Treasury. After an extensive investigation, the Permanent Subcommittee on Investigations found this particular IG violated Federal contract laws in her award of two noncompetitive, sole source contracts.

These actions not only wasted thousands of dollars but also shook the confidence of Congress, the agency, and the public in the IG's ability to operate with the highest degree of integrity. It was extremely disturbing to find that this inspector general was herself guilty of wasting resources and abusing the public trust. At the conclusion of our investigation, one could not help but wonder, who is watching the watchdogs?

Let me emphasize, Mr. President, that in my view, problems like the ones we uncovered in the Treasury Department are very unusual. They are not characteristic of the IG community. They are not widespread. However, because the inspectors general are the very officials in the Government responsible for combating waste, fraud, and abuse, they should be held to the very highest ethical standards. Even one example of impropriety is cause for concern.

To increase accountability, my legislation requires independent external reviews of each IG office every 3 years. It gives each office the flexibility to choose the most efficient method of review, but it does require that the watchdogs themselves submit to oversight by a qualified third party. This provision is intended to help ensure public confidence in the management and the efficiency of the IG offices and will provide valuable guidance to Congress in fulfilling our oversight responsibilities.

Mr. President, I am pleased to announce that the National Commission on the Separation of Powers has endorsed my recommendation that such an independent, external review be conducted of each IG office. The Commission is a bipartisan committee sponsored by the Miller Center for Public Affairs at the University of Virginia, and includes among its members former Senator Howard Baker, former White House Counsel Lloyd Cutler, former U.S. Attorney William Barr, former Secretary of State Lawrence Eagleburger, and former Director of Central Intelligence William Webster. I am very proud that my proposal has been endorsed by such an esteemed organization.

Mr. President, the legislation I introduce today represents a major step toward improving the effectiveness, the independence, and the accountability of the inspectors general program. I urge my colleagues to join me in this effort to strengthen and improve the inspectors general program as we approach the next century.

Thank you, Mr. President.

By Mr. LEAHY:

S. 871. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other reasons; to the Committee on the Judiciary.

FAIRNESS TO IMMIGRANT VETERANS ACT OF 1999

Mr. LEAHY. Mr. President, I rise today to introduce legislation that would ensure that veterans of the

United States Armed Forces are not summarily deported from this country. This bill would correct a grave injustice wrought by the recent changes in immigration policy, which has resulted in decorated war veterans being deported without any administrative or judicial consideration of the equities.

Under the immigration ''reform'' legislation enacted in 1996, Congress passed and the President endorsed a broad expansion of the definition of what makes a legal resident deportable. In the rush to be the toughest on illegal immigration, the bill also vastly limited relief from deportation and imposed mandatory detention for thousands of permanent residents in deportation proceedings.

The zealousness of Congress and the White House to be tough on aliens has successfully snared permanent residents who have spilled their blood for our country. As the INS prepares to deport these American veterans, we have not even been kind enough to thank them for their service with a hearing to listen to their story and consider whether, just possibly, their military service or other life circumstances outweighs the government's interest in deporting them.

Here is the cold and ugly side of our ''tough'' immigration policies. Here are the human consequences of legislating by 30-second political ad. Unfortunately the checks and balances of our government have failed these veterans because Congress and this Administration are determined not to be outdone by each other. ''Tough'' in this case means blinding ourselves to the personal consequences of these people. It means substituting discretion with a cold rubber stamp that can only say ''no.''

Our national policy on deportation of veterans is particularly outrageous at a time when we are sending tens of thousands of U.S. servicemen and women, including untold numbers of permanent residents, into harms way. Why has Congress asked the INS to devote its limited resources to hunting down non-citizens who previously answered this country's call to duty, some of whom were permanently disabled in the course of their service?

Interestingly, it appears that even the INS agrees that military service or other life circumstances may, on occasion, outweigh the government's interest in deportation. In one recent case, which I brought to the attention of INS Commissioner Meissner, the INS eventually reached this conclusion. I am honored if my intervention played a part in obtaining some semblance of justice for Sergeant Rafael Ramirez and his family. However, Sergeant Ramirez's example confirms the need to ensure that every veteran's case is carefully reviewed by an immigration judge empowered to do justice.

The legislation that I introduce today restores for veterans the opportunity to go before an immigration judge to present the equities of their case and to have a Federal court review any deportation decision. It also provides veterans with an opportunity to be released from detention while their case is under consideration.

The injustice addressed by this bill is just one egregious example of how recent immigration ''reform'' has resulted in the break-up of American families and the deportation of people who have contributed to our country. This Congress needs to address the broader injustices that our prior one-upmanship caused. In the meantime, this bill is an important step in the right direction.

By Mr. VOINOVICH (for himself, Mr. BAYH, Mr. DEWINE, Mr. ABRAHAM, Mr. LEVIN, and Mr. LUGAR):

S. 872. A bill to impose certain limits on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

MUNICIPAL SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 1999

Mr. VOINOVICH. Mr. President, today I am introducing legislation along with my colleague, Senator BAYH, that will allow states to finally obtain relief from the seemingly endless stream of solid waste that is flowing into states like Ohio and Indiana and many others.

Our bill, ''the Municipal Solid Waste Interstate Transportation and Local Authority Act,'' gives state and local governments the tools they need to limit garbage imports from other states and manage their own waste within their own states.

Ohio receives about 1.4 million tons of municipal solid waste annually from other states. While I am pleased that these shipments have been reduced since our record high of 3.7 million tons in 1989, I believe it is still entirely too high.

Because it is cheap and because it is expedient, other states have simply put their garbage on trains or on trucks and shipped it to states like Ohio, Indiana, Michigan, Pennsylvania and Virginia. This is wrong and it has to stop.

Many state and local governments have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other states. We saw limited relief. But honestly Mr. President, Ohio has no assurance that our out-of-state waste numbers won't rise significantly with the upcoming closure of the Fresh Kills landfill on Staten Island in 2001.

However, the federal courts have prevented states from enacting laws to protect our natural resources. What has emerged is an unnatural pattern where Ohio and other states—both importing and exporting—have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, state and local governments' hands are tied. Lacking a specific delegation of authority from Congress, states that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, this has undermined our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other states' trash. Our citizens already have to live with the consequences of large amounts of out-of-state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other states have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal in other states has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the commerce clause requires us to service other states at the expense of our own citizens' efforts.

A national solution is long overdue. When I became Governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor BAYH (now Senator BAYH), Governor Engler and Governor Casey, and later Governors Ridge and O'Bannon—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked to reach an agreement with Governors Whitman and Pataki on interstate waste provisions. Our states quickly came to an agreement with New Jersey—the second largest exporting state—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that Senator BAYH and I are introducing today reflects the agreement that our two states, along with Michigan and Pennsylvania, reached with Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for states to limit future waste flows. For instance, they would have the option to set a ''permit cap,'' which would allow a state to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a state could choose a provision giving them the authority to deny a permit

for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other states that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, Ohio EPA had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the state and they need to ensure a steady out-of-state waste flow to make the plan feasible.

With the announcement to close the Fresh Kills landfill, it is even more critical to Ohio that states should receive the authority to place limits on new facilities and expansions of existing facilities. The Congressional Research Service estimates that when Fresh Kills closes, there will be an additional 13,200 tons of garbage each day diverted to other facilities. However, CRS also points out that there is only about 1,200 tons per day of capacity available in the entire state of New York. Even if New York handles some of that 13,200 tons a day in-state, it is estimated that about 4 million tons per year will still need to be managed outside the state from that landfill alone.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other states until local governments approve its receipt. States also could freeze their out-of-state waste at 1993 levels, while some states would be able to reduce these levels to 65 percent by the year 2006. This bill also allows states to reduce the amount of construction and demolition debris they receive by 50 percent in 2007 at the earliest.

States also could impose up to a $3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide states with the funding necessary to implement solid waste management programs.

And finally, the bill grants limited flow control authority in order for municipalities to pay off existing bonds and guarantee a dedicated waste stream for landfills or incinerators.

Flow control is important to states like New Jersey, which has taken aggressive steps to try to manage all of its trash within its borders by the year 2000. New Jersey communities have acted responsibly to build disposal facilities to help meet that goal. However, if Congress fails to protect existing flow control authorities, repayment of the outstanding $1.9 billion investment in New Jersey alone will be jeopardized.

I am deeply concerned that responsible decisions made by Ohio, New Jersey and other states have been undermined and have put potentially large financial burdens on communities and have encouraged exporting states to pass their trash problems onto the backs of others.

Twenty-four Governors, including Governor Whitman, and the Western Governors' Association have sent letters to Congress strongly supporting the provisions that are in our bill.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, Senator BAYH and I are not asking for outright authority for states to prohibit all out-of-state waste, nor are we seeking to prohibit waste from any one state.

We are asking for reasonable tools that will enable state and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other states. Such measures would give substantial authority to limit imports and plan facilities around our own states' needs.

I believe the time is right to move an effective interstate waste bill. The bill we are introducing today is a consensus of importing and exporting states—states that have willingly come forward to offer a reasonable solution.

Congress must act this year to give citizens in Ohio and other affected states the relief they need from the truckloads of waste passing through their communities. We have waited too long for a solution. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the full text of the bill and a letter from Governors O'Bannon, Taft, Engler and Whitman and one from Governor Ridge be printed in the RECORD.

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

S. 872

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 ''Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999''.

SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

''SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government', with respect to a facility, means—

''(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

''(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

''(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

''(2) AUTHORIZATION TO RECEIVE OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

''(B) SPECIFIC AUTHORIZATION.—

''(i) SUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

''(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

''(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

''(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

''(IV) a provision that uses such a phrase as 'regardless of origin' or 'outside the State' in reference to municipal solid waste.

''(ii) INSUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

''(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

''(II) An agreement to pay a fee for the receipt of out-of-State? municipal solid waste.

''(C) FORM OF AUTHORIZATION.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

''(3) DISPOSAL.—The term 'disposal' includes incineration.

''(4) EXISTING HOST COMMUNITY AGREEMENT.—The term 'existing host community agreement' means a host community agreement entered into before January 1, 1999.

''(5) FACILITY.—The term 'facility' means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

''(6) GOVERNOR.—The term 'Governor', with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

''(7) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

''(8) MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'municipal solid waste' means—

''(i) material discarded for disposal by—

''(I) households (including single and multifamily residences); and

''(II) public lodgings such as hotels and motels; and

''(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

''(I) is essentially the same as material described in clause (i); or

''(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

''(B) INCLUSIONS.—The term 'municipal solid waste' includes—

''(i) appliances;

''(ii) clothing;

''(iii) consumer product packaging;

''(iv) cosmetics;

''(v) disposable diapers;

''(vi) food containers made of glass or metal;

''(vii) food waste;

''(viii) household hazardous waste;

''(ix) office supplies;

''(x) paper; and

''(xi) yard waste.

''(C) EXCLUSIONS.—The term 'municipal solid waste' does not include—

''(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

''(ii) solid waste resulting from—

''(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

''(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

''(III) a corrective action taken under this Act;

''(iii) recyclable material—

''(I) that has been separated, at the source of the material, from waste destined for disposal; or

''(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

''(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

''(v) solid waste that is—

''(I) generated by an industrial facility; and

''(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

''(aa) that is owned or operated by the generator of the waste;

''(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

''(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

''(vi) medical waste that is segregated from or not mixed with solid waste;

''(vii) sewage sludge or residuals from a sewage treatment plant; or

''(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

''(9) NEW HOST COMMUNITY AGREEMENT.—The term 'new host community agreement' means a host community agreement entered into on or after the date of enactment of this section.

''(10) OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(A) IN GENERAL.—The term 'out-of-State municipal solid waste', with respect to a State, means municipal solid waste generated outside the State.

''(B) INCLUSION.—The term 'out-of-State municipal solid waste' includes municipal solid waste generated outside the United States.

''(11) RECEIVE.—The term 'receive' means receive for disposal.

''(12) RECYCLABLE MATERIAL.—

''(A) IN GENERAL.—The term 'recyclable material' means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

''(B) VIRGIN MATERIAL.—In subparagraph (A), the term 'virgin material' includes petroleum.

''(b) PROHIBITION OF RECEIPT FOR DISPOSAL OF OUT-OF-STATE WASTE.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

''(c) EXISTING HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

''(A) the owner or operator of the facility has complied with paragraph (2); and

''(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

''(2) PUBLIC INSPECTION OF AGREEMENT.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

''(A) provide a copy of the existing host community agreement to the State and affected local government; and

''(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

''(d) NEW HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

''(A) the agreement meets the requirements of paragraphs (2) through(5); and

''(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

''(2) REQUIREMENTS FOR AUTHORIZATION.—

''(A) IN GENERAL.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

''(i) be granted by formal action at a meeting;

''(ii) be recorded in writing in the official record of the meeting; and

''(iii) remain in effect according to the terms of the new host community agreement.

''(B) SPECIFICATIONS.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

''(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

''(ii) the duration of the authorization.

''(3) INFORMATION.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

''(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

''(i) the size of the facility;

''(ii) the ultimate municipal solid waste capacity of the facility; and

''(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

''(B) A map of the facility site that indicates—

''(i) the location of the facility in relation to the local road system; and

''(ii) topographical and general hydrogeological features;

''(iii) any buffer zones to be acquired by the owner or operator; and

''(iv) all facility units.

''(C) A description of—

''(i) the environmental characteristics of the site, as of the date of application for authorization;

''(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

''(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

''(D) A description of—

''(i) environmental controls required to be used on the site (under permit requirements), including—

''(I) run-on and run off management;

''(II) air pollution control devices;

''(III) source separation procedures;

''(IV) methane monitoring and control;

''(V) landfill covers;

''(VI) landfill liners or leachate collection systems; and

''(VII) monitoring programs; and

''(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

''(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Estimates of the personnel requirements of the facility, including—

''(i) information regarding the probable skill and education levels required for job positions at the facility; and

''(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

''(H) Any information that is required by State or Federal law to be provided with respect to—

''(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

''(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

''(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

''(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

''(4) ADVANCE NOTIFICATION.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

''(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

''(5) SUBSEQUENT NOTIFICATION.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

''(A) the Governor;

''(B) contiguous local governments; and

''(C) any contiguous Indian tribes.

''(e) RECEIPT FOR DISPOSAL OF OUT-OF-STATE MUNICIPAL SOLID WASTE BY FACILITIES NOT SUBJECT TO HOST COMMUNITY AGREEMENTS.—

''(1) PERMIT.—

''(A) IN GENERAL.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a permit containing an authorization may receive out-of-State municipal solid waste if—

''(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

''(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

''(B) DENIED OR REVOKED PERMITS.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

''(2) DOCUMENTED RECEIPT DURING 1993.—

''(A) IN GENERAL.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

''(i) the date of receipt of the out-of-State municipal solid waste;

''(ii) the volume of out-of-State municipal solid waste received in 1993;

''(iii) the place of origin of the out-of-State municipal solid waste received; and

''(iv) the type of out-of-State municipal solid waste received.

''(B) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(C) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

''(I) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

''(II) may omit any proprietary information contained in the documentation.

''(3) BI-STATE METROPOLITAN STATISTICAL AREAS.—

''(A) IN GENERAL.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

''(B) GOVERNOR AGREEMENT.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

''(f) REQUIRED COMPLIANCE.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

''(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

''(A) facility design and operation; and

''(B)(i) in the case of a landfill—

''(I) facility location standards;

''(II) leachate collection standards;

''(III) ground water monitoring standards; and

''(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

''(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

''(2) the noncompliance constitutes a threat to human health or the environment.

''(g) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(1) LIMITS ON QUANTITY OF WASTE RECEIVED.—

''(A) LIMIT FOR ALL FACILITIES IN THE STATE.—

''(i) IN GENERAL.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

''(ii) NO CONFLICT.—

''(I) IN GENERAL.—A limit under clause (i) shall not conflict with—

''(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

''(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

''(II) CONFLICT.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

''(B) LIMIT FOR PARTICULAR FACILITIES.—

''(i) IN GENERAL.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

''(ii) NO CONFLICT.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

''(C) EFFECT ON OTHER LAWS.—Nothing in this subsection supersedes any State law relating to contracts.

''(2) LIMIT ON QUANTITY.—

''(A) IN GENERAL.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

''(B) DOCUMENTATION.—

''(i) CONTENTS.—Documentation submitted under subparagraph (A) shall include information about—

''(I) the date of receipt of the out-of-State municipal solid waste;

''(II) the volume of out-of-State municipal solid waste received in 1993;

''(III) the place of origin of the out-of-State municipal solid waste received; and

''(IV) the type of out-of-State municipal solid waste received.

''(ii) FALSE OR MISLEADING INFORMATION.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(3) NO DISCRIMINATION.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

''(h) AUTHORITY TO LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE TO DECLINING PERCENTAGES OF QUANTITIES RECEIVED DURING 1993.—

''(1) IN GENERAL.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

''(A) In calendar year 2000, 95 percent of the quantity received in calendar year 1993.

''(B) In each of calendar years 2001 through 2006, 95 percent of the quantity received in the previous year.

''(C) In each calendar year after calendar year 2006, 65 percent of the quantity received in calendar year 1993.

''(2) UNIFORM APPLICABILITY.—A limit under paragraph (1) shall apply uniformly—

''(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

''(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal

solid waste received at the facility in calendar year 1993.

''(3) NOTICE.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

''(4) ALTERNATIVE AUTHORITIES.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

''(i) COST RECOVERY SURCHARGE.—

''(1) DEFINITIONS.—In this subsection:

''(A) COST.—The term 'cost' means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

''(i) the issuance of new permits and renewal of or modification of permits;

''(ii) inspection and compliance monitoring;

''(iii) enforcement; and

''(iv) costs associated with technical assistance, data management, and collection of fees.

''(B) PROCESSING.—The term 'processing' means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(2) AUTHORITY.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(3) AMOUNT OF SURCHARGE.—The amount of a cost recovery surcharge—

''(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

''(B) in no event may exceed $3.00 per ton of waste.

''(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

''(5) CONDITIONS.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) PROHIBITION OF SURCHARGE.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

''(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

''(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) SUBSIDY; NON-DISCRIMINATION.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

''(j) IMPLEMENTATION AND ENFORCEMENT.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

''(k) ANNUAL STATE REPORT.—

''(1) FACILITIES.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

''(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

''(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

''(2) TRANSFER STATIONS.—

''(A) DEFINITION OF RECEIVE FOR TRANSFER.—In this paragraph, the term 'receive for transfer' means receive for temporary storage pending transfer to another State or facility.

''(B) REPORT.—On February 1, 2000, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

''(A) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

''(B) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

''(C) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

''(3) NO PRECLUSION OF STATE REQUIREMENTS.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

''(4) FALSE OR MISLEADING INFORMATION.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

''(5) REPORT.—On March 1, 2000, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.''.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

''Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.''.

SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

''SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

''(a) DEFINITIONS.—In this section:

''(1) TERMS DEFINED IN SECTION 4011.—The terms 'authorization to receive out-of-State municipal solid waste', 'disposal', 'existing host community agreement', 'host community agreement', 'municipal solid waste', 'out-of-State municipal solid waste', and 'receive' have the meaning given those terms, respectively, in section 4011.

''(2) OTHER TERMS.—The term 'facility' means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

''(b) AUTHORITY TO DENY PERMITS OR IMPOSE PERCENTAGE LIMITS.—

''(1) ALTERNATIVE AUTHORITIES.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

''(2) AUTHORITY TO DENY PERMITS.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

''(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

''(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

''(3) AUTHORITY TO IMPOSE PERCENTAGE LIMIT.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

''(c) NEW HOST COMMUNITY AGREEMENTS.—

''(1) IN GENERAL.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

''(2) NO EFFECT ON STATE PERMIT DENIAL.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

''(d) UNIFORM AND NONDISCRIMINATORY APPLICATION.—A law under subsection (b) or (c)—

''(1) shall be applicable throughout the State;

''(2) shall not directly or indirectly discriminate against any particular facility; and

''(3) shall not directly or indirectly discriminate against any shipment of out-of-State municipal solid waste on the basis of place of origin.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.''.

SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

"SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.

''(a) DEFINITIONS.—In this section:

''(1) TERMS DEFINED IN SECTION 4011.—The terms 'affected local government', 'Governor', and 'receive' have the meanings given those terms, respectively, in section 4011.

''(2) OTHER TERMS.—

''(A) BASE YEAR QUANTITY.—The term 'base year quantity' means—

''(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2000, as determined under subsection (c)(2)(B)(i); or

''(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 1999.

''(B) CONSTRUCTION AND DEMOLITION WASTE.—

''(i) IN GENERAL.—The term 'construction and demolition waste' means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

''(ii) EXCLUSIONS.—The term 'construction and demolition waste' does not include debris that—

''(I) is commingled with municipal solid waste; or

''(II) is contaminated, as determined under subsection (b).

''(C) FACILITY.—The term 'facility' means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

''(D) OUT-OF-STATE CONSTRUCTION AND DEMOLITION WASTE.—The term 'out-of-State construction and demolition waste' means—

''(i) with respect to any State, construction and demolition debris generated outside the State; and

''(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

''(b) CONTAMINATED CONSTRUCTION AND DEMOLITION DEBRIS.—

''(1) IN GENERAL.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

''(2) SUBMISSION OF RESULTS.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

''(3) DISPOSAL OF CONTAMINATED DEBRIS.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

''(c) LIMIT ON CONSTRUCTION AND DEMOLITION WASTE.—

''(1) IN GENERAL.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

''(2) REQUIRED ACTION BY THE STATE.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

''(i) not later than January 1, 2000, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

''(I) disposed of in the State; and

''(II) imported into the State; and

''(ii) not later than March 1, 2001—

''(I) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2000; and

''(II) report the tonnage received during calendar year 2000 to the Governor of each exporting State.

''(3) REPORTING BY FACILITIES.—

''(A) IN GENERAL.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

''(i) in calendar year 1999, not later than February 1, 2000; and

''(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

''(B) NO PRECLUSION OF STATE REQUIREMENTS.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

''(C) PENALTY.—Each submission under this paragraph shall be made under penalty of perjury under State law.

''(4) LIMIT ON DEBRIS RECEIVED.—

''(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

''(B) REDUCED ANNUAL PERCENTAGES.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

''(i) in calendar year 2001, 95 percent of the base year quantity;

''(ii) in calendar year 2002, 90 percent of the base year quantity;

''(iii) in calendar year 2003, 85 percent of the base year quantity;

''(iv) in calendar year 2004, 80 percent of the base year quantity;

''(v) in calendar year 2005, 75 percent of the base year quantity;

''(vi) in calendar year 2006, 70 percent of the base year quantity;

''(vii) in calendar year 2007, 65 percent of the base year quantity;

''(viii) in calendar year 2008, 60 percent of the base year quantity;

''(ix) in calendar year 2009, 55 percent of the base year quantity; and

''(x) in calendar year 2010 and in each subsequent year, 50 percent of the base year quantity.

''(5) EXPEDITED IMPLEMENTATION.—

''(A) RATCHET.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

''(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 1999; and

''(ii) the State complies with paragraphs (2) and (3).

''(B) EXPEDITED REDUCED ANNUAL PERCENTAGES.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

''(i) in calendar year 2000, 95 percent of the base year quantity;

''(ii) in calendar year 2001, 90 percent of the base year quantity;

''(iii) in calendar year 2002, 85 percent of the base year quantity;

''(iv) in calendar year 2003, 80 percent of the base year quantity;

''(v) in calendar year 2004, 75 percent of the base year quantity;

''(vi) in calendar year 2005, 70 percent of the base year quantity;

''(vii) in calendar year 2006, 65 percent of the base year quantity;

''(viii) in calendar year 2007, 60 percent of the base year quantity;

''(ix) in calendar year 2008, 55 percent of the base year quantity; and

''(x) in calendar year 2009 and in each subsequent year, 50 percent of the base year quantity.''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4013. Construction and demolition debris.''.

SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

"SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

''(a) FLOW CONTROL AUTHORITY FOR FACILITIES PREVIOUSLY DESIGNATED.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

''(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

''(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

''(A) was in effect on the suspension date;

''(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

''(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

''(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

''(A) on or before the suspension date, presented eligible bonds for sale;

''(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

''(C) on or before the suspension date, executed a legally binding contract or agreement that—

''(i) was in effect as of the suspension date;

''(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

''(iii) either—

''(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

''(II) otherwise imposes liability for damages resulting from such failure.

''(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

''(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

''(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

''(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

''(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

''(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

''(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

''(d) INDEMNIFICATION FOR CERTAIN TRANSPORTATION.—Notwithstanding any other provision of this section, no State or political subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

''(e) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

''(f) LIMITATION ON REVENUE.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

''(1) Principal and interest on any eligible bond.

''(2) Principal and interest on a bond issued for a qualified environmental retrofit.

''(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

''(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

''(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

''(g) INTERIM CONTRACTS.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

''(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

''(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

''(h) AREAS WITH PRE-1984 FLOW CONTROL.—

''(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

''(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

''(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

''(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or (B) of subsection (a)(3), respectively.

''(3) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

''(i) EFFECT ON AUTHORITY OF STATES AND POLITICAL SUBDIVISIONS.—Nothing in this section shall be interpreted—

''(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

''(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

''(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

''(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

''(j) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

''(k) STATE SOLID WASTE DISTRICT AUTHORITY.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

''(1) the solid waste district, or a political subdivision within such district, is required

through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

''(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

''(l) SPECIAL RULE FOR CERTAIN CONSORTIA.—For purposes of this section, if—

''(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

''(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

''(3) the facility was designated as of the suspension date by at least one of such members;

''(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

''(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

''(m) RECOVERY OF DAMAGES.—

''(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

''(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Solid Waste Interstate Transportation and Local Authority Act of 1999, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

''(n) DEFINITIONS.—For the purposes of this section—

''(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

''(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

''(3) DESIGNATED.—The term 'designated' means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

''(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

''(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

''(4) ELIGIBLE BOND.—The term 'eligible bond' means—

''(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

''(B) a general obligation bond,

the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

''(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

''(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given that term in section 4011, except that such term—

''(A) includes waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); and

''(B) does not include—

''(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

''(ii) waste generated during scrap processing and scrap recycling; or

''(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

''(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

''(8) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

''(9) SUSPENSION DATE.—The term 'suspension date' means, with respect to a State or political subdivision—

''(A) May 16, 1994;

''(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

''(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

''(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

''Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.''.

SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

STATE OF INDIANA, STATE OF OHIO, STATE OF MICHIGAN, AND STATE OF NEW JERSEY

April 22, 1999.

Hon. GEORGE V. VOINOVICH.
U.S. Senate, Washington, DC.
Hon. EVAN BAYH,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH AND SENATOR BAYH: We are writing to express our strong support for the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999, which you plan to introduce this week. This legislation would at long last give state and local governments federal authority to establish reasonable limitations on the flow of interstate waste and protect public investments in waste disposal facilities needed to address in-state disposal needs.

Both of you know firsthand the problems states face in managing solid waste, as required by federal law. During your terms of office as Governors, you worked to support the passage of effective federal legislation that would vest states with sufficient authority to plan for and control the disposal of municipal solid waste, including noncontaminated construction and demolition debris. The need for such legislation arose from various U.S. Supreme Court rulings applying the commerce clause of the U.S. Constitution to state laws restricting out-of-state waste and directing the flow of solid waste shipments.

We are committed to working with all states and building upon the broad state support which exists to pass legislation in the

106th Congress that will provide a balanced set of controls for state and local governments to use in limiting out-of-state waste shipments and directing intrastate shipments. The need for congressional action on interstate waste/flow control legislation is becoming more urgent. Last year, the Congressional Research Service reported that its most recent data showed interstate waste shipments increasing to a total of over 25 million tons. The closing of the Fresh Kills landfill in New York City is likely to dramatically increase that figure.

Your bill includes provisions which we believe are important for state and local governments such as the general requirement that local officials formally approve the receipt of out-of-state municipal solid waste prior to disposal in landfills and incinerators. The legislation does include a number of important exemptions for current flows of waste. It also provides authority for states to establish a statewide freeze of waste shipments or, in some cases, implement reductions. In addition, the legislation explicitly authorizes states to implement laws requiring an assessment of regional and local needs before issuing facility permits or establishing statewide out-of-state percentage limitations for new or expanded facilities.

The legislation would also allow states to impose a $3-per-ton cost recovery surcharge on out-of-state waste and would provide additional authority for states to reduce the flow of noncontaminated construction and demolition debris. Under a separate set of provisions, states would also be authorized to exercise limited flow control authority necessary to protect public investments.

We recognize that the Municipal Solid Waste Interstate Transportation and Local Authority Act of 1999 would not establish an outright ban on out-of-state waste shipments; instead, it would gives states and localities the tools they need to better manage their in-state waste disposal needs and protect important natural resources. We pledge our support for your efforts to ensure that no state is forced to become a dumping ground for solid waste. We believe your bill will enjoy wide support and look forward to working with you to secure its passage.

Sincerely,

FRANK O'BANNON,
Governor, State of Indiana.
JOHN ENGLER,
Governor, State of Michigan.
BOB TAFT,
Governor, State of Ohio.
CHRISTINE T. WHITMAN,
Governor, State of New Jersey.

COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
Harrisburg, PA, April 22, 1999.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, DC.
Hon. EVAN BAYH,
U.S. Senate,
Washington, DC.

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Sincerely,

TOM RIDGE,
Governor.

Mr. BAYH. Mr. President, states have been struggling for years to ensure safe, responsible management of out-of-state municipal solid waste. As Governor of Indiana, I tried to ensure that Indiana's disposal capacity would meet Indiana's municipal solid waste needs. Efforts to institute effective waste management policies were—and continue to be—thwarted by two obstacles. The first is the massive and unpredictable amounts of out-of-state waste flowing into state disposal facilities. States' attempts to address that problem run into the second obstacle. The Supreme Court has established, in a series of opinions, that Congress must first provide the states the authority to regulate interstate waste.

I rise with my colleague today to introduce legislation to do just that.

Senator VOINOVICH and I, as Governors, participated in a cooperative effort to develop a set of principles for federal action on interstate waste. The Voinovich/Bayh interstate waste control bill is based on those principles. Mr. President, the need for controls in interstate waste is even more acute today than when I was a Governor. Current governors supporting our bill know this better than anyone.

In Indiana, waste imports are again on the rise. After decreasing from 1992 to 1994, waste imports increased significantly in 1995 and doubled in 1996. Between 1996 and 1998, out-of state waste received by Indiana facilities increased by 32 percent to their highest level in the last seven years. In fact, in 1998, 2.8 million tons of out-of-state waste were disposed of in Indiana—that's 19 percent of all the waste disposed of in Indiana's landfills. Our Department of Environmental Management has predicted that the state will run out of landfill space in 2011—or earlier, so the time for action is now.

Senator VOINOVICH and I believe we have crafted a comprehensive, equitable approach to interstate waste management. Our bill will give states the power to ensure manageable and predictable waste flows by freezing waste imports at 1993 levels. States bearing the greatest burden of interstate waste—those that disposed of more than 650,000 tons in 1993—could reduce imported waste to 65 percent of the 1993 level by 2006. Our bill will give states the power to set a percentage limitation on the amount of out-of-state waste that new or expanding facilities could receive and give states the option to deny a permit to a new or expanding facility if there is no regional or in-state need for the facility. Local governments would have more power to determine whether they want to accept out-of-state waste. They would be able to prohibit local disposal facilities that didn't receive out-of-state waste in 1993 from starting to take it until the local government approved. This presumptive ban on interstate waste would not interfere with facilities operating under existing host community agreements or permits.

This bill is the culmination of the work we did as Governors and the coalition we are building as Senators. It attempts to forge a new and workable compromise between the needs and rights of importing and exporting states and gives the people who must live with waste planning decisions the power to make them. I look forward to

working with my colleagues to move this important legislation forward.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. HARKIN, Mr. KERRY, Ms. LANDRIEU, Mr. FEINGOLD, and Mr. WELLSTONE):

S. 873. A bill to close the United States Army School of the Americas; to the Committee on Armed Services.

LEGISLATION TO CLOSE THE U.S. ARMY SCHOOL OF THE AMERICAS

Mr. DURBIN. Mr. President, today I am introducing legislation to close the U.S. Army School of the Americas. The school is the Army's Spanish language training facility for Latin American personnel. It is located in Fort Benning, GA. The school is a relic of the cold war with a terrible legacy of teaching torture and assassination. It deserves to be closed for what it has taught in the past, what it stands for in Latin American democracies today, and what its counterinsurgency training at such a tainted institution may create in the future.

This school was formed after World War II. Its mission, starting in the 1960s, was to fight Communist insurgencies in Latin America. To do this, instruction manuals used at the school from 1982 to 1991 recommended execution, torture, and blackmail of insurgents. These manuals at the U.S. Army School of the Americas advocated that Latin American militaries spy on and infiltrate civic organizations such as opposition political parties, community organizations, and unions. They fundamentally confused what constitutes armed insurgency with genuine civic opposition. To the Latin American dictators of the time, insurgents were anybody who did not agree with them, leading to a virtual war against civilians, religious leaders, and Native Americans.

The Chicago Tribune recently wrote an editorial noting the fact that there would likely be very few reunions of the graduates of the Army School of the Americas. It is not surprising when you take a look at the list of the graduates of this U.S. Army School of the Americas and consider that it contains a list of some of the worst human rights abusers in recent Latin American history.

Let me be specific: 19 Salvadoran soldiers linked to the murder of 6 Jesuit priests, their housekeeper, and her daughter in El Salvador in 1989. Among the other graduates of the School of the Americas: 48 of 69 Salvadoran military members cited at the United Nations Truth Commission report on El Salvador for involvement in human rights violations. The list goes on: Former Panamanian dictator and convicted drug dealer Manuel Noriega and nine other Latin American military dictators; El Salvador death squad leader Roberto D'Aubuisson; two of the three killers of Catholic Archbishop Oscar Romero of El Salvador.

I continue reading the list of graduates from the U.S. Army School of the Americas at Fort Benning, GA: Mexican General Juan Lopez Ortiz, whose troops committed the Ocosingo massacre in Chiapas in 1994; Guatamalan Colonel Julio Alpirez, linked to the murder of U.S. citizen Michael Devine in 1990, and Efrain Bamaca, husband of Jennifer Harbury in 1992; 124 of the 247—more than half—Colombian military officials accused of human rights violations in the 1992 work ''State Terrorism in Colombia,'' compiled by a large coalition of European and Colombian nongovernmental organizations; 2 of the 3 officers prosecuted by Guatemala for masterminding the killing of anthropologist Myrna MACK in 1992, as well as several leaders of the notorious Guatamalan military unit D–2.

I continue to read the list of graduates of the U.S. Army School of the Americas at Fort Benning, GA: Argentinian dictator Leopoldo Galtieri, a leader of the so-called ''dirty war,'' during which some 30,000 civilians were killed or ''disappeared;'' Haitian Colonel Gambetta Hyppolite, who ordered his soldiers to fire on a provincial electoral bureau in 1987; several Peruvian military officers linked to the July 1992 killings of 9 students and a professor from La Cantuta University.

I read on from the list of graduates of the U.S. Army School of the Americas, Fort Benning, GA: Several Honduran officers linked to a clandestine military force known as Battalion 316 responsible for disappearances in the 1980s; 10 of the 12 officers responsible for the murder of 900 civilians in the El Salvadoran village of El Mozote; and, finally, 3 of the 5 officers involved in the 1980 rape and murder of 4 U.S. churchwomen in El Salvador. These are all graduates of the U.S. Army School of the Americas, Fort Benning, GA.

This school is not a victim of a few isolated incidents of wrongdoing by its graduates. This list shows that human rights violations are endemic among its graduates, with far in excess of 200 murders and other human rights violators by its past roll of honor graduates.

Can the School of the Americas claim innocence in the actions of its graduates? Many do not think it is possible. For example, just a few months ago the Guatemalan Truth Commission Report faulted the school's counterinsurgency training as having ''had a significant impact on the human rights violations during the armed conflict,'' a conflict that killed 200,000 people.

How, in the name of humanity or democracy, can the people of America allow this school to remain open? How can we sanction the legacy perpetuated by its name today? The Latin American dictatorships of the 1970s and 1980s have given way to democracy, some fragile, some strong. But to the people of these countries, the continued existence of the Army School of the Americas perpetuates the unfortunate link between the United States and the perpetrators of the heinous crimes I have just listed. The school should be closed to send a powerful signal to democratic countries of Latin America that America repudiates the terror, the torture, and the murder carried out against civilian populations by Central and South American military forces run amok.

I am not proposing that we hold this U.S. foreign military program accountable for the actions attributed to the graduates. We know from experience that people can be brutal with or without training. But neither can we deny the links of those human rights abusers to the School of the Americas. Just a few of those examples should have been enough for us to quickly close that school in shame.

In the post-cold-war era, it is more important than ever for the United States to promote democratic values and human rights in developing countries and to reject militaries that view their own countries' citizens as the enemy.

The Pentagon will tell you that the Army has tried to make changes at the school by updating the curriculum to include discussions of human rights and by approving the selection process for students and the quality of the teaching staff. I do not doubt that some changes have been made, but I am not confident that these changes are enough or could ever be enough at a facility with such a sorry history.

To be sure the continuing counterinsurgency training will not lead to future abuses against legitimate civic opposition, we must close this school. The U.S. Army School of the Americas is trying to sell itself with a new mission—certainly a topical mission—counternarcotics training. But the Chicago Tribune in an April 16 editorial addressed this assertion of a new mission directly:

> Attempts to recast the school as an anti-narcotics center are so much hokum. Little in the curriculum is related to drug interdiction, and it is not at all clear that the U.S. Army is qualified to impart such instruction or that training the notoriously meddlesome Latin militaries to get involved in civilian law enforcement is advisable.

Most importantly, cosmetic changes in the curriculum cannot salvage the savage reputation of this school's graduates or erase the U.S. Army School of the Americas' bloody and embarrassing legacy. We offer plenty of other training opportunities for Latin American military personnel. We do not need this school, Latin America's fragile democracies do not need it, and it should be closed.

Last weekend it was my privilege to be part of a delegation sent by the

leadership in Congress to go to Germany, Italy, Albania, Macedonia, and Belgium. During that visit, we met many of America's finest men and women in uniform who are literally doing their duty for this country, fighting to protect democracy and to accomplish the mission that has been assigned to them. I was so proud to be there and greet those from Illinois and from around the country and to thank them for the job they are doing for this country.

What I am about today is no reflection on them. In fact, I suggest to the leaders in the Pentagon, in the name of the men and women currently in uniform, to make certain that they don't have to answer the troubling questions about the existence of this School of the Americas, it should be closed forthwith.

If there are those who want to come forward and suggest there are some missions at the school that can be transferred to another place, entirely peaceful, entirely constructive, entirely defensible, I will listen to that and I am open to it. But, please, once and for all let us close this sorry, sad chapter at the U.S. Army School of the Americas at Fort Benning, GA.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 38, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period.

S. 59

At the request of Mr. THOMPSON, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 59, a bill to provide Government-wide accounting of regulatory costs and benefits, and for other purposes.

S. 72

At the request of Ms. SNOWE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 72, a bill to amend title 38, United States Code, to restore the eligibility of veterans for benefits resulting from injury or disease attributable to the use of tobacco products during a period of military service, and for other purposes.

S. 247

At the request of Mr. HATCH, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 247, a bill to amend title 17, United States Code, to reform the copyright law with respect to satellite retransmissions of broadcast signals, and for other purposes.

S. 344

At the request of Mr. BOND, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 344, a biil to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees.

S. 345

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

S. 434

At the request of Mr. BREAUX, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 472, a bill to amend title XVIII of the Social Security Act to provide certain medicare beneficiaries with an exemption to the financial limitations imposed on physical, speech-language pathology, and occupational therapy services under part B of the Medicare program, and for other purposes.

S. 556

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 556, a bill to amend title 39, United States Code, to establish guidelines for the relocation, closing, consolidation, or construction of post offices, and for other purposes.

S. 638

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 638, a bill to provide for the establishment of a School Security Technology Center and to authorize grants for local school security programs, and for other purposes.

S. 662

At the request of Mr. CHAFEE, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 712

At the request of Mr. LOTT, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 712, a bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for highway-rail grade crossing safety through the voluntary purchase of certain specially issued United States postage stamps.

S. 720

At the request of Mr. HELMS, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 720, a bill to promote the development of a government in the Federal Republic of Yugoslavia (Serbia and Montenegro) based on democratic principles and the rule of law, and that respects internationally recognized human rights, to assist the victims of Serbian oppression, to apply measures against the Federal Republic of Yugoslavia, and for other purposes.

S. 738

At the request of Mr. DODD, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 738, a bill to assure that innocent users and businesses gain access to solutions to the year 2000 problem-related failures through fostering an incentive to settle year 2000 lawsuits that may disrupt significant sectors of the American economy.

S. 796

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 796, a bill to provide for full parity with respect to health insurance coverage for certain severe biologically-based mental illnesses and to prohibit limits on the number of mental illness-related hospital days and outpatient visits that are covered for all mental illnesses.

At the request of Mr. WELLSTONE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 796, supra.

S. 801

At the request of Mr. SANTORUM, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 815

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 815, a bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources.

S. 835

At the request of Mr. CHAFEE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 835, a bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

SENATE JOINT RESOLUTION 21

At the request of Ms. SNOWE, the names of the Senator from Minnesota

(Mr. GRAMS), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of Senate Joint Resolution 21, a joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of Senate Resolution 29, a resolution to designate the week of May 2, 1999, as ''National Correctional Officers and Employees Week.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE CONCURRENT RESOLUTION 29—AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR CONCERTS TO BE CONDUCTED BY THE NATIONAL SYMPHONY ORCHESTRA

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

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF NATIONAL SYMPHONY ORCHESTRA CONCERTS ON CAPITOL GROUNDS.

The National Park Service (in this resolution referred to as the ''sponsor'') may during each of calendar years 1999 and 2000 sponsor a series of three concerts by the National Symphony Orchestra (in this resolution each concert referred to as an ''event'') on the Capitol Grounds. Such concerts shall be held on Memorial Day, 4th of July, and Labor Day of each such calendar year, or on such alternate dates during that calendar year as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, each event authorized by section 1—

(1) shall be free of admission charge and open to the public, with no preferential seating except for security purposes as determined in accordance with section 4, and

(2) shall be arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with each event.

(c) AUDITS.—Pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–l), the Comptroller General of the United States shall perform an annual audit of the events for each of calendar years 1999 and 2000 and provide a report on each audit to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Rules and Administration not later than December 15 of the calendar year for which the audit was performed.

SEC. 3. STRUCTURES AND EQUIPMENT; BROADCASTING; SCHEDULING; OTHER ARRANGEMENTS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for each event.

(b) BROADCASTING OF CONCERTS.—Subject to the restrictions contained in section 4, the concerts held on Memorial Day and 4th of July (or their alternate dates) may be broadcast over radio, television, and other media outlets.

(c) SCHEDULING.—In order to permit the setting up and taking down of structures and equipment and the conducting of dress rehearsals, the Architect of the Capitol may permit the sponsor to use the West Central Front of the United States Capitol for each event for not more than—

(1) six days if the concert is televised, and

(2) four days if the concert is not televised.

The Architect may not schedule any use under this subsection if it would interfere with any concert to be performed by a military band of the United States.

(d) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out each event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—The Capitol Police Board shall for each event—

(1) provide for all security related needs, and

(2) provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds.

(b) EXCEPTION FOR CREDIT TO SPONSORS.—Notwithstanding subsection (a), credits may be appropriately given to private sponsors of an event at the conclusion of any broadcast of the event.

(c) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in an event as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which the sponsor and such persons agree to comply with the requirements of this section. The agreement shall specifically prohibit the use for a commercial purpose of any photograph taken at, or broadcast production of, the event.

SENATE RESOLUTION 82—EXPRESSING THE GRATITUDE OF THE UNITED STATES FOR THE SERVICE FOR THOMAS B. GRIFFITH, LEGAL COUNSEL FOR THE UNITED STATES SENATE

Mr. THURMOND (for himself, Mr. LOTT, Mr. DASCHLE, Mr. MCCONNELL, and Mr. DODD) submitted the following resolution; which was submitted and agreed to:

S. RES. 82

Whereas Thomas B. Griffith, the Legal Counsel of the United States Senate, became an employee of the Senate on March 13, 1995, and since that date has ably and faithfully upheld the high standards and traditions of the Office of Legal Counsel of the United States Senate;

Whereas Thomas B. Griffith, from October 24, 1995, to April 18, 1999, served as the Legal Counsel of the United States Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position, including providing legal defense of the Senate, its committees, Members, officers, and employees; representing committees in proceedings to obtain evidence for Senate investigations; representing the interests of the Senate as intervenor or amicus curiae in various court cases; and otherwise providing legal advice to Members, committees, and officers of the Senate;

Whereas Thomas B. Griffith, only the second person to hold the position of Senate Legal Counsel since it was created in 1979, has met the needs of the United States Senate for legal counsel with unfailing professionalism, skill, dedication, and good humor during his entire tenure; and

Whereas Thomas B. Griffith has tendered his resignation as Senate Legal Counsel, effective as of April 18, 1999, to return to the private practice of law: Now, therefore, be it

Resolved, That the United States Senate commends Thomas B. Griffith for his more than 4 years of faithful and exemplary service to the United States Senate and the Nation, including 3½ years as Senate Legal Counsel, and expresses its deep appreciation and gratitude for his faithful and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas B. Griffith.

SENATE RESOLUTION 83—EXPRESSING THE SENSE OF THE SENATE REGARDING THE SETTLEMENT OF CLAIMS OF CITIZENS OF GERMANY REGARDING DEATHS RESULTING FROM THE ACCIDENT NEAR CAVALESE, ITALY, ON FEBRUARY 3, 1998, BEFORE THE SETTLEMENT OF CLAIMS WITH RESPECT TO THE DEATHS OF MEMBERS OF THE UNITED STATES AIR FORCE RESULTING FROM THE ACCIDENT OFF NAMIBIA ON SEPTEMBER 13, 1997

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Foreign Relations.

S. RES. 83

Whereas on September 13, 1997, a German Luftwaffe Tupelov TU–154M aircraft collided with a United States Air Force C–141 Starlifter aircraft off the coast of Namibia;

Whereas as a result of that collision nine members of the United States Air Force were killed, namely Staff Sergeant Stacey D. Bryant, 32, loadmaster, Providence, Rhode Island; Staff Sergeant Gary A. Bucknam, 25, flight engineer, Oakland, Maine; Captain Gregory M. Cindrich, 28, pilot, Byrans Road, Maryland; Airman 1st Class Justin R. Drager, 19, loadmaster, Colorado Springs, Colorado; Staff Sergeant Robert K. Evans,

31, flight engineer, Garrison, Kentucky; Captain Jason S. Ramsey, 27, pilot, South Boston, Virginia; Staff Sergeant Scott N. Roberts, 27, flight engineer, Library, Pennsylvania; Captain Peter C. Vallejo, 34, aircraft commander, Crestwood, New York; and Senior Airman Frankie L. Walker, 23, crew chief, Windber, Pennsylvania;

Whereas the Final Report of the Ministry of Defense of the Defense Committee of the German Bundestag states unequivocally that, following an investigation, the Directorate of Flight Safety of the German Federal Armed Forces assigned responsibility for the collision to the Aircraft Commander/Commandant of the Luftwaffe Tupelov TU–154M aircraft for flying at a flight level that did not conform to international flight rules;

Whereas the United States Air Force accident investigation report concluded that the primary cause of the collision was the Luftwaffe Tupelov TU–154M aircraft flying at an incorrect cruise altitude;

Whereas procedures for filing claims under the Status of Forces Agreement are unavailable to the families of the members of the United States Air Force killed in the collision;

Whereas the families of the members of the United States Air Force killed in the collision have filed claims against the Government of Germany; and

Whereas the United States Senate has adopted an amendment authorizing the payment to citizens of Germany of a supplemental settlement of claims arising from the deaths caused by the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the Government of Germany should promptly settle with the families of the members of the United States Air Force killed in a collision between a United States Air Force C–141 Starlifter aircraft and a German Luftwaffe Tupelov TU–154M aircraft off the coast of Namibia on September 13, 1997; and

(2) the United States should not make any payment to citizens of Germany as settlement of such citizens' claims for deaths arising from the accident involving a United States Marine Corps EA–6B aircraft on February 3, 1998, near Cavalese, Italy, until a comparable settlement is reached between the Government of Germany and the families described in paragraph (1) with respect to the collision described in that paragraph.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 21, 1999. The purpose of this meeting will be to review the USDA Office of the Inspector General's report on crop insurance reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on whether the United States has the natural gas supply and infrastructure necessary to meet projected demand.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 10 a.m. to hold a Markup.

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 21, 1999 at 2 p.m. to hold a Hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on April 21, 1999, at 9:30 a.m. for a hearing on S. 746, The Regulatory Improvement Act of 1999.

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

COMMITTEE ON THE JUDICIARY

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 10 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''Privacy in the digital age: discussion of issues surrounding the internet.''

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee On Intelligence be authorized to meet during the session of the Senate on Wednesday, April 21, 1999 at 3 p.m. to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Forests & Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 21, for purposes of conducting a hearing Subcommittee on Forests & Public Lands Management hearing which is scheduled to begin at 2 p.m. The purpose of the oversight hearing is to discuss the Memorandum of Understanding signed by multiple agencies regarding the Lewis and Clark bicentennial celebration.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, April 21, 1999, in open session, to review the readiness of the United States Navy and Marines Operating Forces.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 21, 1999, at 2 p.m. on the technology administration FY/2000 budget.

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

SUBCOMMITTEE ON SEAPOWER

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee of the Committee on Armed Services on Seapower be authorized to meet on Wednesday, April 21, 1999, at 2:30 p.m., in open session, to receive testimony on ship acquisition programs and policy.

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

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism and Property Rights of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Wednesday, April 21, 1999, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

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

ADDITIONAL STATEMENTS

ARCTIC NATIONAL WILDLIFE REFUGE

• Mr. MURKOWSKI. Mr. President, today a number of my colleagues introduced legislation to lock up America's best chance to reduce our dependence on foreign oil.

This legislation is bad policy Mr. President and should be vigorously opposed.

INCREASING DEPENDENCE ON FOREIGN OIL

Many times on the floor of the Senate my colleagues have heard me talk about the United State's increasing dependence on foreign oil.

I have made the point that we are importing too much of our oil from oversees while watching our domestic level of production decrease by the day.

Consider the following:

In 1994, domestic oil production dropped to 6.6 million barrels a day—the lowest annual level since 1954;

North slope oil fields—which provide 25 percent of our domestic production—has been in decline since 1988.

At the same time, national demand has steadily increased more than 17.7 million barrels per day—the highest level since the mid-1970's

Today the U.S. imports close to 56 percent of its oil.

Just how significant is a 56 percent dependence on foreign oil—lets look at it:

In 1973, the year of the Arab oil embargo—the year of the 2-hour wait at the gas lines—the United States was 36 percent dependent on foreign oil

In 1991, the year of Desert Storm, the United States was 46 percent dependent on foreign oil

Now we are 54 percent dependent.

And if we don't act soon there is no way to stop our increasing dependence on imported oil—a dependence our own Government says could be 67 percent by 2010.

In the meantime countries such as Algeria, Iraq, Libya, and Nigeria are all planning to increase their production levels.

Locking up ANWR in wilderness and increasing our dependence on foreign oil is bad policy.

ANWR RESERVE ESTIMATES ARE THE HIGHEST EVER

In 1998 the Department of the Interior published the results of over 3 years of research on the oil and gas potential of the 1002 area of ANWR.

The 1998 estimates is the highest estimate ever published regarding the 1002 area estimating a mean resource for the coastal plain of 7.7 billion barrels of produceable oil.

The new estimates are significantly higher than those produced by the Department of the Interior in 1987 which led to their recommendation to Congress to open the 1.5 million-acre area to responsible oil and gas leasing, exploration, and production.

TECHNOLOGY IN THE ARCTIC ALLOWS FOR SAFE DEVELOPMENT

The sponsors of the legislation do not recognize the incredible advances in development technologies on the North Slope.

This technology has reduced the size of the impact from development by more than 60 percent and is literally the best in the world.

ALASKANS AND NATIVE PEOPLE OF ALASKA OVERWHELMINGLY SUPPORT

Virtually all of Alaska's elected officials—both Republicans and Democrats support the careful development of this area.

The overwhelming majority of the Native people of Alaska support development of this area and strongly oppose wilderness designation, including the people who live in the Arctic National Wildlife Refuge Coastal Plain.

Recently the mayor of the North Slope Borough, Ben Nageak, who was born in the heart of the coastal plain at Kaktovik, wrote a letter to the President opposing wilderness designation.

The oil industry has been a good friend to the environment here while providing us with money and jobs so that we could be more productive members of American society. It (wilderness designation) will cripple our ability to wean ourselves away from the Federal Government's subsidies and destroy our attempts at self reliance.

JOBS AND REVENUE

It is estimated between 250,000 and 750,000 jobs nationwide will be created through safe exploration and development.

Billions of dollars of Federal revenues would be generated by safe exploration and development.

As a nation dependent on energy for our economic survival we have to find and produce energy here at home.

We must stop driving our energy producing industries and our energy jobs overseas.

According to the Department of Energy, U.S. dependence on foreign oil is expected to rise to 70 percent by the year 2000.

How much more likely are we to put our children and grand children in hams way on foreign oil to protect our domestic interests when we import 70 percent of our oil?

How can elected officials of this country—Members of this body—think that it is better policy to rely on oil from the likes of Saddam Hussein for U.S. energy security that it is to develop and produce our own?●

TRIBUTE TO WALTER H. WEINER

● Mr. SCHUMER. Mr. President, I rise to pay tribute to Walter H. Weiner on his retirement from Republic National Bank of New York and Republic New York Corporation. Mr. Weiner has served Republic New York Corporation with acclaimed leadership as Chief Executive Officer from January 1, 1980 to April 21, 1999, as President from January 1, 1980 to July 26, 1983 and as Chairman of the Board from July 23, 1983 to April 21, 1999; also, Mr. Weiner has served Republic National Bank with excellence and distinction as Chief Executive Officer from January 1, 1980 to April 21, 1999, as President from April 22, 1981 to April 16, 1986 and as Chairman of the Board from April 16, 1986 to April 21, 1999.

Mr. Weiner has been a wise and trusted colleague, adviser and friend to the directors, officers, and employees of the Corporation and of the Bank. I would like to acknowledge and pay tribute to him for his active and vital participation in the Bank's affairs and for his loyal support of its business philosophy and corporate purposes.

Mr. Weiner's skill and wisdom have been a great asset to his colleagues. His dynamic and expert service has contributed to both the Bank and Corporation immeasurably. The great success achieved by the Corporation and by the Bank have been in large measure due to the excellent leadership, generosity of spirit and untiring devotion that Mr. Weiner has brought to his more than nineteen years of dedicated service as Chief Executive Officer of these organizations. I have no doubt that he will continue to offer guidance and valuable contributions to the Corporation and the Bank as a member of the Boards of Directors.●

2D LT. GEORGE W.P. WALKER

● Mr. REED. Mr. President, it is my pleasure to inform my colleagues that the U.S. Military Academy Class of 1958 is naming the debate room at Lincoln Hall, West Point, NY, in honor of their classmate, 2d Lt. George W.P. Walker.

George Walker was an outstanding soldier, scholar and leader. He graduated from the U.S. Military Academy No. 1 in his class. George Walker received many prestigious awards for his educational and military prowess. He was admired and respected by his classmates as a man of honor and a true friend. Tragically, 2d Lt. Walker died in an airplane accident in 1959 while he was en route to Oakland, CA, for an overseas assignment.

I wish to recognize the remarkable life of 2d Lt. George W.P. Walker by printing in the RECORD the February 2, 1959, remarks of Congressman Francis Dorn who appointed 2d Lt. Walker to the U.S. Military Academy. I ask that Congressman Dorn's remarks be printed in the RECORD.

The remarks follow.

2D LT. GEORGE W.P. WALKER

Mr. DORN of New York. Mr. Speaker, it is with great sadness that I inform my colleagues of the death of 2d Lt. George W.P. Walker, son of Mr. and Mrs. George Walker of 1103 East 34th Street, Brooklyn, N.Y. Lieutenant Walker was in an aircraft accident in North Carolina while he was enroute to Oakland, Calif., for overseas assignment.

Lieutenant Walker was my appointee to the U.S. Military Academy and when he was graduated from that institution in June of 1958, he stood No. 1 in his class. For the entire time he attended the Military Academy, he was carried on the dean's list.

Upon graduation, he was presented with the following awards:

For having the highest rating in mechanics of fluids, a portable typewriter, presented by the National Society, Daughters of the American Revolution.

For excellence in intercollegiate debating, a wristwatch presented by the Consul General of Switzerland.

As the No. 1 man in military topography, a wristwatch presented by the Daughters of the Union Veterans of the Civil War.

The Francis Vinton Greene Memorial, caliber .45 pistol, presented in the name of Mrs. Green, for standing No. 1 in general order of merit for 4 years; a set of books presented by the American Bar Association for having the highest rating in law; a silver tray—called the Eisenhower Award—presented by the American Bar Association for having the highest rating in law; a silver tray—called the Eisenhower Award—presented by Mr. Charles P. McCormick of Baltimore, Md., for excellence in military psychology and leadership.

In addition to maintaining his very high military and academic standing while at the Academy, Cadet Walker was active in extracurricular activities, and during his last year held the rank of lieutenant in the Corps of Cadets.

The Nation has lost a potential outstanding military leader and the loss is indeed a great one. I was proud to have been his sponsor, and I join in grieving with his parents.●

BETHESDA MINISTRY'S 40TH ANNIVERSARY

● Mr. ASHCROFT. Mr. President, I rise today in recognition of the outstanding service that Bethesda Ministry has provided to the Colorado Springs community as well as to missions work around the world. It is with great pleasure that I commend them for their 40 years of remarkable achievements. They are a great inspiration.

As our Nation and the world look increasingly for moral guidance in a period of moral decay, Bethesda Ministry provides a path for others to follow. I wish to extend my heartfelt congratulations to Bethesda Ministry for their commitment to God and to the redemptive mission of Christ. Best wishes for a joyous and memorable 40th Anniversary.●

WATER RESOURCES DEVELOPMENT ACT—SAVANNAH HARBOR DEEPENING PROJECT

● Mr. HOLLINGS. Mr. President, I rise today to discuss the Water Resources Development Act that was passed by the Senate on Monday, April 19, 1999. I apologize for the tardy nature of my remarks, but I have been inundated with requests from my constituents to clarify the language regarding this project. I hope the Chairman of the Senate Environment and Public Works Committee will help clarify the intent of the Savannah Harbor Expansion Project authorization that appears in Section 101 of the 1999 Water Resources Development Act.

Mr. CHAFEE. I will try.

Mr. HOLLINGS. It is my understanding that this legislation does not exempt affected Federal, State, regional, and local entities from their independent legal duties to propose and evaluate navigation improvement projects in compliance with the requirements of applicable law; including the National Environmental Protection Act, the Water Resources Development Act of 1986, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, and the Fish and Wildlife Coordination Act, as well as the laws of South Carolina and Georgia.

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. I also understand that the concurrence of the federal agencies in the implementation plan and mitigation plan will not compromise or impair those legal requirements. Is that correct?

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. And I further understand that authorization of the project is contingent upon all applicable legal requirements being met. Is that correct?

Mr. CHAFEE. That is correct.

Mr. HOLLINGS. I thank the Chairman for the opportunity to clarify these understandings.●

CONGRATULATIONS TO PUEBLO PACHYDERM CLUB

● Mr. ALLARD. Mr. President, I wish today to recognize a group from Pueblo, Colorado—the Pueblo Pachyderm Club. This is Founders Week of the National Federation of the Grand Order of Pachyderm Clubs, and I think it is fitting that we acknowledge their civic efforts and attitude.

The Pueblo Pachyderm Club, and the National Federation of Pachyderm Clubs, have a motto—''Free government requires active citizens.'' Their goal is to develop future leaders and better citizenship through the promotion of wide-spread involvement by good citizens in politics. They advocate better government through club programs and open meetings, by providing scholarships for political science students, by sponsoring campaign workshops, and by encouraging awareness of political affairs.

The founders who have worked tirelessly for the Pueblo Pachyderm Club for years deserve special recognition. They have made the Club a fixture in the Pueblo community. The Club's regularly scheduled luncheons have become an avenue for local and state officials to meet with and listen to the concerns and thoughts of the community.

Bringing together citizens, and hosting politicians and officials, leads to greater and better communication and fosters the beginning of new political interests and political potential. To simplify it—the more the better. The larger the percentage of our public that is involved in policy decision making, the better. With this in mind, the Pachyderm Club continues its mission. I wish them the best.●

CONGRATULATIONS TO THE LOW VISION INFORMATION CENTER FOR 20 YEARS OF PUBLIC SERVICE

● Mr. SARBANES. Mr. President, I rise today to commemorate the 20th anniversary of the Low Vision Information Center, LVIC, located in Bethesda, Maryland. This unique center provides critical help to visually impaired individuals and their families.

Low vision is the third leading cause of disability in the United States whose causes, among others, include macular degeneration and glaucoma. Low vision is a life altering condition which prevents millions of Americans from performing ostensibly elementary tasks such as reading, walking without aid, dialing the telephone, and even recognizing the faces of family and friends. Unlike other vision complications, low vision cannot be corrected with glasses and contacts, nor are there medical or surgical solutions available. There are, however, research and rehabilitation centers which address low vision, including Maryland's own Johns Hopkins Lions Vision Research and Rehabilitation Center at the Wilmer Eye Institute, which research the condition and help formulate ways in which the challenges posed by low vision can be reduced.

The LVIC provides a related but unique service. Established 20 years ago, LVIC is dedicated to helping individuals with low vision cope with daily tasks in a home-like setting with the most up-to-date technology, LVIC has served more than 40,000 clients and their families during its 20-year history. Currently, LVIC staff and volunteers see up to 150 clients a month in their downtown Bethesda office. LVIC helps people with everything from successfully pouring a cup of coffee, to writing personal checks, to learning how to use a talking watch. Additionally, LVIC often shows vision professionals what it is like to suffer from low vision by providing them with goggles that simulate various eye afflictions. Staff and volunteers also visit senior centers and nursing homes to educate this populace about low vision.

Mr. President, it has always been my firm belief that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those fortunate enough to serve their fellow citizens. LVIC provides a critical public service to countless individuals in our society, both by directly helping those who suffer from low vision, and by educating professionals and lay people alike on the causes, symptoms and technology available relating to low vision. I am pleased to join with all of LVIC's clients and their families, staff and volunteers in celebrating 20 years of public service that has significantly improved the quality of life for low vision individuals in our society.●

THE CLEAN GASOLINE ACT OF 1999

• Mr. CHAFEE. Mr. President, today I am adding my name as a cosponsor of S. 171 the Clean Gasoline Act of 1999. This bill sets a national, year-round cap on the sulfur content of gasoline sold in the United States. The bill would bring American gasoline standards in-line with the low sulfur levels required in Japan, Australia, the European Union and the State of California.

As we all know, cars are a significant source of air pollution. This bill would have an effect on pollution equal to removing 54 million vehicles from the road. The reason for such a dramatic improvement is that sulfur in gasoline coats the car's catalytic converter and spoils its ability to reduce emissions smog-forming pollutants. More than 30 percent of these pollutants are emitted by cars and trucks.

In the new breed of low emission vehicles, sulfur is particularly damaging. Engineers have created a new generation of pollution control devices for these vehicles that more effectively reduce smog-forming emissions. But, these cutting-edge technologies are poisoned by even moderate sulfur levels in the gasoline. According to industry research on this new class of clean cars, reducing gasoline sulfur concentration from the current national average of 330 parts per million to 40 ppm will reduce hydrocarbon emissions by 34 percent, carbon monoxide emissions by 43 percent, and nitrogen oxides emissions by 51 percent.

If these devices fail to work properly because they are clogged with sulfur, those emissions reductions will be lost and much of our investment in cleaner automotive technology will be wasted.

More importantly, lower sulfur levels in gasoline will reduce emissions from nearly every car on the road today—not just those with the latest pollution control devices. This is because reducing the sulfur content of gaoline instantly improves the performance of all catalytic converters in all cars. Low-sulfur fuel adds value to our existing investments in pollution control technology. There are more than 125 million passenger cars on the road today, and this bill will make almost every single one of them cleaner.

I'm sure my colleagues recall the phase-out of leaded gasoline in the late 1970s. We undertook that phase-out because we understood that catalytic converters—a new technology at the time—would not work with lead in the gasoline. Now is the time to phase-out sulfur because, by reducing sulfur levels, we can reap more rewards from existing technology and eliminate barriers to new technology.

Reducing sulfur levels in gasoline will require some changes to oil refining and processing techniques, and there is a modest cost associated with that. But, no other strategy can achieve such large reductions in air pollutants so quickly. We must capitalize on two decades of improvements in automotive technology by making similar advances in the gasoline used in those cars.•

ENVIRONMENTAL EDUCATION CENTER DEDICATION

• Mr. ROCKEFELLER. Mr. President, I would like to share with my colleagues a very special occasion for education. I proudly want to share in the celebration as Oglebay Institute announces its new and sophisticated 11,700-square foot Schrader Environmental Educational Center in Wheeling, West Virginia. The incredible opportunities that will be offered by this state-of-the-art facility characterize the Oglebay Institute's dedication to educating students and adults about science, nature, and the environment.

The Oglebay Institute in Wheeling, West Virginia is a non-profit organization with a particularly distinguished mission of promoting lifelong learning in a variety of creative ways and areas. The Institute lends its support to the visual and creative arts, sponsoring regional and national artists in two museums as well as a fine arts center. By hosting numerous plays and concerts every year, the Oglebay performing arts department is equally important in adding to the cultural richness of the surrounding community. To promote regional natural history interpretation and preservation, the Institute carefully maintains 4.5 miles of discovery trails and a butterfly and wildflower garden in the 1,650 acre Oglebay Park. Such resources are well utilized in programs for regional wildlife education. The opportunities available range from nature walks to bird observation, and travel programs to celebrations of Earth Week. The environmental education department, whose accomplishments we honor today, caters to a wealth of individual interests while promoting universal environmental literacy and motivation. Particularly noteworthy in such endeavors are the hands-on experiences with various aspects of nature. In the program offerings such options abound; participants choose from among astronomy, maple sugaring and interactive computer simulations.

For sixty-eight years, the Oglebay Institute has been a pioneer in this field of nature, science and environmental education, successfully coupling recreation with the promotion of environmental awareness. The new Environmental Education Center, with its exceptional design and ideal location, insures a great contribution to this vision. The Schrader Center's exhibition areas will offer interactive opportunities exploring all issues, ranging from the self-supporting nature of the Earth to our role as its caretakers. At the newly constructed cutting edge learning center, outreach technology will enable adaption of educational programs to extend education to local students and others thanks to distance learning. I have full confidence that the proximity of the Environmental Education Center to the expansive Oglebay Park, where many outdoor activities take place, will serve as further incentive to enjoy the remarkable opportunities available.

West Virginians and tourists from across the country visit Oglebay Park and learn from the Oglebay Institute. For seven decades, the Oglebay Institute has provided education, culture, and recreational activities for crowds throughout the region. Among the eager participants are school groups who can gain hands-on experience at the new center.

The Oglebay Institute's efforts to educate and fully engage are critical to an environmentally-conscious future, and worthy of our attention and praise. The Schrader Environmental Education Center will undoubtedly prove to be an enormous asset to West Virginians and the entire region as a way to improve our understanding of science and our nature. This is a special day for the Oglebay Institute and the entire Wheeling area.•

CHAMPIONING THE GIFT OF LIFE

• Mr. TORRICELLI. Mr. President, I rise today to recognize Dr. R. Gordon Douglas, Jr., President of the Vaccine Division of Merck & Co., Inc. as he prepares for his retirement after decades of distinguished service. As a leader in one of New Jersey's largest pharmaceutical companies, Dr. Douglas has been responsible for the research, development, manufacturing and marketing of Merck's vaccine line. In addition to his responsibilities at Merck, Dr. Douglas has helped improve the lives of thousands of people throughout the world through his leadership roles in his company's and the State's blood drives.

In 1998, Dr. Douglas encouraged over 3,400 Merck employees in New Jersey to give the life-saving gift of blood. He took a significant leadership role with the New Jersey Blood Services by chairing the Blood Donor Campaign in 1997–1998 and encouraging colleagues in other corporations to increase their blood drive efforts. Under his leadership, the Merck Blood Drive Program received the America's Blood Centers 1999 Platinum Award, the highest blood drive award given by the Nation's largest network of independent, community blood centers.

Dr. Douglas has served as a physician, academician, and world-class leader in the fight against infectious diseases. As a graduate of Cornell University Medical School, he has served as a clinical investigator at the National Institute of Health, a member of

the faculty at the Baylor College of Medicine, and the School of Medicine at the University of Rochester, and later returned to Cornell as Chairman of the Department of Medicine in the Medical College before beginning his career at Merck.

In a career marked by many valuable achievements, I am pleased today to highlight Dr. Douglas' contributions to New Jersey and society.●

ORDER OF PROCEDURE

Ms. COLLINS. Mr. President, I do have some unanimous-consent requests that I would like to propound at the request of the leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar, No. 36.

I finally ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid upon the table, that any statements relating to the nomination be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Gordon Davidson, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2004.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Ms. COLLINS. Mr. President, I do want to inform my colleagues who are waiting to speak that it will not take me long to conclude these unanimous consent requests and that it will not preclude them from being able to deliver their remarks.

COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 83, S. 574.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A bill (S. 574) to direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System.

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

Mr. CHAFEE. Mr. President, I am pleased to offer my support for S. 574, a bill that would direct the Secretary of the Interior to make two technical corrections to a coastal barrier unit in Delaware. Congress enacted the Coastal Barrier Resources Act in 1982 to address financial and ecological problems caused by development of coastal barriers along the eastern seaboard. The law was so successful that we expanded the Coastal Barrier System in 1990 with the support of the National Taxpayers Union, the American Red Cross, Coast Alliance, and Tax Payers for Common Sense, to name just a few.

When we mapped the coastline some mistakes were made, and S. 574 would make technical corrections. the first change modifies the upper northeastern boundary to exclude land under development at the time of its inclusion into the system. the second change modifies the northwestern boundary to include a section of the Cape Henlopen State Park that was mistakenly excluded when the boundary was drawn. S. 574 is identical to a bill that passed the Senate by unanimous consent last year.

Ms. COLLINS. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (S. 574) was considered read a third time and passed, as follows:

S. 574

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORRECTIONS TO MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to move on that map the boundary of the otherwise protected area (as defined in section 12 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101–591)) to the Cape Henlopen State Park boundary to the extent necessary—

(1) to exclude from the otherwise protected area the adjacent property leased, as of the date of enactment of this Act, by the Barcroft Company and Cape Shores Associates (which are privately held corporations under the law of the State of Delaware); and

(2) to include in the otherwise protected area the northwestern corner of Cape Henlopen State Park seaward of the Lewes and Rehoboth Canal.

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled ''Coastal Barrier Resources System'', dated October 24, 1990, as revised October 15, 1992, and that relates to the unit of the Coastal Barrier Resources System entitled ''Cape Henlopen Unit DE–03P''.

USE OF THE CAPITOL GROUNDS FOR CONCERTS TO BE CONDUCTED BY THE NATIONAL SYMPHONY ORCHESTRA

Ms. COLLINS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 29, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (S. Con. Res. 29) authorizing the use of the Capitol Grounds for concerts to be conducted by the National Symphony Orchestra.

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

Ms. COLLINS. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (S. Con. Res. 29) was agreed to, as follows:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. AUTHORIZATION OF NATIONAL SYMPHONY ORCHESTRA CONCERTS ON CAPITOL GROUNDS.

The National Park Service (in this resolution referred to as the ''sponsor'') may during each of calendar years 1999 and 2000 sponsor a series of three concerts by the National Symphony Orchestra (in this resolution each concert referred to as an ''event'') on the Capitol Grounds. Such concerts shall be held on Memorial Day, 4th of July, and Labor Day of each such calendar year, or on such alternate dates during that calendar year as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—Under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board, each event authorized by section 1—

(1) shall be free of admission charge and open to the public, with no preferential seating except for security purposes as determined in accordance with section 4, and

(2) shall be arranged not to interfere with the needs of Congress.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with each event.

(c) AUDITS.—Pursuant to section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1), the Comptroller General of the United States shall perform an annual audit of the events for each of calendar years 1999 and 2000 and provide a report on each audit to the Speaker of the House of Representatives and the Chairman of the Senate Committee on Rules and Administration not later than December 15 of the calendar year for which the audit was performed.

SEC. 3. STRUCTURES AND EQUIPMENT; BROADCASTING; SCHEDULING; OTHER ARRANGEMENTS.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol

Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for each event.

(b) BROADCASTING OF CONCERTS.—Subject to the restrictions contained in section 4, the concerts held on Memorial Day and 4th of July (or their alternate dates) may be broadcast over radio, television, and other media outlets.

(c) SCHEDULING.—In order to permit the setting up and taking down of structures and equipment and the conducting of dress rehearsals, the Architect of the Capitol may permit the sponsor to use the West Central Front of the United States Capitol for each event for not more than—

(1) six days if the concert is televised, and

(2) four days if the concert is not televised.

The Architect may not schedule any use under this subsection if it would interfere with any concert to be performed by a military band of the United States.

(d) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out each event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

(a) IN GENERAL.—The Capitol Police Board shall for each event—

(1) provide for all security related needs, and

(2) provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds.

(b) EXCEPTION FOR CREDIT TO SPONSORS.—Notwithstanding subsection (a), credits may be appropriately given to private sponsors of an event at the conclusion of any broadcast of the event.

(c) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in an event as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which the sponsor and such persons agree to comply with the requirements of this section. The agreement shall specifically prohibit the use for a commercial purpose of any photograph taken at, or broadcast production of, the event.

ORDERS FOR MONDAY, APRIL 26, 1999

Ms. COLLINS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, April 26. I further ask that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business until the hour of 3:30 p.m. with Senators permitted to speak for up to 10 minutes each.

I further ask unanimous consent that at 3:30 p.m. on Monday, the Senate resume the motion to proceed to S. 96, the Y2K legislation, and that there be 2 hours of debate equally divided in the usual form. I finally ask unanimous consent that the vote on invoking cloture on the motion to proceed occur at 5:30 p.m. on Monday, with the mandatory quorum waived.

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

PROGRAM

Ms. COLLINS. For the information of all Senators, on Monday the Senate will resume consideration of the motion to proceed to the Y2K legislation. A cloture vote on that motion will occur at 5:30 p.m. on Monday. Senators can therefore expect the next rollcall vote on Monday at 5:30. The Senate may also consider any other legislative or executive items that can be cleared for action.

ORDER FOR ADJOURNMENT

Ms. COLLINS. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator LANDRIEU, Senator THURMOND, Senator DURBIN, Senator LEAHY, Senator CHAFEE, and Senator LOTT.

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

Ms. COLLINS. I thank the Chair, and I thank my colleagues for their patience. I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President. I yield 1 minute to my friend, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Louisiana for her customary courtesy.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 96 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

(The remarks of Mr. LEAHY pertaining to the introduction of S. 871 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

KOSOVO

Ms. LANDRIEU. Mr. President, on the eve of the gathering of all of NATO to celebrate the successful completion of our first 50 years, I wanted to take this opportunity to comment on the current situation in Europe.

As you know, we are blessed to live in a country which enjoys a deeply rooted democracy and a deeply rooted sense of equality. However, these same characteristics and qualities which make America a model for the world also present very real challenges in times like these.

It is often said that the most difficult task for any democracy is deciding to go to war. The reasons are self-evident. When you live in a nation that believes all people are created equal, how do you ask some citizens to sacrifice so much so that others may continue to enjoy their freedom? When you live in a nation where human life is sacred, where, in fact each individual life has dignity, how do you build a consensus for the sacrifices that may be necessary to achieve the victory that we hope for?

The task is even more complex when the challenge to American freedom is more indirect, as it is in this case. We have confronted this reality since the beginning of the war in Kosovo. No one in America believes that Serbia intends to invade the United States. We will never look out of the window and see Yugoslavian tanks driving down Pennsylvania Avenue to squelch American liberties. It remains, then, for those of us in the leadership of this Nation who support NATO operations in Kosovo to explain why we are prepared to ask American troops to make the sacrifices that may be necessary, in this seemingly remote and distant land.

I believe there is one central reason that justifies our actions, and that is the price, the tremendous price, we have already paid for freedom in America and in Europe.

Our parents' generation and their parents were asked to risk their lives to fundamentally alter the way the world operates. In World War I, President Wilson asked our grandparents to fight to make the world "safe for democracy," and they did. In World War II, when fascism threatened to conquer the democracies of Europe, President Roosevelt asked America to become "the arsenal of democracy," and we were. During the cold war, President KENNEDY called on Americans to "pay any price, to bear any burden," to meet the threat of communism, and we have. Finally, President Reagan said insisted that we "tear down that wall," and it was.

We emerged victorious from World Wars I and II, as well as the cold war, but not without a price. American blood was spilled in the trenches of World War I and on the beaches of Normandy during World War II. Americans fought and died in Korea and Vietnam to contain communism during the Cold War. So, for more than three generations, Americans have been making the sacrifices necessary to change the world in which we live and to maintain democracy in Europe and, yes, indeed, to help spread it throughout the entire world.

It is important to remember that this sacrifice has not been in vain. It is easy today to be cynical about human nature and the prospects for lasting peace in Europe. After all, these feuds in Europe predated America's existence by many centuries. But to dwell on the

worst instincts of Europe and Western civilization is to ignore the very real progress and the tremendous victories that have been made possible by our allied unity and American intervention.

Who would have imagined that in a little over 50 years, since the end of World War II, bitter enemies like France and Germany, England and Italy, would be joined by a common currency, a common market, and a pledge to defend one another against a common enemy? It was the sacrifice of many, including Americans, that made it possible for Europe to turn its back on a history of bloody conflict and embrace a vision for peace and democracy across its great continent.

Ironically, as NATO expands to the east and the European Union incorporates still more of Europe, we are faced with a war in Yugoslavia that threatens to undo all of this good work. It is ironic because that is how this century began, with an act of violence from Serbia which sparked a world war.

The President is fond of saying that the war in Kosovo will either be the last war of the 20th century or the first war of the 21st. What I believe he is trying to say is, that we can defeat Milosevic and give meaning to nearly 100 years of American struggle and effort to bring peace to Europe and secure the gains of our parents and grandparents, or we can turn our backs on their sacrifice, ignore the human tragedy, ignore the tremendous financial investment that has already been made. Then we will hope against our experience that the conflict in Kosovo will simply fade away.

Many have remarked that the 20th century has been the most bloody in human history. It is hard to verify such claims. Nevertheless, it is true that we live in an era where the efficiency of industry and technology has been matched, unfortunately, by our expert ability to kill one another. We must, however, stay the course and join with our NATO allies to finish our work and eliminate military aggression and ethnic cleansing as a legitimate tool of national policy.

There is a sleepy little town in Austria, near the German border called Branau am Inn. It is not one of those towns at the crossroads of Europe; it is not the home of kings and emperors. In fact, no one in Branau, if it were not for a small event, no one in the world would have ever heard of Branau. But it is the birthplace of Adolf Hitler. The sad legacy of this town is not marked with any great monument. Instead, above the home where Hitler was born, two simple words are written: Never again.

Those two words represent a solemn pledge that this country and all civilized nations made at the close of World War II: Never again would we stand idly by while innocent men, women, and children were massacred. Never again would we allow a nation to invade its neighbors without consequences.

Some of my colleagues here in the Senate are consistently remind us that Kosovo is not the Holocaust. I agree. What has occurred in the last few months, does not yet compare to the crimes the Nazi's perpetrated. But this is a senseless justification for inaction. Should we wait for another Holocaust to occur before we act decisively? What, then, is the point of action? How many children must be traumatized? How many homes need to be destroyed? How many women need to be victims of brutality before we can act? I say the words ''never again'' mean that we should not wait and we will be decisive in our action. That is why I support using whatever means is necessary to accomplish the goal set out by NATO. The President and our NATO allies believe we can achieve this purpose through air attacks. I certainly hope this is correct. But I also agree with many of my colleagues, led by Senators MCCAIN and BIDEN, that we cannot rule out other measures that can assure our victory and success. I am proud to join them in cosponsoring an important resolution that they introduced earlier this week, which seeks to give the President the authority and tools necessary to win this war. I urge my colleagues to consider joining with us to send this powerful and much-needed message of resolve during the conflict.

The only way that we can have peace in the Balkans is for people like Milosevic and the thugs underneath him to understand that there are real and personal consequences for their barbaric atrocities.

The reports are very disturbing and it is very hard for me to repeat them. I predict, unfortunately, that more and more horror stories will be appear in our papers, as more survivors escape to tell their stories. As NATO spokesman, Jamie Shea, explained, the Serbs are engaging in a sort of ''human safari'' where they methodically flush out their victims from their homes using tear gas and herd them like animals out of Kosovo. There have been repeated reports of the systematic rape of girls and women. Very conservative NATO estimates indicate that over 100,000 people have simply disappeared, many of them men who have been separated from their families—probably many to their early deaths. When we pledged ''never again,'' these were the sorts of atrocities that we were talking about.

As a result of these reports that, I intend to introduce a resolution in the Senate calling on the President to ask for war crimes indictments against the Serbian leadership before the International Criminal Tribunal for the former republic of Yugoslavia. The chief prosecutor has already announced that the jurisdiction of the tribunal extends to Kosovo.

We must ask ourselves what kind of situation will we have if Milosevic and his allies go unpunished. Will we have another rogue nation, this time in the heart of Europe, with little else motivating them besides age-old desires for revenge and an interest in interfering with the stability and prosperity of the United States and the entire European continent? We simply cannot allow another Iraq in the middle of Europe. One of the central tenets of our policy must be that these individuals will be brought to justice. Only then will these hundreds of thousands of refugees have any chance of returning to their homes. Only then will we have peace and democracy in the Former Republic of Yugoslavia, and only then will we have at least begun to live up to our solemn promise of ''never again.'' I wish the best of success for the gathering here in Washington of our NATO allies.

TAKE YOUR DAUGHTER TO WORK DAY

Ms. LANDRIEU. Mr. President, on a note closer to home, I would like to say a special word of thanks to all the Senators and staffers that joined together in support of a very special day here in Washington and in America that we hope will spread to many places in the world, and that is Take Your Daughter to Work Day. I have with me here working in the Capitol two of my nieces, Holly Landrieu and Emily Landrieu, and two of my friends from college and their daughters are here, Sarah Margaret and Claire.

With the hundreds of other young girls that have joined us, they are learning that our work is about domestic issues and international issues, that we have to be concerned with what happens in our own communities and in far places around the world. So it has been a good experience for many of them. I thank our colleagues for sharing this day with so many special girls in this area and around the country.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. GRAMS. Mr. President, I ask unanimous consent that I be able to change the previous order and that I be allowed to speak for up to 10 minutes in morning business following Senator DURBIN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. THURMOND, is recognized.

(The remarks of Mr. THURMOND pertaining to the introduction of S. 865 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). We thank the distinguished President pro tempore for the remarks.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I send a bill to the desk for introduction and appropriate referral to committee.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 873 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

KOSOVO

Mr. DURBIN. Mr. President, I would like to address for a moment as well some reflections on the visit I made this past weekend as part of this delegation. It was a delegation that flew from Washington Andrews Air Force base to Ramstein Air Force Base in Germany where we met with General Wesley Clark, the Supreme Allied Commander of the NATO forces for our mission in Kosovo and Serbia. We then went to a war room at that base and met, as I mentioned earlier, with some of the most amazing young men and women that America could ever hope to bring to this cause. They are so filled with energy and commitment and enthusiasm that it really makes you proud to be an American, to be in their midst. You see the amazing technology at their disposal and realize without their dedication and their talent it would mean little or nothing.

We flew the next morning from that Air Force base directly, on a cargo plane, to Albania, one of the poorest countries in Europe, where, on a lengthy landing strip, we saw one of the most massive humanitarian efforts undertaken since World War II in Europe. Countries literally from all over the world are rallying for the Kosovo refugees. Among them you could see evidence of humanitarian assistance from the French, the Swedes, of course the Americans; helicopters from the United Arab Emirates—so many different countries coming together in this humanitarian undertaking. The men and women who have to endure the most primitive conditions living there to protect this humanitarian airlift, again, deserve our praise, because there they sit literally on a muddy delta in their tents doing their duty. I was proud to represent this Nation and represent the State of Illinois in thanking them so much for their sacrifice.

We flew from Albania, after meeting with the Prime Minister, to Macedonia, part of the trip which I may never forget as long as I live, because we visited a refugee camp at a place outside of Skopje, Macedonia, the camp known as Brazda, or Stakovac. Two weeks ago, this camp did not exist. Today, it has 32,000 people in it. In the 48 hours before we arrived, over 7,000 refugees came across the border out of Kosovo, looking for safety.

I walked into that camp which had been built by NATO and was being managed by the Catholic Relief Services and was literally mobbed when I offered a piece of candy to a young child. They saw an American with a bag full of candy and they wanted to come up and meet me right away. I passed out a lot of these Hershey Kisses to the kids, and their parents stood around. With a translator, I asked them: Why are you here? Open-ended question, no propaganda: Why did you leave Kosovo?

The story was the same over and over again. Simple people leading ordinary lives in the villages of Kosovo would hear a knock on the door in the middle of the night, only to be greeted by people in black ski masks, some of whom they knew right away to be their neighbors, who announced they had 5 minutes to pick up anything they wanted to pick up with them and leave the country because their house was about to be burned down or blown up. In many cases, the head of the family, if he were a young adult male, was taken away from them. The rest were pushed out in the road and they started their walk, their walk to safety, their walk out of Kosovo.

You know, when you see pictures of refugee camps around the world, you see some very sad scenes. Many times the people are very poor, starving, very sick, some dying on the spot. That was not the case at these refugee camps. These people, as I said, were ordinary people leading their lives, who were disrupted because of Slobodan Milosevic's ethnic cleansing. What was their crime? They committed no crime other than to have, as far as Mr. Milosevic was concerned, the wrong ethnic background, the wrong culture, the wrong religion. You see, he is cleansing his country, as he says, of these undesirables.

I am not sure what the word genocide means to most people, but when I saw these people, the tens of thousands, shunned, rejected, persecuted and pushed out of their homes, now trying to make a simple life in a refugee camp, I understood genocide and ''geno-suffering.''

Some people ask a question: Why is the United States involved in this? Why do we care? What does this have to do with America? Come on, these are people in Serbia and they always fight, don't they?

I think there is more to the story because what is at stake here is Europe, and Europe has always had a special meaning to the United States. In this century, we fought two World Wars, we have given the best of our country in defense of causes that we felt were right against Nazism, against communism, to make certain that Europe was peaceful, had stability, was there, and they were friends of the United States. It means something to the people of Europe.

This morning, as part of the NATO summit, the Polish Prime Minister came here on Capitol Hill. It was a wonderful celebratory gathering, for breakfast: Poland, so proud and happy to be part of NATO. Think of that, that this country that went through such deprivation during World War II under the heel of communism for so many decades had finally pushed it aside through their own courage and determination and said once and for all: We are not neutral in our future. We are part of the West. We want to be part of NATO. That is where we belong.

I am proud of that, proud of that as an American that Hungary, the Czech Republic and Poland became part of NATO and are dedicated to the principle of democracy, something we are all about in the United States. What a great celebration will happen in Washington, even under the shadow of the war that goes on, as these NATO allies come together, determined to make a better future in Europe. That is one of the reasons we are there.

Second, NATO itself is being tested. The NATO alliance has come forward and said we will not allow a dictator in Europe who pursues these policies of genocide, who has initiated four wars in 10 years, who tomorrow will start another war and pick some more innocent victims—we cannot have a stable Europe with this in place. Slobodan Milosevic must be stopped. Mr. President, 18 allied nations turned to the United States and said: Are you with us? Will you be with us in this mission? I am glad President Clinton said yes. I voted for the airstrikes. I think it was the appropriate response for NATO against Milosevic.

The third issue is one of values, values as to whether or not we stand for anything as Americans. God knows we have throughout our history. We do not get engaged in wars to pick up territory or to come back with loot and booty. We get engaged in wars for values. That is what it was all about in World War II; to make sure that Hitler and his genocide would come to an end once and for all, to make certain in the cold war that we stopped the spread of communism in Europe. Now, today, in this mission in Kosovo, we say we are standing again for values that are important, not only in the United States, but in Europe and around the world.

There are some who question this, and I understand it. I am not one who

runs quickly to get involved in any military undertaking. I only wish those who have doubts about this would have been with me last Saturday afternoon, walking through this camp in Brazda, in Macedonia, or, frankly, in many other camps, where the 350,000 Kosovo refugees now in Albania are living in tents and under sheets of plastic—over 120,000 in Macedonia, over 30,000 in Montenegro. Honestly, these are the lucky refugees. They got out alive. They are under the protection of NATO.

The unluckiest are still left behind, those who are still hiding out as refugees in Kosovo, in the woods, hoping they can survive another day until this war comes to an end and it is safe to go home. Those who were brought in, conscripted as slave labor in the Serbian Army, those are the ones who were unlucky. Those are the ones we have to always remember are part of our mission.

Earlier this morning, we were visited by the Prime Minister of Great Britain, Tony Blair. I had never met him before. He is an impressive individual. I can understand why the people of that nation have decided to choose him as a leader. He said some things that were flattering, but I think well worth sharing as I speak to you today. He said the United States has a special place in this world. It is an example to the rest of the world so many times. He said, ''I can't tell you how many times we say thank God for America and its leadership.'' I am proud of that. And I am proud of the men and women who have made it possible,

Those pilots who put their lives on the line every night in the bombers, soon in the helicopters, to try to bring this war to a conclusion and peace to Yugoslavia.

I am proud, too, of the families back home who wait, hoping that they will return safely. I am proud of the families of the three POWs who have been captured there. I want to let them know we will never forget those prisoners. They are in our thoughts and our prayers every moment until they come home safely, as they will.

I think we have to stay this course. We have three difficult choices at this moment. We can leave, and if we leave, what have we left behind? This penny-ante dictator with his genocide and ethnic cleansing who will pick another helpless target?

Some say we should have a ground war. I am not for that. I do not think that will work. Or we can pursue this air campaign, a campaign which has gone on about 26 days, about which 13 or 14 days we have had good weather. If we pick up the intensity of this bombing, Mr. Milosevic will understand there is a price to pay for his horrible policy of ethnic cleansing.

If this ends as we want it to, we will close the 20th century with peace in Europe. We will be able to say to Europeans wherever they live that the United States, your partner, stood by your side during one of the bloodiest centuries in the history of Europe. When it was all over, the values we cherish, the values we fought for, prevailed. That is what is at stake here, and that is what I hope most Americans will recall.

Mr. President, I yield back the remainder of my time.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President.

EARTH DAY

Mr. GRAMS. Mr. President, today across our country, Americans are commemorating Earth Day, a day vitally important to all who serve in this Chamber as well.

As my colleagues know, Earth Day was first observed on April 22, 1970. Its purpose was, and it remains, to make people across the country and around the world reflect on the splendor of our planet, an opportunity to get the people to think about the Earth's many gifts we often take for granted.

Earth Day is a day for us to renew our commitment to protect our environment and recognize the respect we must give our natural resources, recycling and replenishing whenever possible.

The New York Times, on the original Earth Day, ran a story which in part read:

> Conservatives were for it. Liberals were for it. Democrats, Republicans and Independents were for it. So were the ins, the outs, the executive and the legislative branches of Government.

Mr. President, the goals of Earth Day 1970 were goals upon which all of us agree. They are goals still shared across the country, regardless of age, gender, race, economic status, or religious background, and they are shared by this Senator as well.

I consider myself a conservationist and an environmentalist, and I think everyone who serves in the Senate also does. No one among us is willing to accept the proposition that our children or grandchildren will ever have to endure dirty water or filthy skies. Our children deserve to live in a world that affords them the same environmental opportunities that their parents enjoy today.

When speaking about the Earth and our environment, however, it is becoming increasingly difficult to highlight the consensus that exists in Congress on protecting the environment, because the environmental debate is now so focused on the margins.

The proliferation of special interest groups has forced our debate away from our common concerns and left the American people with the idea that an individual is either for the environment or against it, and that determination is made not by the voters or by one's record, but by the scorecard or the rhetoric of a particular organization.

I would like to take a moment this Earth Day to remind my constituents and the American people of the tremendous progress we have made on a bipartisan basis towards protecting the Earth and its inhabitants and, at the same time, improving and conserving our precious natural resources.

In the 104th Congress, we passed several major pieces of legislation to improve the environment. They include the Safe Drinking Water Act, the conservation title to the farm bill, the Coastal Zone Management Act, the Invasive Species Act, the Everglades Protection Amendments, the Food Quality Protection Act, the Water Resources Development Act, the Battery Recycling Act, and the Parks and Public Lands Management Act, just to name a few.

Those public laws are now at work helping Americans protect the environment by including billions of dollars to improve the safety of our Nation's drinking water and billions more on conservation efforts on more than 37 million acres of sensitive land.

Those programs will help improve our cities' waterfronts, control invasive species in our lakes, and increase visitor enjoyment and natural resource protection in our Nation's parks and in our visitors' enjoyment.

Unfortunately, if a Member's constituents did not take the time to review the complete record of their Member of Congress, they would not know the truth.

While the accomplishments of the 104th Congress are impressive, the 105th Congress did not rest on its laurels over the past 2 years. The environmental accomplishments of the 105th Congress include the National Wildlife Refuge System Improvement Act, the North American Wetlands Conservation Act, the Dolphin Conservation Act, the Great Lakes Fish and Wildlife Restoration Act, the National Park System Restoration Act, the National Wildlife Refuge System Volunteers and Community Partnership Act, the Tropical Forest Conservation Act, the African and Asian Elephant Conservation Acts, and a host of programs contained within the provisions of the appropriations legislation.

Again, these programs will provide even more money, billions of dollars across the spectrum of environmental protection. These programs were passed only through bipartisan cooperation and were largely supported by most Members of Congress.

In the 106th Congress, we are off to another good start. I have focused my efforts on looking at legislation which

improves our Nation's energy efficiency and security and promotes the use of alternative renewable sources of energy.

I am a cosponsor of legislation to extend the wind energy tax credit and to provide a tax credit for the production of energy from poultry litter.

I have also cosponsored legislation with Senators COVERDELL, BREAUX, and DEWINE which would force Federal facilities to comply with the provisions of the Clean Water Act, something they are currently able to avoid by claiming sovereign immunity.

I will soon be joining Senators MURKOWSKI and HAGEL as an original cosponsor of the Energy and Climate Policy Act which, through tax credits and public-private partnerships, will promote research and development of technologies which reduce or sequester greenhouse gas emissions.

We have had tremendous accomplishments in Congress over the past 4 years, and I make this point not to illustrate a difference between Republican and Democratic Congresses, but to highlight our shared commitments to protecting the environment, improving our wildlife habitats, making our water supply safer, increasing visitor enjoyment in our Nation's parks, and also strengthening our dedication to leaving a proud legacy of natural resource protection for our children and grandchildren to enjoy.

Mr. President, I make these points because they are often not properly presented to the American public, because many proenvironmental initiatives are passed by unanimous consent or by voice vote. They often do not appear on our voting records. Instead, Americans are left with the five or six votes over an entire year that a special interest group portrays as the complete environmental record of Members of Congress.

Anyone who closely monitors Congress knows that these issues are not as simple as some make them out to be, and a Member's record is not accurately reflected by five or six selective votes, votes which are many times procedural votes and not votes on final passage. That is why I have long believed we can do a better job of promoting our shared commitment to both environmental protection and economic growth by highlighting our many common beliefs, rather than taking a microscope to those beliefs upon which differences arise.

Clearly, partisanship will always be present in congressional debates, but no American is well served when issues as important as environmental protection are dominated by the flagrant distortion of the truth.

Mr. President, I suggest that on this Earth Day, we pledge to come together to improve our environment and strengthen our natural resources. I suggest that we recognize both our failures and also our successes of the past. We must recognize that today compliance with regulations is the rule and that blatant attempts to pollute and circumvent regulations are the exception. With this in mind, I believe we must renew our Nation's commitment to pragmatism.

Government on all levels must do its part as watchdog while empowering those being regulated to develop unique and innovative means of compliance. At the same time, we must promote ideas that create public-private partnerships and encourage companies and individuals to take voluntary steps to protect our natural resources. Through education and awareness, we will be able to approach environmental issues in a way that fosters compromise and in a way that ensures public policy is pursued in the best interest of all.

It is time we commit ourselves to achieving real results through environmental initiatives. We must make sure that Superfund dollars go to clean up the Superfund sites, not go into the pockets of lawyers. We must base our decisions on clear science with stated goals and flexible solutions. We must give our job creators more flexibility in meeting national standards as a means of eliminating the pervasive ''command and control'' approach that has infected so many of our Federal programs.

And finally, the Federal Government needs to promote a better partnership between all levels of Government, with job providers, environmental interest groups, and with the taxpayers. Moving forward together in eliminating the inflammatory rhetoric which sometimes consumes the entire environmental debate will not be easy, but if we are going to work together to ensure the splendor of our natural resources far into the future, I believe it is a step that we are going to have to take.

Thank you very much, Mr. President.

THE 29TH ANNUAL EARTH DAY

Mr. LOTT. Mr. President, today marks the 29th annual Earth Day —a day to evaluate our environment—a day to celebrate. Along with all Americans, I too want to live in a clean environment, and like most Americans, I fully believe efforts are needed to ''protect the environment.'' However, I question how ''protecting the environment'' is defined and bureaucratically implemented, especially when it begins to truly hurt Americans.

Mr. President, I hope my colleagues will look at each environmental policy—new and old—carefully, to make sure the benefits are both real and achievable. Congress should make sure the costs are tolerable and properly allocated, and Congress needs to ensure that the standards and time tables make sense. Most importantly, the Congress needs to make sure that the science is legitimate.

There are some who advance an agenda under the guise of environmental concern. This is not only wrong, but harmful. There are some who do not provide accurate costs and who inflate benefits. This too is wrong. There are some who have no concern about those who will really be affected by the new policy. This is also very wrong—Congress should never lose sight of the constituents.

Mr. President, the Senate needs to continue to ''protect the environment'' while ''protecting the people'' who live in that environment. The Senate must examine the costs inflicted upon our society, as it relates to the environmental protection, to make sure it is acceptable.

This Earth Day anniversary is a good anniversary. There are many things of which to be proud, and many people and organizations which should be proud. Many can rightly take credit. Yes, the federal government stepped in. However, over the past three decades I've seen states and local governments also step up to the plate and act responsibly. After 30 years states should be given more responsibility, because of their effectiveness in environmental matters.

Mr. President, this Earth Day anniversary is a good anniversary, because the corporate world has invested billions and billions of dollars more than thirty years to clean the environment—the air, the soil, and the water. Everyone has benefited. The initial federal rules worked, but over the past 30 years industry has learned how to take environmental action in a more effective way. The federal government, not known for its efficiency, should do a better job of asking for these environmental solutions, because the same results at lower costs are good for America. Industry wants to be a partner in this effort.

Mr. President, today the new environmental enemy is urban sprawl. This is unfortunate because Congress does not need to find a new evil enemy to pursue to make environmental policy work. Suburbs, backyards, and shopping centers are not our enemy. Mr. President, the family living in the suburbs is not the enemy. I hope my colleagues will take a more balanced approach, and look for ways to legislate that avoid the adversarial approach. For thirty years industry was blamed for our environmental problems, now it's the family living in the suburbs. This is counter productive. This is a terribly destructive way to ''protect the environment.''

Mr. President, nearly 30 years of Earth Days has heightened everyone's awareness—yours and mine. I truly believe everyone is now a better steward of our planet. Lets unleash America's entrepreneurial spirit and search for

new approaches and new incentives to protect America's air, soil, and water. Happy Earth Day.

EXPRESSING THE GRATITUDE OF THE UNITED STATES SENATE FOR THE SERVICE OF THOMAS B. GRIFFITH

Mr. GRAMS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 82, submitted earlier today by Senator THURMOND.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 82) expressing the gratitude of the United States Senate for the service of Thomas B. Griffith, Legal Counsel for the United States Senate.

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

Mr. THURMOND. Mr. President, I rise today to commend Mr. Thomas B. Griffith, who, on April 18, 1999, resigned from the position of Senate Legal Counsel to return to the private practice of law. Mr. Griffith served in that office for the past four years.

Mr. President, as President pro tempore of the Senate, it was my pleasure to oversee the work of the Office of Legal Counsel during Mr. Griffith's tenure. I appreciated the great dedication and professionalism he displayed in his capacity as Legal Counsel.

The Office of Senate Legal Counsel plays an important role for the United States Senate. It is responsible for providing legal defense to the Senate, its committees, Members, officers, and employees when authorized to do so. The Legal Counsel represents Senate committees in proceedings to obtain evidence for Senate investigations. As directed, it intervenes or appears as amicus curiae in the name of the Senate and Senate committees. It also represents the interests of the Senate as intervenor or amicus curiae in various other court cases. On an ongoing basis, the Senate Legal Counsel Office provides legal advice to Members, committees, and officers of the Senate.

Among the highlights of Mr. Griffith's career in the Senate would undoubtably be the impeachment trial of the President of the United States. During those proceedings, Mr. Griffith provided the Senate with professional and nonpartisan advice on a range of issues related to the impeachment process.

Other significant actions in which Mr. Griffith participated or directed as Senate Legal Counsel include the consideration of the Louisiana Contested Election Petition by the Committee on Rules and Administration; the investigation of Campaign Finance Practices by the Senate Committee on Governmental Affairs; the Judiciary Committee's review of the White House use of FBI files; and the work of the Special Committee To Investigate Whitewater Development Corporation.

In addition, Mr. Griffith represented the interest of the Senate, its Members, employees and Officers, in a number of cases filed in the courts. At the top of this list would be his work on the Line Item Veto cases.

In all of these activities, Mr. Griffith has seen to it that we are all served well by a professional, career, and nonpartisan staff.

Mr. President, I am proud to sponsor this resolution and I am proud to have known and worked with Thomas Griffith. He has served his Nation well. I wish Thomas, his wife Susan, and their children the very best for the future.

Mr. DODD. Mr. President, as an original cosponsor of the resolution, I rise today to add my remarks in support of, and in gratitude to, our former Senate Legal Counsel, Mr. Tom Griffith.

It is always with mixed emotions that I speak on occasions such as this; while I am glad for Tom and wish him well in his return to private practice, I know that the Senate will miss the wise counsel and dedication he demonstrated during his nearly 4 years of service to this body.

The ancient Chinese had a curse in which they wished their victim a life ''in interesting times''. For better or for worse, Tom lived such a life as Senate Legal Counsel. From my place on the Rules Committee—first as a member and now as Ranking Member—I had a unique perspective on the Legal Counsel's efforts to deal with numerous ''interesting'' issues presenting novel, rare and in some cases historic issues, including implementation of the Congressional Accountability Act, resolution of the Louisiana election challenge, and, of course, the recent impeachment trial. Speaking for myself—and, I suspect, most of my colleagues—I must say that Tom handled those difficult responsibilities with great confidence and skill.

A more contemporary observer—and one of Connecticut's most famous residents—Mark Twain, once suggested: ''Always do right—this will gratify some and astonish the rest.'' During his tenure as Legal Counsel, Tom exemplified this philosophy, impressing all who knew him with his knowledge of the law and never succumbing to the temptation to bend the law to partisan ends. All of us who serve here in the Senate know the importance of the rule of law; but let us never forget that it is individuals like Mr. Thomas Griffith whose calling it is to put that ideal into practice.

Once again, I wish to express my gratitude to Tom for his years of service, and I ask that my colleagues join me in supporting this resolution.

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

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

The resolution (S. Res. 82) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 82

Whereas Thomas B. Griffith, the Legal Counsel of the United States Senate, became an employee of the Senate on March 18, 1995, and since that date has ably and faithfully upheld the high standards and traditions of the Office of Legal Counsel of the United States Senate;

Whereas Thomas B. Griffith, from October 24, 1995, to April 18, 1999, served as the Legal Counsel of the United States Senate and demonstrated great dedication, professionalism, and integrity in faithfully discharging the duties and responsibilities of his position, including providing legal defense of the Senate, its committees, Members, officers, and employees; representing committees in proceedings to obtain evidence for Senate investigations; representing the interests of the Senate as intervenor or amicus curiae in various court cases; and otherwise providing legal advice to Members, committees, and officers of the Senate;

Whereas Thomas B. Griffith, only the second person to hold the position of Senate Legal Counsel since it was created in 1979, has met the needs of the United States Senate for legal counsel with unfailing professionalism, skill, dedication, and good humor during his entire tenure; and

Whereas Thomas B. Griffith has tendered his resignation as Senate Legal Counsel, effective as of April 18, 1999, to return to the private practice of law; Now, therefore, be it

Resolved, That the United States Senate commends Thomas B. Griffith for his more than 4 years of faithful and exemplary service to the United States Senate and the Nation, including 3½ years as Senate Legal Counsel, and expresses its deep appreciation and gratitude for his faithful and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Thomas B. Griffith.

ADJOURNMENT UNTIL MONDAY, APRIL 26, 1999, AT 1 P.M.

Mr. GRAMS. Mr. President, I understand that there is no further business to come before the Senate, so I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 3:12 p.m., adjourned until Monday, April 26, 1999, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate April 22, 1999:

THE JUDICIARY

H. ALSTON JOHNSON, III, OF LOUISIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE JOHN M. DUHE, JR., RETIRED.

KERMIT BYE, OF NORTH DAKOTA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE JOHN D. KELLY, DECEASED.

ANNA J. BROWN, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE MALCOLM F. MARSH, RETIRED.

FAITH S. HOCHBERG, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY, VICE JOSEPH H. RODRIGUEZ, RETIRED.

DEPARTMENT OF DEFENSE

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 1999, VICE ALAN MARSHALL ELKINS, TERM EXPIRED.

IKRAM U. KHAN, OF NEVADA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2005. (REAPPOINTMENT)

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. THOMAS J. NICHOLSON, 0000.
COL. DOUGLAS V. ODELL, JR., 0000.
COL. CORNELL A. WILSON, JR., 0000.

CONFIRMATION

Executive nomination confirmed by the Senate April 22, 1999:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

GORDON DAVIDSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2004.

HOUSE OF REPRESENTATIVES—*Thursday, April 22, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

At times of conflict we pray for peace; at times of violence we long for serenity; at times of anger and hatred we hope for charity and respect; and at times of senseless acts, we pray for meaning and purpose. O gracious God, from whom all blessings flow, we plead for Your peace that passes all human understanding and we pray for the comfort of Your presence in our lives. Bless all who grieve, give strength to all who suffer, and keep us all in Your grace, now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Washington (Mr. INSLEE) come forward and lead the House in the Pledge of Allegiance.

Mr. INSLEE 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 800) ''An Act to provide for education flexibility partnerships.''.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly assume the Chair.

HONORING YOSEMITE NATIONAL INSTITUTES ON EARTH DAY 1999

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, what a better way to celebrate Earth Day than to honor the great example of a public-private partnership known as the Yosemite National Institutes, an organization that provides award-winning environmental education programs in America's national parks.

YNI now welcomes more than 32,000 participants each year to its three institutes in the magnificent natural settings of Yosemite and Olympic National Parks as well as the Golden Gate National Recreational Area.

Since its founding in 1971, more than 450,000 school children and adults have experienced YNI programs. The partnership between YNI and the National Park Service is commendable. YNI does not receive government funding, but performs a great percentage of the interpretation in each of the parks where it exists.

At YNI, learning occurs in an advocacy-free environment. Ideas and values are not forced upon students; instead, they learn important processes of applying critical thinking to questions and choices that will confront them now and in the future.

YNI is now celebrating 28 years of extraordinary service. I commend all of those who have contributed to this wonderful program and its achievements.

SHARING RESPONSIBILITY IN KOSOVO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, it is time. Time to arm the Kosovo Liberation Army, not send in ground troops. Let Europe send in the ground troops. It would cost less than one night of bombing to arm the KLA, and that is what we should be doing.

It is also time to indict Milosevic for war crimes, and it is also time to recognize independence for Kosovo, and NATO should support and defend those borders.

I think this is something very important, Madam Speaker. No doubt, America is a superpower, but America is not the only power, and it is time for Europe to step up and take care of problems in their own backyard.

LEARNING OUR HISTORY LESSON OF THE 1960'S

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, it is strange to me that doves and peaceniks, people who dodged the draft and protested the war, now want to wage war in Yugoslavia, while many defense hawks and former military veterans are raising voices of concern and objection.

As a Vietnam veteran, I cannot help but reflect on the mistakes being made by the Clinton administration with the war in the Balkans. The White House does not even want to call it a war; they prefer the term ''conflict.'' Does that mean our POWs are now going to be called POCs?

There are some people who have yet to learn the lessons of Vietnam. The use of limited air strikes can only accomplish limited results. We are witnessing that right now. And having politicians select targets rather than letting military commanders fight the war they know and are trained to do is absolutely wrong.

When President Clinton first initiated the air strikes, we were told we would be in and out in a week or two, and that bully Milosevic would be put in his place. Well, now we are hearing the administration say that we might be in for the long haul, maybe ground troops, an ill-conceived plan obviously from the get-go.

The American people do not know what to believe as this war escalates. We need to learn the history lessons of the 1960's.

BANKING PRIVACY ACT

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, Americans are generally concerned about their withering rights of privacy, and my fellow Members will be shocked to learn how at-risk those rights are in regard to our banking records.

Serving on the Committee on Banking and Financial Services, I recently learned that we Americans do not even have the right to insist that our banks not disclose our personal financial information, our checking account, our savings account records to other companies, and other companies want these records so that they can market and sell us products.

Madam Speaker, I believe that America ought to have the right to simply inform our banks that those records

are private records of to whom we write checks, from whom we receive checks. What is in our savings account is a private matter, and we ought to have the right to advise our banks not to share it with anyone.

To that end, Madam Speaker, I will shortly be introducing the Banking Privacy Act, which will give Americans the right to simply keep their records private, keep their private personal lives to themselves, to give Americans what they deserve.

I urge my colleagues to support this bill.

CONTINUING OUR FIGHT AGAINST CHILD ABUSE

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, when I look at my young nephews, I see the innocence and joy that only childhood can bring. This is the time of their lives that should be treasured and preserved. It saddens me to know that so many children are robbed of this innocence, or even worse, lose their lives at the hands of abuse.

Even while our overall crime statistics have declined dramatically, child abuse continues to rise. According to the Child Welfare League of America, five children and infants die each day from abuse and neglect. This is five children too many.

Last year I sponsored the Volunteers For Children Act, a bill that was signed into law by President Clinton. Volunteers For Children will help to protect children in after-school activities from being in the care of people with dangerous criminal records.

This is an important step, but it is not enough. We must attack child abuse at every opportunity, by investigating reported abuse thoroughly, by ensuring that children are not returned to abusive environments that they have been taken out of, and penalties for convicted abusers need to become much tougher. Furthermore, we must ensure that children have safe places to go whenever they are in danger.

Madam Speaker, as my colleagues all probably know, April is Child Abuse Prevention Month, and today has been designated Children's Memorial Day, a day to remember children who have been killed and to resolve anew to stop violence against children. I would hope that the spirit of this day and this month will carry on, and that we can increase our efforts to prevent these terrible and violent acts against innocent and defenseless young people.

WHAT AMERICANS CAN DO IN THE FIGHT AGAINST HATRED AND VIOLENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, children are our future, and as our prayers remain with the families in Littleton, Colorado, in the shadow of the conflict in Kosovo, it is important that we acknowledge that we can do something. Yes, we can offer our prayers. We can commend those young people who were brave and courageous and helped their fellow students. We can give our most heartfelt affection and love to those who have lost their loved ones.

But we can do other things. I want to thank the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Virginia (Mr. SCOTT), as we just passed out of the Subcommittee on Crime H.R. 1501, which would include intervention on behalf of those children at risk who need mental health services, who are substance abusers, and who, in fact, can be helped.

We need to stop the proliferation of guns. We need to find out why the Internet allows us to have instructions to build bombs, and yes, we must teach our children not to hate. I do not think we can stand by idly and say we do not know what to do, we cannot do anything. We can lift our voices in prayer, but at the same time, we can fight against hatred, we can fight against the misuse of the Internet and guns, and certainly we can help our children who are disturbed and need mental health services.

WORKING TOGETHER TO ACCOMPLISH GOOD ENVIRONMENTAL POLICY

(Mr. CANNON asked and was given permission to address the House for 1 minute.)

Mr. CANNON. Madam Speaker, I rise today on Earth Day to introduce legislation that will clean up a significant environmental problem in southern Utah: the Atlas uranium mill tailings. This legislation will begin the process of removing 10 million tons of low-level radioactive contaminants from the banks of the Colorado River.

These wastes sit just outside of Moab, Utah at the gates of the breathtaking Arches National Park where hundreds of thousands of people visit each year.

The Colorado River provides the sole source of drinking water for tens of millions of people in Arizona, Nevada and California. These radioactive wastes threaten that water supply.

Currently the Nuclear Regulatory Commission has responsibility for cleanup. My legislation will transfer jurisdiction from the NRC to the Department of Energy, where remediation and relocation can begin so as to avoid any further health risks and environmental degradation.

I urge my colleagues to support this legislation. Today on Earth Day, let us put aside our ideological differences and commit together to accomplish good environmental policy.

PUBLIC PAYS FOR BAD GOVERNMENT POLICY

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Madam Speaker, the Atlanta Task Force for the Homeless in my home State of Georgia provides funds for housing and other services for the homeless in the Atlanta metropolitan area. But an amendment offered by the gentleman from Georgia (Mr. BARR) to H.R. 1073 would delay funding to the Task Force and set a bad precedent in the distribution of funds for homeless services in the metropolitan area.

This amendment creates an administrative carve-out that supersedes current policy. In other words, this amendment is aimed at micromanaging HUD. And why would anyone want to do this? Because the Cobb Family Resources, an affordable apartment community in Cobb County, is run by the wife of the representative who introduced the amendment and who was able to get it passed out of the subcommittee.

Madam Speaker, it appears that the amendment is trying to give preferential treatment at the expense of the needy in our communities. That is what I call bad policy and bald-faced personal service at the public's expense.

□ 1015

But then, what would anyone expect from anyone who supports the Council of Conservative Citizens, a modern day Ku Klux Klan?

CONGRESS CAN GIVE OUR TROOPS AND THE DEFENSE BUDGET THE PRIORITY THEY DESERVE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, we are beginning to see evidence of military shortages everywhere. At the same time, our military is dangerously overstretched. We have fewer and fewer resources and more and more missions, many of them of dubious value and wisdom.

Less than a month into a small operation, the President is already calling up 30,000 reservists. The U.S.S. *Enterprise* went to sea short of 400 personnel. Today there are 265,000 American troops in 135 countries. Our troops are not being taken care of properly.

It is tragic that it has taken the war in Kosovo to expose the total mismatch between resources and missions in the U.S. military: world policeman, global social worker, all the while cutting back dramatically and drastically

on weapons procurement, training, and personnel.

This administration has not given our troops the priority they deserve. For 7 straight years, the President has sent Congress a defense budget that falls short of its needs. If Congress had not added to this budget each year since 1995, we would be in even worse shape.

Kosovo illustrates the problem, but we in Congress have the power to correct it.

LET US COMMIT TO ENDING PAY INEQUITY ON ''TAKE YOUR DAUGHTER TO WORK DAY''

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Madam Speaker, today is ''Take Your Daughter to Work Day,'' and on this day Democrats call for action to make sure that our daughters can earn the same wages as our sons.

As we go into the 21st century, pay inequity is persistent and real. Today women must work for 14 months to earn what their male counterparts earn in a year. We earn 74 cents to every dollar that a man earns. In Illinois, my State, it is actually worse. Women earn only 70 cents.

Pay inequity hurts women and their families. Women lose about $420,000 in wages and benefits because of unfair pay practices. It is time to put an end to this very real and costly inequity in the workplace once and for all. Democrats, the gentlewoman from Connecticut (Ms. ROSA DELAURO), and I am proud to have joined her, have introduced the Paycheck Fairness Act, H.R. 541, to help eliminate the wage gap that still exists between men and women.

When my granddaughter Isabel, who is just 1 year old, enters the work force, I certainly want to be part of the solution guaranteeing that she makes exactly what her male counterparts make.

WILL LEADERS ADMIT A FAILING POLICY IN YUGOSLAVIA?

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, Michael Kelly, the editor of the National Journal, said, ''It is not too much to ask that the planners (of the war) do not lie, to themselves and to the public, about how their plans are faring. And what is going on with the plan in Yugoslavia is that it is failing, catastrophically.''

He added that: ''We started a war to protect a people, and we know that, far from being protected, the people are being slaughtered and driven destitute from their homes to starve in the hills.''

Columnist Doug Bandow, in yesterday's Washington Times, wrote: ''. . . NATO's blundering assault on Yugoslavia has created every condition it was supposed to prevent.''

Even Senator JOHN MCCAIN said yesterday, ''The NATO bombing was intended to bring Milosevic to the bargaining table. Most evidence indicates this has had the opposite effect. Apparently, he has greater support than he had before.''

We have made things many times worse by our bombings. I doubt, though, that our leaders are big enough to admit that they made a horrible mistake and that we should get out of this war as soon as we possibly can.

SCHOOL VIOLENCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Madam Speaker, we are always shocked and stunned by the unexpected, unpredictable, the unimaginable. Perhaps that is why the incident in suburban Columbine High School in Littleton, Colorado, 2 days ago has left us dazed and numb. But should this incident have been unexpected?

In serene Springfield, Oregon, in friendly, congenial, Paducah, Kentucky, even in the home State of our president, Jonesboro, Arkansas, in fact over the past 38 months eight other major school shootings that have occurred and taken lives of far too many of our youth.

Very recently, in fact last week in my home county of North Carolina, a teenager 19 years old shot and killed a deputy sheriff. Earlier this month in my district, Vance County, North Carolina, two twins 11 years old shot their family, killed their father, injured their mother and sister.

Madam Speaker, I believe we must search for and find a prescription for peace, both in our lives and in the lives of our children. We should seek to engage our youth. Perhaps each day we should pause, put aside our problems, take stock in our blessings. Each day we should take time to make an extra effort to go out of our way to be kind to someone. We should avoid the differences that divide us, and concentrate on the many common interests that bring us together.

We should get involved. We should work together, confront the problems, and seek to find a prescription for peace within our families and with our youth.

APPOINTMENT OF CONFEREES ON H.R. 1141, 1999 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 1141) making emergency supplemental appropriations for the fiscal year ending September 30, 1999, and for other purposes, be instructed to disagree with the across the board reduction of funds appropriated with an emergency designation in division B of Public Law 105–277 in the Senate amendment, having the effect of reducing by 44 percent funds made available for counter drug activities, antiterrorism programs including security enhancements at U.S. embassies, Y2K computer upgrades, Plutonium disposition and Uranium purchase, the Coast Guard, Domestic Disaster Assistance, Child Survival, and other emergencies.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) will be recognized for 30 minutes, and the gentleman from Florida (Mr. YOUNG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me say that in the handling of this supplemental appropriation, the Republican majority in this House has given us a case study in how not to proceed. It seems that virtually every time we have an emergency which this Congress is asked to fund, we are being asked by the majority caucus to do one of two things: either to do nothing, or to blow up agreements which had just been reached in the previous year's budget bill by finding offsets to pay for emergency items designated by the administration.

Madam Speaker, I would simply observe that if the provisions of the previous year's budget were so easy to reformat, it would not have taken the majority party 2 months into the new fiscal year before they got their work done last year. The decisions that were

arrived at in the budget last year were extremely hard to reach.

When the administration first provided its request to this Congress to respond to the emergency events in Central America with the greatest natural disaster we had in this century, and when they asked us to deal with what is an emerging emergency in farm country, at first the Committee on Appropriations, under the chairmanship of the gentleman from Florida, produced a proposal which would have had the bipartisan support of this House. It was an honest, practical, sensible way to proceed. We thought we had a bipartisan agreement.

Then what happened is that contrary signals were sent from the House leadership to the committee leadership. They said no, throw out that approach and identify offsets, so these items will be funded on a nonemergency basis.

What the House did, in my view, was to come up with offsets which could not be more misguided if we had conducted a seminar on how to make mistakes. So we were asked by the majority party to eliminate funding which is necessary for us to have on the table in order to begin discussion with the Russians about how to secure plutonium now in the hands of the Russians so that it does not fall into the hands of terrorists or rogue Nation's, and I think that is a pretty important initiative.

Yet we are being asked to sandbag the ability of the administration to begin those discussions by taking that money out. We are also being asked to take out money which the Congress had previously appropriated for callable capital to the international financial institutions, an act which has caused our Secretary of the Treasury to become extremely concerned about the long-term instability which that could bring in dealing with many of our international economic problems.

In my judgment, those provisions were dumb enough, but then when this proposal went to the Senate, we saw a congressional version of the movie Dumb and Dumber. What they proceeded to do was to suggest that we ought to cut 43 percent from a number of other items in the budget last year, items which just a few months ago both parties thought were important enough to include in the budget.

They suggested that we cut, or the Senate amendment suggested we cut $973 million in funding to correct the Y2K computer problem, which plagues many government agencies, as well as many private businesses.

□ 1030

They suggest that we cut more than $200 million from various antiterrorism activities, including $9.3 million in antiterrorism efforts of the FBI and $43 million from the antiterrorism efforts of the Federal Aviation Administration to prevent bombings and other acts of violence against commercial airlines and their passengers.

It cuts $288 million from antidrug efforts, including reductions in enforcement activities of the Drug Enforcement Agency, the Coast Guard, and the Customs Service. It would have us cut more than $600 million for the improvement of security at U.S. embassies overseas just 1 month after the administration was chastised in three hearings on this side of the Hill for not putting enough money in that item.

I have seen people fall off both sides of the same horse, but never at the same moment. Yet, that is what this Congress is doing by the actions that the Senate is trying to take on this conference report. It just seems to me that we ought to resist what they are doing.

We have an emergency in Kosovo, and we are hoping that that will be dealt with on a bipartisan basis. We have also had an emergency in our own backyard in the Caribbean with the worst natural disaster that has occurred in this century, and we are trying to do something about that.

We are being told that we are going to take 20,000 refugees from Kosovo to try to relieve that situation, and yet we face the prospect of having many times that number of refugees inundate our own country because of the economic collapse that is attendant to the natural disaster which occurred in Central America.

Yet that funding is not being called an emergency and it is being delayed by actions taken by this House and the actions taken by the other body. It just seems to me that we ought to recognize an emergency when we see it.

We cannot do much today about the fact that the House has already adopted what I consider to be incredibly ill-advised and misguided and certainly, in the case of the Russian plutonium item, a spectacularly destructive act. We cannot prevent the fact that the House has already done that in voting for the offsets that it has voted on. But we certainly should not compound the problem as the Senate amendment does.

So, very simply, what this motion does is ask the House to go on record asking the conferees to reject that Senate amendment so that we are not in the ludicrous position of blocking efforts to fix the Y2K computer problems, that we are not in a position of cutting off drug funding, funding about which many Members of this body just a couple months ago were posing for holy pictures, trying to show who is most for drug control efforts.

So I would simply say, I do not know any reason why any Member of either party would oppose this motion. We are going to have strong debates in the conference about the ill-advised offsets which this House adopted. But I would think that the House would at least agree that the Senate amendments which were adopted were at least as equally ill-advised and would agree that they ought to be rejected by the conference.

Madam Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the gentleman from Wisconsin (Mr. OBEY) and I agree on the need to move this bill quickly. We are dealing with a true emergency in Central America.

Immediately upon recognizing the result of Hurricane Mitch, American armed forces were sent to Central America, and they did a tremendous humanitarian job. They saved lives. They pulled people out of swollen rivers. They helped get people out of the mud. They helped people get water that they could drink, and they improved sanitary conditions. The United States military did an outstanding job in Hurricane Mitch, but there is more to be done.

As one of their good neighbors who spent billions of dollars in the late 1970's and early 1980's to stop communism from taking over that part of the world, which was a successful effort, by the way, I might say, we now have an obligation to help our friends and neighbors when they are in a real time of need.

The gentleman from Wisconsin (Mr. OBEY) and I do not disagree too much on what we included in the bill for the obligations that needed to be met with the funding that we did include in this bill.

We did have some differences on whether or not the spending should be offset by reducing other accounts in our Federal budget. The decision was made to offset all but the military part of this bill, and we did that.

We had already seen the offsets provided by the other body when we developed our bill. As the gentleman from Wisconsin (Mr. OBEY) said, we disagreed with the offsets suggested by the other body, and so we developed our own list of offsets. The gentleman from Wisconsin (Mr. OBEY) and I disagree somewhat on some of those.

But, Madam Speaker, the important thing is we need to get this bill moving. We need to get to conference. In conference, we will have great debates, especially about the offsets in this proposal. But we need to get it done, and we can't get it done until we appoint the conferees today.

I have no objection to the motion that the gentleman from Wisconsin (Mr. OBEY) has offered because I agree with him. We do not agree with the offsets that the other body used. There will be, as I said, some vigorous debate on this issue. But, Madam Speaker, I do not object to this motion today, and

I would hope that the House could expedite our consideration of it, and move on to its next regular piece of business.

Madam Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this motion to instruct conferees and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. OBEY. Madam Speaker, I yield 6 minutes to the distinguished gentlewoman from California (Ms. PELOSI), the ranking Democrat on the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Ms. PELOSI. Madam Speaker, I thank the gentleman from Wisconsin for yielding me this time and for bringing this motion to instruct to the floor.

I am pleased to hear that the distinguished chairman of the Committee on Appropriations has no objection to the motion to instruct and would not agree to the Senate offsets. I wish he would not agree to the House offsets as well.

The reason we are here having this discussion, as the Speaker knows, is that, according to the budget rules, when there is an emergency funding bill, an emergency supplemental, we do not have to have offsets.

What is an emergency? Well, many of us think that the greatest natural disaster in this hemisphere in this century, Hurricane Mitch, was thousands and thousands of people losing their lives, millions of people losing their homes and their jobs. The economy is wiped out in Central America. We think that constitutes an emergency. By any measure, it is more of an emergency than most bills we have called emergencies, most of the situations we have called emergencies before.

It was our understanding, going into the bill, that the distinguished leadership of the Committee on Appropriations of the subcommittee and the full committee did not see the necessity for offsets. But instructions from the Republican leadership were to have offsets.

The gentleman from Wisconsin (Mr. OBEY) has very eloquently described the consequences of some of the offsets in the House bill relating to plutonium, relating to callable capital, thrusting uncertainty on the international financial institutions.

But this motion to instruct is about not making matters worse by having the House conferees not agree to the Senate offsets, which, as I say, would only make matters worse.

So here we are in a situation where ordinarily we would not need offsets, but this time the Republican leadership has foisted them upon the leadership of the Committee on Appropriations.

We have a bill coming up soon for Kosovo where I hope we will not have offsets. It is hard to explain the inconsistencies in how we deal with these emergencies.

We agree that we must move this along, as the distinguished chairman said. But in order to do that, we have to have some very serious, mature conversations about these offsets.

I just want to convey to the House briefly some of the consequences of this delay that has been caused by this debate on the offset, this departure from the regular order in terms of funding an emergency supplemental bill.

Most of the world seems to have forgotten, because other events have begun to eclipse what has happened in Central America. It is the fate of the Central American countries who suffered the devastation of Hurricane Mitch.

It is now the end of April, 6 months after Hurricane Mitch struck, and none of the sorely needed reconstruction assistance has been approved by Congress. This is an emergency. AID and the Defense Department were able to respond to the immediate needs and restore basic health and sanitation to the devastated areas. However, in doing so, they are using existing resources that have been exhausted.

I associate myself with the comments of the gentleman from Florida (Mr. YOUNG), our distinguished chairman, when he talks and sings in praise of the work of the DOD and the U.S. military in Central America and their assistance there. They are to be praised; the situation would have been much worse without them. We are very proud of their effort.

But it is hard to understand why the money going to the DOD does not need to be offset, but all the other spending on Hurricane Mitch needs to be offset, again, another inconsistency.

To be more precise, several of the major NGOs operating in Honduras, such as CARE, the Catholic Relief Service, and Save the Church are running out of funding, really momentarily. The major Food for Work program under way in Honduras has run out of food to pay its workers.

One hundred thousand small-scale farms will not receive credit or inputs for the first crop of basic grains, corn, bean, and rice as the planting season gets under way.

Planting season is now upon us, and many farmers are without seeds to begin their first major crop since the hurricane. Low yields on the first crop will of course continue the food shortages and increase the emergency food requirements.

Over 2,940 miles of roads and 300 bridges destroyed by the hurricane remain unusable. No significant funding has been provided to begin this rebuilding. Without funds for infrastructure or agricultural recovery, the over 100,000 laborers displaced by the hurricane will remain unemployed or underemployed. This increases pressure on migration to the U.S.

Roughly 200,000 school kids have no schools or are managing in open-air facilities. Over 1,700 schools were destroyed by the hurricane, and little funding to rebuild them has been made available.

Over 700 health clinics, providing the most basic of health services to the impoverished area, were destroyed. The chances for the recurrence or the spread of epidemics for malaria, cholera and dengue fever increases as the recovery of health systems delayed.

Congress needs to act now to make this funding available. It is in fact long overdue. We want an economic recovery in Central America. We do need to provide some assistance to spur that along. We should be doing it without offsets. Certainly we should do it without the Senate offsets.

It is in that regard that I once again commend the gentleman from Wisconsin (Mr. OBEY) for his leadership in bringing this very enlightened motion to instruct to the floor, and I am delighted that the distinguished gentleman (Mr. YOUNG) has no objection to it.

Let us move forward, keep our promises to our Latin American neighbors and relieve their plight as we move forward. We must move now.

Mr. OBEY. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. HOYER), the ranking Democrat on the Subcommittee on Treasury, Postal Service and General Government.

Mr. HOYER. Madam Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding me the time, and I rise in support, very strong support of this motion to instruct. I am not surprised that the gentleman from Florida (Mr. YOUNG) is not objecting to this motion, and I congratulate the chairman on his leadership.

I want to associate myself with the remarks both that the gentleman from Wisconsin (Mr. OBEY) made earlier and that the gentlewoman from California (Ms. PELOSI) has just made.

With respect to offsets and with respect to the necessity to move the supplemental as quickly as possible both for our farmers and for those victims of Mitch, we have, as the gentlewoman indicated, and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) may have referenced as well, some 800,000-plus people.

We see the pictures of refugees in Albania and in Macedonia being created by the violence and, from my perspective, war crimes being committed by

the Milosevic army. But having said that, we also know that there are other reasons to support this motion to instruct.

□ 1045

I want to specifically refer to the Y2K emergency fund that was put in, the supplemental that we proposed last year, or the omnibus bill we appropriated last year, some $2.25 billion for nondefense agencies to make sure their critical computer systems are Year 2000 compliant. The motion that the Senate adopted would cut that by 44 percent. Quite obviously, that would have a devastating effect on all the other programs, but as well on the Y2K, which all of us, all of us, admit is an emergency.

There is not a day that goes by that we do not hear on our televisions or our radio or read in our newspapers about the issue of Y2K. Are we, on December 31 of 1999, going to have our computer systems, which are involved in almost everything we rely on on a daily basis, going to recognize the change and be able to ensure that the systems remain operative as they should? Obviously most critical, I suppose, with the FAA airplanes flying, but to so many other systems, large and small.

On the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations, we tried in a bipartisan manner to enact the critical appropriation as an emergency fiscal year 1998 supplemental. But we were continually told by the leadership to wait until the end of the year. Unfortunately, now the Senate has waited until well into the fiscal year and are proposing a 44 percent cut.

Madam Speaker, I am hopeful that not only will this motion to instruct prevail, which I presume it is going to, but also that the Senate, in conference, will see the wisdom of this motion to instruct and will not only reconsider this amendment to cut by 44 percent those supplemental funds but will, in addition, also see the necessity, the emergency of reconsidering their requirement for offsets. And that on those matters that are truly emergency, which we believe the supplemental is, we will move ahead without political rancor, without debate about offsets, to see that our farmers, those ravaged by an act of God such as Mitch, and those as well ravaged by war and by genocide will all be given the help of this Nation and of our people as quickly as possible.

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

Let me simply say in closing, Madam Speaker, that I think this Congress needs to recognize that we are facing a genuine emergency in the consideration of this bill. A bunch of people wearing suits on the floor of the House of Representatives, or sport coats, might not think that there is an emergency in farm country, but real live dirt farmers see the fact that world farm prices are at near record low levels; they see that commercial lenders are refusing to extend the credit that is necessary in many instances for farmers to proceed with planting; and they understand why the President thought that this was an emergency and so designated it.

I would simply note that it is now the latter part of April and we are just now talking about going to conference on this legislation. It is getting dangerously late for those American farmers. And I would say the situation in Central America is also pressing.

Now, many people will ask why should we provide emergency funding because of the Hurricane Mitch problems in Central America. I would simply make the following observation.

We spent almost $9 billion in countering what we thought was a military threat in Central America through the funding of the Contras, through the funding of military aid and economic aid to El Salvador and a number of other Central American countries when they were having military problems. But we now run the danger of ignoring what is happening in that region at a time when something is going on which is just as destabilizing and in fact could be more so than the military confrontations that were taking place just a few short years ago.

Polls have shown that almost 10 percent of the population of Honduras, Nicaragua and El Salvador are thinking about leaving their countries and moving north because of the devastation caused by that hurricane. If that happens, we could see over a million people trying to work their way up, either legally or illegally, into this country. If people have a choice of simply standing in the rain or walking in the rain, they are going to start walking north. That could cost this country as much as $7,000 a child for every child who comes into this country.

And so it seems to me even if we do not want to focus on the humanitarian obligations we have to our neighbors, it seems to me at least we have a self-interest reason for moving this legislation on and recognizing it for the emergency that it really is.

I would urge adoption of the amendment and a recognition that, in general, the offsets which are being proposed both by this body and the other body are ill-advised, counterproductive, and in some cases downright dangerous.

Madam Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR), the ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies of the Committee on Appropriations.

Ms. KAPTUR. Madam Speaker, I thank the gentleman for yielding me this time and want to thank him for his leadership on bringing this motion to the House.

I felt compelled to speak on this because of the condition of rural America and the fact that again we are encountering delay in the consideration of this legislation; more amendments being offered in the other body, slowing down a very important supplemental package that contains many items relating to assistance for Central America and Hurricane Mitch, but equally important for the farmers here in this country.

There is a literal depression that is affecting our country from coast to coast among people who are hard-working, taxpaying Americans, and this Congress is incapable of clearing a bill quickly to help the American people who so desperately need it.

I find it completely ironic that now we here in the House have to instruct the conferees to go back to the other body and say, no, we do not want this amendment either because they are dipping into cuts in other accounts that deal with Y2K and other programs, but tucked under all of that is this giant need in rural America where farmers are being put at the end of the line waiting as Congress dithers more, is unable to reach any kind of conclusion, and we have to have more delays.

So, to me, I will support the motion to instruct simply as an act of protest against the inability of this institution to protect the American people's interests. Frankly, I am very much interested in us being internationally involved and doing what is responsible elsewhere, but the point is that rural America is in depression and we are acting like nothing is happening.

I just wish every tractor would come back to Washington and surround this place and make the leadership of this institution and the other body responsible for what is happening. Farm income is going to drop another 20 percent this year. USDA has used up all of its emergency loan authority. Credit is not being extended this spring. Seed companies back home are holding debt from last year.

Now is planting season, my colleagues. Spring has been in existence for over a month now and we cannot bring a bill out of this Congress. Where is the leadership of this institution and the other body in trying to meet the real needs of the American people, which are urgent? For the life of me I do not understand. To me, it is a disgrace that we have to debate these kinds of amendments that are being loaded on over in the Senate and not clear that portion of the bill which is so desperately needed by our own people.

I want to thank the ranking member on our full committee, the gentleman

from Wisconsin (Mr. OBEY), whose State is as heavily affected as my own, as well as every other Member here who understands the pain of the rural countryside today, what has happened to prices, as we sit here on our haunches and are unable to clear a bill. I ask again, where is the leadership in this body and in the other one to recognize the pain of the rural countryside?

Please support the motion to instruct and, more importantly, disgorge the farm portion of this bill and get it moving.

Mr. YOUNG of Florida. Madam Speaker, having been led to believe there was not to be any debate on this motion, I yielded back my time. But at this time I ask unanimous consent that I may reclaim my time.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

I did believe that we were not to have any debate here so that we could expedite this motion and get on with the rest of the business of the House. But I would like to respond again, as I said earlier, we did not agree with the Senate offsets in the bill. That is why I am willing to support this motion that does not agree with the Senate offsets. There has been sufficient leadership in the House on this measure to move this to conference, and we will move it to conference quickly.

The gentlewoman is right, there has been a little bit of a delay on the part of the other body. I met with the majority leader of the Senate yesterday and discussed that issue and we are prepared to move expeditiously.

There will be differences, even among those of us who are conferees, on the House offsets. But what I have to tell my colleagues on both sides of the aisle, we made a determination that we were going to, except for true national defense emergencies, offset the spending bills.

Now, when we dealt with disasters in our own country just a few years back, we offset the money that we spent for those disasters. In fact, one of the sources for those offsets was one of the offsets that the other side objects to now.

So we will work this out, but I would hope that we would keep this from becoming a partisan political issue. I am attempting to move the appropriations bills in such a way that they relate to the needs of the country and to move them as expeditiously as possible under the House rules.

So we are prepared to do this, and we are prepared to accept this motion today. I would suggest that I am ready to vote if the gentleman from Wisconsin is ready to vote.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Madam Speaker, I yield myself 3 minutes.

I am informed now that I have one additional request for time, and then that will be the last person I yield to on this side on this issue.

I just think the record is clear and we need to be reminded of it. This side has not made this supplemental a partisan issue. This side made clear to the gentleman that we were willing to support, on a bipartisan basis, his initial recommendations that he intended to make to the committee and to the House on how we ought to proceed on this supplemental, because the gentleman did correctly recognize that this was an emergency which should be funded on an emergency basis.

It was then the gentleman's caucus or his leadership, I am not sure which, who then instructed the majority side of the Committee on Appropriations to take a different route and, instead of seeking common ground with the President and us on this issue, they produced a proposal which they knew we would not buy.

I am sorry, but I believe it is downright stupid and dangerous for us to take off the table the money which we need in order to negotiate a settlement with the Russians that will remove the possibility that weapons-grade plutonium, which is now in their hands, will be diverted to other far more dangerous hands.

□ 1100

It is stupid and ridiculous for this House to take that position, and yet that is one of the offsets that this House decided to impose on the President. At the very time that we are talking about trying to get the Russians to help in solving the Yugoslav mess, they are yanking off the table the principal carrot that we have to reach agreement on the disposal of the most dangerous material in the universe.

Now, there is nothing partisan about that, but there is something very stupid about it. And that is why we are opposed to what the House did. We regret the fact that a proposal, which started out to be bipartisan because of the wise and correct judgments of the gentleman, have now been turned into something else by the determination of the Republican leadership of this House to have yet another unnecessary fight with the President.

Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Madam Speaker, I thank the gentleman for yielding me the time.

Let me just say in the 1 minute that I have, this is in the national interest of the United States. Forget about being humanitarian and helping Central Americans, which we want to do.

Do we want to see a million people who have no home and no place to work and have nothing to lose? They will come north; that is their mission if they have no opportunity, no hope. Do we want to see disease spread? It will spread north. Do we want to see the drug cartels take over regions that otherwise have no other hope? They will do that.

It is in the national interest of the United States to provide this funding, to have done so already. The rainy season starts. A million people who have nothing to lose. It is in the national interest of the United States to do this.

But our Republican friends have proposed those provisions that are impossible to accept as offsets to the supplemental. Imagine in the Senate having domestic drug programs cut at a time that the drug cartels are even moving more forcefully forward.

So I support the amendment of the gentleman, but our cause and our case is that this is an emergency. We have got a million people right to the south of us and they need help now and we are languishing with this. We need to move it and move it now.

Mr. YOUNG of Florida. Madam Speaker, I yield myself such time as I may consume.

I would like to suggest that if the worst thing the gentleman from Wisconsin (Mr. OBEY) calls me during the balance of the appropriations process this year is stupid, I will be happy because there are other things that will be mentioned.

Mr. OBEY. Madam Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I did not call him stupid, and I do not believe him to be stupid. I called the action taken by this House stupid, and I stand by that statement.

Mr. YOUNG of Florida. Madam Speaker, reclaiming my time, I must respond that offsetting spending when we are trying to balance the Federal budget is not stupid. When we have a national debt that has debt service that is equal to or exceeds what we invest in our only national security, it is not stupid to try to do something about that debt and to try to balance the budget.

And if we are going to spend on one hand without taking the budget into a deficit situation, we have got to take it away somewhere else. And we cannot go visiting around the world dropping off commitments for money for one thing or another without even consulting with the Congress and expect the Congress to just pay the bill when it gets here.

Now, that is not partisan either. What it is is trying to be responsible and keep the commitment that all of us have made.

I do not know of anyone, there may be one or two, that have said we should not balance the budget. But everyone

that I know in this House has committed themselves to a balanced budget. And you cannot balance the budget by continuing to spend. So we take some of the items that are not quite as important as responding to the disaster and we offset them.

Now let me mention what the offset was that the gentleman is so upset about. We used as an offset callable capital to the World Bank, callable capital which has not been called in over 20 years and that is not even important, but callable capital which was the same source that was used in this House to offset a disaster appropriations bill. For a disaster in the United States in the western part of our country, we used callable capital as the offset.

I know the gentlewoman is shaking her head, but the fact is, the CONGRESSIONAL RECORD has it on record and indicates who voted for that amendment by our friend and previous colleague from California (Mr. Fazio) to reduce the callable capital for the World Bank by the amount needed to offset that bill.

Now, if that consistency was mentioned before, if we are going to be consistent, if callable capital as an offset was okay now, why is it not okay now?

So I think, Madam Speaker, that we have what I think Harry Truman called a red herring, but we are going to debate these issues in conference and we will come to a resolution and this bill will be provided.

We are not withholding the immediate emergency support that was needed in Central America. We did that already. We sent troops and they took care of the immediate emergency requirements.

So, anyway, despite all of this debate and despite this argument, I still support the motion made by the gentleman from Wisconsin (Mr. OBEY), and I say we get on about our business and get into conference and settle this bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 96]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bonilla
Brown (CA)
Brown (FL)
Engel
Ford
Hastings (FL)
Kasich
Lewis (GA)
Linder
McKeon
Moore
Nussle
Radanovich
Rahall
Saxton
Tancredo
Tanner
Towns
Weiner

□ 1126

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, on Thursday, April 22, 1999, I was unable to record a vote by electronic device on roll No. 96. Had I been present, I would have voted "yea" on roll No. 96.

The SPEAKER pro tempore (Mr. BOEHNER). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, TAYLOR of North Carolina, HOBSON, OBEY, MURTHA, DICKS, SABO, HOYER, MOLLOHAN, Ms. KAPTUR, Ms. PELOSI, Mr. SERRANO and Mr. PASTOR.

There was no objection.

□ 1130

BEACHES ENVIRONMENTAL ASSESSMENT, CLEANUP AND HEALTH ACT OF 1999

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 145, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 145

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. During further consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 145 is an open rule providing for the consideration of H.R. 999, the Beaches Environmental Assessment, Cleanup, and Health Act of 1999.

The purpose of this legislation is to improve the quality of coastal recreational waters by establishing national uniform criteria for testing and monitoring coastal recreational waters.

In addition, H.R. 999 establishes uniform notification to the public on the quality of those waters in order to protect both the environment and public health.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open for amendment by section.

Additionally, the rule provides for the consideration of the amendment printed in the Committee on Rules report, if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee.

The rule further provides that the manager's amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall not be subject to amendment or to a division of question, and is debatable for 10 minutes equally divided between the proponent and an opponent.

If adopted, the amendment is considered as part of the base text for further amendment purposes.

The Chair is authorized by the rule to grant priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, I believe House Resolution 145 is a fair rule. It is an open rule for the consideration of H.R. 999, the Beaches Environmental Assessment, Cleanup and Health Act of 1999.

As I understand it, some Members may wish to offer germane amendments to this bill, and under this open rule they will have every opportunity to do so.

H.R. 999 establishes uniform criteria for testing coastal recreation waters and for public notification of water quality. Indeed, as this Nation's first and most ardent conservationist, President Theodore Roosevelt noted upon the establishment of the Waterways Commission our natural resources are so closely connected that they should be coordinated and should be treated as part of one coherent plan and not in haphazard or piecemeal fashion.

By establishing public notification, this bill will not only protect public health, but will encourage tourism and business development along our coastal areas.

Each year, an estimated 180 million people from around the world visit America's coastal waters for recreational purposes, supporting over 28 million jobs and leading to investments of over $50 billion each year in goods and services.

Madam Speaker, H.R. 999 is not a regulatory bill. It gives the EPA no new regulatory authorities. The bill instead offers an incentive to State and local governments to test beaches for pathogens which are dangerous to human health.

By establishing a grant program, H.R. 999 gives the States the ability to monitor the safety of coastal recreational waters and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

In my own district, which includes a portion of Lake Ontario, this bill will encourage tourism by furthering public confidence in the water quality. By ensuring that water quality, the very integrity of our waterways, this bill will meet President Roosevelt's challenge that this Nation should strive to leave to the next generation the national honor unstained and the national resources unexhausted.

I would like to commend the gentleman from California (Mr. BILBRAY), and the gentleman from New York (Mr. BOEHLERT) for their hard work on H.R. 999, and I urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Madam Speaker, House Resolution 145 is fair, a completely open rule, and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from New York

(Mr. REYNOLDS), my colleague and my friend, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Madam Speaker, I am pleased to join nearly all of my colleagues in support of this beaches bill.

We in Massachusetts are very fortunate to have some of the most beautiful beaches in the country. Once the warm weather hits, residents of the Commonwealth of Massachusetts and tourists from around the world head to Cape Cod, the south shore or the north shore.

This bill will help them enjoy themselves even more in keeping our beaches clean and making sure the clean beaches do not stop at the next State.

Madam Speaker, it will also help create and monitor public health standards to make sure that our beaches and coastal areas are clean and safe.

Each year over 180 million people visit our American beaches. Those visits create over 28 million jobs, they generate millions of dollars in revenue, and we need to make sure that our people can swim in our oceans and feel confident that the water quality is what it should be.

At the moment, there are no Federal standards for testing or monitoring our beaches. That means that one State could allow a higher level of dangerous pathogens than its neighbor, and some of these pathogens have names I cannot even pronounce, and I certainly do not want to swim in them.

This bill will set the State standards more in line with one another and if, heaven forbid, a public health risk should arise, this bill will help inform people when the beaches are unsafe for swimming.

It will also authorize $150 million over 5 years to help States put the monitoring programs in place and keep our clean water rules uniform from sea to shining sea.

Madam Speaker, it is a good rule. It is a good bill.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Madam Speaker, I rise in strong support of this rule and the underlying bill. I would like to congratulate first the gentleman from California (Mr. BILBRAY), my friend who has worked long and hard on this; his fellow surfer, the gentleman from California (Mr. ROHRABACHER), who I know is going to be here to back him up; and the very important chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER), who has worked long and hard on this issue, too. It is very important that we move ahead in a bipartisan way.

I would also like to congratulate the brilliant statement from my good friend from south Boston who has not quite as many beaches as California or Florida, but they are beautiful beaches in Massachusetts, I will agree.

Today is Earth Day and it is a very important time to mark what is obviously an important environmental accomplishment for us here. We all know how enjoyable it is for people to spend time with their families at the beaches, and as we head into the summer months obviously we are going to see an increase in that.

Every year, in fact, over 180 million Americans spend time on our coastal waters and that is the case, as I have said, in both California and in many other States. However, it is important to note that clean coastal waters are not just about fun. They really are about business, because there are 30 million jobs and roughly $50 billion in investments that take place and are supported by recreation along our Nation's shores.

This bill itself is a very strong, prohealth, proenvironment measure. It shows that environmental issues are best handled using common sense and consensus building; and the bill's sponsors and, of course, as I said, the Committee on Transportation and Infrastructure, deserve a great deal of credit for moving us in the direction of a common-sense approach to a very, very important environmental issue.

□ 1145

So I would simply like to congratulate my friend from New York who is doing a superb job of managing this rule, and the authors of this legislation, as I said, and the Surfers Caucus, which is a very important, very, very important group in this body, and again the Committee on Transportation and Infrastructure for their hard work. I look forward to seeing strong bipartisan support for this measure.

Mr. MOAKLEY. Madam Speaker, I yield back the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Pursuant to House Resolution 145 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 999.

The Chair designates the gentleman from Nebraska (Mr. BARRETT) as Chairman of the Committee of the Whole, and requests the gentlewoman from Missouri (Mrs. EMERSON) to assume the Chair temporarily.

□ 1146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, with Mrs. EMERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume.

Today we indeed are considering the Beaches Environmental Assessment bill, and it is a bipartisan bill that was reported by our committee, the Committee on Transportation and Infrastructure, by unanimous vote. Indeed, this is legislation that is most appropriate on this Earth Day.

The distinguished members of the Committee on Rules have quite clearly explained both the rule and the bill. I would like to focus on a couple of specific points.

The first is to note and emphasize, this is not a regulatory bill. It gives EPA no new regulatory authorities. After analyzing the bill, the Congressional Budget Office concluded that it contains no intergovernmental or private sector mandates as defined in the unfunded mandates act, and it would impose no costs to State, local or tribal governments.

I also wish to allay some concerns expressed by some of the States. The grant program established by this bill does not provide EPA with an opportunity to micromanage State monitoring programs if a State chooses to seek Federal assistance. I also wish to be sure that the Members understand, particularly those Members from farm States, that we worked out a previous concern that was expressed by the American Farm Bureau Federation, and indeed we have an en bloc amendment which we will be offering shortly, and we have a letter from the American Farm Bureau which states:

''The en bloc amendment to the beaches bill addresses our concerns about this legislation.

''The proposal to define coastal recreation waters to not include any inland waters addresses our concerns about nonpoint source impacts. The proposal that a State can use its criteria for human health if they are as protective as Federal criteria addresses our concerns about unfunded mandates. Thank you for your attention to this matter.''

So we removed any concern that the Farm Bureau might have. So we indeed do bring a bill to the floor today which has overwhelming bipartisan support. I urge its adoption.

Today the House is considering H.R. 999, the Beaches Environmental Assessment, Cleanup and Health Act of 1999.

This is a bipartisan bill that was reported by the Committee on Transportation and Infrastructure by unanimous voice vote.

H.R. 999 amends the Clean Water Act to establish a grant program for States to monitor the safety of coastal recreation waters, and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

Each year over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to investments of over $50 billion each year in goods and services.

Public confidence in the quality of our Nation's waters is important not only to each citizen who swims or surfs, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

It is important to note that H.R. 999 is not a regulatory bill. It gives EPA no new regulatory authorities. After analyzing the bill, the Congressional Budget Office concluded that "H.R. 999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments."

The legislation that we are bringing up today has been carefully crafted to balance the concerns of States, EPA, the environmental community and other interested parties.

This is a bipartisan bill that uses incentives, not mandates, to improve public health and safety by monitoring the quality of our Nation's coastal waters.

I urge you to join me in supporting this legislation.

I wish to allay one outstanding concern expressed by some States. The grant program established by this bill does not provide EPA with an opportunity to micro-manage State monitoring programs if a State chooses to seek Federal assistance.

Under this legislation, EPA is to establish a level of protection for monitoring programs, which will be used to determine if a program is eligible for a grant. But each individual State program determines how that level of protection is reached.

By providing grants this legislation provides incentives to all States to develop monitoring programs that protect public health and safety. This does not mean uniform monitoring programs. This does not mean that EPA may impose a Federal template on States.

I also wish to allay some concerns I have heard that the Farm Bureau may have. As I stated earlier, this is not a regulatory bill. It does not address control of pollution from point or nonpoint sources. It imposes no new mandates, unfunded or otherwise.

Madam Chairman, I ask unanimous consent that the gentleman from New York (Mr. BOEHLERT), the chairman of our subcommittee, be authorized to manage the balance of the time on this bill.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BORSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I first want to commend and congratulate the gentleman from New York (Mr. BOEHLERT), my friend, the distinguished subcommittee chairman of the Committee on Transportation and Infrastructure, on his leadership. He has dealt with us in a fair and bipartisan manner, which is the way he always treats us and we appreciate it very, very much.

This simple but important legislation aims at protecting our Nation's beachgoers from unhealthy ocean water quality conditions. Whether it is swimming along the Great Lakes, surfing off of southern California, or vacationing at the Jersey shore, beachgoers everywhere have the right to know that the beaches they choose to visit are safe for themselves and their families.

Madam Chairman, this legislation is the product of work conducted over the past few Congresses. Originally introduced by our friend and former colleague, Bill Hughes, in 1990, this issue has subsequently been picked up by the gentleman from New Jersey (Mr. PALLONE) and the gentleman from New Jersey (Mr. LOBIONDO), and by the chief sponsor of this legislation, the gentleman from California (Mr. BILBRAY). I want to commend these gentlemen for their dedication and tireless efforts to protect the public from unhealthy water conditions at our Nation's beaches, and I hope that this time we can have it signed into law.

The BEACH bill advocates three simple principles:

First, beach water quality should be monitored. We cannot know whether waters are safe unless the waters are adequately tested.

Second, water quality criteria should be uniform. Just as we provide assurances to the public that water supplies will be safe for drinking no matter which State a person happens to be in, the public should feel confident that the public health standards at our Nation's beaches meet minimum consistent health requirements.

Finally, if a health problem is discovered at a beach, the public has the right to prompt, accurate and effective notification so that they may protect themselves and their families.

To accomplish these principles, this legislation authorizes over $30 million in funding for Federal, State and local partnerships for water quality monitoring and notification. Under this legislation, States and localities will be given the flexibility to tailor their monitoring and notification programs to meet local needs, so long as these programs comply with EPA's minimum requirements for the protection of public health and safety.

In addition, the BEACH Bill directs the EPA to periodically review and develop revised water quality criteria for coastal areas to ensure we are using the best scientific information available. The public deserves no less.

Finally, this legislation requires EPA to maintain a publicly available database of our Nation's beaches, listing those beaches that comply with water quality standards and those that do not. This information will be very helpful to many Americans for summer vacation planning, so that they will know whether the waters at their favorite vacation spot are safe and will choose accordingly.

Every year, over 180 million individuals vacation along our Nation's coastal waters. As another summer season rapidly approaches, let us make sure that we take the appropriate steps to protect our Nation's beachgoers from unnecessary threats to their health and safety.

Madam Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield myself 1 minute.

Madam Chairman, the American Oceans Campaign, in a communication sent to every member of this body, pointed out the following:

"The current approach to beach water testing is a mixture of inconsistent criteria and practices. Passing the BEACH bill will wipe out the inconsistencies and improve public health protections nationwide."

As one of America's favorite actors, Ted Danson, who is president of the American Oceans Campaign has said, "A day at the beach should not end with a visit to the doctor's office."

I have to give great credit where great credit is due, to the gentleman from southern California (Mr. BILBRAY). This bill will set minimum standards for beach water quality, and it will require EPA to establish performance criteria, and it will require the Environmental Protection Agency to establish a national beach water pollution database that will let the public know where monitoring programs are in place and where beach waters are impaired.

Madam Chairman, the en bloc amendment improves upon the bill, H.R. 999, that we reported out of committee by unanimous voice vote.

This package includes noncontroversial technical, and clarifying items and has been worked out with the ranking minority Member.

In summary, the en bloc:

Clarifies that State criteria for pathogens or pathogen indicators for coastal recreation waters must be as protective of human health as EPA's criteria.

This does not mean that States must adopt criteria that are identical to those that have

been published by EPA. States adopt water quality criteria under section 303(c) of the Clean Water Act and continue to have the flexibility, provided under that section to change EPA's criteria based on site-specific conditions, or to adopt different, scientifically-justified criteria.

Thus, if a State can demonstrate that the pathogen indicators that it is using are as protective of human health as the criteria for pathogen indicators that EPA has published, a State may continue to use its existing criteria.

As a result, if no appropriations are provided to EPA for this purpose, EPA does not need to take funds away from other clean water act Programs to provide grants for monitoring and notification programs.

Clarifies that the information provided to the public in the information database authorized under section 406(c) is intended to be information on exceedances of water quality standards in coastal recreation waters only. This database does not address other matters.

Clarifies that EPA implementation of a monitoring and notification program will occur only in situations where a state is not implementing a program that protects public health and safety.

The bill does not provide for partial EPA implementation and partial state implementation of a monitoring and notification program.

In addition, EPA's duty to conduct a monitoring and notification program is subject to the same conditions as a state program implemented under section 406(b)(2). This means that EPA has the same flexibility that states are provided under that section to target available resources to those waters that it determines are the highest priorities. EPA's duty to implement a monitoring and notification program is no more expansive than a State's duty.

Clarifies that the term "coastal recreation waters" includes only the Great Lakes and waters that are adjacent to the coastline of the United States. "Coastal recreation waters" is not synonymous with the "coastal zone" as defined under the Coastal Zone Management Act. The geographic scope of this act does not include any inland waters and does not extend beyond the mouth of any river or stream or other body of water having unimpaired natural connection with open sea.

Clarifies that Indian tribes with coastal recreation waters are eligible for grants for monitoring programs.

Clarifies that Federal agencies are to implement monitoring programs for federally-owned beaches, such as national seashores.

Finally, the amendment changes the short title of the bill to refer to "awareness" rather than "assessment."

Madam Chairman, it is my pleasure to yield 6 minutes to the distinguished gentleman from California (Mr. BILBRAY), the person most responsible in this whole United States of America, out of 250 million people, for bringing us to this point today, the author of the bill.

Mr. BILBRAY. Madam Chairman, I would first like to thank the gentleman from New York (Mr. BOEHLERT), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. SHUSTER), our full committee chairman, along with our ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI), for all the help. Their bipartisan effort has really shown that we cannot only protect the environment, but we can do it together.

This bill is a good example of not only talking about working together here in Congress to help the public and to protect the public's health, but actually having States and counties and health officials and the EPA and the Federal Government all working together for this goal.

I would like to thank the gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. GILCHREST), the gentlewoman from California (Mrs. CAPPS), the gentleman from California (Mr. KUYKENDALL), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Florida (Mr. SHAW), the gentleman from New Jersey (Mr. SMITH), and the gentlewoman from Ohio (Mrs. JONES), and the gentleman from Florida (Mr. FOLEY), and many others for their encouragement and their help in bringing this together.

I want to really thank the people that helped bring this bill to reality because so often our good intentions here in Congress do not reflect the reality out in mainstream America, and out in the waters of our Nation. I want to thank the San Diego County Environmental Health Department and the Surfrider Foundation, specifically, Chris Gonaver of the County of San Diego, and Gary Sirota and Darryl Hatheway of the Surfrider Foundation for their instrumental work on the development of this public health measure.

Additionally, I want to join the chairman in thanking the San Diego County Medical Association for its support, the Center for Marine Conservation, and specifically, the American Oceans Campaign, led by Ted Danson, whose son is also a surfer. I want to thank them for their critical help on this item.

Madam Speaker, roughly 60 percent of Americans live within 30 miles of a coastline. I happen to have had the privilege of growing up a block from the beach and I live nine blocks from the beach now, and sometimes we wonder, we might as well live in Kansas when we are that far away from the ocean!

But this bill, the Beach Environment Awareness Cleanup and Health Act of 1999, is a bill that I think all of us that use the beaches of America will recognize has been a long time in coming. We all know about and we can talk about the problems that affect people with certain health aspects for long-term exposure. We worry about what happens to our children if they live 20 years next to a hazardous waste dump. We are worried about our senior citizens if they drink certain water for over 40 years.

This bill is addressing something that we have overlooked, and that is the fact that our children and our families can enter coastal waters on one day, for one moment, and contract diseases such as hepatitis, encephalitis, and different related illnesses related to pathogens. I have had surfers in my district actually get inner brain infections and almost die from one exposure. These are things that we need to address.

I want to point out that H.R. 999 is really aimed not at finding fault, but at finding answers. It is a way to include, first of all, our public health directors in the formation of criteria for this country, not from Washington on down, but from America's communities on up, and have the Federal Government work as a partner in the formation of the criteria to protect our families' health.

□ 1200

Also, H.R. 999 understands and recognizes the unique differences in these regions. When I come back to this coast and see these coastal waters and surf with my children, it is totally different than what we see in the West Coast.

H.R. 999 has the type of flexibility that we have only talked about for so long, that allows the local communities to address their local environmental concerns and do that with the aid of the Federal Government, rather than what we have seen so often, sadly, where we have seen local conflict with the Federal strategies.

The bill requires the development of updated criteria, in cooperation with public health agencies. It does not require the local States to take action if they choose not to. It does require the EPA to address the public health problems with this issue in every region, but in cooperation if the local communities want it.

H.R. 999 creates a uniform level of protection, so that when any parent goes to any beach that is being used anywhere in the United States, that parent can feel with some level of confidence that the water that their children is entering is safe to have contact with. That situation does not exist now.

Mr. Chairman, I would ask support for H.R. 999, not just for those of us who use the water, and not just for those of us who like to look at the water. I would ask that H.R. 999 also be passed because it is the beginning of a new way to fulfill our responsibilities, not just to the environment but to our citizens and to ourselves.

The cooperative effort of H.R. 999, Democrats and Republicans, local and Federal and State people all working

together, really shows that to care for the environment, we must care about the community and every community, not just Washington, D.C. H.R. 999 sets an example to protect the public health, and do it in a fair and reasonable and effective way.

I ask my colleagues on both sides of the aisle, do not find excuses to oppose this bill. Look into the future and see what this bill can do for our public health and for our processes.

Mr. Chairman, I rise in strong support of H.R. 999, the BEACH bill. I have some supporting material here, which I would ask to be included in the record along with my statement.

I want to first thank the chairman of the Transportation Committee, Mr. SHUSTER, and the chairman of the Water Resources Subcommittee, Mr. BOEHLERT, for all their hard work, and that of their staffs, on this bill, and for making this important public health issue a priority. The ranking members on the committee, Mr. OBERSTAR and Mr. BORSKI, have worked with them hand in hand to help advance and strengthen this bill, and their bipartisan collaboration has been key to the bill's progress. I also want to acknowledge and thank all my colleagues that have rolled up their sleeves and worked with me on the BEACH bill, both this year and in years past.

I am also very grateful for the input and assistance that I received during the drafting of this bill, and in the subsequent discussions on its progress, from the county of San Diego's Department of Environmental Health Services, which administers one of the best ocean testing programs in the world, and from the Surfrider Foundation, which has also been instrumental in helping to improve public education on water quality issues. Input from local health agencies and from organizations like Surfrider have been key in identifying existing problems and shortcomings which make this bill so essential. In particular, Mr. Chairman, Chris Gonaver at the County's Environmental Health Department and Gary Sirota of the Surfrider Foundation have provided critical advice and input to me and my office on this bill since its inception, and deserve a great deal of credit for its development.

I would also like to thank the San Diego County Medical Society for taking an advocacy role on this issue by endorsing H.R. 999, and the American Oceans Campaign and the Center for Marine Conservation for their continuing support and efforts in helping to move this bill along. This is an exceptional range of support—public health officials, medical professionals, and the environmental community—and it further underscores both the merits of and need for H.R. 999.

This bill, Mr. Chairman, is a matter of significant importance not only to myself and my San Diego district, but to all Americans who live near or love visiting our coastal areas. As someone who has grown up and lived in and near the ocean all his life, surfing, swimming, and sailing in it, it is quite simply an integral part of my life. Most importantly, as a father of five children who share my passion for the sea, I want nothing more than for them to be able to spend their lives enjoying it in a clean, safe, and health risk-free environment.

I was with this in mind that I worked closely with my colleague from New Jersey in the 105th Congress to develop a ''precursor'' of this legislation, then H.R. 2094, as a means to work toward establishing reasonable national criteria for coastal water quality. While certain parts of the United States (led by my hometown of San Diego) have already developed and implemented comprehensive and progressive coastal testing and monitoring programs at both the state and local level, there are needs which up to this point have not been met, and problems which have not been fully addressed. This lack of consistency in the levels of protection provided by such monitoring and notification nationwide puts at risk beachgoers from coast to coast.

Roughly 60 percent of all Americans live within 30 miles of a coast, and far too often, surfers, swimmers, and others who enjoy using the water serve as inadvertent ''canaries in the coal mine''. These are the people, particularly children, who are susceptible to and develop the ear, nose, and throat infections, fevers, and respiratory or stomach ailments that can and do occur as a result contact with pathogen-contaminated water. There is a clear need, both for people who live on the coastlines in places like San Diego and Rehobeth Beach and surf or swim every day, and for people who live inland and bring their families to the shore once or twice a year, to be able to understand and be provided with information as to whether the water is safe for them to enjoy before they enter it. This is where consistency in the levels of protection provided by monitoring and notification at coastal areas is necessary.

This is the basic focus of H.R. 999—to be a first step towards identifying where problems exist and where there is a need for monitoring, recognizing the science and capacity we have to respond to them, and providing the tools, incentives, and flexibility to states and communities that they need to create programs and implement them appropriately. Most importantly, the bill provides the ability to develop and administer these programs in a ''bottoms up'' fashion, while moving away from outdated ''command and control'' strategies which may have served us well in the past, but are too cumbersome and unwieldy to provide useful solutions to today's challenges.

The en bloc amendment which will be offered shortly will be carefully explained, but I'd like to speak to one of the seemingly minor aspects of the amendment. In the short title of the bill, ''assessment'' is changed to ''awareness''. While this may seem insignificant, I wanted to make this change at this time to help underscore the entire point of the bill. Increased awareness is what this bill seeks to achieve, starting at the community level, and is what will lead to better protection of the public health and the environment at our coastal recreational water, both within and without the scope of H.R. 999.

The whole concept of this bill is to encourage nationwide monitoring of coastal recreation waters where it is needed to protect the public health, and public notification of the results—but from the community on up, not the top down. By empowering local health officials and communities to work directly with state and federal officials, H.R. 999 provides the opportunity and incentive to develop monitoring plans that will protect public safety on a regional or beach by beach basis.

It is important to recognize that H.R. 999 is not an expansion of regulatory authority under the Clean Water Act—it provides no new regulatory authority to any federal agency, and the bill language and accompanying congressional intent in the Committee report makes it clear that it may not be interpreted to do so. Its scope is limited to the monitoring of coastal recreation waters for pathogens or their indicators which are harmful to public health; it does not provide for source identification or regulation (specifically, at present non-point sources are not regulated under the Clean Water Act, and H.R. 999 does not change that).

H.R. 999 creates no unfunded mandates. States or local governments which may already have a robust monitoring program in place, as in Florida, California, or New Jersey—are not required to submit or develop a ''new'' program under this bill. The intent of the bill is not to lead to ''dual monitoring'' by the EPA in areas where appropriate monitoring is already taking place; it is to serve to encourage the development of monitoring programs in areas where none exist and where there is a need to protect the public health. Further, the updating and review of science-based criteria which will occur under the bill will be an asset to both new and existing monitoring programs, and lead to better levels of protection across the board.

The bill clarifies that state criteria for pathogens or pathogen indicators must be at least as protective of human health as previously published EPA criteria, which date back almost 14 years to 1986, and the incorporation of these new or revised criteria into state programs will also help to ensure that the scientific information on which the criteria themselves and individuals programs are based is kept current.

EPA is required under the bill to develop these criteria through a public process, which includes collaboration with appropriate local, state, and federal officials. This will include criteria for determining what areas of coastal recreation waters do not need to be monitored to protect the public health. The bill does not require, nor does it expect, that monitoring and notification programs will be the same in all states for all recreation waters where it is needed. Here is where the flexibility of the bill is essential, to allow for specific needs to be addressed on a regional basis.

Again, the goal of H.R. 999 is to create uniform levels of protection, not uniform monitoring programs, as might have been the case under previous incarnations of this bill.

The information database which will be established under the bill is an important asset to maintaining and improving measures for protecting the public health at coastal recreation waters, and pains have been taken to ensure that the databases will be used effectively for that specific purpose. I should clarify at this point that such a database was considered an essential tool for public health purposes by both my County Department of Environmental Health and by the Surfrider Foundation, and I think the dialogue which we have had in developing H.R. 999 has reinforced this view.

The bill specifies that this database will consist only of information on exceedances of water quality standards for pathogens that are harmful to human health, not to sources of causes. To address concerns which were expressed over potential misuse of the databases, the bill language was strengthened to clarify that only information on water quality standard exceedances for pathogens or pathogen indicators, from reliable water quality monitoring programs, may be included in the database. Access to important scientific information is what is intended and will be derived from the development and use of this database.

In sum, this is very much an incentive-based process; the bill provided that availability of federal grant funding to state and/or local governments which have established or are encouraged to establish an adequate monitoring program. The list which H.R. 999 requires to be maintained of area which do and do not have monitoring programs in place will serve as an additional incentive to state and local governments to develop and implement a monitoring program which best meets their own specific regional needs. It will also demonstrate to both residents and tourists alike that there is a system in place to make sure coastal recreation waters in question are safe and protective of human health, and give them a means by which they can understand and be aware of water conditions in a given area, and make their own decisions as a result.

By providing financial and public incentives rather than the threat of punitive action, H.R. 999 creates a fair process by which to establish means to effectively monitor coastal waters, and to make the public aware of those results and conditions.

Mr. Chairman and my colleagues, thank you again for this opportunity and your support. Together we can make sure that the American people, whether they live on the coast or in the heartland, are never again accidental "canaries in a coal mine" at our nation's beaches. Let's pass H.R. 999 today, and see it signed into law this year.

Mr. Chairman, I include for the RECORD the following material:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 999—Beaches Environmental Assessment, Cleanup, and Health Act of 1999

Summary: H.R. 999 would amend the Federal Water Pollution Control Act to require states to adopt water quality criteria for coastal recreation waters consistent with those developed by the Environmental Protection Agency (EPA) for the purpose of protecting human health in coastal recreation waters (beaches). The bill would authorize EPA to provide grants to states of $30 million annually over the 2000–2004 period to implement programs to monitor the quality of coastal waters and to notify the public of any conditions where beach water does not meet the established standards. In addition, the legislation would require EPA to issue new water quality criteria for recreational coastal areas based on studies of potential human health risks in these areas, make available to the public a database of the water quality at coastal recreational areas, and report to the Congress on the efforts under this program.

Becuse the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 999 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority [1]	3	0	0	0	0	0
Estimated Outlays	3	0	0	0	0	0
Proposed Changes:						
Estimated Authorization Level	0	34	34	34	34	34
Estimated Outlays	0	19	28	34	34	34
Spending Under H.R. 999:						
Estimated Authorization Level [1]	3	34	34	34	34	34
Estimated Outlays	3	19	28	34	34	34

[1] The 1999 level is the amount appropriated for that year.

Basis of estimate: For purposes of this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2000 and that the full amounts authorized will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns of similar EPA programs.

The bill authorizes the appropriation of $30 million a year for grants to states to implement programs to monitor and report on beach water quality. Based on information from EPA, CBO estimates that the agency would incur additional costs of about $4 million annually over the 2000–2004 period to study health hazards in coastal recreational waters, establish new criteria for monitoring water quality for these waters, develop a national database on pollution of beaches, and report to the Congress on the effectiveness of this program.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 999 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. While the bill would require states to establish acceptable water quality standards for coastal areas within three and a half years, if states choose not to establish these standards, the EPA would do it for them. The bill would authorize $30 million annually from 2000 through 2004 for states and local governments to implement eligible monitoring and notification programs. If they choose not to implement these programs, the EPA would be directed to use remaining money authorized by this bill to provide those programs for them. Any costs incurred by state and local governments to implement these programs would be voluntary and conditions of receiving grant assistance.

Estimate prepared by: Federal costs: Kim Cawley. Impact on State, local, and tribal governments: Lisa Cash Driskill.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Press Release: March 4, 1999.

From: American Oceans Campaign.

AMERICAN OCEANS CAMPAIGN HAILS CONGRESSMAN FOR HIS COMMITMENT TO THE PUBLIC'S RIGHT TO KNOW ABOUT BEACH WATER QUALITY

WASHINGTON, DC.—Representatives of American Oceans Campaign (AOC) voiced their strong endorsement of legislation introduced today by Representative Brian Bilbray (R-CA). The Beaches Environmental Assessment, Cleanup and Health Act of 1999 (the B.E.A.C.H. Bill) addresses the problems of inconsistent beach water quality testing and public notification practices across the nation.

"From coast to coast, surfers, children, and others are becoming ill after swimming in beach waters contaminated with disease-causing microorganisms," said Ted Danson, President of American Oceans Campaign. "All recreational beach waters should be tested consistently and the public should be informed when waters are unsafe."

"Beach goers have a right to know that the waters they choose to play in are safe for recreation. A fun day at the beach should not make you sick the morning after," said Danson.

"Gastroenteritis and various eye, ear, nose, and throat infections can develop after contact with waters contaminated with bacteria and viruses," explained David Younkman, AOC's Executive Director. "The U.S. Environmental Protection Agency has recommended water quality criteria for beach waters; however, many states either use weaker standards or do not regularly test their waters for the presence of bacteria and viruses. Shockingly, many states that do test their waters do not always alert the public about unhealthy water conditions."

"The current approach to beach water testing is a mixture of inconsistent criteria and practices," said Younkman. "Passing the B.E.A.C.H. bill will wipe out the inconsistencies and improve public health protections nationwide."

"The B.E.A.C.H. bill will make certain that whether a person chooses to surf in San Clemente or snorkel in the Florida Keys, she enters the ocean with greater confidence about the quality of the water," said Danson. "Representative Bilbray and other members of Congress who have introduced similar measures are to be congratulated for their leadership on this environmental and public health concern. American Oceans Campaign looks forward to energetically working with them to pass a strong B.E.A.C.H. Bill in 1999."

[From the San Diego Union Tribune, Mar. 5, 1999]

END POLLUTED BEACHES

BILBRAY BILL WOULD REQUIRE NATIONAL TESTING

San Diego County instituted an aggressive testing program for its coastal waters year ago. Now it has begun DNA screening of polluted runoff to find out exactly why our beaches are sometimes polluted.

And what have we gotten for this effort? Nationwide scrutiny and criticism for having dirty beaches.

But the fact is, our beaches aren't dirtier than other places. (They're actually cleaner than many others.) We've been singled out only because we test more vigorously and close beaches when bacteria levels are too high. Most coastal areas in other states don't maintain effective testing programs. And some places never tell the public when they do find high pathogen levels.

Rep. Brian Bilbray, R-Imperial Beach, introduced legislation yesterday that would put all coastal regions on an equal plane. Endorsed by several environmental groups, including the Surfrider Foundation, Bilbray's Beaches Environmental Assessment, Cleanup and Health Act (with the clever acronym BEACH), would establish uniform national criteria for testing and monitoring recreational coastal waters. It also would require public notification when those waters endanger public health.

This is a very good idea. Now, the standards for beach water cleanliness are very loose. Some coastal states use very weak standards. Others have a policy of silence even when they do test, probably because of concerns about scaring away tourists.

Bacteria and viruses in coastal waters can sicken bathers, causing gastroenteritis and ear, eye, nose and throat infections. People in states that don't test properly could be getting sick from polluted water and never know the cause.

The BEACH bill would develop standards with the help of local health officials. Also, since some coastal areas have different problems or conditions, individual monitoring programs tailored to certain regions would be allowed. Federal grants would be available for local monitoring programs.

Bilbray's legislation doesn't include a strong enforcement mechanism for beach areas that don't comply. However, the federal Environmental Protection Agency would keep a list of such areas and make it available to the public. Compliance must be addressed at some point after water quality standards and monitoring programs are developed.

While Congress considers monitoring beach pollution nationwide, San Diego County is taking an advanced step in cleaning up its coastal waters. After local environmental advocate Donna Frye pushed the idea for a year, the county is set to begin DNA testing to find the origins of bacterial pollution at our beaches. This scientific monitoring should tell us exactly where the pollution originates, so we can take steps to stop it at its source.

Monitoring beach pollution isn't expensive. But most coastal regions neglect it because they're afraid of what they might find. It's time to stop ignoring coastal pollution, and start doing something about it, as San Diego County does. Congress should approve Bilbray's BEACH bill.

[From Inside EPA, Mar. 19, 1999]

LEGISLATION WOULD REQUIRE NEW EPA STANDARDS FOR BEACH QUALITY

(By Jean Wiedenheft)

Legislation requiring EPA to establish water quality monitoring standards for recreational beaches may pass this year as environmentalists and states appear to be on the verge of an acceptable compromise, observers agree.

In previous sessions, bills have been introduced into both houses of Congress that would require certain baseline monitoring of water quality, followed by notification of the public if the water does not meet set standards. But the language has always been shot down by states concerned over its implementation.

Under the new legislation introduced by Rep. Brian Bilbray (R–CA), EPA would set monitoring standards for beaches, though states would not be forced to implement those standards. Instead, EPA would publicize states that failed to meet the federal standards. If states still do not implement a monitoring program, under the legislation EPA would monitor the beaches in the state. EPA already has guidelines in place for states, suggesting contaminants to monitor for and contaminant levels at which the public should be notified of possible danger.

States are saying the new version of the bill—H.R. 999—is much closer to being acceptable to them, with one source adding that the bill's sponsors are ''serious'' about working with them to see the bill pass. Environmentalists are endorsing the measure.

As the bill is written, states would be required to monitor beaches for certain pollutants and pathogens, and make that information available to the public through the Internet and local newspapers if there is a threat.

Such legislation is necessary, environmentalists and bill supporters say, because only some states monitor their beaches, and even fewer post warnings or close beaches when water contaminants reach unsafe levels.

It is difficult to get a handle on how many coastal areas are actually being monitored, sources say, because often it is through a local initiative, not a state program.

The bill provides $7.5 million a year, from 2000 to 2004, in grants for states to implement the programs. But a state source says that while the funding is an increase over last year's proposal, it is still too low. There are over 30 states that have coastal areas and would need funding to implement and maintain a monitoring program, this source points out, and any one state can only apply for half of its costs.

Some state sources also say the structure of the proposed law would need to be modified to allow them more flexibility. Any legislation should focus on meeting performance objectives, one source points out, not on procedural monitoring requirements.

The timeliness proposed in the legislation, for example, may need to have more flexibility for gathering and reporting data. In some cases, one source points out, it takes several days to get laboratory analyses back before knowing whether the public should be warned about swimming at a particular beach.

The legislation can also only reasonably apply to public beaches, one source points out, because the states do not have the resources—or the authority—to impose such regulations on private citizens.

But several state sources say Bilbray's staff have been open to their suggestions, and are willing to negotiate in order to get the legislation through.

A similar House bill has been introduced by Rep. Frank Pallone (D–NJ), and Sens. Frank Lautenberg (D–NJ), Frank Torricelli (D–NJ), Barbara Boxer (D–CA), and Joseph Lieberman (D–CT) are cosponsoring the beach bill in the Senate.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), the original cosponsor of the bill.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 999. I want to thank my fellow Californian (Mr. BILBRAY) for his leadership on this issue.

Today is Earth Day, and I want to wish all Members a happy Earth Day, and I want to encourage them to do something about this being Earth Day by supporting this legislation.

Most of us do not think about how the oceans and coasts are important to our lives, but they really are. A beautiful coastline is important to each of us in each of our districts. We are a Nation that travels and visits relatives, we visit beautiful places. An awful lot of those places are coastlines, because 70 percent of America's population lives within 50 miles of the coast.

Americans love the oceans. According to the 1997 SeaWeb and Melman poll and a 1999 USA Today poll, more than half of Americans have observed that the conditions of our coasts are worsening, especially due to pollution and overfishing, and they want us, Members of Congress, to do something about it.

We are critically dependent upon the ocean for ocean resources for tourism purposes, for travel dollars. Eighty-five percent of the tourist revenues spent in the United States are spent in the coastal States. Over 180 million people visit our coastal waters nationwide each year. In California alone the ocean-related tourism revenue exceeds $38 billion.

Yet, our oceans are imperiled. Most of the major fish stocks in the world are overfished. Seventy-five percent of the endangered and threatened mammals and birds rely on coastal habitat. This will only get worse. Americans are moving to the coasts and exploiting them more than ever. By the year 2010, 75 percent of the U.S. population will live within 50 miles of the coast.

What are we going to do about this? What are we going to do to care for our coasts, to ensure that our coasts can support this intensity of habitation? We have not demonstrated our commitment yet to the oceans. We have not passed the Oceans Act, but we have this, and we can do something about it.

We have created national marine sanctuaries, which are essentially national parks in the ocean. We have 12 of those, yet with less than 1 percent of the funding that we give to our national parks. We have 378 national

parks, 155 national forests, but only 12 national marine sanctuaries.

We need to make our coasts safe for everyone, including swimmers, surfers, fishers, and even the sea life, the fish themselves, the plants and the smallest of plankton organisms that they rely on. This bill is a step in that direction.

I urge all my colleagues to support H.R. 999, and I wish my colleagues a happy Earth Day.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I want to thank the gentleman from New York (Mr. BOEHLERT) and all those who have put a lot of hard work and effort into this piece of legislation.

I especially want to tip my hat to the gentleman from California (Mr. BRIAN BILBRAY). Before BRIAN got here, I was the best surfer in the House of Representatives. Unfortunately, BRIAN was elected, and seeing that there is another surfer, he is the best surfer in the House, even though sometimes he is a wave hog.

Let me say this, that this bill is a terrific piece of legislation. The gentleman has put a lot of effort into it. There are some conservatives with a few apprehensions, and the fact is that we do believe that the States should play a major role.

The gentleman from New York (Mr. SHERRY BOEHLERT) and the gentleman from California (Mr. BRIAN BILBRAY) have made sure that this bill represents a cooperation with the States, and not a domination of the States by the Federal Government.

The oceans, both as a recreational resource and an economic resource, are perhaps the most valuable asset we have in the United States of America. We have scuba diving, we have people like the gentleman from California (Mr. BRIAN BILBRAY) and myself who do a lot of surfing in the ocean, and we also have fishing and other recreational uses that add a tremendous value and are a tremendous asset to our people.

I am very pleased that this bill is the very first time where surfing is actually identified as a federally-recognized recreational activity. Whether when you are a surfer or a scuba diver, which I am also a scuba diver, but when one is in the ocean, one is experiencing one of God's most awesome gifts to humankind. It is a living force, and it is also in itself an entity of tremendous power and energy.

Those of us who surf and use the ocean know this, and it is like skiing on a mountain, except the mountain is going right with you. It is this tremendous, awesome power that you are with. The ocean represents this to all of humankind, this potential.

Mr. Chairman, I think it is important for us to realize that this bill, H.R. 999, is officially recognizing the ocean and recognizing this asset as a valuable asset in which we all in the States and in local communities and in the Federal Government will cooperate with in order to maintain this asset, and make sure it is available to those of us who use it. So many millions of Americans use this asset.

Let us also remember when we talk about the ocean, our bodies are made out of water. God made human bodies out of water, just like he made the world mainly out of water, so we are caretakers for God's gift.

Finally, my colleagues who have any thought of opposing this bill should know and be advised that if the amendment fails, the gentleman from California (Mr. BILBRAY) and I will double the number of surfing videos that are played in the Congressional Gym.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS), another sponsor of the bill.

Mrs. CAPPS. Mr. Chairman, I rise today in support of the Beaches Environmental Awareness Cleanup and Health Act, the BEACH bill. I am fortunate to represent and call home one of the most beautiful districts in our Nation, the central coast of California. People come from all around the world to visit the area, and they are especially attracted to our spectacular coastline and incredible beaches, where fishing, all kinds of tourism, and indeed, surfing go on on a regular basis. We had surfboards outside my family home all through the growing up years of my children.

Sadly, an increasingly familiar blight on these majestic beaches is a bright yellow sign reading ''Advisory'' or ''Closure.'' Santa Barbara County issues beach advisories to warn the public of harmful elevated bacterial levels in the surf. Unfortunately, during the past years, and in 1997, a record 199 days saw this bright yellow beach sign in front of beaches on the Santa Barbara coastline.

The public should be able to enjoy their beaches without worrying about their health. We cannot tolerate people getting sick from swimming in the ocean.

Santa Barbara is blessed with a vibrant local citizen group which was formed as a public outcry to these polluted beaches. It is called Heal the Ocean. It is a grass roots group. I am proud to be a supporter. Heal the Ocean conducts testing of our coastal waters, and is engaged in a significant public outreach campaign to educate the community on this important issue. This group enjoys tremendous and well-deserved local support.

The bill we are debating today will provide critical Federal support to groups around the country, such as Heal the Ocean in Santa Barbara.

We all share a common goal, to protect and improve the quality of our coastal waters, and to ensure public safety. By establishing national recreational water quality standards and empowering local communities to develop monitoring plans, the BEACH bill represents a strong step forward. This legislation will not only protect the health of our beaches, but also the health of our economy.

My district, like so many other coastal communities around the Nation, depends on recreation and tourism for its economic vitality. The cost of beach water quality monitoring is minuscule compared to the revenue that is generated by coastal tourism.

I do appreciate the hard work of my colleague, the gentleman from Pennsylvania (Mr. BORSKI) and my friend, the gentleman from California (Mr. BILBRAY) in establishing this bill.

I would like to recognize the efforts of my colleague, the gentleman from New Jersey (Mr. PALLONE), who has been a leader on this issue for many years and has introduced critical beach legislation in the 105th Congress as well as the 106th Congress.

I urge my colleagues on both sides of the aisle to join me in supporting this important bill to protect public health, our beaches, and our coastal communities.

Mr. BOEHLERT. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, today we celebrate Earth Day. It is only fitting that we take up this piece of legislation today as it deals with one of the most significant components of our environment, the coastal and recreational waters.

Each year millions of tourists flock to our beaches, and in Los Angeles County alone our tourism industry is worth about $13 billion in average revenue. The beaches in that county generate most of that, and three or four of those beaches are in my district: Hermosa Beach, Manhattan Beach, household names in our area. They play a significant role in generating that revenue.

There are real economic consequences that stem from protecting our environment, particularly the water resources. Helping build the public's confidence in the quality of this water will ensure its protection in the future.

The BEACH bill will help build this confidence in beaches across the country by establishing a uniform national standard. The bill will also allow local communities to tailor the monitoring and notification that meet their unique regional needs, and it provides incentives, not mandates, to meet the national criteria, incentives that take the form of grants from the Federal Government to implement monitoring and notification programs. In other words, instead of dictating to each jurisdiction how to meet a national

standard, the Federal Government will give them flexibility and help cover part of the cost. This is unprecedented environmental regulation.

Finally, several people say, why should we do this if California already has good monitoring? My constituents, when they go other places in this country, and Members' constituents all over the country, deserve to have good quality water to play in when they go to surf or swim in our recreational waters. If we standardize that monitoring, we all know, whether we are from California or from Michigan, whether the water is safe to be in.

I urge Members' support of the BEACH bill. It is solid national environmental policy. It brings together flexibility and incentives instead of mandates. It has local control instead of force-fed Federal policy. It is a good example of environmental policy supplementing economic policy. I urge Members' aye vote.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

As a representative of a Florida coastal district, I rise today to applaud my colleague, the gentleman from California, (Mr. BILBRAY) of San Diego for bringing this legislation to the Floor today.

In addition to being some of the nicest in this country, the beaches in my district are already clean and safe, and I am proud of that fact. I am a supporter of the BEACH bill because rather than taking a command and control approach to protecting our Nation's beaches, it utilizes a far more powerful approach, the power of information.

The BEACH bill establishes mechanisms that will let the public know where and when beaches are safe.

□ 1215

If coastal communities choose to risk the quality of their water, they will risk losing valuable tourist dollars. Floridians know this firsthand. When we improved the health of the local environment, we also improved the health of the local economy. Tourists are smart. Armed with information, they will spend their money where they know the beaches are clean and safe.

Mr. BORSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I want to compliment my good friend and colleague, the gentleman from Pennsylvania (Mr. BORSKI), for the long hours he has spent on this bill and his personal dedication and commitment in bringing it to this point of achievement; and to the gentleman from New York (Mr. BOEHLERT), chairman of the subcommittee, who has a long and distinguished record in the protection of the environment, and for his concern that we fashion a bill that will be useful and meaningful and effective and for bringing it to the floor on this Earth Day; and of course to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, who already spoke quite pointedly of his support for this legislation.

But I rise today, not only in support of this legislation, but to recall for our colleagues my very dear friend and classmate, the class of the 1974 election, 94th Congress, Congressman Bill Hughes, who made this issue his cause during the time that he served in the House.

It is the culmination of years of effort, but culmination of a very deep-seated, genuine, ardent, vocal effort by Congressman Bill Hughes during his service in the Congress.

Together we served on the House Committee on Merchant Marine and Fisheries. I recall both in committee and in one-on-one conversations with Bill Hughes his deep, genuine concern about the deterioration of the quality of water in the ocean that bordered on his State of New Jersey, his accounts of hypodermic needles washing up on the beaches, bringing some of the debris with him to our committee meetings and to one-on-one member meetings, the numerous health warnings that disturbed us so greatly, the beach closings, and the health effects on users of the New Jersey coastline; and that brought him to other coastlines in other parts of the country, and he really made this a great concern.

I will recall his statement on introducing essentially this bill, his version, which was a predecessor to today's legislation, ''This bill is a great improvement to the policies that currently exist in beach testing and monitoring. It provides a public health stamp of approval for States proudly to show people who live and vacation along the shore that the coastal waters are safe for swimming and other related activities.''

Following Bill Hughes' retirement from Congress, the gentleman from New Jersey (Mr. PALLONE), a successor, not particularly from that district, and the gentleman from New Jersey (Mr. LOBIONDO), directly from that district, championed the cause along with the later arrival in the House of the gentleman from California (Mr. BILBRAY), who has been persistent and vigorous and single-minded in his purpose of getting this legislation through the committee and to the House floor. Great advocates. The torch really has been passed from Bill Hughes to a new generation of advocates for quality of life along our freshwater and saltwater beaches.

This bill attempts to assure American families that the only concern they will have when going to the beach is how much sunblock they have on, not what rashes or illnesses they may have developed after an outing to the beach.

When we consider, as our colleague from California (Mrs. CAPPS) a moment ago cited, 199 days of beach closings in areas of her district, there were 22,746 beach closings in the decade from 1988 to 1998, that is not acceptable. We have to do a better job of monitoring, of stewardship for these great resources of the Nation's freshwater and saltwater beaches.

The idea of a monitoring bill is good. This bill has two public health goals, to have uniform monitoring of coastal recreational waters and uniform means of notification to the public of unhealthy water conditions.

The partnerships between the Federal Government and the coastal States and the local communities that this bill brings about are good. They are good steps in the right direction, $30 million for grants to States and communities to establish monitoring programs.

But I just want to make it clear that, and no one should misunderstand the purpose of this bill, this is for monitoring and for notification. It does not go to cleanup. It does not address the upland issues of nonpoint source runoff, of discharges by cities and other entities into those rivers and estuaries that discharge on and lay their debris upon the beaches.

It will be argued that there are other programs, other means, other ways of doing this. But because I have heard from people who say, oh, we are going to do something about cleaning up the beaches, no, we are going to do something about notifying people about unsafe conditions. We are going to do something about monitoring those conditions with this legislation.

I also note repeated references to giving the States their responsible authority to undertake this role, and that is true. This is a Federal-State partnership. But I do want to remind my colleagues that the thin line of sand or pebbles that are the beach is the dividing point between the ocean and the land.

It is the ocean that is the common heritage of all mankind. It does not belong to a State or a Nation. As a Nation, we have a greater responsibility than any individual State does for the quality of that ocean and the littoral, the linkage between the land and the water.

This is a good step in the right direction. It will be a step, I hope, that heightens our awareness of the individual responsibility each of us has, that the responsibility to each State has and that this Nation has toward that greater body of water, the ocean, the common heritage of all mankind and, in the case of the Great Lakes,

one-fifth of all the freshwater on the face of the Earth.

So I urge our colleagues to support this legislation and that we move it along to signature by the President as quickly as possible.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by once again thanking the gentleman from California (Mr. BILBRAY), all those who worked so hard to make this day a reality. Let me compliment the House of Representatives on this Earth Day 1999. On a bipartisan basis, we have Democrats and Republicans working constructively to develop responsible public policy that will protect the families health and well-being.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BILBRAY) for a closing word.

Mr. BILBRAY. Mr. Chairman, I would like to thank both the ranking members and the chairmen for their work on this bill.

Let me just say, Mr. Chairman, in closing, this bill has had a lot of people who have worked on it for a long time who are not here today. The gentleman from New Jersey (Mr. PALLONE) worked hard with me at trying to figure out how to get to this point to where we can get the Federal Government working with the States, and now with H.R. 999 we will be able to do something that, as the gentleman from Minnesota (Mr. OBERSTAR) pointed out, is getting the information to the local community so that they are empowered to know there is a problem, which is the first and most critical step of knowing how to respond to it.

I would say in closing, personally, back in 1970 on the first Earth Day, I was a high school senior and I wore the green and blue armbands, and I was protesting the pollution of my beaches in south San Diego. Sad to say, almost 30 years later, our beaches are still polluted by the Republic of Mexico, and that is something that we need to and are working to address.

But this bill does something that we said back in 1970, and it was a big battle cry that we had in the environmental movement, ''Think globally but act locally.'' This bill empowers the local community to have the local information so that they can address their problems in their neighborhood, in their community, and have the Federal Government as an ally in the local effort to act locally, to be able to take care of the global problem.

I thank this body, and I thank the chairmen and the ranking members for the chance to be able to bring this bill up for action.

Mr. BOEHLERT. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. BORSKI. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 106–103 if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of that amendment, the bill, as perfected, shall be considered as an original bill for the purpose of further amendment.

During further consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

An amendment made in order by House Resolution 145 offered by Mr. BOEHLERT:

Page 2, line 5, strike ''Assessment'' and insert ''Awareness''.

Page 3, line 8, strike ''If a State'' and all that follows through ''paragraph (1)(A),'' on line 10 and insert the following:

If a State has not adopted water quality criteria referred to in paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters that the Administrator has published under section 304(a)(9),

Page 6, line 13, after ''State,'' insert ''tribal,''.

Page 7, line 9, strike ''shall'' and insert ''is authorized to''.

Page 7, line 10, after ''States,'' insert ''Indian tribes,''.

Page 7, line 14, after ''State,'' insert ''and tribal,''.

Page 7, line 16, strike ''shall'' and insert ''is authorized to''.

Page 7, line 16, after ''State'' insert ''or Indian tribe''.

Page 7, line 23, after ''State'' insert ''or Indian tribe''.

Page 7, line 25, strike ''shall'' and insert ''is authorized to''.

Page 8, line 1, after ''State'' insert ''or Indian tribe''.

Page 8, line 9, after ''State'' insert ''or Indian tribe''.

Page 8, line 14, after ''State'' insert ''or Indian tribe''.

Page 8, line 19, after ''State'' insert ''or Indian tribe''.

Page 10, line 17, after ''State'' insert ''or tribal''.

Page 11, line 8, strike ''shall'' and insert ''is authorized to''.

Page 11, line 17, strike ''shall'' and insert ''is authorized to''.

Page 12, line 15, after ''State'' insert ''or Indian tribe''.

Page 12, line 17, after ''State'' insert ''or Indian tribe''.

Page 13, after line 20, insert the following:

''(c) FEDERAL AGENCY PROGRAMS.—Each Federal agency shall develop, through a process that provides for public notice and an opportunity for comment, a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the Federal agency. Each Federal agency program shall address the matters identified in subsection (b)(2)(B)(iii).

Page 13, line 21, strike ''(c)'' and insert ''(d)''.

Page 14, line 5, strike ''The Administrator'' and all that follows through line 10 and insert the following: ''The Administrator may include in the database other information only if the information is on exceedances of applicable water quality standards for pathogens and pathogen indicators for coastal recreation waters and is made available to the Administrator from other coastal water quality monitoring programs determined to be reliable by the Administrator. The data base may provide such information through electronic links to other databases determined to be reliable by the Administrator.''

Page 14, line 11, strike ''(d)'' and insert ''(e)''.

Page 14, line 12, after ''States'' insert '', Indian tribes,''.

Page 14, line 16, strike ''(e)'' and insert ''(f)''.

Page 15, strike lines 8 through 19 and insert the following:

''(g) EPA IMPLEMENTATION.—With respect to a State that has no program for monitoring for and notification of exceedances of the applicable water quality standards for pathogens and pathogen indicators in coastal recreation waters adjacent to beaches (or other points of access) open to the public that protects public health and safety, after the last day of the 3-year period beginning on the date the Administrator identifies, on a list required pursuant to subsection (f), discrete areas of coastal recreation waters in the State that are not subject to a monitoring and notification program meeting the performance criteria established under subsection (a), the Administrator shall conduct, subject to the conditions of subsection (b)(2), a monitoring and notification program for such discrete areas using the funds appropriated for grants under subsection (b), including salaries, expenses, and travel.

Page 15, line 20, strike ''(g)'' and insert ''(h)''.

Page 15, line 21, after ''States'' insert '', Indian tribes,''.

Page 16, line 7, insert ''coastal'' before ''estuaries''.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York

(Mr. BOEHLERT), as the designee of the gentleman from Pennsylvania (Mr. SHUSTER), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

This will be very quick. The en bloc amendment deals with noncontroversial bipartisan amendments, technical and clarifying. They have been worked out by the ranking minority member. I would like to give special credit to the gentleman from California (Mr. POMBO), who helped with the agriculture community to get us to this point. I urge their adoption.

Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, as the author of the bill, I support the en bloc amendment. I would like to also take this opportunity to thank the gentleman from California (Mr. POMBO) for his cooperative effort and willingness to work with me in addressing the concerns that the agricultural community had initially expressed, and which are addressed by the en bloc.

Mr. BOEHLERT. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Beaches Environmental Assessment, Cleanup, and Health Act of 1999''.

The CHAIRMAN. Are there any amendments?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

''(i) COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS.—

''(1) ADOPTION BY STATES.—

''(A) INITIAL CRITERIA AND STANDARDS.—Not later than 3½ years after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for such waters for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

''(B) NEW OR REVISED STANDARDS.—Not later than 3 years after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for such waters for all pathogens and pathogen indicators for which the Administrator publishes new or revised water quality criteria.

''(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1)(A) by the date specified in paragraph (1)(A), the Administrator shall promptly prepare and publish proposed regulations for the State setting forth revised or new water quality standards for coastal recreation waters for the pathogens and pathogen indicators subject to paragraph (1)(A). If the Administrator prepares and publishes such regulations under subsection (c)(4)(B) before the date specified in paragraph (1)(A), the Administrator shall promulgate any revised or new standard under this paragraph not later than the date specified in paragraph (1)(A).

''(3) SAVINGS CLAUSE.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection.''.

The CHAIRMAN. Are there any amendments to section 2?

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) STUDIES.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

''(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 3 years after the date of enactment of this subsection, and after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

''(1) a more complete determination of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including effects to the upper respiratory system;

''(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

''(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

''(4) guidance for State application of the criteria for pathogens and pathogen indicators to be issued under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.''.

(b) REVISED CRITERIA.—Section 304(a) of such Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) REVISED CRITERIA FOR COASTAL RECREATION WATERS.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of this paragraph, and after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials), the Administrator shall issue new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate) based on the results of the studies conducted under section 104(v) for the purpose of protecting human health in coastal recreation waters.

''(B) REVIEWS.—At least once every 5 years after the date of issuance of water quality criteria under this paragraph, the Administrator shall review and, as necessary, revise the water quality criteria.''.

SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341–1345) is amended by adding at the end the following:

''SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

''(a) MONITORING AND NOTIFICATION.—Not later than 18 months after the date of enactment of this section, after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

''(1) monitoring (including specifying available methods for monitoring) coastal recreation waters adjacent to beaches (or other points of access) that are open to the public for attainment of applicable water quality standards for pathogens and pathogen indicators and for protection of public safety from floatable materials; and

''(2) promptly notifying the public, local governments, and the Administrator of any exceedance of applicable water quality standards for coastal recreation waters described in paragraph (1) (or the immediate likelihood of such an exceedance).

The performance criteria shall provide for the activities described in paragraphs (1) and (2) to be carried out as necessary for the protection of public health and safety.

''(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall make grants to States and local governments for the purpose of developing and implementing programs for monitoring and notification, as provided in paragraphs (2) and (3).

''(2) STATE PROGRAMS.—

''(A) IN GENERAL.—The Administrator shall make grants to a State for developing and implementing a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are subject to the jurisdiction of the State.

''(B) REQUIREMENTS.—The Administrator shall make grants for implementation of a program of a State under subparagraph (A) only if the Administrator determines that—

''(i) the program has been developed through a process that provides for public notice and an opportunity for comment;

''(ii) the program meets the performance criteria under subsection (a), based on a review of the program, including information provided by the State under clause (iii); and

''(iii) the program—

''(I) identifies coastal recreation waters within the jurisdiction of the State;

''(II) identifies those coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the State and that are covered by the program;

''(III) identifies those coastal recreation waters covered by the program that would be given a priority for monitoring and notification if fiscal constraints prevent compliance at all coastal recreation waters covered by the program with

the performance criteria established under subsection (a);

''(IV) identifies the process for making any delegation of responsibility for implementing the program to local governments, the local governments, if any, to which the State has delegated or intends to delegate such responsibility, and the coastal recreation waters covered by the program that are or would be the subject of such delegation;

''(V) specifies the frequency of monitoring based on the periods of recreational use of such waters and the nature and extent of use during such periods;

''(VI) specifies the frequency and location of monitoring based on the proximity of such waters to known point and nonpoint sources of pollution and in relation to storm events;

''(VII) specifies which methods will be used for detecting levels of pathogens and pathogen indicators that are harmful to human health and for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters, including in relation to storm events;

''(VIII) specifies measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of such an exceedance (or the immediate likelihood of such an exceedance) to the Administrator and a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters covered by the State program for which an exceedance is identified; and

''(IX) specifies measures for posting of signs at the beach (or other point of access), or functionally equivalent communication measures, sufficient to give notice to the public of an exceedance (or the immediate likelihood of an exceedance) of applicable water quality criteria for pathogens and pathogen indicators for such waters and the potential risks associated with water contact activities in such waters.

''(3) LOCAL PROGRAMS.—

''(A) IN GENERAL.—The Administrator shall make a grant to a local government for developing and implementing a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the local government.

''(B) REQUIREMENTS.—The Administrator shall make grants for implementation of a local government program under subparagraph (A) only if the Administrator determines that—

''(i) the State in which the local government is located did not submit a grant application meeting the requirements of paragraph (2)(B) within one year following the date of publication of performance criteria under subsection (a);

''(ii) the local government program has been developed through a process that provides for public notice and an opportunity for comment;

''(iii) the local government program meets the performance criteria under subsection (a), based on a review of the local government program, including information provided by the local government under paragraph (2)(B)(iii); and

''(iv) the local government program addresses the matters identified in paragraph (2)(B)(iii) with respect to such waters.

''(4) LIST OF WATERS.—Following receipt of a grant under this subsection, a State or local government shall apply the prioritization established by the State or local government under paragraph (2)(B)(iii)(III) and promptly submit to the Administrator—

''(A) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided where the performance criteria under subsection (a) will be met; and

''(B) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided where fiscal constraints will prevent compliance with the performance criteria under subsection (a).

''(5) FEDERAL SHARE.—The Federal share of the cost of developing and implementing a monitoring and notification program under this subsection shall be not less than 50 percent nor more than 100 percent, as determined by the Administrator. The non-Federal share of such cost may be met through in-kind contributions.

''(6) DELEGATION.—If a State delegates responsibility for monitoring and notification under this subsection to a local government, the State shall make a portion of any grant received by the State under paragraph (2) available to the local government in an amount commensurate with the responsibilities delegated.

''(c) INFORMATION DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides information on exceedances of applicable water quality standards for pathogens and pathogen indicators for coastal recreation waters using information reported to the Administrator pursuant to a monitoring and notification program that meets the performance criteria established under subsection (a). The Administrator may include in the database information made available to the Administrator from other coastal water quality monitoring programs determined to be reliable by the Administrator. The database may provide information through electronic links to other databases determined to be reliable by the Administrator.

''(d) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable materials to protect public health and safety in coastal recreation waters.

''(e) LIST OF WATERS.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), the Administrator shall maintain a list of discrete areas of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are not subject to a program for monitoring and notification meeting the performance criteria established under subsection (a) based on information made available to the Administrator. The list also shall identify discrete areas of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are subject to a monitoring and notification program meeting the performance criteria established under subsection (a). The Administrator shall make the list available to the public through publication in the Federal Register and through electronic media. The Administrator shall update the list at least annually.

''(f) EPA IMPLEMENTATION.—After the last day of the 3-year period beginning on the date the Administrator identifies a discrete area of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are not subject to a monitoring and notification program meeting the performance criteria established under subsection (a), the Administrator shall conduct such a monitoring and notification program for the discrete area using the funds appropriated for grants under subsection (b), including salaries, expenses, and travel. The Administrator's duties under this paragraph shall be limited to the activities that can be performed using such funds.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants to States and local governments under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (f), $30,000,000 for each of fiscal years 2000 through 2004.''.

SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means the Great Lakes and marine coastal waters, including estuaries, used by the public for swimming, bathing, surfing, or other similar water contact activities.

''(22) FLOATABLE MATERIALS.—The term 'floatable materials' means any foreign matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood products, bottles, and paper products.

''(23) PATHOGEN INDICATORS.—The term 'pathogen indicators' means substances that indicate the potential for human infectious disease.''.

SEC. 6. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and within the succeeding 4-year period and periodically thereafter, the Administrator of the Environmental Protection Agency shall transmit to Congress a report including—

(1) recommendations concerning the need for additional water quality criteria for pathogens and other actions needed to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the provisions of this Act (including amendments made by this Act) for which amounts are not otherwise specifically authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2004.

The CHAIRMAN. If there are no amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

□ 1230

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, pursuant to House Resolution 145, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. BLILEY). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the subject of the bill just passed, H.R. 999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 26, 1999

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 27, 1999

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 26, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, 1999, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, if the distinguished gentleman from California (Mr. BILBRAY) would be so kind as to provide us with an explanation of next week's schedule.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I am pleased to announce that we have concluded legislative business for this week. There will be no votes tomorrow, Friday, April 23. However, I would like to remind Members that there is a ceremony in the Capitol tomorrow celebrating the 50th anniversary of NATO and all Members are invited.

Of course, we will be releasing our official schedule this afternoon, but I would like to take this opportunity to outline next week's agenda.

The House will meet at 2 p.m. on Monday, April 26, for pro forma, but no legislative business will be held and no votes will be held on that day.

On Tuesday, April 27, the House will meet at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to all Members' offices. Members should note that we expect votes after 2 p.m. on Tuesday.

On Wednesday, April 28 and Thursday April 29, the House will take up H.R. 1480, the Water Resources Development Act; H.R. 833, the Bankruptcy Reform Act of 1999; and a motion to go to conference on H.R. 4, the Missile Defense Act.

Members should also be advised that there may be action next week on the War Powers Resolution introduced by the gentleman from California (Mr. CAMPBELL).

Mr. WISE. Mr. Speaker, reclaiming my time, if the gentleman would be so kind as to continue to respond, does the gentleman anticipate that next week the supplemental appropriation bill providing Kosovo funding will be on the floor?

Mr. BILBRAY. If the gentleman will continue to yield, right now it is in committee and we are hoping that it will be expedited as quickly as possible. We do not have any guarantees at this time, but the committee is assuring us that they will get it to the floor as soon as possible.

Mr. WISE. The gentleman also referred to the Campbell resolution regarding the War Powers Act. Does he anticipate those actually being on the floor next week?

Mr. BILBRAY. We are expecting that it is very possible.

Mr. WISE. Since that is often as good as it gets in a legislative body, I thank the gentleman and wish him a good weekend.

Mr. BILBRAY. Mr. Speaker, if the gentleman will continue to yield, I want to clarify to Members that they should note that we expect to conclude legislative business on Thursday, April 29, and we will not have any votes on Friday, April 30.

We hope this advance notice on scheduling enables Members to adjust their schedules.

Mr. WISE. Actually, the gentleman has kind of sparked something with me. If I could ask, following up on the Campbell resolution, if it is very possible, do we know what day it might be very possible that it would be coming to the floor?

Mr. BILBRAY. We are looking forward to Wednesday or Thursday.

Mr. WISE. I thank the gentleman.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EARTH DAY AND THE GREAT LAKES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, this is Earth Day. This is the day when, in the simplest of terms, we are supposed to say smokestacks are bad and trees are good, that cars are bad and bicycles and buses are good. Those of us concerned about the environment, of course, realize that environmental issues have many more facets.

Consider the case of the Great Lakes. It was in October, Mr. Speaker, that many of my colleagues gave unanimous approval to my resolution which called on the President and the other body to act to prevent the sale or diversion of Great Lakes water to foreign countries, businesses, corporations and individuals.

□ 1245

The House, speaking with one voice, asked that procedures be established to guarantee that any sale or diversion of Great Lakes water be fully negotiated and approved by representatives of the Governments of the United States and Canada.

I want to remind our colleagues of this House action because, Mr. Speaker, there is another threat to the Great Lakes, one which is posed by the drilling of oil and gas in and under the waters of our Great Lakes.

Let me take a few moments on this Earth Day to discuss water diversion and drilling in the Great Lakes. First, let me pose these questions: Are we being alarmists? Are diversion and drilling real threats to one of the world's most valuable resources?

Consider, Mr. Speaker, these facts in terms of this potential impact on the

Great Lakes. Seventy percent of the Earth's surface is covered with water, but 97.5 percent of that is sea water. Only 2.5 percent of the surface water is fresh water. And nearly 70 percent of the fresh water is frozen glacial water.

The Great Lakes contains 6 trillion gallons of fresh water, one-fifth of the Earth's fresh water supply. The Great Lakes are home to 40 million people. One-quarter of Canada's population lives in the Great Lakes basin.

The World Bank predicts that by the year 2025, more than 3 billion people in 52 countries will suffer water shortages for drinking or sanitation. More than 300 cities in China right now are experiencing water shortages, and more than 100 are deemed to be in a condition of acute water scarcity. Citizens of the United States and Canada use and consume more than 100 gallons of water per day per person. The global water demand is doubling every 21 years. Eighty percent of all fresh water is used for agricultural purposes.

I would like to thank the Buffalo News for many of these facts, Mr. Speaker. I present them as random facts because, like pieces of a puzzle, they must be analyzed and arranged to see their importance.

The World Bank has studied this puzzle, and I call the attention of my colleagues to a quote from a World Bank report, which the Buffalo News used as the jump lead in a March 1999 story. The World Bank report predicted, ''Wars of the next century will be fought over water.''

Are we really be willing alarmists? A company in Sault St. Marie, Ontario, just one company, was given a permit to take up to 2.6 million gallons per day of water for the next 5 years. I was joined by members of the Ontario parliament and the New Democratic Party in bringing public attention to this permit, which was then revoked by the Ontario government.

But all fresh water will increasingly be eyed as a potential commodity on the world market.

A Vancouver-based company, Global Water Corporation, has an agreement with the Alaskan community of Sitka to take water from a lake and ship it by tanker to China. The deal allows Global to take up to 5 billion gallons a year for 30 years.

Now, I have spoken of just two companies. We know the market is there. We can easily see the overhead is minimal, the market is expanding, and the potential number of speculators and potential shippers is unlimited.

Let me say that one more time, Mr. Speaker, that although I have mentioned China twice in my remarks, I am not attempting to invoke it as a threat to our own security. China is merely a customer who is in need of water now. The world, the entire world, will be eyeing our natural resources in the Great Lakes.

As of today, the sale and diversion of Great Lakes water and all fresh water from North America remains unresolved. Following the House vote on my resolution, the U.S. and Canada have asked the international Joint Commission to study the issue of water diversion along the entire border from Alaska to the St. Lawrence River. Their preliminary report on diversion should be ready in about 5 months. A final report on our joint water resources should be done early next year.

In the meantime, it is the policy of my home State of Michigan to press for drilling of oil and gas under the Great Lakes. Canada allows gas drilling directly in the Great Lakes. Proponents of oil drilling in the Great Lakes say the risk is minimal, small, tiny.

I say tiny is too big. A gallon of oil spilled in Lake Superior would take 999 years to be cleared out by natural flow; Lake Michigan, 99 years; Lake Huron, 60 years.

So if my colleagues want to play Russian roulette, Mr. Speaker, how many barrels on their gun would they be comfortable with? 100,000? One million?

I wish my colleagues in the Nation a happy Earth Day, and I ask them to consider my legislation to protect this valuable resource.

ARMENIAN GENOCIDE OF 1915–1923

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today, as my colleagues and I do every year at this time, in a proud but solemn tradition to remember and pay tribute to the victims of one of history's worst crimes against humanity, the Armenian Genocide of 1915 to 1923.

The issue of genocide has been forced onto our conscience and consciousness at the end of the 20th century by the tragic events in Kosovo. The ugly term ''ethnic cleansing'' has become a frequently heard expression. Indeed, one of the major rationales for the current NATO campaign has been to prevent the 20th century, which began with genocide, from ending with genocide.

Comparisons can serve a useful and instructive role, but it is important at the same time to remember the uniqueness of an event such as the Armenian Genocide, one of the most horrible events of the 20th century and in all human history. Yet many, perhaps most Americans, and most people around the world are barely aware of this extremely significant historical event.

Even more troubling than ignorance or indifference is the phenomenon of denial. Yes, just as with the obscene efforts to deny the Nazi Holocaust, there are actually people who try to deny that the Armenian Genocide ever happened. And we must meet these denials, these so-called revisionist claims, head on with the truth. The Armenian Genocide did happen.

The Armenian Genocide was the systematic extermination of one-and-a-half million Armenian men, women, and children during the final years of the Ottoman Turkish Empire. This was the first genocide of the 20th century, but sadly not the last.

Saturday, April 24, will mark the 84th anniversary of the unleashing of the Armenian Genocide. And Armenian-Americans throughout the United States, and people of conscience everywhere are commemorating this event in various ways. The commemoration that I will participate in will be held on Sunday afternoon in Times Square in New York City. And there will be commemorations in my home State of New Jersey, around the country, and around the world.

The ANCA and the Armenian Assembly of America have both been in the forefront of calling for recognition of the genocide not just for the people of Armenian descent but for all of us as an act of education and witness about the evils of genocide and the danger of forgetting.

Yet, Mr. Speaker, I regret to say that the United States still does not officially recognize the Armenian Genocide. Bowing to strong pressure from Turkey, the U.S. State Department has for more than 15 years shied away from referring to the events of 1915 through 1923 by the word ''genocide.'' President Clinton and his recent predecessors have annually issued proclamations on the anniversary of the genocide but always stopped short of using the word ''genocide,'' thus minimizing and not accurately conveying what really happened.

In an effort to address this lapse in our own Nation's record, a bipartisan coalition of Members of Congress will be working to enact legislation affirming the U.S. record on the Armenian Genocide.

Expected to be introduced by the gentleman from California (Mr. RADONOVICH) and the gentleman from Michigan (Mr. BONIOR), our Democratic whip, the legislation calls on the President to collect all U.S. records on the genocide and to provide them to the House Committee on International Relations, the U.S. Holocaust Memorial Museum, and the Armenian Genocide Museum in Yerevan.

I have to say, Mr. Speaker, that the U.S. should go clearly on record and unambiguously recognize the Armenian Genocide and set aside April 24 as a day of remembrance.

It is also nothing short of a crime against memory and human decency in my opinion, Mr. Speaker, that the Republic of Turkey denies that the genocide ever took place and has even mounted an aggressive effort to try to

present an alternative and false version of history, using its extensive financial and lobbying resources in this country. The Turkish Government has embarked on a strategy of endowing Turkish studies programs at various universities around the U.S., including a program at Princeton University in my home State of New Jersey.

Mr. Speaker, for nearly a decade, the solemn remembrance of the tragedy of the genocide has been alleviated somewhat about the remarkable progress made by the Republics of Armenia and Nagorno-Karabakh.

Among the international dignitaries coming to Washington this weekend to take part in the NATO summit will be President Kocharian of the Republic of Armenia. President Kocharian will also address Members of Congress next Tuesday in this Capitol Building. He will take time out from the NATO activities on Saturday to lay a wreath at the tomb of President Woodrow Wilson, whose administration recognized that what was happening to the Armenian people under the Ottoman Empire during and after World War I represented a unique kind of evil, and President Wilson tried to at least somewhat alleviate the suffering.

It is interesting that President Kocharian will be here as NATO is involved in a campaign against atrocities being committed against a civilian population. Back in the time of the Armenian Genocide, when Armenians were being murdered and deported and all record of the Armenian presence was erased, there was no Western alliance of democracies committed to stopping aggression, brutality, and genocide. Do we wish that there had been then?

Mr. Speaker, in conclusion, let me just say I know that the Armenian Genocide is a painful subject to discuss. Yet we must never forget what happened and never cease speaking out.

ACADEMIC EXCELLENCE AND ENVIRONMENTAL SCIENCES ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, today is Earth Day. I chose to commemorate Earth Day by introducing the Academic Excellence and Environmental Sciences Act. My bill seeks to encourage academic rigor in scientific education by beginning at the lower grades through the study of the environmental sciences and the use of hands-on recycling.

This, of course, is the year of the reauthorization of the Elementary and Secondary Education Act, and I hope that my bill will be included in the act. I have two goals here. The first comes from what I understand to be the difficulty of imparting and explaining scientific ideas and concepts, some of them fairly abstract, to elementary schoolchildren.

As a result of this difficulty, in the elementary grades, children are often relegated to ''play science.'' This ''play science'' not only does not prepare them for science; it turns them off of science.

Secondly, I believe that hands-on recycling will help children learn at an early age habits that conserve our resources at the same time that it will help concretize their interest in science and their understanding of science. By the time many youngsters are exposed to science in high schools, large numbers of them have lost interest or are simply unready for the rigors that are necessary to become proficient.

We are suffering from starting too late to interest children in science. We are suffering because of the reduced pool of scientists and scientific experts.

Increasingly, many of our seats in colleges and universities are filled by young people from abroad, coming here to study science because we have the best science in the world. Part of the impetus for my bill comes from my experience in recruiting my own D.C. youngsters to the military academies.

I am pressing my own school system, the D.C. public schools, to begin science and math at earlier years so that children retain their interest in science and get prepared for the rigors of the military academies.

Although the major emphasis of my bill is scientific education for young children, I also hope to encourage recycling approaches. I believe that recycling techniques involving children—saving papers and crushing cans and talking about where these materials come from and why they degrade, etc.—will help concretize the underlying scientific ideas.

I also think children are the best messengers for recycling and for the environment. They are the real environmentalists in this society. If we want scientists, we had better get them before they get turned off and we had better learn that we must not begin in junior high school; we should begin much earlier than that or else they are off to computer games or cable or other interests.

We must begin at the beginning. The beginning is at the lower grade level. We must start there if we mean to groom scientists. We cannot start grooming when they already have other interests. We want it started young, as well, because these young people can help us conserve our own resources by learning about recycling early and teaching us how to do it and why it is so necessary.

□ 1300

ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS ON H.R. 1480, WATER RESOURCES DEVELOPMENT ACT OF 1999

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, this is to notify Members of the House that the Committee on Rules is planning to meet the week of April 26 to grant a rule which may limit the amendment process on H.R. 1480, the Water Resources Development Act of 1999.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 5 p.m. on Tuesday, April 27, to the Committee on Rules room, which is H–312 right here in the Capitol.

Amendments should be drafted to the text of the bill, as reported by the Committee on Transportation and Infrastructure.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KASICH (at the request of Mr. ARMEY) for today on account of personal reasons.

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT) for Thursday, April 22, 1999, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. CARSON, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:)

Mr. DEMINT, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today.

Mr. OSE, for 5 minutes each day, on April 27 and 28.

Mr. GOSS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. PEASE, for 5 minutes, on April 27.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 531. An act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, April 26, 1999, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1688. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Market Risk (RIN: 3064–AC14) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1689. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Collateral Eligible to Secure Federal Home Loan Bank Advances [No. 99–20] (RIN: 3069–AA77) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1690. A letter from the Assistant to the Board, Division of Consumer and Community Affairs, Federal Reserve Board, transmitting the Board's final rule—Consumer Leasing [Regulation M; Docket No. R–1028] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1691. A letter from the Assistant to the Board, Division of Consumer and Community Affairs, Federal Reserve Board, transmitting the Board's final rule—Truth in Lending [Regulation Z; Docket No. R–1029] received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1692. A letter from the Assistant to the Board, Policy Development, Federal Reserve Board of Governors, transmitting the Board's final rule—Risk-Based Capital Standards: Market Risk [Regulations H and Y; Docket No. R–0996] received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

1693. A letter from the Assistant General Counsel Division of Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting the Department's final rule—Gaining Early Awareness and Readiness for Undergraduate Programs (RIN: 1840–AC59) received April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1694. A letter from the Assistant General Counsel for Regulations, Office of Elementary and Secondary Education, Department of Education, transmitting the Department's final rule—Notice of Final Funding Priorities for Fiscal Year (FY) 1999 under the Native Hawaiian Curriculum Development, Teacher Training, and Recruitment Program—April 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1695. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Wasilla, Anchorage and Sterling, Alaska) [MM Docket No. 97–227, RM–9159, RM–9229, RM–9230] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1696. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Condon, Oregon) [MM Docket No. 98–173, RM–9361] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1697. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Palestine and Frankston, Texas) [MM Docket No. 98–37, RM–9238] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1698. A letter from the Special Assistant Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hawesville and Whitesville, Kentucky) [MM Docket No. 98–2, RM–9217] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1699. A letter from the Director, Regulation Policy and Management Staff, Food and Drug Administration, transmitting the Administrations' final rule—Medical Devices; Retention in Class III and Effective Date of Requirement for Premarket Approval for Three Preamendment Class III Devices [Docket No. 98N–0405] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1700. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Elimination of Reporting Requirement and 30–Day Hold in Loading Spent Fuel After Preoperational Testing of Independent Spent Fuel Storage or Monitored Retrievable Storage Installations (RIN: 3150–AG02) received April 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1701. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Orlando, Florida, Appropriated Fund Wage Area (RIN: 3206–AI04) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1702. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of the Orlando, Florida, Appropriated Fund Wage Area (RIN: 3206–AI13) received April 14, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1703. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule—Preparation of Rolls of Indians (RIN: 1076–AD89) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1704. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Swordfish Fishery; Dealer Permitting and Import Documentation Requirements [Docket No. 970829218–9064–03; I.D. 080597E] (RIN: 0648–AK39) received April 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1705. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon, OR, to Point Pitas, CA [Docket No. 980429110–8110–01; I.D. 032499B] received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1706. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Cape Fear River, Wilmington, North Carolina [CGD 05–98–106] (RIN: 2115–AE46) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1707. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; City of Augusta, GA [CGD07–98–068] (RIN: 2115–AE46) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1708. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10 Series Airplanes and KC–10 (Military) Airplanes [Docket No. 98–NM–197–AD; Amendment 39–11131; AD 99–08–22] (RIN: 2120–AA64) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1709. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Puritan-BENNETT Aero Systems Company C351–2000 Series Passenger Oxygen Masks and Portable Oxygen Masks [Docket No. 98–CE–29–AD; Amendment 39–11130; AD 99–08–21] (RIN: 2120–AA64) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1710. A letter from the Program Support Specialist, Aircraft Certification Service, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 1900, 1900C, and 1900D Airplanes [Docket No. 96–CE–60–AD; Amendment 39–11129; AD 97–15–13 R2] (RIN: 2120–AA64) received April 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1711. A letter from the Chief, Regulations Unit, Customs Service, transmitting the Service's final rule—Withdrawal of International Airport Designation of Akron Fulton Airport [T.D. 99–40] received April 20,

1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. ROGAN):

H.R. 1520. A bill to amend the Immigration and Nationality Act to give priority, in the allotment of immigrant visas to unmarried sons and daughters of citizens, to an alien who attains the age of 21 after the date on which a petition to classify the alien is filed, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 1521. A bill to preserve and protect archaeological sites and historical resources of the central Mississippi Valley through the establishment of the Mississippi Valley National Historical Park as a unit of the National Park System on former Eaker Air Force Base in Blytheville, Arkansas; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. HILL of Montana, Mr. HERGER, and Mr. DOOLITTLE):

H.R. 1522. A bill to safeguard communities, lives, and property from catastrophic wildfire by authorizing contracts to reduce hazardous fuels buildups on forested Federal lands in wildland/urban interface areas while also using such contracts to undertake forest management projects to protect noncommodity resources, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. SCHAFFER, Mr. HILL of Montana, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mr. POMBO, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mrs. CUBIN, Mr. TAYLOR of North Carolina, Mr. SIMPSON, and Mr. NETHERCUTT):

H.R. 1523. A bill to establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. HERGER, and Mr. DOOLITTLE):

H.R. 1524. A bill to authorize the continued use on public lands of the expedited processes successfully used for windstorm-damaged national forests and grasslands in Texas; to the Committee on Resources.

By Mr. KLECZKA (for himself, Mr. HOUGHTON, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. ENGLISH, Mr. LEVIN, Mr. WELLER, Mr. COYNE, Mr. FOLEY, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. BOEHLERT, Mr. EVANS, Mr. KING, Mr. BARRETT of Wisconsin, Mr. QUINN, and Mr. FORBES):

H.R. 1525. A bill to amend the Internal Revenue Code of 1986 to provide simplified criteria, in lieu of the common law rules, for determining whether an individual is an employee or an independent contractor and to limit retroactive employment tax reclassifications; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself and Mrs. CAPPS):

H.R. 1526. A bill to promote the international competitiveness of the United States commercial space industry, to ensure access to space for the Federal Government and the private sector, and to minimize the opportunities for the transfer to other nations of critical satellite technologies; to the Committee on Science.

By Mr. BROWN of California (for himself, Mr. GORDON, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RIVERS, Ms. JACKSON-LEE of Texas, Ms. STABENOW, Mr. LAMPSON, Mr. UDALL of Colorado, Mr. WU, Mr. WEINER, Mr. CAPUANO, Mr. ETHERIDGE, and Mr. BARCIA):

H.R. 1527. A bill to provide funding for the academic programs of the National Aeronautics and Space Administration; to the Committee on Science.

By Mrs. CUBIN (for herself, Mr. YOUNG of Alaska, Mr. RAHALL, Mr. GIBBONS, Mr. TANCREDO, and Mr. UDALL of Colorado):

H.R. 1528. A bill to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Resources.

By Mr. ENGLISH (for himself, Mr. COYNE, Mr. WELDON of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. PETERSON of Pennsylvania, Mr. BORSKI, Mr. GEKAS, Mr. DOYLE, Mr. GOODLING, Mr. FATTAH, Mr. GREENWOOD, Mr. HOEFFEL, Mr. PITTS, Mr. HOLDEN, Mr. SHERWOOD, Mr. KANJORSKI, Mr. SHUSTER, Mr. KLINK, Mr. MURTHA, Mr. TOOMEY, and Mr. MASCARA):

H.R. 1529. A bill to require the Secretary of Health and Human Services to modify the treatment of certain patient days for purposes of determining the amount of disproportionate share adjustment payments to hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. FOLEY:

H.R. 1530. A bill to make forestry insurance plans available to owners and operators of private forest land, to encourage the use of prescribed burning on private forest land, and for other purposes; to the Committee on Agriculture.

By Mr. FROST:

H.R. 1531. A bill to ensure safety in public schools by increasing police presence; to the Committee on the Judiciary.

By Mr. GALLEGLY:

H.R. 1532. A bill to strengthen warning labels on smokeless tobacco products; to the Committee on Commerce.

By Mr. MOORE (for himself and Mr. YOUNG of Alaska):

H.R. 1533. A bill to compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 1534. A bill to amend title VI of the Elementary and Secondary Education Act of 1965 to include programs that encourage academic rigor in scientific education in elementary schools; to the Committee on Education and the Workforce.

By Mr. PETERSON of Minnesota (for himself, Mr. HOLDEN, Mr. MCHUGH, Mr. BOEHLERT, Mr. BISHOP, Mr. CONDIT, Mr. KIND, Ms. BALDWIN, Mr. GUTKNECHT, Ms. KAPTUR, Mr. PASTOR, Mr. CALVERT, Mrs. EMERSON, Mr. THUNE, Mr. STENHOLM, Mr. OBEY, Mr. WATKINS, Mr. WISE, Mr. BALDACCI, Mr. SHOWS, and Mr. CLEMENT):

H.R. 1535. A bill to extend the milk price support program through 2002 at the rate in effect for 1999; to the Committee on Agriculture.

By Mr. POMEROY (for himself, Mr. THUNE, Mr. MINGE, and Mr. BOSWELL):

H.R. 1536. A bill to amend the Federal Crop Insurance Act to encourage the broadest possible participation of producers in the Federal crop insurance program and to ensure the continued availability of affordable crop insurance for producers; to the Committee on Agriculture.

By Mr. QUINN:

H.R. 1537. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide for the development and use of brownfields, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGAN (for himself, Mr. SOUDER, Mr. PITTS, Ms. GRANGER, Mr. WAMP, Mr. MCINTOSH, and Mr. TIAHRT):

H.R. 1538. A bill to provide flexibility to certain local educational agencies that develop voluntary public and private parental choice programs under title VI of the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ROUKEMA (for herself and Mr. VENTO):

H.R. 1539. A bill to repeal the stock loan limit in the Federal Reserve Act; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 1540. A bill to reform the Exchange Stabilization Fund; to the Committee on Banking and Financial Services.

H.R. 1541. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for business meals and entertainment; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1542. A bill to amend title XVIII of the Social Security Act to provide for screening retinal eye examinations under the Medicare Program for individuals diagnosed with diabetes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mrs. THURMAN, Mr. SHAYS, Mr. WEYGAND, Mr. LEWIS of Georgia, Ms. DEGETTE, Mr. BROWN of Ohio, Mr. CROWLEY, Mr.

CLEMENT, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. GREEN of Texas, and Mr. PAUL):

H.R. 1543. A bill to amend title XVIII of the Social Security Act to combat fraud and abuse under the Medicare Program with respect to partial hospitalization services; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1544. A bill to require the Secretary of Health and Human Services to establish a demonstration project to provide Medicare beneficiaries greater information with respect to various courses of treatment for certain diseases or injuries to enable the beneficiaries to make more informed decisions when selecting a course of treatment for the disease or injury; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 1545. A bill to amend title XXI of the Social Security Act to provide for improved data collection and evaluations of State Children's Health Insurance Programs, and for other purposes; to the Committee on Commerce.

By Mr. THOMAS:

H.R. 1546. A bill to amend the Internal Revenue Code of 1986 to provide increased retirement savings opportunities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THORNBERRY:

H.R. 1547. A bill to amend title 10, United States Code, to make certain improvements with respect to the TRICARE program; to the Committee on Armed Services.

By Mr. TRAFICANT:

H.R. 1548. A bill to provide for a 3-judge division of the court to determine whether cases alleging breach of secret Government contracts should be tried in court; to the Committee on the Judiciary.

By Mr. VISCLOSKY (for himself, Mr. TOWNS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. ACKERMAN, Mr. GEJDENSON, Ms. NORTON, Mr. OWENS, Mr. BONIOR, Mr. LIPINSKI, Mr. TRAFICANT, Ms. MCKINNEY, Mr. BENTSEN, Mr. HASTINGS of Florida, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. EVANS, Mr. QUINN, Mr. KUCINICH, Mrs. CLAYTON, Mr. DAVIS of Florida, Ms. DELAURO, Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. DEFAZIO, Ms. DANNER, Mrs. LOWEY, Mr. STARK, Mr. BLUMENAUER, Mr. MATSUI, Mr. DAVIS of Illinois, Mr. FILNER, Mr. KLINK, Mr. MINGE, Mr. HILL of Indiana, Ms. CARSON, and Ms. HOOLEY of Oregon):

H.R. 1549. A bill to amend the Federal Water Pollution Control Act to establish a National Clean Water Trust Fund and to authorize the Administrator of the Environmental Protection Agency to use amounts in that Fund to carry out projects to restore and recover waters of the United States from damages resulting from violations of that Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FARR of California (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. WALSH, Mr. BLUMENAUER, Mr. GILCHREST, Ms. PELOSI, and Mr. VISCLOSKY):

H. Res. 146. A resolution providing for the mandatory implementation of the Office Waste Recycling Program in the House of Representatives; to the Committee on House Administration.

By Mr. STARK:

H. Res. 147. A resolution supporting the goals and ideas and commending the organizers of ''Children's Memorial Day''; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 45: Mr. PITTS, Mr. JENKINS, and Mr. ADERHOLT.

H.R. 135: Mr. FILNER, Mr. SHOWS, Mr. RODRIGUEZ, Mr. SANDERS, Ms. BROWN of Florida, Mr. HILL of Indiana, and Mr. MCHUGH.

H.R. 205: Mr. GILMAN.

H.R. 240: Mr. VENTO.

H.R. 248: Mr. FOLEY.

H.R. 351: Mr. CONDIT, Mr. HINOJOSA, and Mr. FORBES.

H.R. 358: Mr. DEFAZIO.

H.R. 425: Mrs. LOWEY, Mr. WAXMAN, Mr. LUTHER, Mr. MOAKLEY, and Mr. LEWIS of Georgia.

H.R. 530: Mr. ISAKSON.

H.R. 576: Mr. BONIOR.

H.R. 617: Mr. FROST and Ms. BALDWIN.

H.R. 632: Ms. BERKLEY and Mr. SCARBOROUGH.

H.R. 716: Mr. FLETCHER.

H.R. 721: Mr. TIERNEY, Ms. LEE, and Mr. GOODE.

H.R. 725: Mrs. CAPPS.

H.R. 775: Mr. MORAN of Kansas, Mr. LAHOOD, Mr. THORNBERRY, Mr. WOLF, Mr. BEREUTER, Mrs. NORTHUP, Mr. BALLENGER, Mr. HILL of Montana, Mr. LARGENT, Mr. ROHRABACHER, and Mr. GARY MILLER of California.

H.R. 797: Mr. HASTINGS of Florida.

H.R. 828: Mr. SHIMKUS.

H.R. 872: Mr. LANTOS.

H.R. 876: Mr. NETHERCUTT and Mr. TALENT.

H.R. 883: Mr. WHITFIELD, Mr. GREEN of Wisconsin, Mr. BALLENGER, and Mr. COBLE.

H.R. 997: Mr. ISAKSON, Mr. PASCRELL, Ms. ESHOO, Mrs. BIGGERT, Mrs. MINK of Hawaii, Mr. WOLF, Mr. PHELPS, Mr. GILLMOR, Mr. TIERNEY, and Mr. INSLEE.

H.R. 1041: Mr. FRANKS of New Jersey.

H.R. 1109: Mr. MEEKS of New York and Mr. FILNER.

H.R. 1111: Mr. HEFLEY.

H.R. 1130: Mr. KING.

H.R. 1183: Mr. GARY MILLER of California, Mr. CALVERT, Mr. EHLERS, Mr. GUTKNECHT, Mr. SHIMKUS, Mr. MANZULLO, and Mr. PASTOR.

H.R. 1221: Mr. COSTELLO, Mrs. MINK of Hawaii, Mr. WOLF, Ms. ROYBAL-ALLARD, Mr. PALLONE, and Mrs. NORTHUP.

H.R. 1261: Mr. WHITFIELD and Mr. FORBES.

H.R. 1265: Mr. CROWLEY, Mr. WU, Mr. OLVER, Mr. CAPUANO, and Mr. PASTOR.

H.R. 1278: Mr. LAHOOD and Mr. BISHOP.

H.R. 1301: Mr. STENHOLM, Mr. BOEHLERT, Mr. JOHN, and Mr. FOLEY.

H.R. 1309: Ms. MILLENDER-MCDONALD.

H.R. 1342: Mr. BARRETT of Wisconsin, Mr. HINOJOSA, and Mrs. TAUSCHER.

H.R. 1368: Mr. BEREUTER, Mr. MANZULLO, and Mr. ARMEY.

H.R. 1408: Mr. PASTOR.

H.R. 1467: Mr. BURTON of Indiana.

H.R. 1491: Mr. LIPINSKI, Mr. MCNULTY, Mr. PASCRELL, Mr. HINCHEY, Mr. BROWN of Ohio, Mr. FROST, Mr. MCDERMOTT, Mr. SHOWS, and Mr. BERMAN.

H.J. Res. 44: Mr. BARR of Georgia.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 2, April 20, 1999, by Mr. CAMPBELL on H. Res. 126, was signed by the following Member: Tom Campbell.

EXTENSIONS OF REMARKS

YEAR 2000 ACT

HON. JAMES A. BARCIA
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. BARCIA. Mr. Speaker, I rise today to introduce the Year 2000 Act. Everyone in this House is aware of the Year 2000 computer problem and the federal government's effort to fix its computer systems. The Subcommittee on Technology, of which I am the Ranking Member, has taken the lead in holding hearings on the Y2K issue. We have spent a lot of time reviewing Federal efforts and promoting companies sharing information on the Y2K problem. However, there are several gaps in our Y2K efforts, the intent of this legislation is to fill in these gaps. This bill has six very specific goals: (1) to raise consumer awareness and to create a consumer Y2K checklist; (2) to raise small and medium-sized businesses Y2K awareness and create a Y2K self-assessment checklist for the Nation's small and medium-sized companies: (3) to ensure that Federal agencies have worked with outside entities to ensure that all date sensitive data exchanges are Year 2000 compliant; (4) require a report to Congress on the economic implications to the United States of the global Y2K problem; (5) raise Y2K awareness in the health care sector and disseminate a list of Y2K compliant biomedical devices and other health care equipment that could lead to life threatening situations due to a Y2K related failure; and (6) raise Y2K awareness in the water utility sector and disseminate a list of Y2K compliant products and equipment used in key elements of the water utility sector.

With this information in hand, I believe that the public and Congress will be able to make the right decisions and avoid the panic which is so often predicted in articles about the Y2K computer crisis.

During the Subcommittee on Technology's hearing on the Y2K issue, I have constantly been struck by the lack of specific information on the exact nature and magnitude of the problem. Other than federal agencies, witnesses have been able to provide little more than anecdotal evidence and generalities. However, there is agreement that computer hardware and software, as well as embedded microchips found in many consumer products could possibly fail as a result of the Year 2000 computer problem. In talking with my constituents, I find that they are generally aware of the problem, but do not know how it impacts them nor do they know what specific actions they can take to minimize the impact of the Y2K problem in their lives. This bill requires the Undersecretary for Technology at the Department of Commerce to develop a Year 2000 self-assessment checklist for consumers; provide a resource center for consumers of all federal government Year 2000 computer problem resources; a listing of all GSA approved Year 2000 compliant products; and conduct a series of public awareness announcements and seminars on the impact of the Y2K problem on consumer products and services. These goals are consistent with the recommendations made by witnesses who have appeared before the Subcommittee on Technology.

The situation facing small and medium-sized businesses mirrors that of consumers. The Nation's more than 381,000 small- and medium-sized manufacturers contribute more than half of the country's total value in manufacturing. However, as of 1998, 75 percent of all companies with fewer than 2000 employees had not yet started Year 2000 remediation projects.

Small and medium-sized companies are an integral part of the business supply chain. Increasingly, they rely on computers for their manufacturing operations, for accounting and billing practices, and to meet just-in-time order and delivery concepts. To assist our small- and medium-sized manufacturers meet the Y2K challenge, this bill requires that the National Institute of Standards and Technology and highly successful Manufacturing Extension Partnership program to work with the Small Business Administration to define the Year 2000 problem and develop best practices to attack the problem, develop a Year 2000 self-assessment checklist, and list all federal government Y2K resources including the General Services listing of approved Y2K compliant products.

Federal agencies make thousands of date sensitive data exchanges on a daily basis. These data exchanges include social security information, Medicare, information related to the air traffic control system, financial transactions, and the list goes on and on. Consequently, as federal computer systems are converted to process year 2000 dates, the associated data exchanges must also be made Year 2000 compliant. The testing and implementation of Year 2000 compliant data exchanges must be closely coordinated with exchange partners. Agencies must not only test its own software, but effective testing includes end-to-end testing, and agreed upon date formats with all exchange partners. If these Year 2000 data exchanges do not function properly, data will not be exchanges between systems or invalid data could cause receiving computer systems to malfunction. In other words, regardless of federal efforts to fix its own computer systems, unless their data exchange partners have Y2K compliant systems the computer network as a whole will fail. A recent GAO report "Year 2000 Computing Crisis: Actions Needed on Electronic Data Exchanges" found that federal agencies had made little progress in addressing this data exchange issue. The GAO made specific recommendations for federal government actions. This legislation is based on the GAO's recommendations and would help ensure that federal agencies address the data exchange issue fully. The legislation requires agencies to establish a test schedule with data exchange partners, notify exchange partners of the implications and consequences of non-compliance, develop contingency plans and report to Congress quarterly on their progress.

The bill also requires Secretary of Commerce to report to Congress on the international implications of the Y2K problem and its potential impact on the U.S. economy. Again, we lack specific information on how other countries are addressing the Y2K issue. However, the international implications are profound, disruptions in international financial services, international air travel, international telecommunications, and international commercial transactions to name a few. However, it is nearly impossible to make contingency plans in the face of little and inadequate information. And as I mentioned earlier, it is the lack of information that leads to panic and uncertainty. I believe that such an international assessment could be a guide post for federal and private sector actions.

The Senate Committee on the Year 2000 recently released their report on the extent of the Y2K problem. In that report was a sectoral analysis that specifically recognized the significant potential for Y2K problems within the health care and water utility sectors. In an effort to address these findings, this legislation requires the development of a Y2K self-assessment checklist, an explanation of the problem and identification of best practices for resolution, and a list of Federal Government Y2K computer problem information resources for each sector.

Additionally, this bill requires the Food and Drug Administration, in consultation with the Veterans' Administration, to develop a list of biomedical devices and other products used by health care providers that are both Y2K compliant and or could lead to life-threatening situations due to a Y2K related failure. Also included will be an indication of whether the Year 2000 compliance of such equipment has been independently verified. Similarly, the Environmental Protection Agency is required to list the Y2K compliant products and equipment used in key elements of the water utility sector, including whether the Y2K compliance of these products has been independently verified.

In closing, this legislation is one of many important issues that need to be addressed. Nevertheless, I believe the most important element of any Y2K strategy is informing consumers and medium-sized businesses on how the Year 2000 computer problem could affect them. The public, as well as those sectors particularly sensitive to Y2K problems, need to know what questions to ask and how to determine their Y2K readiness. I am confident this legislation provides the necessary framework to accomplish this and I urge its swift passage.

A TRIBUTE TO PARK SLOPE NEIGHBORHOOD FAMILY CENTER

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Park Slope Neighborhood Family Center on the occasion of its Annual Dinner Dance.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who embody the spirit of community service. This year's honorees truly represent the best of what our community has to offer.

The Park Slope Neighborhood Family Center (PSNFC) is home to five community organizations serving thousands of south Brooklyn residents. PSNFC was founded in 1983 by a small group of neighborhood residents in response to the need for safe, affordable space shared by local community organizations. By placing a variety of social service programs under one roof, PSNFC encourages the creation of innovative intergovernmental and multicultural programming while answering the interrelated needs of many agency clients.

Martin Gomez serves as the Executive Director of the Brooklyn Public Library, the nation's fifth-largest library system. He is an elected member of the American Library Association Executive Board and a board member of the Metropolitan New York Library Council. He established the Library's first foundation board to raise private funds for library programs and was instrumental in creating an online wide-area network providing free public access to the Internet at Brooklyn's 60 public libraries. With a lifelong commitment to encouraging diversity in libraries, Martin has designed programs for the California Literacy Campaign and its Minority Services Recruitment and Scholarship program.

Tupper Thomas serves as the administrator of Prospect Park where she is responsible for the ongoing operation of the park. In addition to overseeing the ongoing restoration of Prospect Park, Tupper Thomas has been instrumental in increasing the park's usership through special events, public information and outreach programs. Tupper Thomas also serves as the president of the Prospect Park Alliance, an organization dedicated to funding activities and services for park visitors, landscape projects, and selected capital projects.

Judith D. Zuk serves as the president and chief executive officer of the Brooklyn Botanic Garden. An horticulturist with experience as an educator, researcher, and administrator, she heads one of America's preeminent public grandens. With members in every State and 52 foreign countries, the Brooklyn Botanic Garden attracts 800,000 visitors annually. She is active in a number of professional and civic organizations and serves as the chairman of the Cultural Institutions Group. Judith also serves on the boards of the Brooklyn Chamber of Commerce, Chase Manhattan Regional Advisory Board, Greenwood Cemetery, New York City Street Tree Consortium, and the New York City Water Conservation District.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Park Slope Neighborhood Family Center.

PARTIAL HOSPITALIZATION SERVICES IN INTEGRITY ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, my colleagues and I are proud to introduce the "Partial Hospitalization Services Integrity Act of 1999" that will enact much-needed reforms to Medicare's partial hospitalization benefit.

Partial hospitalization is an important component of Medicare. In-patient hospitalization for psychiatric treatment is expensive and disruptive to the person's life. Therefore, Congress created partial hospitalization as a cost-effective alternative for treating seniors with acute psychological disorders. The program allows them to live at home and receive intensive treatment.

Unfortunately, many dishonest individuals have abused the partial hospitalization program and defrauded the government of millions of dollars. On October 5, 1998, the Department of Health and Human Services Office of Inspector General issued a report that exposed egregious waste, fraud, and abuse by many partial hospitalization providers. The report quickly gained national attention. Later that evening, NBC News featured the report in their "Fleecing of America" segment.

The results of that audit represent a clear case of greed and fraud committed by dishonest mental health care providers. For example, the total program costs increased by approximately 482 percent between 1993 and 1997, from $15 to $349 million per year! More distressing is the fact that much of this was squandered on unreasonable and unnecessary services, given to people who were not eligible, and provided by organization that were not certified to provide the services.

The bill that I am introducing will correct the conditions that lead to the abuse of the program. The Partial Hospitalization Services Integrity Act of 1999 clarifies the current definition of the organizations that can provide partial hospitalization services and includes clear civil monetary penalties for fraudulent claims. The legislation represents a broad consensus of interested parties that include the Administration, representatives of qualified partial hospitalization providers, and patient advocates.

It is time to act quickly and decisively to preserve a valuable service and to stop the waste, fraud, and abuse perpetrated by unscrupulous operators.

HONORING ALL THE PEOPLE WHO OFFERED ASSISTANCE DURING THE AMTRAK TRAIN TRAGEDY IN BOURBONNAIS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor Kankakee County Sheriff Tim Bukowski; Bourbonnais Mayor, Grover Brooks; Bourbonnais Police Chief, Joseph Beard, Bourbonnais Fire Chief, Mike Harshbarger; employees of Riverside Medical Center; employees of Provena St. Mary's Hospital; paid and volunteer firefighters and emergency personnel; employees of Birmingham Steel; employees of Farm & Fleet; all policemen and firemen in Kankakee County; as well as all those who reside in the Kankakee River Valley for their acts of heroism during the recent Amtrak train tragedy in Bourbonnais.

The Village of Bourbonnais is known as the "Village of Friendship". The Village as well as the entire Kankakee River Valley has proven worthy of the title. Both local and national news accounts were filled with stories of heroism and acts of kindness. The world was watching and Bourbonnais arose to the occasion. People of all ages rose to the occasion. Half a million pennies collected by Kankakee County school children during the past year even helped save lives. The pennies were recently used to purchase a night vision camera which was used to help see in the night through the fumes and smoke from the wreckage.

I have been told of small acts of kindness throughout the Kankakee River Valley. Anyone who took part in the rescue effort would not be allowed to pay for their own meals in any area restaurant. Food, clothing, and toy donations poured into the local hospitals for over 8 hours. Offers of assistance came from all surrounding communities and counties. Even local teenagers donated blood to the Red Cross.

The Village of Bourbonnais was incorporated in 1875, nearly two centuries after French explorer Cavalier de La Salle established contact with the Potawatomi Indians who lived there. According to Village history, the town takes its name for an early pioneer, Francois Bourbonnais, Sr., a French-Canadian Fur trapper who set up a trading post in 1830. Today, Bourbonnais is a growing community and was named by Reader's Digest as one of the best communities in the United States in which to raise a family.

Mr. Speaker, I urge this body to identify and recognize other towns and villages in their own districts whose actions have so greatly proven to be a community which works together during both good and bad times.

AND THE WINNER IS, ANGELIN BASKARIN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. LAMPSON. Mr. Speaker, while our nation continues to grieve over the school tragedy in Littleton, Colo., I'd like to turn our attention for a moment to a middle school student from Galveston, Texas, who is already making contributions toward advancing our understanding of the aging process at age 13.

All too often we only hear about the problem children in our society. As a former high school teacher, I know that there are hundreds of kind, intelligent, and productive students, like Angelin Baskarin, who are working hard to become the next generation of scientists, professors, and even Members of Congress.

I'd like to congratulate Angelin, who has won awards at the Galveston County Science and Engineering Fair, the Houston Science and Engineering Fair, the state of Texas Science and Engineering Fair, for her research project, entitled "Math Semantics." She has been selected to present her research findings, which looked at how age, gender, and profession affect math proficiency, at a national science fair here in Washington, D.C., in June.

It is the bright future and promise of students like Angelin, who make teaching worthwhile and rewarding experience. Good luck at the national competition, Angelin!

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. HOYER. Mr. Speaker, April 24 marks the commemoration of the massacre of the Armenian people in Turkey during and after the First World War. More than 1.5 million people were expelled from their homes and marched to their deaths in what is recorded as the first of this century's state-ordered genocides against a minority group. Tragically, at the close of the century we again bear witness to the universality of human cruelty and fanaticism as the Kosovar Albanians are ethnically cleansed from their homeland.

We must remember, we must reflect and we must learn. One of the great thinkers and advocates of our time—indeed, the conscience of this century—Elie Wiesel, has said that "indifference makes humans inhuman; indifference is always the friend of the enemy; indifference is not only a sin, it is a punishment." We must not be indifferent, Mr. Speaker, we must also act.

We remember the Armenians and their suffering, the incomprehensive magnitude of their loss. We honor those who perished. Yet, Mr. Speaker, we also remember the survivors and are inspired by their sacrifice, their strength and their creativity in building a future for the Armenian people. Today, independent Armenia guarantees the security and future of the nation and is a beacon of hope to Armenian people everywhere. Its people work tirelessly to strengthen democratic institutions and build a flourishing market economy to ensure peace and prosperity for generations to come. It is my hope, Mr. Speaker, that those to come will not have to sacrifice as their ancestors have. It is also my hope that the parties to the conflict in Nagorno-Karabakh will renew and redouble their efforts to reach a negotiated settlement and to help bring peace and prosperity to the entire region.

Mr. Speaker, the Armenian people did not "disappear," as their persecutors intended. They survived and they flourished. Their strength of spirit, endurance and prosperity of the Armenian people give hope for the future to all of us—especially those who suffer now.

CHILD ABUSE PREVENTION MONTH

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to speak in support of Child Abuse Prevention Month. There is nothing more important than the safety and protection of our children. To highlight the seriousness of this issue, the month of April was declared Child Abuse Prevention Month by President Reagan in 1982.

In 1997, nearly one million children were victims of either neglect, physical, emotional or sexual abuse. In many cases, the children experienced all of these abuses. What is even more shocking is that in 1996, a little more than three children died each day as a result of child abuse or neglect. These numbers are startling and in my opinion are unacceptable. Our children deserve to grow up in an atmosphere that is not filled with fear and violence.

The good news is that child abuse is preventable. Through the proper assistance we can put an end to this monstrous action. Children represent the most vulnerable and precious part of our society and we must do what we can to protect them.

I urge all of my colleagues to join me in acknowledging the seriousness of this issue and supporting actions to prevent this problem from getting bigger.

IN HONOR OF THE SHERWIN-WILLIAMS CO.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the Sherwin-Williams Co., and its charitable arm, the Sherwin-Williams foundation, as one of Cleveland's most charitable corporate partners.

The company not only employs thousands of people in the greater Cleveland area, but also contributes significant funds and strong support for some of the region's most deserving organizations. The CEO of Sherwin-William, Jack Breen, has just completed his twentieth year with the company. Mr. Breen has been the recipient of a number of awards, including top honors from the Wall Street Transcript in the Building Materials Industry. In 1996, he was inducted into the Business Hall of Fame sponsored by Cleveland Magazine's Inside Business. This award is presented to individuals who not only have achieved business success, but who generously shared that success with the community. Mr. Breen is a native Clevelander, and during his time with the Sherwin-Williams Co., the stock price has increased about 50 times and earnings per share have increased dramatically.

Beginning on April 26, 1999, Sherwin-Williams will again demonstrate its commitment to the Northeast Ohio community through a week-long "Spruce Up Our Parks" program which will benefit Cleveland's Lakeshore State Park. Working in conjunction with Keep America Beautiful, Inc., Sherwin-Williams will underwrite the cost of paints and supplies that will be used to beautify various structures throughout Edgewater, Gordon, Euclid Beach, Villa Angela, Wildwood, and Mentor Headlands parks.

Sherwin-Williams will also coordinate with Keep America Beautiful to oversee the work of more than 500 students from area high schools who are serving as volunteer painters for the event. The participating high schools include: Lakewood, St. Edward, St. Ignatius, Glenville, John Hay, Collinwood, Benedictine, Villa Angela-St. Joseph, Harvey, Riverside, Kirkland, and Mentor High Schools.

My fellow colleagues, please join me in honoring the good work the Sherwin-Williams Company is doing to help beautify the Cleveland area and parks across the country.

ROUND TOP, TX, DEDICATES A NEW POST OFFICE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. PAUL. Mr. Speaker, dedication ceremonies will soon be held in Texas to mark the completion of a new postal facility in Round Top, TX. This is the first new post office in this city since the 1968 dedication of the old one.

The route this new post office took from blue print to completion expresses the basis of being a Texan and an American. The U.S. Postal Service approached Round Top with a pre-designed post office building that had apparently been designed in Washington without the input of the people of Round Top. In true Texas fashion the people of this city stood up to say this new building would be in their town for their use and therefore insisted that it reflect the city in which it would be built. As a result, they now have a beautiful new building that reflects their history as a community and as Texans. Since Round Top has had a post office since the days of the Republic of Texas, it is only fitting that this new building points to the proud heritage of our great state.

Our Founding Fathers intended for decisions to be made as close to the people as

possible. By rejecting plans that had no connection to their city, the people of Round Top continue to live up to this great tradition.

Mr. Speaker, Postmaster Carol Oritz and her community are deservingly proud of their new post office and the history behind it. As our great state continues to grow and our major cities get even larger, we would be wise to remember the people of Round Top and other such communities.

It is fitting that the new post office in the Texas town of Round Top today flies an American flag that very recently flew over our nation's capitol building.

TRIBUTE TO THE ANCIENT ORDER OF HIBERNIANS DIVISION 21 AND LADIES ANCIENT ORDER OF HIBERNIANS DIVISION 22

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to the Ancient Order of Hibernians Division 21 and Ladies Ancient Order of Hibernians Division 22 on the occasion of it's Annual Hibernian Dance.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to Mary Anne Kirby and Patrick (Pat) M. Moynihan who have been named as ''Hibernians of the Year'' by the Ancient Order of Hibernians Division 21 and Ladies Ancient Order of Hibernians Division 22. This year's honorees truly represent the best of what our community has to offer.

Mary Anne Kirby, an active member of the Ladies Ancient Order of the Hibernians Division since 1980, was born in Lyrecompane, County Kerry, Ireland. After attending Renagown National School in County Kerry, Mary Anne immigrated to the Middle Village section of Queens and relocated to Rckaway Beach in 1962. Mary Anne was married on June 28, 1958 at the Resurrection Ascension Church in Rego Park to her late husband, Timothy Kirby, who was a member of the men's Ancient Order of Hibernians Division 21. With her loving husband, Mary Anne rasied four wonderful children and currently takes great joy in the accomplishments of her four grandchildren.

Patrick (Pat) M. Moynihan was born in Dublin, Ireland in 1937 and is the second eldest of a family of nine. After immigrating to New York in 1957, Pat was inducted into the Army where he served with honor and distinction in the Armed Forces Medical Corps until his discharge in 1963.

Since his arrival in New York, Pat has been active in the Irish-American community. He is a member of the Ancient Order of Hibernians Division 21 and has served as the group's financial secretary, treasurer, historian and president. Pat has also served the Queens County Board of Hibernians as their organizer, historian, chairman of the grievance committee, chairman of the publicity committee, recording secretary, and vice president. He has also served as the chairman of by-laws and resolution committees at several biennial convention of the Queens County Board and has been a delegate to numerous state and national Hibernian conventions.

Both of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by the Ancient Order of Hibernians Division 21 and Ladies Ancient Order of Hibernians Division 22.

A TRIBUTE TO RON WOHLWEND UPON HIS RETIREMENT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor Mr. Ron Wohlwend of Morris, Illinois, as he retires from his duties as President of the Grundy County National Bank.

In 1981, Mr. Wohlwend was elected as President of the Grundy County National Bank and has maintained that position for 18 years. Mr. Wohlwend joined the Bank in 1966 where he began his career. His integral role in the Bank's activity has contributed to its reputation in the community.

Mr. Wohlwend has served the banking industry well. He has been a member of the American Bankers Association's Community Banker's Council, the Illinois Bankers Association's Board of Directors and Executive Committee. Mr. Wohlwend also was the Chairman of the Association's Federal Legislative Committee and chaired the Banker's Advisory Committee at the Graduate School of Banking at the University of Wisconsin.

Outside of the banking industry, Mr. Wohlwend has been a pillar of the city of Morris and Grundy County communities. Among the organizations Mr. Wohlwend has served are the Grundy County United Fund and the Morris Cemetery Association. He was President of the Grundy County Chamber of Commerce and served as Treasurer of Morris Community High School District #101, Saratoga Grade School District #60C, the Grundy Area Vocational Center, the Morris Cemetery Association, and the Grundy Economic Development Council. He is currently a member of the Grundy County Farm Bureau and serves on the Board of Directors of Illinois Valley Industries, the Morris Hospital Foundation, the Morris Downtown Development Partnership, Breaking Away, and the Joliet Junior College Foundation.

Mr. Speaker, I believe it is fitting and appropriate to honor the achievements and years of service of Mr. Wohlwend. I wish Mr. Wohlwend's wife Jackie; his children Mary, Laura, and David; and his grandchildren Reilly and Taylor good will in the future. Also, I wish Mr. Wohlwend continued success with any future endeavors and hope he continues his leadership roles in the Morris and Grundy County communities.

IN CELEBRATION OF EARTH DAY 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, I rise today and ask my colleagues to join me in a commitment to the preservation of our environment as we celebrate Earth Day 1999.

We have made great strides in the conservation of our dwindling wilderness resources. I would like to thank Forest Service Chief Michael Dombeck for his decision to halt new road construction in roadless forest areas across the United States, and for his continued leadership in the preservation of these irreplaceable resources.

As someone who cares about protecting our environment, it has been frustrating to watch my colleagues in the majority pepper appropriations bills with language which would never pass Congress on its own merits. These special interest riders historically benefit only a few wealthy landowners and private interests; they do nothing for the good of our environment.

I ask my colleagues to join me and vote against any bill that will do damage to our environment. Our policies should help us to leave a legacy of clean air and water to our children and teach them the value of leaving that legacy to their children. I would sincerely hope that my colleagues share in my concern. Otherwise, they will take their place in history as the party that allowed the destruction of our nation's greatest resources.

Let's work together to ensure an environment in which our children can thrive.

IF IT WORKS, DON'T BREAK IT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SCHAFFER. Mr. Speaker, if it isn't broken, don't fix it. If it works, don't break it.

I'm speaking in reference to the Social Security debate. Currently, some in Congress are looking at proposals to prevent the program's anticipated bankruptcy 32 years from now. In order to buy the system a couple more years of financial solvency, some of our colleagues are considering levying a new tax on state and local government employees who are currently covered by their own pension plans. They want to force newly-hired state and local government employees who would otherwise enjoy independent pension and disability programs with good returns to participate in Social Security which offers neither security nor a good investment opportunity.

If that isn't bad enough, by mandating new state and local employees into Social Security, they will short-circuit state and local programs by shutting down the capital stream necessary to maintain current benefit levels. Mandating Social Security will, in essence, break what isn't broken while failing to fix what is.

Mr. Speaker, five million state and local employees and two million retirees are covered

by alternative plans. In Ohio, Colorado, California, Massachusetts, Nevada, Maine, Alaska, and Louisiana, over half of all state employees are covered by their own plans. In Texas and Illinois over one million employees are covered under state and local plans. Every state is impacted because about 75 percent of all public safety employees are not covered under Social Security. In Colorado there are more than 200,000 state, education, and local government employees who are outside of the federal retirement system.

These state and local disability and pension systems were developed because the original Social Security Act of 1937 excluded state and local governments from Social Security coverage. This was to avoid raising a possible Constitutional question of whether the federal government could tax state and local governments. Congress later amended the law to make state and local government employee participation in Social Security voluntary in 1950. In 1983, those already participating in Social Security were required to remain in the federal system.

In the absence of Social Security, Colorado state and local employees developed public retirement plans which have been able to provide solid, secure benefits at a reasonable cost. The plans earn better investment returns, through private sector investments, than are available through the current pay-as-you-go Social Security system. With a diversified investment fund, the state's largest public plan has earned an average annual investment return of over 11 percent during the last 25 years.

Furthermore, the plans are designed to meet the specific needs of public employees. Fire fighter pension plans, for example, are designed to take into account early retirement ages, high rates of disability and the need for extensive health care characteristic of this profession.

The one-size-fits-all approach of universal Social Security coverage would provide inadequate flexibility for safety workers' needs. Mandatory coverage will have additional consequences. Even on a new-hire basis, mandatory coverage will reduce the capital stream necessary for investment. In many plans around the country this will cause benefit cutbacks including reduced credit for future service, cuts in retiree health care coverage and cost of living adjustments.

Further, mandatory coverage represents a new tax and an unfunded federal mandate on states which would require state and local tax increases or a reduction in services for taxpayers. Health benefits for retirees would also be affected in many states.

Private sector workers would also be affected. Most states do not receive any income tax revenue from Social Security payments and the lost state revenue resulting from mandatory coverage would likely be made up from increased state taxes or budget cuts.

In Colorado, the public pension systems will be seriously compromised because most of the funding of benefit comes from investment income which would be severely cut by the transfer of significant contributions to Social Security. State retirement funds support Colorado's economy and the nation unlike Social Security funds which simply support other government programs. Reduced state pension investment means reduced Colorado capital investment. A decline in contributions translates into less investment in Colorado-based companies and real estate. Furthermore, when Colorado retirees receive fewer benefits they will pay fewer state income taxes.

The potential loss of revenue to the state is significant, but the loss of retirement contributions and security for Colorado state and local workers is even more troubling. Our state's Public Employees' Retirement Association (PERA) anticipates an end to plan improvements for current participants and retirees. New hires would receive a combined Social Security and PERA benefit that would be slightly less than three-fourths of the current PERA benefit.

To put it plainly, under mandatory Social Security state and local workers will lose out. New hires will lose the opportunity to participate in financially strong, high-earning retirement plans and they will be forced to partake in an inefficient system and receive far less or possibly nothing at all. Those already participating in state and local government retirement plans will experience a reduction in benefits when new hire funds are redirected to Social Security. In order to make contributions to both pension and Social Security plans, state and local governments will have to raise taxes or reduce services, in which case everyone loses.

The only advantage Congress would realize in this scheme would be to buy two extra years for Social Security.

Over the past year, I led our delegation to protect state and local government pension and disability plans. Letters I wrote expressing our united opposition to mandatory Social Security have reached your desk. Do not disregard them or underestimate our resolve.

Congress must preserve the freedom of states, school districts, and local governments to maintain plans which best meet their needs, independent of Social Security. Social Security can and must be fixed without destroying plans upon which our constituents depend for their retirement.

Mr. Speaker, if it works, don't break it.

THE MORTGAGE INTEREST DEDUCTION: A POWERFUL TOOL OF UPWARD MOBILITY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. LUCAS of Kentucky. Mr. Speaker, to so many Americans, owning a home means living the American dream. And the mortgage interest deduction has allowed so many Americans to fulfill this dream. The mortgage interest deduction and the property tax deduction have been a part of the Internal Revenue Code since its inception in 1913. It is a broad-based deduction, widely available to all taxpayers.

In 1995, of the 28 million taxpayers who used the mortgage interest deduction, 71 percent had incomes below $75,000 and 42 percent had income below $50,000. Sixty-seven percent of American households own their own home. Most of this growth is among minorities and first-time homebuyers. We must ensure that we protect and preserve the mortgage interest deduction, a powerful tool of upward mobility.

PERSONAL EXPLANATION

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. NUSSLE. Mr. Speaker, on Tuesday, Wednesday, and Thursday (April 20–22), I missed a series of roll call votes (Roll Call Votes No. 92–96). I had been granted a leave of absence by the House of Representatives to travel to and from, and to attend, the funeral of my grandmother. Had I been present during those votes, I would have cast my vote in the following manner:

Rollcall vote No. 92 (To suspend the rules and pass H.R. 573) 'aye' yea;

Rollcall vote No. 93 (To suspend the rules and pass H. Res. 128) 'aye' yea;

Rollcall vote No. 94 (To agree to the Conference Report to H.R. 800) 'aye' yea;

Rollcall vote No. 95 (On passage of H.R. 1184) 'aye' yea; and

Rollcall vote No. 96 (On motion to instruct conferees on H.R. 1141) 'aye' yea.

WOMEN OF THE YEAR

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to pay tribute to some outstanding women from my congressional district being honored tomorrow as the South Bay Women of the Year. The honorees are Ms. Patricia Harik, Mrs. Sandra Jacobs, Ms. Carole Keen, Mrs. Fran Limbird, Mrs. Inez Van Lingen, Mrs. Aruna Roy, Dr. Patricia Sacks, and Dr. Janet Switzer. A special recognition award, called the Switzer Star, is being bestowed upon Mrs. Angie Papadakis.

This honor is given to outstanding women each year by the Switzer Center School and Clinical Services located in the city of Torrance, which serves children with learning, emotional, or social challenges. The theme of the 1999 award is Women Who Make a Difference: those who impact the lives of others, or better their communities, their businesses or simply fulfill a need. This type of philanthropic duty is truly outstanding and I am glad the Center takes time to honor these truly extraordinary individuals within our community.

This year, the Switzer Star Recipient is award-winning humorist, lecturer, and author, Mrs. Angie Papadakis. Mrs. Papadakis is a pillar in the South Bay. Currently, she is the Commissioner of the Little Hoover Commission, Commissioner of the California Nevada Super Speed Train Commission, Founder and Director of Gang Alternative Program, on the Executive Board of the Los Angeles Area Council Boy Scouts of America, Member of

the Los Angeles Area Chamber of Commerce, and Director of the Rancho Los Alamitos Foundation Board. Mrs. Papadakis has received numerous awards from a variety of organizations like the Lions Club, the Salvation Army, the United Way, and the Y.M.C.A. Despite her many career accomplishments, Mrs. Papadakis is most proud of herself as a mother of three children and a grandmother to 10 grandchildren.

For her lengthy service to the South Bay, the Switzer Center has chosen to honor this outstanding individual and I am honored to add my own congratulations. I would also like to commend the other outstanding women being recognized by the Switzer Center.

ALDERMAN JOHN J. BUCHANAN'S ACTIONS HAVE BENEFITED WARD 10 IN THE CITY OF CHICAGO

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Alderman John J. Buchanan who is retiring after serving as Alderman for the 10th Ward in the City of Chicago for over 20 years.

Alderman Buchanan is a life-long resident and public servant of the 10th Ward. Alderman Buchanan attended St. Patrick's Grammar School and St. Francis de Sales High School, where he graduated as class Valedictorian. The only time Alderman Buchanan left the community was during his service in the U.S. Navy. After his service to our country, Alderman Buchanan returned to the 10th Ward and married his high school sweetheart, Lorraine Halbe. Alderman Buchanan and his wife have two children and five grandchildren.

Alderman Buchanan's knowledge of business and industry comes from his richly diverse work background. At the age of 13, he was already working after school at Gassman's, a well-known men's store on Commerical Avenue. His work experiences include positions at the Aluminum Company of America, the U.S. Post Office and the Chicago Board of Education. Alderman Buchanan is also a licensed Stationary Engineer and has both a real estate broker's license and an insurance broker's license. It is probably Alderman Buchanan's experience as an insurance salesman that opened doors to his deeper understanding of the needs of the community. This path eventually led the Alderman to a life in the public arena.

Alderman Buchanan was first elected to office in 1963 and served the community until 1971. From 1972 until 1977, he served as a Coordinator of Economic Development for the Chicago Mayor's Office. While in this position, he successfully instituted programs for the retention and attraction of new business and industry. In 1991, Alderman Buchanan was once again elected to serve as Alderman of the 10th Ward in the City of Chicago. His City Council Committee memberships included Aviation; Budget and Government Relations; Rules and Ethics; Economic and Capital Development; Finance, Human Relations; Police and Fire.

In honor of Alderman Buchanan's distinguished career, I have introduced federal legislation to change the name of the Hegewish Post Office to John J. Buchanan U.S. Post Office. I am also pleased to report that at my request, every member of the Illinois Congressional Delegation has agreed to support this legislation.

My Speaker, I urge this body to identify and recognize others in their own districts whose careers and actions have so greatly benefited and strengthened America's communities.

A TRIBUTE TO BROOKLYN PRIDE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WEINER. Mr. Speaker, I rise today to invite my colleagues to pay tribute to Brooklyn Pride on the occasion of its Spring Gala.

This event is not only a festive happening, it is a chance for all of us to celebrate and pay tribute to a group of individuals who embody the spirit of independence and community activism. This year's honorees truly represent the best of what our community has to offer.

Joo-Hyun Kang is the Executive Director of the Audre Lorde Project. Before coming to the Audre Lorde Project, Joo-Hyun was the Program Coordinator for Women's Rights at the Women's Environment and Development Organization, an international women's organization founded by the late Bella Abzug. She has been active in various struggles for justice, particularly those addressing concerns related to women of color and to the gay and lesbian community.

Regina Shavers is the Program Director and founding Board member of the Griot Circle, the only Senior Center committed to affirming the lives of seniors in the gay and lesbian community. She is currently employed by the New York City Department of Health's HIV Training Institute as a training supervisor and serves as a Literacy Tutor at the Bedford Learning Center.

Continuing her family's tradition of community activism, Regina became an advocate for workers' rights while working for the New York City Police Department as a supervisor in their Communications Division Training Unit. Regina has also served as the Co-Chair of DC 37's Lesbian and Gay Issues Committee and served on the American Federation of State, County, and Municipal Employees (AFSCME) Lesbian and Gay Rights National Advisory Board. An active member of Brooklyn Pride, Regina was an integral member of the citywide coalition that negotiated with the City of New York to insure Domestic Partner benefits for all New York City employees.

Alan Fleishman is a lifelong Brooklyn resident who has lived in Park Slope for the last fifteen years. He has been an organizer in the lesbian and gay community and has served as the President of the Lambda Independent Democrats and the Gay Friends and Neighbors. Alan currently advises New York City Comptroller Hevesi on matters concerning the lesbian and gay community as well as on HIV/AIDS issues and concerns. Mr. Fleishman has been honored by the Central Brooklyn Independent Democrats, the Paul Robeson Independent Democrats and the Brooklyn AIDS Task Force for his organizing work in Brooklyn.

All of today's honorees have long been known as innovators and beacons of good will to all those with whom they come into contact. Through their dedicated efforts, they have each helped to improve my constituents' quality of life. In recognition of their many accomplishments on behalf of my constituents, I offer my congratulations on their being honored by Brooklyn Pride.

INTRODUCTION OF THE PATIENT EMPOWERMENT ACT OF 1999

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, I am pleased to introduce the Patient Empowerment Act of 1999, the second in a series of Medicare modernization bills designed to improve program administration and the quality of health care for Medicare beneficiaries.

Mr. Speaker, Medicare beneficiaries currently have little or no control over their health care decisions. Instead of choosing the most appropriate course of treatment for their particular circumstance, some patients are being told what they should do based on an oversupply of hospital resources or physician specialists in their area. Many diseases have several treatment options available. In most cases, there is no evidence to suggest that one course of treatment is better than another.

Dr. John Wennberg, one of the world's most renowned health policy researchers, talks about this issue in the 1998 Dartmouth Atlas: "The greater the per capita supply of hospital resources, the greater will be their per capita use, and the greater the per capita expenditures." The Atlas provides overwhelming statistical proof that in the economics of health care, supply often drives demand.

Dr. Wennberg estimates that if Medicare spending for all hospital referral regions with higher rates were brought down to the level of spending in the Minneapolis region (considered a very high quality of care region), Medicare's financial problems would be solved.

Many costly hospital stays could be averted entirely if Medicare beneficiaries were fully informed about their treatment alternatives. Not surprisingly, when presented with the range of available options, patients will often choose less invasive treatments.

For example, treatment of benign prostatic hyperplasia, a common condition affecting the majority of men over the age of 65, ranges from surgical removal to watchful waiting. Each of the options raises a number of tradeoffs: while surgery is the most effective way to deal with symptoms, undergoing surgery presents certain risks. In Wennberg's analysis, most men with mild symptoms choose watchful waiting when educated about the full range of options, and watchful waiting is clearly the least expensive of all the options.

Patients have long deferred their medical decisions to their physicians. But medical care is becoming increasingly complex, and improvements in health technology have led to a multitude of available treatments. The treatment they choose should reflect the personal values and lifestyles of the patient and their family.

Therefore, I am introducing a demonstration bill to give patients more power over their health decisions. The findings from these demonstrations could lead to ways to greatly reduce the cost of the Medicare program, without jeopardizing health outcomes. I strongly urge members to support this legislation.

EDUCATION FLEXIBILITY PARTNERSHIP ACT OF 1999

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. KUCINICH. Mr. Speaker, I support the concept of flexibility in the way that our federal education programs are implemented at the state and local level. Local Educational Agencies and individual schools need flexibility to ensure that our programs are conducted in a manner that is responsive and relevant to local conditions and the divergent needs of all students. However, educational flexibility needs to be viewed in its proper context—specifically in terms of the reauthorization of the Elementary and Secondary Education Act. In this context the Conference Report on H.R. 800, the Ed-Flex legislation, falls short and I rise to oppose the Conference Report.

I am a member of the House Education and Workforce Committee, and this Committee has just begun to take up the numerous important issues that are involved in the Elementary and Secondary Education Act. It is folly, Mr. Speaker, for this final version of the Ed-Flex bill to come up before the ESEA has even been considered. How can we justify creating a system in which all states can have the option to waive federal education requirements when those federal education programs have not even been reauthorized? It is inappropriate and unjustified for the Congress to be granting across-the-board waiver authority to states before the House Education and Workforce Committee has reconsidered the ESEA.

In fact, the Conference Report on H.R. 800 is actually weaker than the version that was passed by the House of Representatives. At least our House version of the bill contained a sunset provision that mandated that Ed-Flex be taken up during the ESEA reauthorization process. The Conference Report eliminates this provision.

Furthermore, Mr. Speaker, accountability must not be sacrificed for the sake of flexibility. If the Congress grants greater flexibility to the states, the states must be held responsible to use these new powers in a way that improves educational quality and student performance. The Conference Report is weak on accountability provisions. We tried to strengthen these accountability provisions in Committee, but were not successful. Now the Congress has placed itself in a position that will grant huge loopholes to states and localities when it comes to measuring and enforcing accountability. This is another reason why I urge my colleagues to oppose the Ed-Flex Conference Report.

Finally, Mr. Speaker, I am concerned that the long-term effect of Ed-Flex will be to shift valuable federal resources away from schools in high-poverty neighborhoods towards school in more wealthy districts. It is a hallmark of national education policy that federal funds be used to benefit schools and school districts that are most in need of outside resources. Federal programs need to be targeted to the disadvantaged. It is very possible that this bill will open the way for states to redirect ESEA Title I funds away from the disadvantaged. This trend dilutes the essential purposes of Title I. For these reasons, Mr. Speaker, I urge my colleagues to vote "no" on the Ed-Flex Conference Report.

AUTHORIZING AWARDING OF GOLD MEDAL TO ROSA PARKS

SPEECH OF

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. SCOTT. Mr. Speaker, I rise today in support of H.R. 573, a bill to bestow a Congressional gold medal to Rosa Parks for her contributions to civil rights in the United States of America.

Rosa Parks and her contribution to the current American way of life, by today's standard involved a very simple act. However, that simple act, Mr. Speaker, proved to have some very extraordinary consequences.

In 1955, Jim Crow segregation was the law of the land. African Americans by law were not allowed to share public accommodations with Whites. We couldn't eat in the same restaurants, couldn't live in the same neighborhoods and we were relegated to sit in the back seats of a public bus. If the white only section of the bus became full, we had to give up our seats when told to do so.

Nevertheless, in 1955, on December 1st in Montgomery, Alabama, Mrs. Parks with one very simple act of civil defiance changed that practice and the course of American History. On that day Mrs. Parks refused to give her seat to a White patron when told to do so by a Montgomery Bus driver. In spite of that bus driver's insistence, and knowing the certain consequences of her actions, she chose not to give up her seat. The police took her off the bus, arrested and jailed her. Mrs. Parks was later released on a one hundred-dollar bond.

Mr. Speaker, I suspect the city fathers of Montgomery initially never thought twice about that one simple act on that day in December. In response to Mrs. Parks' arrest, the black citizens of Montgomery began a bus boycott that lasted for 381 days. Led by a young local minister named Dr. Martin Luther King, Jr., the Montgomery bus boycott helped to unravel the fabric of the South's social, economic and political culture of "Jim Crow" segregation.

This occasion has personal relevance to me also, Mr. Speaker. More than 40 years ago, during her brief tenure at Hampton University, I met Mrs. Parks. She worked there with my grandmother and I can well remember being struck by how unassuming and graceful she was, particularly in light of her role as a courageous civil rights pioneer.

Throughout the history of our nation, simple acts such as refusing to give up a seat on a bus as Rosa Parks did, often touch off a national movement that changes the course of history. This, Mr. Speaker, was one of those occasions and for this simple act, this House has taken the first step towards commemorating this demonstration of courage by Mrs. Parks and celebrating its tremendous impact.

I look forward, as many of my colleagues do, to the swift enactment of this resolution so that Mrs. Parks can receive the recognition she deserves from Congress.

ENVIRONMENTAL REGULATORY ISSUES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. PAUL. Mr. Speaker, I rise to commend the insight added to the policy debate on critical environmental regulatory issues by John McClaughry in an article he authored in yesterday's Washington Times. Mr. McClaughry succinctly highlights the danger which occurs when, as happened in the United States in the late 1800's and early 1900's, property rights are ignored in the name of "progress."

Mr. McClaughry, president of Vermont's Ethan Allen Institute, correctly explains that technological innovation is stunted when the legal system allows polluters to externalize their costs without allowing legal recourse by those whose property is polluted.

I commend the research of Mr. McClaughry and thank him for his important contribution to the policy debate regarding environmental regulation and recommend a careful reading of his article by everyone genuinely interested in both the proper moral and economic resolution of these issues.

CELEBRATING THE RESOURCEFUL EARTH

Tomorrow, many Americans will celebrate the 30th anniversary of Earth Day. The event was created in 1970 to call attention to humankind's despoliation of our planet. It's a good time to see what 30 years of Earth Day enthusiasm has given us.

The environmental awareness stimulated by the first Earth Day has had many beneficial results. Thanks to citizen awareness and ensuing state and national legislation, today the air is much cleaner, the water far purer, and risk from toxic and hazardous wastes sharply reduced. Polluters have been made to pay for disposal costs previously imposed on the public. Private groups like the Nature Conservancy have purchased and conserved millions of acres of land and natural resources.

But—and it always seems there is a but—like every promising new movement, the people who became leaders of the environmental movement stimulated by Earth Day soon found they could increase their political power (and staff salaries) by constantly demanding more command and control regulation. That heavyhanded government response has increasingly surpassed the boundaries of science and reason and severely

strained the good will of millions of Americans who had eagerly responded to the initial call to clean up and protect our planet.

Here are just some of the ''achievements'' of an environmental movement that has flourished by promoting fantastic enviroscares, sending out millions of pieces of semihysterical direct mail fundraising letters, peddling junk science, and making ever-more-collusive legal deals.

A failed Endangered Species Act which, by substituting ''ecosystem'' control for species protection incentives, has caused thousands of landowners to drive off or exterminate the very species that were supposed to be protected.

A wetlands protection program that has gone from controlling real wetlands to regulating buffer zones around tiny ''vernal pools'' of spring snow melt, and even lands that have no water on them at all, but feature ''hydric soils.''

An air quality program that denies permits to dry cleaning plants unless they can prove that their emissions will not cause 300,001 instead of the normal 300,000 cancer deaths among 1 million people who will live for 70 consecutive years next door to the plant.

A ''superfund'' bill which has sucked billions of dollars out of taxpayers to pay lawyers to pursue ''potentially responsible parties'' instead of actually cleaning up toxic waste sites.

An ozone depletion scare whose purported effect—increasing incidence of dangerous ultraviolet B at ground level—turned out to be unsupportable by evidence.

A global warming hysteria, based on speculative computer models instead of actual temperature data, to justify a treaty to impose federal and international taxes, rationing and prohibitions on all U.S. carbon-based energy sources.

Ludicrous requirements imposed on the nuclear energy industry, such as requiring massive concrete vaults for the storage of old coveralls and air filters whose radioactivity level a few feet from the container is less than the background radiation produced by ordinary Vermont granite.

Enforcing many of these unsupportable policies is a federal and state bureaucracy eager to deny defendants any semblance of fair play, secure sweetheart consent agreements, and measure their success by fines and jail time imposed—for example, on the Pennsylvania landowner who removed car bodies and old tires from a seasonal stream bed on his land without a federal permit (fined $300,000).

As Roger Marzulla, a former assistant U.S. attorney general for land and resources, recently put it, ''Like the enchanted broomsticks in the story of 'The Sorcerer's Apprentice,' the environmental enforcement program has gotten completely out of control.''

Fortunately, a common-sense, fair play, rights-respecting alternative environmental movement has begun to appear. On Earth Day 1999, its member groups—as many as a hundred state and national organizations—are celebrating ''Resourceful Earth Day.'' Their alternative is based on a remark made by Henry David Thoreau, who said, ''I know of no more encouraging fact than the unquestionable ability of man to elevate his life by conscious endeavor.''

The astonishing growth of science and technology in the past 30 years has proven over and over again that human ingenuity can and will rise to overcome every environmental challenge. Today's energy sources are far cleaner and more efficient than those of 1970, and even more pollution-free new energy devices are emerging from laboratories. New cars today, fueled with improved gasoline, produce 2 percent of the pollution of 1970 cars. Cost-effective resource recovery of everything from aluminum to methane, has made giant strides. Microsensors, global positioning satellites, and tiny computers allow farmers to dispense just the right concentration of fertilizer on every square yard of a field.

The friends of the ''Resourceful Earth'' believe in progress, not just to make and consume more stuff, but to protect our Earth as well. The tide is with them, and as their creative optimism prevails the better off Mother Earth—and its people—will be.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. RUSH. Mr. Speaker, today I rise to remember a sad day in the world's history. Many of you may not remember this, but this year marks the eighty fourth anniversary of the Armenian genocide. During World War I, at least one million Armenians were killed in the Ottoman Empire between 1915 to 1923.

The brutal treatment that the Armenian people have suffered must never be repeated or forgotten. As a nation, we must never again allow a madman to exterminate an entire race of people to further his political ambitions. Every person and every race has a right to be free and safe in his own home. Those who commit these atrocities are criminals and must be tried for crimes against humanity.

Today as we remember the Armenian genocide, it is with sadness that we again witness a genocide of another race, the Albanian Kosovars. Unlike the Armenian genocide, I am proud to say that the United States and its NATO allies have learned from the past and are taking strong actions to halt the inhuman actions of Slobodan Milosevic and his minions who so eagerly engage in these atrocious crimes against humanity.

Through the blood of their ancestors, the Armenian people have struggled for their independence. In 1991, Armenia became a sovereign state. I know that the Armenian people and the Armenian-Americans are proud of their state and will forever remember the hardships that they, as a people, have endured to gain their freedom and independence.

On this very somber day, I feel very strongly that we can perform no greater act of remembrance than to express our strong conviction to never again allow genocide to go unchecked in this world and to state unequivocally that the U.S. and its NATO allies will stop at nothing to end the slaughter in Kosovo. We owe at least this much to the memory of the Armenian victims of the Turkish genocide of the First World War.

MEDICARE COVERAGE OF DIABETIC RETINAL EXAMS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, on Monday, April 19, the Washington Post ran a story about the failure of Medicare beneficiaries to get adequate preventive care. The article was based on a recent study by Dr. John Wennberg of the Dartmouth Medical School. Dr. Wennberg found that the level of retinal eye exams for Medicare beneficiaries with diabetes—so very important for helping prevent blindness in diabetics—was abysmally low. Only 43–45 percent of Medicare beneficiaries with diabetes received this critical service.

One reason this important test is not provided more frequently is that, unfortunately, Medicare does not cover this service or pay doctors to do it.

We should.

Today, I am introducing legislation to rectify this omission and add this service to the list of preventive care benefits covered by Medicare—the ''Medicare Diabetic Eye Exam Act of 1999.''

Diabetes affects over 16 million Americans, and over 150,000 die from diabetes and its complications each year. Individuals of African, Asian, and American Indian descent are particularly vulnerable to this disease. Most of the morbidity and mortality of diabetes is due to the complications associated with the disease, including blindness, kidney failure, nerve damage, and cardiovascular disease.

Diabetic retinopathy is the leading cause of blindness in the United States. Studies show that many of the complications of diabetes can be slowed or even prevented by better management of the disease, including regular eye examinations. Studies show that a periodic dilated eye exam is cost-effective in reducing the burden of diabetic retinopathy and blindness.

The Diabetes Quality Improvement Project (DQIP) is an effort to recommend a set of diabetes-specific performance and outcome measures that health plans and providers can use in treating patients with diabetes. DQIP began under the sponsorship of the American Diabetes Association, Foundation for Accountability, Health Care Financing Administration, National Committee for Quality Assurance, and joined by the American Academy of Family Physicians, American College of Physicians, and Veterans Administration. HCFA is asking Medicare+Choice plans to use the DQIP measures this year in improving their care of diabetic Medicare beneficiaries enrolled in the plans.

One of the measures contained in DQIP is retinal eye exams. DQIP recognizes that the dilated eye exam may not be necessary for everyone every year, and has developed a risk stratification scheme to guide plans and providers in determining frequency of providing the test.

It is inexcusable that Medicare does not provide coverage and payment for this test that is so critical in preventing blindness. If we expect Medicare+Choice plans to provide this test,

we should also provide payment for it. And we should provide payment for it in traditional fee-for-service Medicare, as well.

Following is a copy of my bill. I urge that we add this provision to whatever Medicare bill is enacted by this Congress.

THE EARTHQUAKE HAZARDS REDUCTION AUTHORIZATION ACT OF 1999

SPEECH OF

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. GARY MILLER of California. Mr. Chairman, yesterday afternoon, I was unavoidably detained and was unable to make it to the House floor to vote in favor of H.R. 1184, The Earthquake Hazards Reduction Authorization Act of 1999 (rollcall vote No. 95). That is why I rise today to publicly submit my support for this important piece of legislation.

H.R. 1184 will do volumes to help prevent property damage and save lives that result from future earthquakes in the United States—with the ultimate goal of actually predicting seismic activity. The more we understand this natural phenomena, the more we can structure safety mechanisms to keep our communities safe during earthquakes.

I am very pleased that H.R. 1184 passed by such a large margin yesterday. Once again, I regret that I could not be here to lend my additional support. I look forward to witnessing the many scientific advances and future successes which will result from this legislation.

OREGON SCHOOL KIDS StRUT THEIR STUFF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WU. Mr. Speaker, Students Recycling Used Technology (StRUT) started in June 1995 with the goal of giving Oregon students the technical and business management skills they need for the next century. Over the next two years, four schools in my district: Forest Grove, Hillsboro, Tigard and Sherwood High School, refurbished 1,200 computers and donated them to local schools. This gave the students a working knowledge of computers and also provided their fellow students with better access to the Internet.

What started as a partnership between the Northwest Regional Education Services District and Intel was encouraged to grow by our governor and State legislature. The success of the program spread quickly, and the consortium of organizations expanded to include the Oregon Department of Education, Portland General Electric, and US West. There are now 94 StRUT programs around Oregon with 1,500 students involved, and over 22,000 computers have been placed by this program in our K–12 system.

This Friday, I will be meeting with teachers from around Oregon who will be trained in this exciting new program. I look forward to hearing their advice on how Congress can implement these kinds of programs at the Federal level. In fact, StRUT is already being replicated in Washington, California, New Mexico, Arizona, and Congresswoman JOHNSON's home state of Texas.

By allowing students access to these essential technical and business skills, and by providing their fellow students with improved access to the Internet, we can help prepare our children to be successful citizens in the information age.

CLEAN WATER TRUST FUND ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. VISCLOSKY. Mr. Speaker, today I am proud to introduce a measure which I have supported since the 103rd Congress. This bill, the Clean Water Trust Fund Act, would put all funds collected through Clean Water Act fines and penalties into a trust fund to be used specifically for cleaning up polluted waters. This common sense measure links environmental penalties with environmental remedies, and ensures that money collected for environmental violations will not be lost in Washington.

In Northwest Indiana, one of the most unique and naturally beautiful coastlines in the world has been the site of a major industrial center for over a century. With the advent of environmental regulation in the last fifty years, the companies which had before polluted the waters with impunity had to reform their manufacturing processes and begin paying fines and penalties if their new procedures did not decrease their pollution emissions to an acceptable level. The residents of my hometown were comforted by the understanding that these new rules would protect our environment—our coastline and groundwater and potable water supply—and keep us from being poisoned by the very industries on which we relied for work. But it just has not worked the way it should. Instead of working together, the hand that fines and the hand that cleans are attached to different bodies. Money collected for polluting drinking water can be used for anything from mohair subsidies to McDonalds' overseas advertising. This is clearly not the heroic role of environmental regulation envisioned by my friends and neighbors when we first supported the Environmental Protection Agency's control over how much and what an industry could dump into our nation's waters.

My bill would begin to repair this disconnect. Under the Clean Water Trust Fund Act, residents of Northwest Indiana who read about millions being paid by a local company in Clean Water Act fines will know that money will come back to the region and be used to repair the environmental damage. It is as simple as that. The measure instructs the EPA Administrator to work with the states and turn the funds collected in fines and penalties into environmental remediation for the areas affected.

We can have no higher priority than creating a society where our citizens have the opportunity to live safely and healthily. Making sure that everyone has access to safe, clean water is one of the most basic requirements of civilization. This measure, which would reconnect penalties to relief, is an important first step. Mr. Speaker, with the support of over thirty of my colleagues from both sides of the aisle, I am pleased to introduce the Clean Water Trust Fund Act.

CHILDREN'S MEMORIAL DAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mrs. TAUSCHER. Mr. Speaker, I rise today in support of the Children's Memorial Flag Project and hope that my colleagues will join me in supporting the establishment of a National Children's Memorial Day where we remember all children who die by violence in our country.

The Children's Memorial Flag Project originated in Alameda County, CA, part of which falls in my Congressional district. This project is dedicated to remembering the children who die as a result of abuse, neglect, and homicide. Each time a child dies as a result of violence, the Children's Memorial Flag is flown at half-staff and a young oak tree is planted in the Children's Memorial Grove. This county effort has become a national effort and I would like to acknowledge the efforts of my dear friend, Alameda County Supervisor, Gail Steele, who created the project. Last year, 25 states flew the Children's Memorial flag over their state capitol on the fourth Friday in April which they designated as Children's Memorial Day. I am working with several Bay Area colleagues to introduce legislation that would adopt the Children's Memorial Flag and establish the fourth Friday in April as a national Children's Memorial Day.

Tragedies such as the school shooting which occurred recently in Littleton, Colorado, remind us of how precious our children are. We cannot let these children, nor the thousands of other children who die of violence, be forgotten. I urge my colleagues to join me honoring the memory of children lost to violence this Friday, April 23rd and to adopt this day as National Children's Memorial Day. I hope honoring and remembering these children will be the driving impetus for us to work together as a nation to keep America's children safe from violent crime.

NATIONAL FAMILY CAREGIVER SUPPORT ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. WAXMAN. Mr. Speaker, I rise today to encourage my colleagues to sponsor H.R. 1341, "The National Family Caregiver Support Act of 1999." Last month, I joined my colleague, MATTHEW MARTINEZ, in sponsoring this important piece of legislation.

Every American family is doing more with less time—but none more so than the families who must care for an older relative with chronic illnesses like Alzheimer's or with mental or physical disabilities. Growing numbers of families are choosing to care for their own at home over placing sick relatives in institutionalized care settings.

This is what the New York Times calls ''a fundamental shift in health care.'' Today, dutiful children and caring spouses provide the staggering equivalent of $200 billion in direct care to their elderly or ailing relatives. At least 21 million Americans provide such free care—and the number is growing very quickly. In fact, one in four Americans currently provides care to a person with a chronic medical condition.

Perhaps the best way to understand this tremendous demand on our families is to think of the time required of them. All of us are familiar with the 40 hour work week. Setting aside the expense, the emotional demands and the need for training of family caregivers, we know today that four million American households offer at least 40 hours of unpaid family care to an older relative every week. Family caregivers of Alzheimer's patients spent an average 69 to 100 hours per week providing such care.

We must also bear in mind that these families are juggling multiple responsibilities. More than 40 percent of family caregivers also care for children under 18—and two-thirds are full-time or part-time workers. You may have heard the term, ''the sandwich generation'' applied to the many Baby Boomers who are struggling to balance work, children and care for their parents. This is having an important impact on the workplace as well; according to corporate executives surveyed last year by the Conference Board, elder care will soon top child care as a major concern by employees.

There is every indication that these demands on family caregivers will grow. Americans are living longer and the need for long-term care is growing quickly. Cost pressures in our health care system are reducing hospital stays and increasing outpatient care. These trends virtually assure that family caregivers will play an increasingly indispensable role in our health care delivery system.

That is why we introduced H.R. 1341. These families need help. Modest, targeted initiatives like H.R. 1341 can do the most to help them by building on existing, successful efforts to provide assistance. Let me give a few examples.

According to experts, ''the greatest need for most caregivers is rest.'' H.R. 1341 would provide them with quality respite care. States like California and Pennsylvania are leaders in providing assistance at ''one-stop shops.'' H.R. 1341 would expand these efforts through Federal-State partnerships. Local agencies, nonprofits and community groups currently provide family caregivers with training, counseling, referrals and crucial respite care. H.R. 1341 would reward outstanding, innovative programs and identify those of national significance.

1999 is the International Year of Older Persons. In recognition of this important milestone. I encourage my colleagues to demonstrate their commitment to securing the dignity and health of older Americans and their families by cosponsoring H.R. 1434, ''The National Family Caregiver Support Act of 1999.''

IN RECOGNITION OF CHILDREN'S MEMORIAL DAY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce a House Resolution supporting the establishment of the fourth Friday in April as ''Children's Memorial Day.''

We are all saddened by the tragic shootings at Columbine High School in Littleton, Colorado. Unfortunately, violent acts against children are occurring with increasing frequency—destroying innocent lives and devastating families and communities. In the United States each day, five infants and children die from abuse and neglect, and seven teens are murdered. In fact, more children lose their lives to criminal violence in the United States than in any of the 26 industrialized nations of the world. This is unacceptable.

In Alameda County, California, which I represent, the County Board with the hard work and strong dedication of Alameda County Supervisor Gail Steele, adopted in 1996 the Children's Memorial Flag Project and established a National Children's Memorial Day on the fourth Friday in the month of April to remember all of the children who have died by violence in our country. The Child Welfare League of America has adopted Alameda County's Children's Memorial Flag and promotes it nationally. This year we anticipate 20 State Capitol Buildings will fly the flag at half-mast, with 13 others memorializing these children by other means this Friday, April 23rd.

We have lost far too many children in violent, preventable deaths, through gun violence, fire, automobile accidents, suicide, and physical abuse and neglect. From this moment forward, let us approach our work in Congress with renewed resolve. It is our responsibility and the responsibility of adults everywhere to protect children and to ensure that they have a full opportunity to become healthy and productive adults. Even one child lost is one child too many.

I urge my colleagues to cosponsor this resolution and to honor the memory of children lost to violence in this country. Let us condemn acts of violence committed against the children of our communities and pledge to safeguard the welfare of the children in our nation.

AGENTS WHO SERVED AMERICA SHOULD HAVE THEIR DAY IN COURT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to mandate the establishment of a special federal judicial panel to determine whether cases involving breach of contract disputes between the U.S. Government and U.S. intelligence operatives should go to trial. The bill is identical to legislation I introduced in the last Congress.

The legislation directs the Chief Justice of the U.S. Supreme Court to assign three federal circuit court judges, senior federal judges, or retired justices to a division of the U.S. Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in an appropriate U.S. court for compensation for services performed for the U.S. pursuant to a secret government contract may be tried in court. The bill provides that the panel may not determine that the case cannot be heard solely on the basis of the nature of the services provided under the contract.

Currently, the Totten doctrine bars these types of cases from even going to trial. The Totten doctrine is based on the 1876 Supreme Court case of *Totten* versus *United States*. The case involved the estate of an individual who performed secret services for President Lincoln during the Civil War. The court dismissed the plaintiff's postwar suit for breach of contract, stating, in part:

> The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely, and was to be communicated privately; the employment and the service were to be equally concealed. Bathe employer and agent must have understood that the lips of the other were to be for ever sealed respecting the relation of either to the matter . . . It may be stated as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated.

Other court rulings over the past 120 years have affirmed the Totten doctrine as it applies to breach of contract disputes arising form espionage services performed pursuant to a secret contract. Mr. Speaker, as a matter of policy, the Totten doctrine is unfair, unjust and un-American.

For the most part, U.S. intelligence agencies do a good job of fulfilling commitments made to U.S. intelligence operatives. However, there have been some disturbing lapses.

During the Vietnam War the Pentagon and the CIA jointly ran an operation over a seven-year period in which some 450 South Vietnamese commandos were sent into North Vietnam on various espionage and spy missions. The CIA promised each commando that, in the event they were captured, they would be rescued and their families would receive lifetime stipends. Due to intelligence penetrations by the North Vietnamese, most of the commandos were captured. No rescue attempts were ever made. Many of the commandos were tortured and some were killed by the North Vietnamese. Beginning in 1962, CIA officers began crossing the names of captured commandos off the pay rosters and telling their family members that they were dead. Many of the commandos survived the war. After varying periods of time they were set free by the Vietnamese government. Two hundred of the commandos now living in the U.S.

filed a lawsuit last year asking that all living commandos be paid $2,000 a year for every year they served in prison—an estimated $11 million. In 1996 the CIA decided to provide compensation to the commandos. Unfortunately, even after this decision was made, the CIA continued to invoke the Totten doctrine to avoid payment.

I have encountered numerous cases in which the CIA has reneged on commitments CIA agents made to foreign nationals who put their lives on the line to provide valuable intelligence to the United States. Absent Congressional action, the Totten doctrine allows the CIA and other intelligence agencies to ignore legitimate cases, and have these cases summarily dismissed without a trial.

In a paper published in the Spring, 1990 issue of the Suffolk Transnational Law Journal, Theodore Francis Riordan noted that "when a court invokes Totten to dismiss a lawsuit, it is merely enforcing the contract's implied covenant of secrecy, rather than invoking some national security ground." The bottom line: the U.S. government can, and has, invoked the Totten doctrine to avoid solemn commitments made to U.S. intelligence operatives.

Existing federal statutes give the Director of Central Intelligence the authority to protect intelligence sources and methods from unauthorized disclosure. I understand the importance to national security of preventing unauthorized leaks of information that could compromise U.S. intelligence sources and methods. That is why my bill directs the special judicial panel to take into consideration whether the information that would be disclosed in adjudicating an action would do serious damage to national security or would compromise the safety and security of U.S. intelligence sources. In addition, the bill provides that if the panel determines that a particular case can go to trial, it may prescribe steps that the court in which the case is to be heard shall take to protect national security and intelligence sources and methods, including holding the proceedings "in camera."

Supporters of the U.S. intelligence community have criticized court involvement in intelligence cases by noting that most federal judges do not have the expertise, knowledge and background to effectively adjudicate intelligence cases. In fact, in the United States verse Marchetti, the Fourth Circuit took the position that judges are too ill-informed and inexpert to appraise the magnitude of national security harm that could occur should certain classified information be publicized. I must respectfully and strenuously disagree with this type of reasoning. Federal judges routinely adjudicate highly complex tax cases, as well as other tort cases involving highly technical issues, such as environmental damage caused by toxic chemicals. It's absurd to assert that judges can master the complexities of the tax code and environmental law, but somehow be unable to understand and rule on intelligence matters.

The U.S. intelligence community has become too insulated from the regulations and laws that apply to all other federal agencies. Mr. Speaker, the Totten doctrine has outlived its usefulness. There is no legitimate national security reason why U.S. intelligence operatives should not be able to file a claim for beach of contract, and have the claim objectively reviewed.

I urge all Members to support my legislation. It's the right thing to do; it's the American thing to do.

HONORING FERNANDA BENNETT

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Fernanda Bennett, whose dedication and perseverance has made the fifth district Annual Congressional High School Art Competition a resounding success year after year. This year marked the sixth year that the Nassau County Museum of Art generously hosted this noteworthy event, displaying the pieces entered into competition. As the Assistant Director and Registrar, Ms. Bennett directs the smooth installation and public display of these works.

Her enormous contribution to the art competition is indicative of her successful career at the museum. Fernanda Bennett started as an intern in 1983, and has since worked her way up through the staff. Over the years, she has helped plan, organize, and install over fifty exhibitions, ranging from Tiffany lamps to Picasso canvases. As the Registrar, Ms. Bennett handles the details on insurance, transport, and display of numerous, invaluable pieces of art. She also helps maintain records of all borrowed items by collecting photos and documenting their exhibition histories.

As Assistant Director, Ms. Bennett oversees the day to day operations at the museum. She ensures that the building is kept clean and that the gallery environment is properly maintained. In addition, she inspects the artwork to ensure that it is cared for in a manner benefiting its valuable status. Because of its location on a 145 acre preserve, The Nassau County Museum of Art exhibits a collection of monumental outdoor sculptures. Ms. Bennett oversees the preparation of the sites for sculpture installation, handles the removal and placement of these magnificent pieces, and administers the care needed to display the works at their finest.

Her commitment to the museum and years of service to the community have enabled the fifth district art competition to be one of the biggest and best in the country. Six years ago, only fifty students participated in this event. Due largely to Ms. Bennett's extraordinary dedication, over one hundred students took part in this year's competition. Therefore, I ask all of my colleagues to join me in honoring this remarkable individual, Fernanda Bennett.

TREATMENT OF FOREIGN VISITORS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I have been disturbed by the stories which have come to my attention from family and friends of constituents and from travelers from abroad, who have complained about the standard process for obtaining U.S. nonimmigrant visas. I certainly understand the challenge faced by our consulates around the globe in considering and processing the immense number of visa applications, and I recognize that dedicated consular officers serve as the vanguard for orderly and legal transit across our borders. Coupled with the responsibilities of customs officers posted at ports of entry, these are the public servants who are often the first to offer words of welcome to foreign visitors. Some personal accounts that have been shared with me, as chairman of the Subcommittee on International Operations and Human Rights, paint a different picture. Rather than words of welcome, the messages are for some ones of harassment and seemingly prejudicial treatment.

One particular collection of incidents is that experienced by my friend and fellow parliamentarian, Romanian Member of Parliament Peter Dugulescu, who travels with a Diplomatic Passport. When we last met in person, I asked that he prepare a written explanation of the difficulties which he has faced. The track record of this one man's treatment at a combination of ports of entry represents a sad commentary on the soiled welcome mat which is sometimes laid out for our visitors. I would hope that greater attention would be given to treating our foreign visitors with respect and the dignity deserved by each.

For the record, I would ask that the recent appeal to the President made by the Honorable Peter Dugulescu be printed in the RECORD.

To: Mr. William Jefferson Clinton—United States President, United States Congress, United States Department of State.

From: Petru Dugulescu, MP, Committee on Foreign Affairs.

Honorable Ladies and Gentlemen, I am grateful for the opportunity I have been given to take part in the 1999 National Prayer Breakfast. My colleagues and I want to express our gratitude for the relations established between your country and ours, and for continuing to build on this foundation.

In the spirit that has made United States of America a model country for the world, for its democracy and for the opportunities it gives to its citizens and non-citizens living here, I come before you with my sincere appeal in matters that pertain to further advance the relationship between your country and ours, between your people and the people of Romania. Saddened by the situation, I kindly ask for your attention to this letter and take it in adequate consideration with measures that only you can decide to take as you may see fit.

Prior to the Romanian Revolution of 1989, because of my admiration for your country, for its social-political system and the religious freedom, for my religious and political beliefs, I have suffered persecution, mistreatment, and was subjected to mockery many times in Romania. Only God kept me and my family alive through the hard times. (Aspects of my persecution have been made known in United States by reputable author Charles Colson in his book "The Body") Numerous leaders, such as US representatives; Frank Wolf (VA), Tony Hall (OH), Christopher Smith (NJ), have showed their support and intervened in different ways to the

Romanian authorities. Former US Ambassador to Romania, Mr. David Funderburk, has visited our church and my family several times, and continuously showed his support, thus alleviating some of the pain.

Following the 1989 Romanian Revolution, I have been blessed with an invitation to take part in the 1990 National Prayer Breakfast, as a pastor, together with a Romanian delegation. I have been part of this magnificent event every year. Since 1990, I have visited the United States several times for meetings with diplomats and/or social-cultural and religious organizations. My colleagues are looking at me as at someone who truly supports relations with the United States by proven activity. However, I am saddened to say that not all of my visits have been pleasant. This last arrival in your country has been most uncomfortable, to say the least.

On January 7th 1999, I arrived in the United States with a Visitor's Visa and Diplomatic Passport, on board flight no. 120 (Route: Bucharest-Zurich-Atlanta) of Swissair, at Atlanta's International Airport, around 2:00 p.m. Upon the U.S. Immigration inspection service, I was asked by a female officer of the U.S. Customs if I was from Romania. As a result of my positive answer, she asked me to open my luggage and they started taking my personal belongings out in the open while laughing. When I saw the scene caused by this incident, I asked kindly to see what they were looking for. ''Food'', they replied. I told them I didn't have any. However, they continued to do the same thing. When they were done emptying my luggage, I started collecting my pajamas and other belongings attempting to pack as people were looking at me as to a criminal who just got caught smuggling something illegal into the United States. I can't explain my hurt and embarrassment caused by these officers who continued to joke. When they asked me what I was coming to the States for, I told them that I was invited to attend the National Prayer Breakfast with their President. They laughed again. I showed them the Diplomatic Passport and the invitation, which prompted them to laugh even harder and said: ''Send our greetings to Bill Clinton from us, Tom & Jerry''. . . . I was shocked by their arrogance.

Of all the custom inspection services in the world, this should have been the most painless and most comfortable, especially since I did not break the law in any way. If a U.S. citizen travelling to Romania would be subjected to such humiliation and mockery, would probably say that Romanians are barbarians and the country is still communist. I honestly hope that you can imagine my frustration.

The fact is that this incident with the opening and emptying of luggages in customs was not a first. In September 1996, at the International Airport in Portland, Oregon, I had another similar experience. Other colleagues and acquaintances have told me their experiences as well, leading me to the conclusion that some measures must be taken.

What is the conception or the mentality of the U.S. Customs Officers pertaining to us Romanians who come in the United States as visitors? Why are we treated as 2nd class citizens (or even worse)? Why can't we feel welcomed into this great democratic country? Why are we Romanians different than other travellers? Or, if not considered different, then why are we treated differently? As a representative of Romanian people both in the Romanian Government and abroad in foreign relations, it is my duty to ask these questions and kindly appeal for your intervention to the proper departments in order to insure that the image United States is portraying to the Romanian tourists is a better one.

Another great concern that I have pertaining to travelling in the United States is the procedure that the U.S. Department of State has established for Romanian applicants for visitor's visas. I have raised this issue in conversations with U.S. Ambassador to Romania James Rosapepe and the U.S. Consul, Mr. Patterson, and was told that my concern was not uncommon but unfortunately procedures are set in Washington DC.

An application for a visitor's visa, which is, in fact, an interview tax, costs $45. Apart the fact that the applicant must demonstrate ''strong ties'' to the origin country and, therefore, for the U.S. Embassy to avoid the danger of a new immigrant, (demonstration that is not always taken into consideration on a consistent criteria basis), the applicant has to pay for the visa, for the travel to Bucharest in order to give an interview with the Consul, interview which occurs only 1 or 2 out of 10 applications, the rest being just useless conversations with some desk officer at the U.S. Consulate. A simple arithmetic shows that the applicant pays sometimes his or her monthly salary (an average salary in Romania is about $120/month) just to learn that he or she has been rejected and thus is not allowed to travel to the U.S.

Should I mention to you also that rejected applicants never get back their money? Or is there a way to make money out of the sincere and legitimate desire of Romanians to travel to the U.S.? And when taking into consideration the original if not strange technique of the ''visa lottery'', one could picture a very commercial way to observe the universal right to free travel and circulation of any citizen of the world. I strongly believe that principles are to be observed not only by declarations, but also by facts. And people can feel the difference. I remember a demonstration in front of the U.S. Embassy when people were carrying slogans like: ''The Berlin's walls were moved to the U.S. Embassy''.

Few years ago, talking to the U.S. consul in Bucharest about visa issues, I told him that the U.S. Government was accusing Ceausescu about restraining the Romanian's right to travel free and he replied that ''traveling to America is not a right, but a privilege''.

U.S. citizens come to Romania without applying for a visa, nor paying for one (unless they stay longer than 30 days). I strongly believe that in the spirit of democracy, The United States Department should take measures to waive discriminating treatment and to envisage a reciprocal one.

As an advocate for the democratic system of United States who has not given up under the pressure of communism, I come before you urging you to take this appeal in consideration. People of Romania are not 2nd class citizens, they are not beggars, nor criminals. We have our dignity and would like to be treated accordingly. We look up to the United States, to Americans, to anything that carrys a label ''made in America'' with open heart. Romanians want to be part of NATO and part of the Western culture, however, aspects of life such as ones mentioned here are making us believe that we are not welcomed. We are treated sometimes as we are not good enough to be worth a chance.

I close this appeal by saying that I will continue to believe and to preach the model of democracy that United States offers to the world, while believing that these things are going to be dealt with properly.

I thank you all for listening or reading this letter, for understanding our feelings and for taking action.

Respectfully yours.

SALUTE TO NEWT

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. DUNN. Mr. Speaker, at the ''Salute to Newt'' last Wednesday, our former Speaker of the House again proved that, in the words of TIME Magazine, he ''belongs in the category of the exceptional.'' Newt Gingrich is a man who thinks both with a vision for our country and with compassion in his heart, and I bring his remarks from that special evening to your attention.

Joined by the Gingrich family and friends, the event was a wonderful tribute to Newt. Mary Tyler Moore, International Chair of the Juvenile Diabetes Foundation, said it best in her introduction of Speaker Gingrich. Moore said, ''Newt Gingrich may be many things to many people, but to us he is a champion and a hero—and his leadership in Congress will be sorely missed.'' A portion of the proceeds from this event were donated to the Juvenile Diabetes Foundation.

As the man who led us in capturing and holding a Republican majority in Congress for the first time since 1928, his comments continue to offer each of us insight for the future.

In a very real way, I hope tonight does symbolize what America is all about. Jonathan as a person, not just a symbol for a cause. Mary Tyler Moore as a person, not just a symbol of a cause. But the fact that America is about 260 million real people of remarkable diversity, each of them with extraordinary God given talents, and each of them needing the help of their fellow American to use all those talents.

We were able, for a five-year period, to do a great job because of each of you. Because of those of you who are members, those of you who are on my staff, those of you who were supporters, donors, volunteers, friends; it was team effort.

Time magazine named me ''Man of the Year'' in 1995, but in fact, it should have been the ''Team of the Year,'' because it was a very remarkable, collective effort, by an extraordinary range of people.

My daughters talked about me as a father, but the truth is, they're pretty good daughters. And they spent a lot of time on the phone with me, and now we're all into email so it's gotten even more chaotic, {laughter} and they and Marianne track me as much as I track them because I think life, in that sense, is a team effort.

Marianne recognized, and I was so grateful that she did so, and we talked about it earlier, but she recognized the Capitol Police. I think all of you, particularly those of you who go to the Capitol fairly often, who, as I often do, take them for granted, all of us were brought up short when Officer J.J. Chestnut and Detective John Gibson were killed. I think it was a reminder, a wake up call if you will, that these men and women literally risk their lives for their country, and in that case, two of them paid to protect

the Capitol with their lives, and I want to repeat what Marianne said and just say to all of you who are here tonight, thank you for four years of wonderful service and protection and I am very grateful to each and every one of you, and I regard you as my friends, and I know from the fact that you participated in so many trips with me and on occasion laughed at various and sundry dumb things I was saying, that you are my friends.

You see different pictures, we talk about, one of the pictures was about mental health parity, and my mother has had challenges for over twenty years involving bi-polar disease. I walk every year in the breast cancer effort, and my sister Robbie, who is here, is a survivor of breast cancer and we know first hand how serious and how real it is.

I think at every level, my brother and my sisters are here tonight, my daughters, Marianne, all of us felt it personally, but I think for many of you, those in office and those out of office, those in Washington and those around the country, I think you know that you were as much a part of our extended family, and that it was very, very real, and that together, we accomplished a lot.

I think it's a very important thing that this city doesn't do a very good job of giving us credit for it, because it would make the establishment of this city very uncomfortable, but I think we ought to recognize that together, we ended, as that one video shows so lovingly, 40 years of Democrat control.

Together, for the first time in 68 years, we re-elected a Republican majority. Together, for the first time since 1926 we ended up keeping that majority for the third time. And it is with enormous pride that we have here tonight, my dear friend Speaker Denny Hastert.

As I told the House Republican Conference in a rather exciting meeting one afternoon just before we went on home for Christmas, I thought that in the context we were in that Denny was absolutely the only person who could hold the party together, and I called him today to congratulate him as the budget passed, something which I had not been able to accomplish for all of last year.

And to get it through, on time, and to pass it, even with a couple of Democratic votes helping add the margin, was a great achievement. I think this is part of what the human experience is about.

It's important to understand that I left the Capitol with an extraordinary sense of happiness because for 20 years I had been allowed to serve the people of Georgia, because for 5 years I was allowed to lead the House Republican party, one of those years in all honesty, with Bob Michel's total support because he was still the leader, but in every way he supported my effort for us to be a majority.

For four years, with your help, I was allowed to serve as the Speaker of the House, and I felt that as a visionary and a strategist and a teacher that I had carried us as far as I could, and that frankly we needed a legislative leader who would focus on leading the House Republican party as a legislative body, and I am extremely proud of Denny, and I think he is going to end up being a very effective Speaker, and I think when he is re-elected two or three more times he will be a very, very powerful Speaker, and I will be back at that point to visit you occasionally and chat with you about ideas that I'm developing, that I hope you will schedule.

It's important to remember that not only did we achieve a lot in power, because it was a decisive transition in power in this city, but we achieved a lot in policy.

We passed welfare reform. We passed it three times—twice it was vetoed, the third time the president announced he had invented it and signed it with great glee.

But frankly that's less important than the fact that today there are 43% fewer people on welfare and 43% more Americans out there earning a living, having a chance to pursue happiness, showing their children that the work ethic matters, and that's good for America, and it's good for individual Americans.

The pictures that Charlton Heston talked about, that he narrated, that showed John Kasich and Pete Domenici signing the budget deal which was in fact an extraordinary achievement.

People tend to forget, we were projected, when I became Speaker, we were projected to have over the next decade a three trillion, one hundred billion dollar deficit. I believe it was announced yesterday that the surplus for this year is one hundred and eleven billion on a unified basis and even if you discount all the Social Security revenue, we have reduced the deficit for the operating budget to 16 billion. Numbers which I would venture to say in the summer of 1994, you could have gotten a 50 million to one bet against that particular possibility.

We have now created, by balancing the budget, the lower interest rates that are fueling the economy. We also have a chance to save Social Security, and we are in a position where we can cut taxes and return to the American people the money that belongs to them.

And let me remind you that when we balanced the budget, we did so in a bill which cut taxes for the first time in seventeen years, and part of this prosperity is the fact that we cut the capital gains tax and, once again, lowering the cost of job creation paid off, as more and more people got in the business of creating jobs.

We also saved Medicare for what now looks like it will be a 15 or 20 year period, without having raised the FICA tax, and we began strengthening defense and intelligence, and I am particularly proud that Porter Goss, who is here tonight, is continuing to lead as the Chair of the Intelligence Committee and to give us a chance to really reshape our intelligence.

Now, I spent the last four months with Marianne studying, thinking, trying to learn a few things and get a chance to be outside the daily business of this city. And for just a few minutes, I'd like to share with you sort of my initial reflections. This has been my first chance to come back and to have a chance to share with you.

And let me say, I want to pick up on what Connie Mack said. I believe that we are the party of freedom, and we only make sense as the party of freedom. I believe that we represent the cause of freedom, which is even bigger than our party.

And I believe that America is the country of freedom. I believe that as you go around this town, from the Washington Monument built to a man who led the Continental Army, presided over the Constitutional Convention, and literally served as father of his country for eight years, a man without whom we could not be the country we are.

To the Jefferson Memorial, a man who wrote the Declaration of Independence, who was Governor of Virginia during the Revolutionary War, who helped us create the Bill of Rights, who founded the Democratic party to have legitimate dissent without treason, a new concept in the late eighteenth century, and then presided as president.

To the Lincoln Memorial, a man who by sheer will insisted that we would be a union, and a memorial which can never be visited without profit by any who would understand both what has made America, and how deeply God is a part of our experience

To the opposite end of the mall, where General Grant's statute stands below the Capitol that he defended, and we are reminded that this nation was, in the end, created in blood at Valley Forge and elsewhere, and stained in blood at Antietam and Gettysburg.

To the FDR monument. To the greatest president of the twentieth century, a man who presided over the defeat, and led in the effort to defeat, Nazi Germany, Fascist Italy and Imperial Japan.

Again and again, from monuments to the First and Second World Wars, to monuments to the Koran War, to the Vietnam Memorial, we are reminded that freedom is expensive, that it requires constant effort, and that we have a duty in our generation to take the freedom our parents gave Us and to strengthen it, improve it, and give our children, and grandchildren as my daughter pointed out, even more freedom. These are monuments to the sacrifices that lay at the very heart of freedom.

I believe that in the next two decades, we have an opportunity to decisively extend freedom. And I believe there are five key steps to greater freedom in the next decade or two.

Some of them are domestic, some of them international. Many of them will be controversial. Let me tell you what the five key steps to freedom are in the next few years.

The first is here at home. It is the freedom to save for your own retirement, without politicians controlling your money.

It will be controversial. There will be a fight. People will flinch from it at times. But it is an objective fact that the Social Security actuaries will report that being allowed to have a Social Security Plus account that you invest will save Social Security permanently, without a tax increase or a benefit cut, will do so with such enormous economic repercussions, that the Social Security actuaries believe that our children will have to cut the FICA tax, because the surpluses in the trust fund will simply grow too large to be managed.

Now, that is a future which the surplus of the budget gives us a window now to take advantage of, and I think we should have the moral courage to say to the American people, 'the president was half right.'

He was right in saying let's invest it, he was wrong in saying let the politicians invest it, and we believe enough in the American people to find a way to get them some kind of tax credit out of that surplus so that every American, when they go to work and they start to pay a FICA tax, they have the right, and the duty, to save for their own retirement, with them, not the politicians, in control of that saving.

And that will end class warfare in America in a half generation as every worker in America comes to own part of the American dream, and every worker in America sees their account, and their savings. And, in the process, the economy will grow faster, Social Security will be saved, and we will have moved power out of Washington, and back to the American people.

Second: We ought to have the freedom to work for ourselves, for our families, for our communities, for our religious institutions. And I believe, in peace time, that means that we should establish a cap on all taxation,

state, federal and local combined, at 25% of income, and no American should pay more than 25%.

One of the purposes of this political action committee will be to write every Republican county, and district, and state organization as they have their conventions next year, and urge them to adopt a platform plank that calls for a 25% cap.

We're not going to get there overnight. We're not going to get there in three or four years. But as someone who did preside, after all, over reforming welfare, balancing the budget, cutting taxes and saving Medicare, I think I can say that I have some sense of what's doable.

And the fact is, in 1970, Governor Ronald Reagan went to the Governor's Association and proposed welfare reform. He was defeated forty-nine to one. Twenty-six years later, standing on his shoulders, we passed that welfare reform.

Government grew big because of the Depression and the Second World War. It has no justification for being this big except our lack of cleverness at applying privatization, setting priorities, and modernizing the system to make it smaller.

And I think as a party, we should adopt the principle that over the next 15 years we will shrink government until we get it down to no more than 25% of your income. Because, after all, if there was a big war, you would have to raise taxes, and if you are already at 45 or 50%, you have no margin to raise taxes without threatening freedom.

And if you believe in the Tocqueville vision of volunteerism, and Marvin Olasky's great book The Tragedy of Human Compassion, which I think was the key explanation—and I thank Bill Bennett, who is here tonight, for having originally asked me to read it—it was the key explanation that volunteerism, charities, and a willingness to go out and be involved in your community is vastly more effective at changing the human condition than is larger government.

And in that process, I believe, we can eliminate the death tax, cut the capital gains tax to 10%, and put ourselves in a position as a country to teach the rest of the world that we want big active citizens, not big active bureaucracies, because that's what makes freedom truly strong.

Third, and I'm going to step on virtually every interest group in the country with this next one. It comes directly out of Adam Smith's point about the modernization of the Middle Ages. We should have the freedom to use all the aspects of the information age to improve our lives.

We, as patients, ought to have all the knowledge about our health records. We should have all the knowledge about our own disease. We should have all the knowledge about all the different possible cures.

We, as citizens, should have access to every expert system we can to apply the law to ourselves, with minimum payments to attorneys rather than maximum payments.

We should have a common-sense approach to the environment. We should have a 24-hour a day, seven-day-a-week, year-round learning system where teachers get paid based on results rather than on tenure, and where, in fact, students have a chance to be learners all their lives, not just from 9 until 3 when it is convenient.

But that requires the courage, every morning, to get up and look at the technology and say, ''how can I strengthen the consumer-slash-citizen's rights,'' rather than ''how can I protect the guild the interest group, or whoever it is that is currently protecting their rice bowl.''

Fourth, and this is particularly important for Republicans, but it is crucial to all Americans. We need freedom for all Americans to pursue happiness.

It really struck me about 2 weeks after the election. The democrats had run racist ads, and they were terrible, and it was a despicable campaign, and it was deliberate. But it was tragically our failure over the preceding four years to so behave that in every black and Hispanic community local people didn't automatically say, ''That ad is baloney.''

We have to decide that we truly mean that every American is endowed by their creator.

Every American with disabilities, and Jonathan is here tonight. Every American who has a long-term disease. The young people who were up here tonight who will spend a lifetime without hour help having to inject, having to monitor carefully, having to experience everything Mary shared with us.

Young Americans who are black, or Hispanic, or Native American. And we have to decide that we, as a party, and we as individuals mean it enough that we are going to break through the baloney, break through the bureaucracy, insist on results, and we're going to reach out in every neighborhood.

Some work has been done in this direction, but frankly it is far too little, we are far too timid, we don't challenge ourselves enough, and we should recognize that if God has truly endowed, as I believe he has, every single child in this country, in every single neighborhood, then we have an obligation to make that endowment real.

And if we are seen as being truly serious, and we are truly serious, I believe that for more than a generation, the vast overwhelming majority of Americans will give us the chance to implement that seriousness in creating a better future for all of us.

An example I though about, these are U.S. Representative JIM ROGAN's twins that are in this picture right up here. They are wonderful young girls. JIM loves them deeply. And all I would say to each of you is, we ought to be able to put the face of every child their age, of every single background, in every single neighborhood, in that picture. And they should have just as great a change to be happy, to be healthy, and to know that they are going to have a good future. And we should just force ourselves to do the hard work of freedom until that happens.

And finally, and this is going to sound a little daring, and I don't quite know how to say it, I lack U.S. Senate Chaplain, Rev. Lloyd Ogilvie's brilliance with interpreting God's will and language that the Senate will actually listen to. Not always obey, but at least listen, and that's a major achievement.

I think, and I want to say this as clearly as I can because it's so important. I think we ought to stand for freedom for the entire human race.

For fifty years, we led an anti-Communist coalition. And we won. We are now the preeminent power on the planet, and the time has come to ask of ourselves, ''for what purpose has God given us this level of pre-eminence?''

And I believe the answer is exactly what Jefferson, Washington and Lincoln would have said: That we owe to every citizen.

Remember that the Declaration of Independence begins by saying, ''We hold these truths to be self-evident. That all men are created equal, and that they are endowed by their Creator with certain unalienable rights, among which are life, liberty and the pursuit of happiness.''

Notice that phrase, that entire phrase, is universal. It doesn't say they are American truths. It doesn't say they apply to white males. It doesn't say they are Western European. All are created equal. Endowed by their Creator.

I think the United States has to lead. I think we need a great debate, that's very straightforward. If you think the world will be safer if the United States hides, join that side. If you think the world will be safer if we lead, join this side. Let's divide up. Let's have a fight over it. I think overwhelmingly the country will choose that we have to lead.

When we start to lead, I think the goal of our leadership should be simple: We want every single citizen on the planet to be free, safe and prosperous.

And we are prepared to provide moral leadership, we are prepared to encourage missionary activities, both religious and secular, we are prepared to support commercial activity, we are prepared when necessary to support diplomatic, police and, if necessary, military activity. But we truly believe the time has come for the planet to be free, because our children will never be free if there are large pockets of dictatorship, tyranny and terrorism on this planet.

That requires us, and this is not a comment on the Clinton administration, it requires us as Americans to rethink our strategies and to rethink our systems.

We can't just bully the planet into following us. We could when it was the Soviet Union, because the alternative was so horrible that, in fact, people would follow us even when mad at us.

We're going to have to learn to listen a lot. We're going to have to learn to learn a lot. We're going to have to learn that leadership doesn't mean that you've got to fix breakfast for everybody every morning. And leadership doesn't mean that the 'cleanup campaign' is you cleaning out the garage of every one of your neighbors. But it does mean building teams, being patient, being persistent.

It does mean telling the truth. You can't have prosperity in Russia without the rule of law, and free enterprise, and private property. You can't have honesty and prosperity in Indonesia if you have corruption. You can't tolerate, in the long run, a government like North Korea because it is literally killing the people of North Korea. And you can't ignore Rwanda just because it is too difficult for CNN to get a reporter to cover the butchery.

We have an obligation to systematically, calmly and methodically lead across this planet everywhere, and we can't avoid it.

Now, I think that does mean we're going to have to learn to build institutions, better systems.

I think it means we've got to have a defense budget and a 'policing' budget. They are not the same thing. And for the last seven years, the 'policing' budget has eaten up the defense budget.

I think it means a larger total expenditure on national security, a total overhaul of the State Department, a total overhaul of the intelligence capabilities. If you knew the numbers, and I don't know if they are declassified or not, but if you knew the numbers of people we have in our security apparatus who can speak fluent Chinese, or can speak fluent Serbia, you would be humiliated at the inability of the richest, most powerful nation in the world to get its act together.

This is not a commentary just on this administration. This is going to take serious thought, serious work, and whoever the next president is, they're going to need leadership from the Congress based on a lot of hearings, and a lot of hard work.

Having said that, those are five large long-term goals. Let me very briefly talk about three immediate challenges.

One: I believe the Republican party should adamantly, at every level, adopt the 11th Commandment that Ronald Reagan used. And I think we ought to say, 'let's have a great presidential nominating process, with no negative ads. Let's get together and find who is the best person with the best ideas.'

But the idea that we should have eight, or nine, or ten of our candidates destroy each other, I think is absolutely ludicrous. And I think every serious leader of this party ought to say to every single candidate, 'go out there and tell everybody your best ideas in a positive way,' and let's have the person with the best ideas win the nomination, and then let's all get together behind them.

But I do think if we don't do that, you're going to have a bloodbath for three or four months next year, and out of that bloodbath you're going to have an incumbent administration with an incumbent president, with the media bias, prepared to spend six months taking our nominee apart. And I think we owe it to America to have a positive, unified Republican party offering a candidate with good ideas.

Second: Because it is so currently topical, let me just say briefly; I strongly urge that we end the Independent Counsel process, dead. Not modified, not improved, not partial. Kill it. Get rid of it. Go back to the system we had before 1972. It has been a monstrosity. It has served no one well, and it criminalizes and undermines the process of American government in a way which is tragic.

And I would also urge all of you to thorough reexamine the process by which the Executive Branch now gets appointees, because we stop many of the best people in this country from even thinking about applying, and there ought to be some way to appoint some kind of commission of honorable people on a bipartisan basis, so that the next administration will not find that two-thirds or half of the people it wants can't even consider trying to meet the ludicrous standards we now set, and trying to fill out the materials we now provide.

Lastly, I could hardly come back in lieu of Kosovo, and not comment for a minute. Kosovo is very, very serious. Much more serious than the evening news understands.

The President of the United States has compared Milosevic to Hitler. Has suggested that this is the worst process since Nazi Germany. Has announced that the United States and all the power of NATO is being brought to bear on a tiny, limited country, called Serbia.

The Germans yesterday floated an idea which would be a disaster. A papered-over, negotiated settlement, with a dictator who would have won.

Let me be very clear at two levels here. First, Serbia is important because the world is watching.

If the Chinese decide that we are an irresolute, finicky, confused, timid nation, they will try to take Taiwan. And we could stumble into a war of extraordinary proportions, because they are serious people.

If the Iranians decide that they could take out Tel Aviv, and we would do nothing—I don't want to bet that the Iranians wouldn't try it.

If the Iraqis decide that after all of our eight years of bluffing, they could use bacteriological or chemical weapons against their neighbors and we would do nothing.

Remember, the danger may not be that we would actually do nothing, the danger is that their confusion would lead to a war.

1914, the First World War was an accident. Nobody thought they'd fight. 1939, Hitler promised his generals that Chamberlain would never fight, and Britain would stay out of the war. 1950, the American Secretary of State publicly announced, ''Korea is outside our defense zone,'' and the North Koreans believed him.

Wars occur more often because democracies are confused, than because people are deliberately risk-taking. And this president has now set a very high standard for the United States.

And I believe there is a simple responsibility. First, the president should go to the nation and outline unequivocally, in clear, simple language what are our goals. If Milosevic is this evil, how can he stay in power? If his government has been this horrible, how can it be tolerated? If the Albanians are to go back home, how can they do so while being disarmed, as the Germans suggested?

So what are our goals? Against what should we measure America two years from now? What should have happened? How will we know we were successful? And then the president and the Congress should debate those goals.

If they are the right goals, if that requires declaring war on Serbia, then we should declare was on Serbia. If it requires sending a military force of enormous proportions, we should send such a force.

But that should not be a politician's decision. Nor a presidential candidate's decision. The reason we call General Shelton ''Chairman of the Joint Chiefs'' is because he is assigned the duty of designing the campaign plan to execute the will of the American people.

And his assignment should be simple. With minimum American casualties, in the shortest possible time, deliver victory, as defined by the president.

Having finished with Serbia, we should return briefly to Iraq, and the world will be safe for at least twenty years, because the world will have learned that when the American nation is serious, it is un-opposable.

But if we are irresolute in Serbia, if we accept a papered-over, phony victory, not all the press conferences and all the spinning in the world will convince the North Koreans, the Chinese, the Indians, the Iranians, the Iraqis, the Russians and others, that we are a nation to be dealt with seriously.

This president has put his stamp in the middle of the table. He has said the American nation is now committed, and NATO, which is essentially the American nation and its European allies, is now engaged, and we have to insist, for our children's safety, that we succeed.

Let me close, by first of all thanking all of you. As was mentioned several times, part of this resource is going to go to Juvenile Diabetes research. The rest is going to go to help launch our political efforts, to continue with vision and strategies and education.

Let me also close at a very personal level. In 1958, as many of you have heard me say, my step-father took me to the battlefield at Verdun. He was serving in the United States Army, as he did for 27 years. And he convinced me, at the end of my freshman year of high school, that civilizations die, that wars are real, that freedom is precious.

It has been for 40 years, 41 years this coming August, my privilege, as a citizen, to be a part of this extraordinary process by which the ethnically most diverse nation in the world governs itself, and seeks to provide opportunity for all of its citizens.

In that time, I've watched Barry Goldwater launch a movement that was considered a little nutty, and went down in glorious defeat in 1964, and created modern conservatism.

I watched Ronald Reagan give wonderful speeches, retire as Governor, emerge briefly to be defeated for the nomination, do a radio show from the ranch, and then emerge, in a magic moment, as America lost its way, as malaise took over, as the economy decayed, as the Russians invaded Afghanistan, and with Margaret Thatcher gave us a dual performance of the power of human leadership that changed the future. And in eight brief years he defeated the Soviet Empire, reestablished the American economy, reestablished American morale, and reminded us of the difference between evil empires and bastions of freedom.

I was privileged to serve with President Bush at a decisive moment, which is often forgotten by our friends, when every member of the Democratic elected leadership in the Congress voted against Desert Storm. We tend to forget after victory how rapidly they are forgotten. And yet President Bush had the courage, from day one, to insist that Kuwait would be taken, that Saddam's army would be destroyed, and that we would do what was necessary.

With your help, with your hard work, with your contributions and your tireless effort, we broke a 40 year monopoly, transferred power in the legislative branch, and truly changed the lives for millions of Americans.

As Mary said earlier so generously, all of us working together saved people with diabetes, we saved people with breast cancer, we put massively more money into medical research, we began a process of preventive disease approaches that I think are going to lead to wellness and major changes.

We saved hundreds of thousands of Americans from poverty by moving then into work and education, we taught their children that there is a better future than waiting on the check and sitting in public housing.

We created opportunities for our parents to have better choices in Medicare, and we began the slow, laborious process of rebuilding and rethinking our defense and our intelligence capabilities.

From that tiny country, on the fringe of the Atlantic Ocean, to a nation which stands astride the world, it has been an amazing process of two hundred and twenty-three years this July 4th. Our generation has a chance to extend that freedom, that prosperity, and that safety to every person in America, and to every person in the world.

It is, in Franklin Delano Roosevelt's words, our generation's rendezvous with destiny.

To each of you in public office I wish you God-speed. As Marianne pointed out the night we announced we would step down, we will be around in public life, and we will work with you in every way we can to give our children, and now my grandchildren, a better future. Thank you, good luck, and God Bless you.

MISSISSIPPI VALLEY NATIONAL HISTORICAL PARK ACT OF 1999

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. BERRY. Mr. Speaker, I rise today to introduce the Mississippi Valley National Historical Park Act of 1999. This legislation will establish a Historical Park on the former Eaker Air Force Base in Blytheville, Arkansas.

The former Eaker Air Force Base, which is located just outside of Blytheville in the Mississippi Valley region, is the site of 14 archaeological sites associated with Native Americans. The central and lower Mississippi Valley region contained the highest population levels and the most complex Native American societies north of Mexico before the arrival of European peoples in the 16th century. It has also hosted Spanish, French, English, and ultimately American societies at different times in the last 450 years.

Because of its value in illustrating and interpreting the heritage of the United States, these sites have been recognized by the National Park Service in numerous ways, such as designation as being placed on the National Register of Historic Places in 1984, and as a National Historic Landmark in 1996.

Archaeological sites such as these benefit, educate, and inspire present and future generations of Americans, but no unified heritage park for the central Mississippi Valley region exists within the National Park Service. This legislation will protect the archaeological sites located on the former Eaker Air Force Base, and preserve, maintain, and interpret the natural, seismic, cultural, and recreational heritage of the central Mississippi Valley region.

A TRIBUTE TO ARLO PETERSON

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. LUTHER. Mr. Speaker, today, I would like to recognize the important achievements of Arlo Peterson, a Minnesotan who was a pioneer and visionary leader in bringing affordable energy and electricity to thousands of rural and later suburban Minnesota residents. Arlo is retiring from his position on the board of Connexus Energy after 34 years of service to his state. Arlo served 25 of those years as Chairman of the Board of Directors. He took on this leadership position for one of the country's leading electric cooperatives upon the death of his father Ed Peterson in 1964, who had been a board member for 17 years. Together, these two men gave their state more than a century of service to help bring affordable electricity to their fellow residents.

A farmer from the small town of St. Francis, Minnesota, Arlo has been a model of stewardship for rural cooperative growth, ensuring that Minnesotans in his vast service area would have the energy and electricity they needed at rates they could afford. He has embodied a spirit of dedication and commitment to service for more than 34 years. Arlo took time from his primary endeavor as a family farmer to improve the lives of others in his own and neighboring communities, and helped to provide a national model of a successful electric cooperative. We are grateful for his tremendous contributions.

INTRODUCTION OF THE CROP INSURANCE IMPROVEMENT ACT OF 1999

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. POMEROY. Mr. Speaker, I rise today to introduce the Crop Insurance Improvement Act of 1999. I am honored to have Representative THUNE, Representative MINGE, and Representative BOSWELL joining me as original cosponsors of this comprehensive crop insurance reform proposal.

The basis for this legislation is quite simple. Frankly, the current federal crop insurance program is broken and needs serious repair. Too many of our nation's farmers—especially in North Dakota—have suffered from severe weather disasters in recent years only to fall victim to a federal crop insurance program that does not protect them adequately. With so many producers being driven off the land because of uncontrolled circumstances caused by Mother Nature, the federal government must act quickly and thoroughly in enacting comprehensive crop insurance to allow our nation's farmers the opportunity to manage their risk. However, I caution that even though crop insurance reform is deperately needed, it is only the first step in reforming a safety net in American agriculture.

The Crop Insurance Improvement Act of 1999 reforms the current program by encouraging the broadest possible participation of producers in the program and to ensure greater affordability of the program for producers. It reforms the current program by increasing the subsidy levels to encourage higher participation at the buy-up coverage levels, alleviating the impact of natural disasters on producers' actual production history (APH), assigning 100 percent transitional yields (T-yield) for the newly acquired acreage and new crops, creates cost of production, rating methodologies, and livestock revenue insurance pilot projects, and restructuring the Federal Crop Insurance Corporation (FCIC) Board of Directors to better represent producers' interests.

During the 106th Congress, I am hopeful that the crop insurance reform will occur. Both Congress and the Administration, have made crop insurance their number one priority in agriculture. In fact, Secretary Glickman coined 1999 as the ''year of the safety net.'' I look forward to working in a bipartisan manner with my colleagues in Congress to pass a comprehensive crop insurance reform bill. The Crop Insurance Improvement Act of 1999 is a step in that direction.

THE EDUCATIONAL OPPORTUNITIES ACT OF 1999

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. ROGAN. Mr. Speaker, it is for our impoverished urban communities that I am introducing the Educational Opportunities Act of 1999. This bill will empower low-income parents living in poverty-stricken areas to provide the best education possible for their children.

I am honored to introduce this education plan for our urban communities, which is embraced and co-authored by the Congressional Renewal Alliance. The Renewal Alliance is a coalition of representatives and senators committed to working with community leaders to find legislative proposals which facilitate local solutions in impoverished regions. This will lead to individual empowerment.

I have worked closely with my colleagues in the Renewal Alliance to craft a bill that provides educational alternatives in our inner cities, and provides relief for those parents who invest in their children.

The Educational Opportunities Act of 1999 adopts the principles of another bill I have introduced, H.R. 600, which provides up to a $1,000 per-child tax credit for educational expenses. In the Educational Opportunities Act of 1999, this tax credit is extended to parents in Enterprise Zones and Enterprise Communities to cover the cost of textbooks, tuition, tutors, computer software, and other needs that will increase a child's learning opportunities. Thanks to the education tax credit included in this bill, low income parents will have far more resources to educate their children from kindergarten through high school.

Another important component of this bill grants Opportunity Scholarships to children of the most needy parents. Under this Opportunity Scholarship Program, states and localities would be able to use existing federal funds to run a low-income public and private school choice program. Scholarships would be directed to students whose families are at or below 185 percent of the poverty rate. The scholarships would be used to cover the cost of tuition at any public or private school located in an Enterprise Zone or Enterprise Community. At least $310 million will be used for this scholarship program.

It is time to give children in the poorest communities a meaningful chance to learn and excel. Bureaucrats in Washington cannot meet this need; those who make a real difference in the lives of these kids are parents and local community leaders. With the Educational Opportunities Act of 1999, we will provide poor parents the resources and choices to educate their children. Furthermore, we will liberate low-income communities to create schools where children have a true chance to learn and rise up from their challenges before them.

I urge all Members who are interested in lifting children up from poverty to join me in supporting the Educational Opportunities Act of 1999.

COLONEL THOMAS S. LAMPLEY, USAF—A CAREER OF SERVICE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. BEREUTER. Mr. Speaker, this Member rises today to recognize Colonel Tom Lampley, USAF, who will retire tomorrow from the U.S. Air Force after 29 years of service. This Member has had the pleasure of working and traveling with Col. Lampley in this Member's capacity as Chairman of the NATO Parliamentary Assembly (formerly the North Atlantic Assembly). Col. Lampley has been serving as the Chief, Congressional Action Division, Air Force Legislative Liaison, Office of the Secretary of the Air Force, directly supporting the interaction between the Air Force's senior leaders and Members of Congress. In recognition of Col. Lampley's exemplary record of service, this Member would like to congratulate him upon his retirement and take this opportunity to acknowledge Col. Lampley's credibility and good will for which the Air Force and the Department of Defense will long reap the benefits of his tenure.

Colonel Thomas S. Lampley was born in Washington, DC on 31 August 1947. He attended the U.S. Military Academy at West Point, NY, where he received a Bachelor of Science degree in engineering and received his commission upon graduation in 1970. Col. Lampley also received a Master of Science degree in business management from Troy State University in Alabama.

As a master navigator with over 2,200 flying hours, Col. Lampley has served in numerous flying positions including 225 combat sorties in the F–4 Phantom as a forward air controller in Southeast Asia. Out of the cockpit, he has served in staff positions at Headquarters U.S. Air Forces in Europe, the Pentagon and Headquarters Tactical Air Command. Col. Lampley is an experienced commander, having commanded a flying training squadron at the U.S. Air Force Academy, and the 14th Support Group at Columbus Air Force Base, Mississippi. Prior to moving to his present position, Col. Lampley also commanded the 42nd Support Group, Maxwell Air Force Base, Alabama, and subsequently became the Vice Commander, 42nd Air Base Wing, Maxwell Air Force Base, Alabama. In addition, Col. Lampley has received the following major awards and decorations:

Legion of Merit;

Distinguished Flying Cross with one oak leaf cluster;

Defense Meritorious Service Medal;

Meritorious Service Medal with five oak leaf clusters;

Air Medal with 23 oak leaf clusters; and

Air Force Commendation Medal.

Again, this Member wants to offer his congratulations to Col. Tom Lampley for his fine record of service to the Air Force, to the Department of Defense, to the Members of the U.S. House of Representatives, and to our country.

Colonel Lampley, you have performed your duties as an officer in the United States armed forces in a manner which reflects the best traditions and principles of the U.S. Air Force and our nation.

TRIBUTE TO AN UNCOMMON LEGACY FOUNDATION'S FIFTH ANNUAL CELEBRATION OF WOMEN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. NORTON. Mr. Speaker, I rise today to ask my colleagues in the House of Representatives to join me in a special tribute to An Uncommon Legacy Foundation, Inc. ("Legacy"). On Saturday, April 24, 1999, Legacy will host its Fifth Annual Celebration of Women at the home of Hilary Rosen and Elizabeth Birch. At the event, Legacy will honor Sheila Alexander-Reid, founder of Women in the Life, Inc. and publisher of Women in the Life Magazine. Legacy will also present grants to the Lesbian Health and Wellness Network ("LHWN") and After Stonewall and scholarships to three outstanding students: Katie Batza, Amanda M. Gunn, and Suzanne Degges White.

An Uncommon Legacy Foundation, Inc. is a nonprofit foundation dedicated to enhancing the visibility, strength, and vitality of the lesbian community. Legacy invests in the community by awarding scholarships to students with leadership potential and by awarding grants to fund projects and organizations that contribute to the lesbian community's health, education, and culture.

This year, Legacy will honor Sheila Alexander-Reid, who has made it her mission to empower lesbians of all colors. Women in the Life, Inc. is an events management company based in Washington, D.C., and it was honored last year with a prestigious grant from Avon and the Mautner Project to promote breast cancer awareness in the black lesbian community. Legacy will also award grants to the Lesbian Health and Wellness Network, a multi-disciplinary coalition of over 125 lesbian and lesbian competent providers serving the Baltimore-Washington, D.C. area. This grant will enable LHWN to improve access to health care for women in the lesbian, bisexual, and transgender communities. Legacy will also award a grant to After Stonewall, a 90-minute documentary airing nationally on PBS on June 23, 1999. This important documentary chronicles the lesbian and gay experience since the 1969 Stonewall riots—the historic moment 30 years ago which gave birth to the modern gay and lesbian civil rights movement. Finally, Legacy will award scholarships to three outstanding students: Katie Batza, who attends Johns Hopkins University as an undergraduate; Amanda M. Gunn who is pursuing her doctorate at the University of North Carolina at Greensboro; and, Suzanne Degges White who is pursuing her masters also at the University of North Carolina at Greensboro.

An Uncommon Legacy Foundation 1999 scholarship recipients are as follows:

Katie Batza is pursuing a bachelor's degree in history at John Hopkins University. At the age of 15, Katie helped start YouthPride, an Atlanta-based support group for gay, lesbian, bisexual, and transgender youth, which has, in less than five years, served over one thousand people.

Amanda M. Gunn is pursuing her doctorate in cultural studies through the Department of Education at the University of North Carolina/Greensboro (UNCG). She will be presenting her thesis, Lesbian Passing: Identity Construction as a Strategy for Survival in a Perceived Hostile Work Environment, at the Eastern Communication Association and UNCG Women's Studies luncheon.

Suzanne Degges White is a first-year masters student in the Counseling and Counselor Education program at the University of North Carolina/Greensboro (UNCG). She is enrolled in the MS/PHD track in community counseling at UNCG. Suzanne was instrumental in obtaining a state charter for the North Carolina Association for Gay, Lesbian, Bisexual Issues in Counseling, a division of the North Carolina Counseling Association.

Mr. Speaker, the Annual Celebration of Women in one of Legacy's most important and widely attended events. The generous contributions of the women in this community who actively support An Uncommon Legacy Foundation make the work vital to the lesbian community possible and represents a true investment in the future leaders of our great country. I ask the House to join me in expressing our gratitude to An Uncommon Legacy Foundation, its national co-chair, Andrea Sharrin, Board member, Mary Snider—both of whom I am proud to say are members of our D.C. family; and the entire national Board for their leadership and support to women across this nation.

EARTH DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. GILMAN. Mr. Speaker, Earth Day reminds us all that environmental issues know no political bounds and affects all of the people, plants, and animals of the world community. It is essential that the policies our Government enacts, and the personal activities we undertake reflect our profound concern for safeguarding the Earth.

From combating global climate change to protecting threatened species to providing clean water, we have a duty to act locally and globally to protect the environment for present and future generations.

Saving the planet may seem to be an insurmountable task, but in order for our children to have a brighter future we must commit ourselves to an environmental policy which seeks to establish a clean, safe, and productive environment.

The 106th Congress is working to preserve and protect our Nation's open spaces by reinvigorating the Land and Water Conservation Fund. Designed to protect our Nation's natural heritage, the Land and Water Conservation Fund is a vital program which has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. However, this Congress has seen the importance of this program and the unfinished work which still

lies ahead. In the face of issues of pollution and urban sprawl, the 106th Congress has responded by looking to preserve our Nation's greenways.

Moreover, we must not forget the air we breathe, our most precious resource. Americans can clearly see, smell, and feel the difference that pollution has made in their lives. As a strong supporter of the Clean Air Act, I recognize the need for clean air standards. By encouraging innovation, cooperation, and the development of new technologies for pollution reduction, these standards build upon the spirit of ingenuity that is the foundation of America's leadership in the world.

As chairman of the House International Relations Committee, I understand the importance of using our leadership in the United States to assist other countries in developing and maintain successful environmental programs. I personally have led efforts to protect whales from commercial hunting and to protect African elephants from the deadly effect of the international ivory trade. I have also been in the forefront in bringing greater awareness to the linkages between refugees, world hunger and national security to environmental degradation. In addition, if we do not assist in the survival of indigenous and tribal people, their wealth of traditional knowledge and their important habitats will no longer be available for the rest of mankind.

Earth Day is a successful incentive for ongoing environmental education, action, and change. Earth Day activities address worldwide environmental concerns and offer opportunities for individuals and communities to focus on their local environmental problems. I have requested funding for the Hudson Valley national heritage area, which would help preserve the history, culture, and traditions of this beautiful region. I am also proud to note that my 20th District of New York is home to the Lamont-Doherty Earth Observatory, one of the country's leading climate study institutions.

Earth Day is a powerful catalyst for people to make a difference toward a clean, healthy, prosperous future. We cannot continue with the attitude that someone else will clean up after us. We need to take care of our world today. I cannot think of a better day to commit to this worthy goal than today, Earth Day. I salute the people who observe Earth Day in all ways large and small.

HONORING THE 1999 BEST OF RESTON AWARD WINNERS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the individuals and businesses who are this year's winners of the ''Best of Reston'' Awards. These awards are made annually by the Reston Chamber of Commerce and Reston Interfaith. The ''Best of Reston'' Community Service Award was created to recognize companies, organizations, and individuals who have made outstanding contributions to community service, and/or who have improved the lives of the people of Reston, Virginia.

HCI Technologies, Inc. for their community outreach and leadership in Reston. HCI has been involved in a number of church activities with Faith Mission Church, Christ Fellowship, St. John Neumann, and Heritage Fellowship. HCI has sponsored intern programs associated with George Mason University and South Lakes High School, and is a major sponsor of youth programs that include Reston Youth Baseball and Softball, Basketball, and a newly created Tennis program for disadvantaged community children. HCI sponsors a monthly food drive to support those less fortunate, and has been a sponsor of the Chamber's Ethics Day for the senior class of South Lakes High School.

Karl Ingebritsen for being an outstanding pillar of our community. He served as the 1st president of the Greater Reston Chamber of Commerce and was the first employee and Executive Director of the Reston Association. He was instrumental in bringing Reston Hospital to our community and served on the Hospital's board of trustees until 1992. In his role as Director of LINK, Karl has worked tirelessly to improve the area's transportation by becoming a strong voice on behalf of the Reston community. Karl is steadfast in his belief that improving the area's transportation is a benefit to all citizens in the region.

Basil Jeffers for his inner drive to make Reston the best possible place to live and to raise a family. Basil has been classified as a ''one man moving company.'' He's first to volunteer his hands and station wagon to anyone needing assistance as they move into a new home. A member of the Heritage Fellowship Church, Basil often brings community needs to the attention of the church. If he is unable to assist a given need, he sees that the church is aware of the situation and that they are able to provide the necessary support. Basil currently serves as the president of the PTA at South Lakes High School and served on the nominating committee for the College Partnership Program, a Fairfax County sponsored motivational program encouraging minority students to attend college. He is also involved with a Boy Scout and Cub Scout Troop.

Susan (Suzi) Jones for her tireless efforts to improve the community. From serving as a board member and President of the Reston Association to Presidency of the Greater Reston Arts Center to her Community Services Board work, people throughout Fairfax County have benefited from her volunteer services. Drawing upon her human resources skills and expertise, Suzi has generously and frequently contributed her time and skills for the development of a pool of community leaders and the identification and resolution of community issues. Her contributions to the Reston community have been, and continue to be, made through her active service to a number of community organizations and institutions, including St. Anne's Episcopal Church.

Alvarez LeCesne for the impact he has had on the lives of many students he's had contact with during his years in volunteer service. He is active in many area associations, including the Optimist Club, Character Counts! Coalition, St. Anne's Episcopal Church, Heritage Fellowship Church, the Medical Care for Children Partnership, and Reston Community Coalition, a community/school partnership promoting drug and alcohol use prevention. During January 1999, LeCesne chaired Reston's Martin Luther King Jr. Planning Committee for the celebration of Dr. King's birthday.

Patricia Macintyre for her steadfast efforts as a community volunteer. A renowned artist, she has spent more than 30 years volunteering her talent and love of art in many forums and spaces, including art galleries, government buildings, schools, preschools, festivals and celebrations. She spent 17 years as host of ''You've Gotta Have Art,'' a weekly children's television program directed toward teaching Reston youth to appreciate art. Macintyre has spent her life working to preserve and promote the arts in Reston. Every Saturday morning she leads free family workshops in art and culture at the Reston Historic Trust Museum.

USAA for its commitment to a strong work ethic, customer service, and the value of its employees' personal, professional, and family needs. USAA supports efforts to improve the quality of life in its employees' communities, affording them many volunteer opportunities. Through USAA's involvement in the community, research funds have been raised to benefit the American Heart Association, the American Cancer Society, the American Arthritis Foundation, and others. USAA helps meet the material needs of our community through ongoing collection of food, clothing, books, and school supplies. USAA volunteers support education by giving their time as tutors, mentors, and speakers. A commitment to community involvement is so basic to USAA's corporate culture, that ''Public Outreach'' is a corporate ''Key Result Area.''

Jane Gilmer Wilhelm's mission in Reston and her entire career has been to be a vital, clear, caring resource for all people. She has given innumerable gifts of time and passionate presence to all our community's members from her early years in Reston as Director of Community Relations to the speeches she makes to this day, to save buses, libraries, and funding for the neediest. From infants to the elderly, from the homeless and needy, from young students to senior citizens in learning, from our various community organizations, to nature areas preserved by our founders, her caring has permeated her days. Not to mention her frequent visits with many on Lake Anne benches and her tireless volunteer work for our citizens' many concerns.

Mr. Speaker, I know my colleagues join me in honoring the ''Best of Reston'' Award winners for their dedicated commitment to making Reston, Virginia an exceptional place to live and work. This year's award recipients deserve recognition and gratitude from a very grateful community.

EARTH DAY CELEBRATION

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mrs. MORELLA. Mr. Speaker, I rise today to recognize and celebrate the twenty-ninth annual Earth Day. This spring observation provides the people of our nation and across the

globe the opportunity to renew our dedication to environmental protection. We as a nation have a shared responsibility to preserve our vast and diverse natural resources. I have a longstanding commitment to conservation and environmental protection, and I am pleased to join in today's celebration.

While we have made significant progress since the first Earth Day celebration in 1970, we must continue our efforts to improve environmental quality. It is my belief that Earth Day activities heighten awareness about actions that we can take to improve our environment, both locally and globally. Today's observation offers us the opportunity to acclaim our progress, but more importantly, it allows us to renew our commitment to the challenges facing our planet.

Earth Day festivities take place all across the country. I would like to pay special tribute to my constituents in Montgomery County, Maryland who are so active in their support of environmental causes. This is especially true during this month, with activities and programs like the Earth Day Fair in Bethesda, the various stream cleanups across the county, and the Arbor Day celebration in Derwood.

I consider environmental protection to be national priority. I pledge to work with my colleagues to ensure the preservation of our natural resources and the protection of the public's health. And this Earth Week, as we also celebrate the 435th birthday of William Shakespeare, we remember his words, "to nature none more bound."Today, as we observe Earth Day, let us reaffirm our commitment to a cleaner world.

TRIBUTE TO THE LATE HENRY ATKINSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. GREEN of Wisconsin. Mr. Speaker, I would like to offer my sincere condolences to everyone whose life was touched by Mr. Henry Atkinson, who passed away earlier this week.

Henry Atkinson was one of the most dedicated men I've ever had the pleasure of knowing—dedicated to his friends, dedicated to his community, and dedicated to the students and schools he spent his career serving.

Among Henry's many achievements in 20 years on the Green Bay School Board were his oversight of the transition of junior high schools into middle schools and his work to create a drug and alcohol abuse program for the Green Bay Schools.

Henry was a small businessman who also served on the Green Bay Water Commission, the Brown County Bicentennial Committee and the Northeast Wisconsin Vocational, Technical and Adult Education District Board.

But he is most remembered by the generations of students and educators who witnessed his day-to-day efforts to make Green Bay education a rewarding and memorable experience.

Green Bay lost one of its finest community leaders this week, but he will surely live on in the memories of those who gained so much from knowing him.

THE RICKY RAY RELIEF ACT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. TALENT. Mr. Speaker, today, I rise in strong support of funding for the Ricky Ray Relief Act. The time has come for the federal government to accept its share of the responsibility for failing to protect the nation's blood supply and failing to properly regulate the sale of blood-clotting products used by sufferers of hemophilia. As a result of the government's failure more than 8,000 people with hemophilia have been devastated by HIV/AIDS.

Mr. Speaker, the financial burden of hemophilia and HIV is overwhelming. The average cost of hemophilia therapy is nearly $100,000 per year. If a person has an inhibitor, a condition that requires extensive treatment, therapy can exceed $1,000,000 in a year. These costs are further compounded by the costs of HIV/AIDS care which was estimated to be $10,000–$50,000 annually in 1995. These staggering cost are far beyond the financial capacities of most hard working American families.

The Ricky Ray Relief Act was named for a young Florida boy who came to symbolize the tragedy that is hemophilia-associated AIDS. This legislation establishes a $750 million trust fund from which victims of this tragedy can claim $100,000 each as partial compensation for their physical, emotional, and financial suffering. This legislation is not about charity, but about acknowledging the government's responsibility for this tragedy.

It has taken almost 5 years for members of the hemophilia community who are living with HIV/AIDS to reach this point. The Ricky Ray Relief Act was first introduced in 1995 and was reintroduced in 1997. When it passed both the House and the Senate by unanimous consent, this bill had the support of 270 bipartisan cosponsors in the House and 61 bipartisan cosponsors in the Senate. On November 12, 1998, the President signed the Ricky Ray Relief Act into law.

I was proud to be both a cosponsor and advocate of this legislature. Mr. Speaker, the time has come for the government to admit responsibility for failure to protect our nation's blood supply. We must fund the Ricky Ray Relief Act. The funding of this legislation will make a tremendous difference in the lives of many members of the hemophilia community who have faced and continue to face living with hemophilia and HIV/AIDS.

PERSONAL EXPLANATION

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SAXTON. Mr. Speaker, on rollcall 92: To Authorize the President to Award a Gold Medal on Behalf of the Congress to Rosa Parks; rollcall 93: Condemning the Murder of Human Rights Lawyer Rosemary Nelson; rollcall 94: Education Flexibility Partnership Act Conference Report; and rollcall 95: Earthquake Hazards Reduction Authorization Act; I was unavoidably detained and unable to cast my votes. Had I been present, I would have voted "yea" on rollcall 92, "yea" on rollcall 93, "yea" on rollcall 94 and "yea" on rollcall 95.

DR. CARIDAD PEREZ COMPLETES THIRTY YEARS OF ACADEMIC EXCELLENCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, today I am honored to pay tribute to Dr. Caridad Perez, a dear friend and an outstanding educator who had completed thirty years of excellent academic achievements.

As Principal of Edison Private School, Dr. Caridad Perez has been a positive influence in the lives of the many students with whom she actively interacts, as well as with the teachers and faculty members who seek her wisdom and experience for guidance.

It is through Dr. Caridad's leadership, hard work and dedication to improving the lives of youth that she has helped scores of students acquire not only an exceptional, solid education, but a strong sense of values and morals that will help carry each student through a lifetime of success.

On Sunday, April 25th, at the Tropigala Fontainbleu Hilton in Miami Beach, many of Dr. Caridad's grateful students and highly appreciative staff will gather for a festive luncheon accompanied by music to honor the loyal and beloved principal of Edison Private School for the praise and honor that she so earnestly deserves.

I ask that my Congressional colleagues join me in celebrating Dr. Caridad's thirty years in educational excellence.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate the 84th anniversary of the Armenian Genocide. On April 24, 1915, a group of Armenian religious, political, and intellectual leaders were summarily arrested, taken to Turkey and murdered, commencing a dark and solemn period in the history of Armenians. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery, and torture. Most were ultimately slaughtered.

And yet, despite irrefutable evidence, Turkey has refused to admit the Armenian Genocide occurred, and continues to harbor hatred

towards its neighbors. In addition to denying the crimes committed against the Armenian people, Turkey continues to block the flow of humanitarian aid and commerce to Armenia.

In the face of this tragedy, children and grandchildren of the survivors of the Armenian Genocide have gone on to positively impact society, while at the same time preserving their heritage and unique identity. Over 60,000 Armenian-Americans live in the greater Boston area. Within Massachusetts, many of these Armenians have formed public outreach groups seeking to educate society about Armenia's culture. One particular group, Project Save, operates out of Watertown, Massachusetts. ''Project Save collects photographs of Armenian people and places in the homeland and the world-wide diaspora.'' This remarkable organization preserves the Armenian culture and history through restoration of photographs from all over the world. Some of these photographs date back as early as 1893.

Last year, the world, once again, united to condemn atrocities committed towards fellow human beings. Both the United Nations Human Rights Commission and the General Assembly adopted a resolution, introduced by Armenian Ambassador Rouben Shugarian, to commemorate the 50th anniversary of the UN Genocide Convention. By adopting the resolution, member nations recognized that ''the crime of genocide [was] an odious scourge which had inflicted great losses on humanity and was convinced that international cooperation was required to facilitate the speedy prevention and punishment of the crime of genocide.'' Here in the United States Congress, I am a proud cosponsor of a resolution honoring the memory of the victims of the Armenian genocide and calling for the United States to encourage the Republic of Turkey to acknowledge and commemorate the atrocity committed against the Armenian population by the Ottoman Empire.

It is sad and frustrating that at the beginning of this century, Armenians were murdered en masse, and now at the end of the 20th century the same type of brutal killing of innocent people continues. Since 1988, the Nagorno-Karabakh conflict has costs thousands of lives and produced over 1.4 million refugees.

Let me say, that as a member of the Congressional Armenian caucus, I will continue to work with my colleagues and with the Armenian-Americans in my district. Together we will demand more accountability from Azerbaijan and Turkey for their persistent bullying of their neighbor and search for a way to end the Armenian people's suffering. We must continue to be viligant, we must preserve the cultural history of Armenians, and we must work towards ending crimes against all humanity.

EARTH DAY 1999

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. DAVIS of Illinois. Mr. Speaker, as a member of this body, I would like to take this opportunity to acknowledge Earth Day. We have made great strides in elevating the protection and knowledge of our treasured natural resources.

Mr. Speaker, Earth Day matters. It raises the awareness of Americans and is a catalyst for positive change. Since the first Earth Day in 1970, Americans have gathered to celebrate the preservation of our environment and to focus on the work that is left to be done. Earth Day has always been a day to celebrate the environment and our natural heritage. It has also served to mark the importance of environmental protection and responsible living.

Earth Day has been a catalyst for the enactment of some of our nation's most important laws. Laws such as the Clean Air Act of 1970; The Clean Water and Safe Drinking Water Act and the Community Right-to-Know laws. These laws have enabled regulatory agencies to better understand what, where, and when pollutants enter our environment.

I am proud of my strong environmental voting record. I strongly support H.R. 525, the Defense of the Environments Act. I challenge my colleagues to work towards its passage. I can think of no better way to commemorate the importance of Earth Day than to pass this comprehensive bill.

I am also proud to support H.R. 960, Endangered Species Recovery Act of 1999. If passed, this bill would ensure the recovery of our Nation's declining biological diversity; reaffirm and strengthen this Nation's commitment to protect wildlife; safeguard our children's economic and ecological future; and provide assurances to local governments, communities, and individuals in their planning and economic development efforts.

Earth Day must also serve as a reminder that even today, we still have a need for improvement. People in our poorest communities are struggling for environmental justice. They continue to struggle for their civil and human rights here and abroad. From Louisiana's ''Cancer Alley'' to Native American reservations' nuclear problems, and from the plight of the people living along the border in the Maquilidora region to Chicago's West and South Side, millions of Americans live in housing and surrounded by physical environments that are over-burdened with environmental problems from hazardous waste, toxins and dioxins, incinerators, petrochemical plants, lead contamination, polluted air and unsafe water. These factors continue to pose a real and grave threat to our nation's public health.

Environmental Justice matters. We must begin to eliminate the mentality that our nation's poorest communities can be used as dumping grounds for our industrial achievements. We must begin to look at the issues of unequal distribution and disproportional impacts on minorities, as well as the problems of green space and living standards. Low income communities must not bear the brunt of selective environmental standards. Today we must mark a new dedication towards bringing a more proper balance to the widening gap between rich and poor community standards.

I also want to speak briefly about our commitments to the international community. It is clear today, maybe more so than in 1970, that there is a global connection through the environment. Since the formation of the International Whaling Commission (IWC) in 1949 and the more recent meeting of the Kyoto convention, we have begun the needed international monitoring and protection of our environment on a global scale. We now must begin to realize the responsibility we have in providing under developed nation with the environmental technology that will allow them to grow as they move towards a more industrialized society.

So today as we mark the 29th anniversary of the first Earth Day, I am reminded that although we in the United States have made major improvements in the last 20 years, we have a way to go and look forward toward this improvement. We must also strive as global citizens toward safer drinking water and cleaner air at home and abroad.

In closing, I leave you with this thought, it is not a question of whether we can afford to protect the environment, rather it is a question of whether we can afford not to.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. THOMPSON of Mississippi. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

[From the New York Times, Feb. 24, 1999]

47 PERCENT IN POLL VIEW LEGAL SYSTEM AS UNFAIR TO POOR AND MINORITIES

(By Linda Greenhouse)

WASHINGTON—Despite having only a minimal knowledge of the legal system, nearly half of the public thinks it treats minorities and the poor unfairly, a survey conducted for the American Bar Association indicates.

In the months before William H. Rehnquist raised his public profile by presiding over the Senate impeachment trial, only 17 percent could identify him as Chief Justice of the United States. More than one-third of those responding held the mistaken belief that in a criminal trial, it is up to the defendant to prove his innocence.

But a surprising 96 percent knew that a criminal defendant who is found not guilty can still be sued in a civil trial. The survey report, made public by the bar association today, speculated that widespread knowledge of this ''relatively obscure concept'' might be attributed to the intense coverage of O.J. Simpson's consecutive criminal and civil trials.

While most people believe that ''the justice system needs a complete overhaul'' and that ''we would be better off with fewer lawyers,'' the public still agrees by a strong majority, 8 out of 10, that ''in spite of its problems, the American justice system is still the best in the world,'' according to the survey.

But of the 1,000 adults polled by telephone in August, 47 percent said they believed that the courts did not ''treat all ethnic and racial groups the same.'' Thirty-nine percent said there was equitable treatment of minorities and 14 percent had no opinion. Also, 90 percent of respondents said affluent people and corporations had an unfair advantage in court.

The bar group's president, Philip S. Anderson, who commissioned the survey, said in a statement that while he was cheered by the

results showing public confidence in the system, he was disturbed by the indication that substantial numbers of people discerned racial unfairness in the behavior of courts and law-enforcement authorities.

''We are concerned that the current perception of bias will eventually erode confidence in our system of justice,'' Anderson said in remarks prepared for delivery on Wednesday at the National Press Club.

The results of the nationwide telephone survey are to be presented and discussed at a bar association symposium here later this week on ''public understanding and perceptions of the American justice system.''

An independent research firm in Chicago, M/A/R/C Research, conducted the survey, which had a margin of sampling error of plus or minus three percentage points.

The news media fared badly in public confidence, in fact worse than any other institution. Eight percent of the people had strong confidence in the news media, while 60 percent expressed slight or no confidence. The Supreme Court, by contrast, was at the top of the list, with 50 percent of the people expressing strong confidence in it. Compared with a similar survey conducted in 1978, public confidence in all levels of the judicial system has increased, while confidence in doctors, organized religion, public schools and Congress, as well as the news media, has declined. A majority rejected the statement that ''the courts are just puppets of the political system.''

Anderson, the bar group's president, urged the Supreme Court to enhance public understanding of the law by allowing television cameras into its argument sessions.

''One television camera in the Supreme court will educate more people more effectively in one morning than the traditional methods can reach in one year,'' he said.

Some of the survey's results appeared certain to warm the hearts of the American Bar Association's 400,000 members. Of people who had used a lawyer within the past five years, three-quarters were very satisfied or somewhat satisfied with the quality of service, with 53 percent in the ''very satisfied'' category.

Most people agreed that ''it would be easy to get a lawyer if I needed one,'' while at the same time expressing the view that ''it costs too much to go to court'' and ''it takes courts too long'' to do their job.

THOMPSON DOESN'T CONDONE COUNCILMAN'S ACTIONS

JACKSON, MS.—U.S. Congressman Bennie Thompson, D-Miss., says he doesn't condone the actions of former City Council President Louis Armstrong, but he warns people not to condemn his longtime friend.

Armstrong pleaded guilty last week in U.S. District Court to charges of conspiracy to commit extortion and accepting part of a $25,000 bribe to influence a council vote on rezoning a topless bar. He is scheduled to be sentenced May 7.

Artie Armstrong, 30, his eldest son, faces trial March 1 on bribery, extortion and conspiracy charges in the same case.

''Nobody really supports individuals doing wrong. As long as the pursuit of the wrongdoers is within the confines of the laws and on balance, then the general public will support it. And I don't know any people that I talk to who support people doing wrong,'' Thompson said.

''People sympathize with people who make mistakes. And those people who are Christian hope that the people who do wrong will see the error of their ways and seek some opportunities for redemption.''

Former state senator Henry J. Kirksey says FBI investigations into alleged corruption by black Jackson City officials and business leaders, like Armstrong and his son, are not based on race.

The veteran lawmaker who has been active in state and local politics criticized those who are labeling recent FBI investigations as selective prosecution of minorities.

Kirksey says last week's guilty plea by Armstrong, who is black, to bribery and extortion charges reflects the mentality of some politicians who have risen to power and subsequently abused it in search of the dollar.

''They are teaching that to their children—'You get it anyway you can'—and that's why the jails and detention centers are loaded with blacks,'' Kirksey said. ''The problem is there is something wrong at City Hall, and it's not all just Louis Armstrong, either.''

Councilmen Kenneth Stokes and Robert Williams testified during the December trial of two businessmen charged in the FBI cable investigation that they were never offered any money in exchange for their votes.

The councilmen have not been charged with wrongdoing. Car salesman Robert Williams, 50, and snack food distributor Roy Dixon, 56, were convicted Dec. 11 of conspiring to extort $150,000 from Time Warner Cable in an attempt to influence the city council's vote on the franchise renewal.

On Friday, U.S. District Judge Tom S. Lee gave Williams 21 months in prison and two years supervised probation.

U.S. Attorney Brad Pigott said the FBI's investigations centered only on criminal actions of suspects, not their race. He pointed to the guilty pleas of Armstrong and Clinton Moses Jr., a confessed bank robber who on Friday admitted he firebombed the Jackson Advocate and accused Armstrong of hiring him.

''From the fact that both of them have every reason to expect to go to prison for having confessed under oath for their criminal conduct, I certainly don't see where the room is to see that they're both just lying so that they can have the chance to go prison,'' Pigott said.

Moses, who worked in Armstrong's 1997 reelection campaign, told authorities that Armstrong paid him $500 to burn the black weekly newspaper.

Pigott won't say whether Armstrong will be charged in the Advocate's firebombing.

SCHOOL OFFICIALS SAY RACIAL TENSION A PROBLEM AMONG STUDENTS

FARMINGTON HILLS, MI.—School officials in several Detroit area schools find themselves investigating incidents linked to racial tension—and they're searching for ways to head off violence within school walls.

Kim Kennedy, who is black, never thought her son, Jeffrey, would have to face the kind of racial attacks she felt growing up in Detroit. Her son attends Walled Lake Western High School, where in January he was involved in a racially motivated fight.

''I never thought my children would have to experience what happened to us in the 1960s,'' Ms. Kennedy, 38, of Farmington Hills told The Detroit News for a Thursday story. ''Sometimes, I question whether we made the right decision moving here.''

Other recent racial incidents in area schools include: Dearborn Edsel Ford High School. On Dec. 2, an altercation between several Arab and non-Arab students escalated into a food fight.

West Bloomfield High School. Last week, tempers flared between groups of Chaldean-American and African-American students in the school's cafeteria.

Saline High School. Three white students were charged with felony ethnic intimidation in connection with a Dec. 17, 1998, hallway fight with two black students. A preliminary examination is scheduled for March 23.

Experts say schools can and should take responsibility for helping to solve ethnic and racial tensions—even though the conflict usually begins outside the schools.

''Schools must be on top of what is creating the tension, and be proactive, rather than waiting for something to happen,'' University of Michigan education professor Percy Bates said.

In Walled Lake, about 25 parents attended a ''racial summit'' for parents a week after the Jan. 21 incident involving Kennedy, 14, and several other students. Many of the students—including Kennedy—were suspended and one was expelled.

''We promised parents that the administration would meet with them to discuss their concerns and to invite them to participate in our initiatives,'' Walled Lake Western High Principal Gary Bredahl told the News.

''I hope the African-American students here can sense that we are reaching out to them to create a comfort zone to get them involved in school activities.''

Experts say students often pick up their parents' feelings about other races, said Juanetta Guthrie of Wayne State University's Center for Peace and Conflict Studies.

''We are not born with the mechanism to hate. It's learned, and it can be unlearned,'' Ms. Guthrie said.

West Bloomfield senior Brad Fayer agrees that parents play a big role in raising their children to be free of biases and bigotry.

''If you have open-minded parents they can teach their kids to also be open-minded and fair,'' he said. ''They can also teach equality.''

So school districts are taking up the challenge to help combat conflicts.

In Dearborn, fights between Arab and non-Arab students have led to the creation of the Dearborn Community Alliance to establish clearer communication between members of the community.

''I see more dialogue,'' Edsel Ford Principal Jeremy Hughes said. ''At one time, the Arab students all sat along one wall in the cafeteria, but now I see more interaction.''

But Alex Shami, the only Arab American on the Dearborn public school board, said the district still has a long way to go.

''I've lived in Dearborn for 24 years,'' Shami said. ''There was tension between Arabs and non-Arabs in the late 1970s and then it went down in the 1980s, but it is worse than ever now. I don't like what I see because people seem to be investing more on their prejudices than ever and I am frustrated.''

In West Bloomfield, school officials say implementing ethnic diversity programs is the key to heading off potential problems.

''We have ongoing programs that get several kids from different backgrounds in dialogue,'' said Sharkey Haddad, the district's multicultural program director. ''If you don't already have a program in place, then it's merely a reaction to the problem.''

MISSISSIPPIANS TO GET CHANCE TO TELL HISTORY

(By Gina Holland)

JACKSON, MISS. (AP)—Mississippi history will be told through personal accounts of everyday residents as part of a project approved by the Legislature just in time for the turn of the century.

A bill passed by the House Wednesday would put $150,000 into a pilot project to collect interviews from residents in five areas of the state. The Senate has already approved the funding.

The University of Southern Mississippi, which has an oral history department, and the Mississippi Humanities Council would team up with community leaders on the work.

Residents will be interviewed about stories of their communities, government and civic life, and historical events.

Still pending in the Legislature is a request for $30,000 in continuation funding for an oral history program focusing on the civil rights era.

Elbert Hilliard, executive director of the Department of Archives and History, said the project will fill gaps in historical archives.

''Most of the existing oral history collections are interviews with prominent persons, political leaders, people who have been involved in significant events,'' he said. ''It will expand the scope of these interviews to have a comprehensive approach.''

Hillard, who expect some of the interviews to involve civil rights events, said he is hopeful the Legislature will also provide money for the civil rights project at USM.

Under the proposal approved Wednesday, one site will be chosen in each of Mississippi's congressional districts for a pilot program. People will be taught how to conduct interviews. The material will be archived and be made available on the Internet and it could be displayed in the communities.

Rep. Leonard Morris, D–Batesville, said his two teen-age children. ''have no knowledge of what happened in the 1960s and 1970s.''

''You don't want to dwell too much upon the negative part of it, but you also want to be able to do research on what happened and have an accurate documented source,'' said Morris, ''How can you know where you're going if you don't have a good idea of the past?''

Sen John Horhn, D–Jackson, said he would like to see more work on the civil rights history.

''A number of the people who were involved in the movement have passed away, many of them are getting older. It's important we capture their stories,'' said Horhn.

The funding bill goes to the governor.

84TH ANNIVERSARY OF THE ARMENIAN GENOCIDE

SPEECH OF

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. LARSON. Mr. Speaker, today I rise to honor the lives of 1.5 million Armenians who perished during the brutal genocide that took place on April 24, 1915. However, I also rise to celebrate the lives of those who have survived. We honor their spirit and the legacy they have provided. For it is this legacy that encourages their children and grandchildren, friends and neighbors, to remind people throughout the world of this horrific action. An action that tragically marked the century's first genocide.

According to the Archives of the Nuremberg Proceedings, Hitler instructed his SS units at a meeting in 1939 ''to kill, without pity, men, women, and children'' in their march against Poland, as such activities would have no long term repercussions. Who, he said, ''remembers now the massacres of the Armenians?''

As a Member of Congress I say with force and I say with compassion: We remember. We remember horrible violence that sent 1.5 million Armenian leaders, intellectuals, and clergy to their deaths and forever changed the lives of generations of families.

Tomorrow I will carry that same message from the floor of the House of Representatives to the Connecticut State Capitol where I will address a group of survivors and children of survivors of the Armenian genocide. Every year these Connecticut residents make a commitment to come to Hartford to remind their friends, their community leaders, and their neighbhors of the solemn anniversary that is marked throughout the country on April 24.

The most disturbing part of this anniversary is that 84 years later genocide remains a part of our vocabulary. From Rwanda to Bosnia to the present day horrors of Kosovo, entire populations are being killed simply because of their ethnicity. It has been said that we can best plan for the future by learning from the lessons of the past. Unfortunately, it appears that too many nations are trying to find their path to the future by ignoring the past.

As we commemorate this 84th anniversary of the Armenian genocide, I urge my House and Senate colleagues to work toward this goal: that an entire generation never experiences the horrors of genocide, either by living through it or by feeling the pain of people half way around the world.

I send my deepest prayers and thoughts to this country's Armenian-American community.

INTRODUCTION OF THE NATIONAL GEOLOGIC MAPPING ACT

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mrs. CUBIN. Mr. Speaker, I rise today, on Earth Day, to introduce a bill to reauthorize the National Geologic Mapping Act, a cooperative program between the states and the federal government to prioritize efforts to delineate the bedrock and surficial geology of the country on a broad scale, sufficient for land-use planning, natural hazards abatement and mitigation, and mineral resource endowment estimates. This bill's antecedents are the National Geologic Mapping Act of 1992, and its reauthorization and amendment in 1997.

Mr. Speaker, my home state of Wyoming is rich in geologic wonders, thus I am well aware of the importance of having accurate geologic information in order to manage and appreciate the land around us. Geologic information in the form of maps, both as traditional hard copies as well as digital data for manipulation by computer, aid society in prudent land-use planning, waste disposal, mitigation of geologic hazards, and management of natural resources. Funding for the program is incorporated in the budget of the U.S. Geological Survey as a subset of its annual appropriation.

The main components of this bill remain the same as its precursors—with a State geologic mapping component, whose objectives are to determine the geologic framework of areas that the State geological surveys determine to be vital to the economic, social, or scientific welfare of individual States. Mapping priorities will be determined by multi-representational State panels, and shall be integrated with national priorities. Federal funding for the State components shall be matched on a one-to-one basis with non-Federal funds.

An educational component of the act is designed to train the next generation of geologic mappers—by providing for broad education in geologic mapping and field analysis through support of field studies; and to develop the academic programs that teach earth-science students the fundamental principles of geologic mapping and field analysis, and knowledge of the solid earth. These mapping investigations will be integrated into the other State geologic mapping components of the program. The reauthorization of the National Geologic Mapping Act shines as a sterling example of a cooperative partnership between the Federal government and the individual states for the benefit of society.

Mr. Speaker, geologists like to say that for them ''every day is Earth Day.'' What better day than today to introduce the bill to keep the benefits of this important cooperative program flowing?

A TRIBUTE TO HIS HIGHNESS SHAIKH ESSA BIN SALMAN AL-KHALIFA, THE LATE AMIR OF THE STATE OF BAHRAIN

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. SPENCE. Mr. Speaker, I rise today to pay tribute to His Highness Shaikh Essa Bin Salman Al-Khalifa, the late Amir of the State of Bahrain. On April 14th, 1999, the people of Bahrain commemorated the 40th day of mourning for the passing of the Amir.

His Highness Shaikh Essa Bin Salman Al-Khalifa will be missed by his friends all over the world. I had the honor of meeting Shaikh Essa in the 1970's in a tent under the desert sky of Bahrain. Our friendship deepened over the years as we had the opportunity to meet and work together to foster a relationship of warmth and cooperation between our countries.

Under his leadership, Bahrain diversified its economy and currently Bahrain is ranked as having the highest standard of living among the Arab countries according to the 1998 Human Development Report published by the United Nations Development Program.

According to The Wall Street Journal and the 1999 Index of Economic Freedom published by the Heritage Foundation, Bahrain has held the status of third freest economy in the world.

This year Bahrain is celebrating the 50th Anniversary of the strong relationship it has with the United States and the United States Navy. Bahrain is a key ally of the United

States and the 5th Fleet of the United States Navy is located in Bahrain.

His Highness Shaikh Essa Bin Salman Al-Khalifa supported the Middle East peace efforts, and I am confident that his son, His Highness Shaikh Hamad Bin Essa Al-Khalifa, who has succeeded his father, will continue his father's legacy of promoting peace and prosperity for the people of Bahrain.

Mr. Speaker, I ask that the attached eulogy of the late Amir, given by His Highness Shaikh Khalifa Bin Salman Al-Khalifa, the Prime Minister of Bahrain, be inserted in the RECORD.

HIS HIGHNESS SHAIKH KHALIFA BIN SALMAN AL-KHALIFA, THE PRIME MINISTER OF THE STATE OF BAHRAIN

''It is a most sad occasion to stand here today over the loss of the dearest and most cherished of men, the late Amir H.H. Shaikh Essa Bin Salman Al-Khalifa, leader, father, and dear brother. May his soul rest in eternal peace and may God Almighty grant him mercy.

With the passing of H.H. Shaikh Essa Bin Salman Al-Khalifa, Bahrain and the Arab and Islamic world have lost a unique leader, who pledged himself and devoted his entire life to building and developing his country in all fields. He was tireless in his endeavors to achieve peace and security in the region and in the world. He was also a kind and gentle leader, full of love and devotion for his people. He set himself as an example that is hard to follow. As a leader and a father, he combined wisdom with a loving heart and high moral standards of decency. In dealing with his people and other nations, he relied on justice and honesty. His ultimate goal was cooperation and peace for all relations among nations.

H.H. Shaikh Essa's reign was an era of peace, a time of building and progress, a time of development and national unity. During his reign, Bahrain achieved regional and international recognition in all fields—an achievement that makes us all very proud. Bahrain made progress and development in health, education, and housing. Our nation reached a higher economic status, as well as an excellent reputation of credibility abroad. Bahrain played a prominent role in establishing and strengthening the Gulf Cooperation Council. Under his leadership, our nation had a very positive role in all Arab issues, calling for solidarity, urging the removal of all matters of discord, and defending Arab rights and issues. Internationally, Bahrain attained a distinguished status due to the respect, trust, and friendship he personally developed with leaders of the world. Those leaders appreciated his great contributions in promoting world peace, security, and stability and in strengthening international cohesion and cooperation, as well as supporting humane values and issues.

No words can really give adequate credit to the late Amir H.H. Shaikh Essa Bin Salman Al-Khalifa for his love for his country and his kindness to his people. He was a sincere Amir—a wise leader, an idealist in his devotion with concern and care for all Arab, Islamic, and world issues. H.H. Shaikh Essa shall remain a giant among men in the history of this nation for his great achievements and his high morals and ethics. His memory shall forever remain alive in the minds and hearts of this country and his loving people.

In this time of great sorrow for H.H. Shaikh Essa we take solace in his son and successor, H.H. Shaikh Hamad Bin Essa Al-Khalifa, with every confidence that he will be a fit and able successor to his father. We are confident that his reign shall witness further development, progress, and prosperity due to his wisdom, excellent leadership capabilities, and strong administrative abilities. It is our pride to exert the ultmost dedication in supporting H.H. Shaikh Hamad to continue the path of development which was established by the beloved, great leader nationally, regionally, and internationally.

We would also like to extend our best wishes to our dear son H.H. Shaikh Salman Bin Hamad Bin Essa Al-Khalifa on his appointment as Crown Prince—an appointment that has received the full consideration and support of all.

The proper transfer of leadership in this nation has a positive impact on all, since it reflects the solidity of the rule of law and all its institutions that the late Amir had established. In this sad time, we would like to express our sincere pride for the show of support displayed by the Bahraini people, symbolizing the spirit of a single family that the late leader was keen to develop. This spirit reflects the cohesion between the people of Bahrain and their leadership, as the late leader had wished.

We wish to extend our deepest gratitude and appreciation to the leaders, governments, and peoples of all brotherly and friendly states for their true sentiments and their generous participation with Bahrain on the sad demise of the late great leader, the father, and beloved brother H.H. Shaikh Essa.

May God Almighty grant our beloved leader mercy and rest in heaven. Peace and God's mercy be upon you all.''

INTRODUCTION OF ''THE CHIP DATA AND EVALUATION IMPROVEMENT ACT OF 1999''

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. STUPAK. Mr. Speaker, today I am introducing the CHIP Data and Evaluation Improvement Act of 1999. This legislation was introduced by Senator MOYNIHAN and Senator CHAFEE in the Senate earlier this year. I want to thank them for their hard work and their leadership on this legislation. I look forward to working with them, as well as Members of this body to ensure swift passage of this legislation.

This legislation would ensure comparable data and an adequate evaluation of children's health coverage under the new Children's Health Insurance Program (CHIP) and Medicaid.

In 1997, CHIP was established to provide health coverage for low-income uninsured children. The Balanced Budget Act of 1997 provided $48 billion over 10 years, mostly in the form of a block grant, for States to develop children's health insurance programs.

With new Federal CHIP funding, more States are beginning to develop their own programs. To date, 48 States have CHIP plans that have been approved by the Health Care Financing Administration, with most just beginning to implement their programs. In my home State of Michigan, reports have been mixed about the effectiveness of the program. All Members want to ensure that the program we instituted is carried out in an appropriate manner. We await reports on the effectiveness of their efforts to cover the Nation's uninsured children and I believe this bill will go along way in developing information on its effectiveness.

Implementing their programs is the first challenge the States must confront. For the Federal Government, the first challenge clearly will be to track the experience of children and of the CHIP programs. We will need data to answer some basic questions: Is the number of uninsured children being reduced over time, and how effective are the State CHIP programs at serving them? What are the best practices and initiatives for finding and enrolling the Nation's uninsured children?

The CHIP Data and Evaluation Improvement Act of 1999 calls for a detailed Federal CHIP evaluation by the Secretary of Health and Human Services. Current law requires a CHIP report from the Secretary to Congress; however, no funds were authorized. This bill would provide the necessary funds to conduct an evaluation. The evaluation would focus, in part, on outreach and enrollment and on coordinating the existing Medicaid program and the new CHIP program. In this era of devolution of social programs, the Federal Government has an increasingly critical responsibility to ensure adequate and comparable national data. This bill would ensure that standardized CHIP data is provided. At the very least, the Federal Government should provide, on a national level, estimates of the number of children below the poverty level who are covered by CHIP and by Medicaid.

The CHIP Data and Evaluation Improvement Act would provide funding so that existing national surveys would provide reliable and comparable State-by-State data. The most fundamental question we, as policy makers, will be asking is whether the number of uninsured children is going down. With an increasing percent of uninsured, a stable rate might be considered a success! This bill would provide additional funding to the Census Bureau for its Current Population Survey—a national data source of the uninsured—to improve upon the reliability of its State-by-State estimates of uninsured children.

In addition, the proposal would provide funding for another national survey to provide reliable State-by-State data on health care access and utilization for low-income children. Although this survey may also provide data on the number of uninsured, the CPS would be the primary source for such figures.

Also, to develop more efficient and centralized statistics, this bill would coordinate a Federal clearinghouse for all data bases and reports on children's health. Centralized and complete information is the key to sound policy and programs.

We need this information, not only to determine whether the States are properly instituting their CHIP programs, but to ensure that we continue our commitment to ensure that no children in this country are left without health care coverage.

I have included a summary of the bill prepared by Senator MOYNIHAN's staff to be included in the RECORD.

SUMMARY OF THE CHIP DATA AND EVALUATION IMPROVEMENT ACT OF 1999

PURPOSE

In 1997, 10.7 million children were uninsured. The new State Children's Health Insurance Program (CHIP) and existing state Medicaid programs are intended to provide coverage for low-income children. The crucial question is whether the number of uninsured children has been reduced. Improved state-specific data is needed to provide that information. In addition, the Federal government should evaluate the effectiveness of these programs in finding and enrolling children in health insurance.

PROPOSAL

State-by-state Uninsured Counts and Children's Health Care Access and Utilization. (1) Provide funds ($10 million annually) to the Census Bureau to make appropriate adjustments to the Current Population Survey (CPS) so that the CPS can provide reliable state-by-state data on uninsured children. (2) Provide funds ($9 million annually) to the National Center for Health Statistics to conduct the Children's Health portion of the State and Local Area Integrated Telephone Survey (SLAITS) in order to produce reliable state-by-state data on the health care access and utilization for low-income children covered by various insurance programs such as Medicaid and CHIP.

Federal Evaluation. With funding ($10 million), the Secretary of Health and Human Services would submit to Congress a Federal evaluation report that would include 10 states representing varying geographic, rural/urban, with various program designs. The evaluation would include more specific and comparable evaluation elements than are already included under Title XXI, such as including surveys of the target population (enrollees and other eligibles). The study would evaluate outreach and enrollment practices (for both CHIP and Medicaid), identify barriers to enrollment, assess states' Medicaid and CHIP program coordination, assess the effect of cost sharing on enrollment and coverage retention, and identify the reasons for disenrollment/retention.

Standardized Reporting. States would submit standardized data to the Secretary, including enrollee counts disaggregated by income (below 100%), race/ethnicity, and age. If income could not be submitted in a standard form, the state would submit a detailed description of eligibility methodologies that outline relevant income disregards. States would also submit percentages of individuals screened that are enrolled in CHIP and in Medicaid, and the percent screened eligible for Medicaid but not enrolled.

Administrative Spending Reports for Title XXI. States would submit standardized spending reports for the following administrative costs: data systems, outreach efforts and program operation (eligibility/enrollment, etc.).

Coordinate CHIP Data with Title V Data Requirements. Existing reporting requirements for the Maternal and Child Health Block Grant provide data based on children's health insurance, including Medicaid. This bill would include the CHIP program in its reporting. IG Audit and GAO Report. The Inspector General for the Department of Health and Human Services would audit CHIP enrollee data to identify children who are actually eligible for Medicaid. The General Accounting Office will report the results to Congress. Coordination of all Children Data and Reports. The Assistant Secretary of Planning and Evaluation in the Department of Health and Human Services would consolidate all federal data base information and reports on children's health in a clearinghouse.

THE INDEPENDENT CONTRACTOR CLARIFICATION ACT OF 1999

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 22, 1999

Mr. KLECZKA. Mr. Speaker, Congressman AMO HOUGHTON and I today are introducing the Independent Contractor Clarification Act of 1999. This bipartisan legislation attempts to solve one of the more troublesome aspects of the tax code—the proper classification of workers. I am pleased that Representatives STARK (CA), JOHNSON (CT), MATSUI (CA), ENGLISH (PA), LEVIN (MI), WELLER (IL), COYNE (PA), FOLEY (FL), MCDERMOTT (WA), LEWIS (GA), BOEHLERT (NY), EVANS (IL), KING (NY), BARRETT (WI), QUINN (NY), and FORBES (NY) are original cosponsors of the bill.

The bipartisan spirit of this legislation cannot be underestimated. Congress has struggled with this issue since 1978. Unfortunately, legislation introduced in recent years has tended to favor employers and only served to polarize the debate on this issue. Congressman HOUGHTON and I have worked with groups representing both employers and employees for most of the past year to develop the legislation we are introducing today.

The current 20 point test used to determine an individual's employment classification and the section 530 safe harbor are burdensome and unworkable. The 20 point test is a series of tests that provide employers with a general guideline as to how they are supposed to classify their workers. However, these tests do not provide employers with a clear definition of who is an independent contractor and who is an employee. This lack of clarity has led to countless workers being misclassified.

For example, one of the criteria used in the 20 point test is the level of training of the worker. Some have interpreted a level of training to be a college degree while others would argue it is a person's general work experience. Another criteria is furnishing significant tools and assets. For a computer programmer, significant equipment and assets might be an expensive computer system whereas in the case of a laborer an employer might deem a significant investment to be some basic tools.

With the increased enforcement of the employment tax laws beginning in the late 1960s, controversies developed between the IRS and businesses as to whether the businesses were properly classifying certain workers as independent contractors. As a result, Congress included section 530 in the 1978 tax bill, which created a safe harbor by which employers could treat a worker as an independent contractor for employment tax purposes regardless of the true employment status of the worker. To be eligible for the section 530 safe harbor, an employer simply had to have a "reasonable basis" such as a prior audit by the IRS, a private letter ruling from the IRS, or have relied on a long-standing recognized industry practice. Although it was intended to be a temporary solution, section 530 was permanently extended by Congress in 1982.

Furthermore, section 530 has prohibited the IRS from issuing regulations and guidance to employers to bring about the proper classification of workers. The inability of the IRS to issue rulings on employment status has prevented the IRS from clarifying the 20 point test.

As a result of the lack of clear direction, many businesses have misclassified their workers as independent contractors. Such misclassifications have resulted in workers being denied essential benefits such as health coverage, a retirement plan, or the employer's share of FICA taxes. Workers who are actual employees and who work at the direction of and under the supervision of a superior are entitled to these benefits as part of their employment.

The Independent Contractor Clarification Act would replace the current 20 point test with a simple, easy to understand 3 point test. An individual would be classified as an independent contractor if the employer does not control the manner in which the individual completes his or her assigned tasks; the individual is able to solicit and undertake other business opportunities; and the individual encounters entrepreneurial risk. The last point would include the ability of the independent contractor to generate a profit or bear the risk of financial loss.

However, any person that has a statutory exemption would maintain that exemption under this legislation. For example, current law says that real estate agents and direct sellers such as newspaper delivery persons are independent contractors, and they would maintain that status under the Independent Contractor Clarification Act.

The Independent Contractor Clarification Act would also repeal section 530 thereby allowing the Department of Treasury to issue guidance to employers so they can properly classify their workers.

However, businesses that are currently eligible for the Section 530 safe harbor will be covered by a transitional rule which would continue the current safe harbor protections until 2003 or until the IRS issues additional guidance. In addition, if the IRS requests a reclassification of any section 530 worker after the date of bill's enactment but before 2003, the employer must make the change prospectively but will not be held liable for back taxes.

The single largest hurdle to employers reclassifying their workers as employees is the fear the IRS is going to take the reclassification as an admission of wrongdoing and, as a result, assess retroactive employment taxes. Under this legislation, the IRS would be prohibited from collecting back taxes if an employer meets the following criteria: The business had consistently treated the individual, and all other persons in similar positions, as an independent contractor; the tax returns filed by the employers are consistent with the treatment of the workers as independent contractors; and the employer has a reasonable basis for the classification of the worker such as a prior audit or a letter ruling from the IRS.

The effective date of this legislation is January 1, 2001. This is designed to give businesses a reasonable amount of time to implement the changes in the independent contractor statutes. Furthermore, any business that is told to reclassify its workers would have 60 days after final notification from the IRS to implement the change.

Mr. Speaker, this legislation is a bipartisan solution to a difficult and longstanding problem. The Independent Contractor Clarification Act attempts to balance the interests of employers and their workers. If enacted, this legislation will provide employers the guidance they need to properly classify their workers. It will also serve the interests of hard-working Americans and their families. It is for these reasons I urge the adoption of this legislation.

H.R.—

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 ''Independent Contractor Clarification Act of 1999''.

SEC. 2. DETERMINATION OF EMPLOYEE AND EMPLOYER STATUS.

(a) IN GENERAL.—Subsection (c) of section 7701 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) EMPLOYEE AND EMPLOYER.—

''(1) IN GENERAL.—For purposes of this title, except as otherwise expressly provided in this title—

''(A) an individual (hereinafter in this subsection referred to as the 'service provider') performing services for another person (hereinafter in this subsection referred to as the 'service recipient') shall be treated as an employee of the service recipient, and

''(B) the service recipient shall be treated as the employer of such service provider, unless the requirements of each of the subparagraphs of paragraph (3) have been satisfied.

''(2) REPEAL OF COMMON LAW TESTS.—The rules of this subsection shall apply in lieu of any common law rules which would otherwise apply.

''(3) REQUIREMENTS.—

''(A) LACK OF CONTROL BY SERVICE RECIPIENT.—The requirements of this subparagraph are met only if the service provider has the right, to the exclusion of the service recipient, to control and direct the manner of, and the means used in, the service provider's performance of services for the service recipient.

''(B) AVAILABILITY OF SERVICE TO OTHERS.—The requirements of this subparagraph are met only if the service provider—

''(i) makes substantially similar services available to others, and

''(ii) is not precluded by the service recipient from soliciting business opportunities that involve providing substantially similar services for other persons during the period that the service provider is providing services for the service recipient.

''(C) ENTREPRENEURIAL RISK.—The requirements of this subparagraph are met only if—

''(i) in the service provider's overall business activities, the service provider has the potential to generate profit and bears risk of loss and the extent to which profit is generated or loss is sustained depends on the service provider's efforts and decisions other than as to the amount of work performed, and

''(ii) in the event the service provider fails to perform the work in accordance with the service recipient's requirements, the service provider is either subject to liability to the service recipient for damages arising from claims sounding in contract or would be subject to such liability but for a waiver by the service recipient.

''(4) PERSON.—For purposes of this subsection, the term 'person' includes any governmental unit (and any agency or instrumentality thereof).''

(b) REPEAL OF SECTION 530 OF REVENUE ACT OF 1978.—Section 530 of the Revenue Act of 1978 is hereby repealed.

(c) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 3121(d) of such Code is amended to read as follows:

''(2) any individual who is treated as an employee under section 7701(c); or''.

(2) Paragraph (2) of section 210(j) of the Social Security Act is amended to read as follows:

''(2) any individual who is treated as an employee under section 7701(c) of the Internal Revenue Code of 1986; or''.

(3) Subsection (a) of section 7701 of such Code is amended by inserting after paragraph (33) the following new paragraph:

''(34) INCLUDES AND INCLUDING.—The terms 'includes' and 'including' when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.''

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to services performed after December 31, 2000.

(2) REPEAL OF LIMITATIONS ON REGULATIONS AND RULINGS.—The repeal made by subsection (b), insofar as it relates to section 530(b) of the Revenue Act of 1978, shall take effect on the date of the enactment of this Act; except that regulations and Revenue Rulings permitted to be issued by reason of such repeal may not apply to services performed before January 1, 2001.

SEC. 3. LIMITATIONS ON RETROACTIVE EMPLOYMENT TAX RECLASSIFICATIONS.

(a) GENERAL RULE.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions applicable to employment taxes) is amended by adding at the end the following new section:

''SEC. 3511. LIMITATIONS ON RETROACTIVE EMPLOYMENT TAX RECLASSIFICATIONS.

''(a) GENERAL RULE.—If—

''(1) for purposes of employment taxes, the taxpayer treats an individual as not being an employee for any period after December 31, 2000, and

''(2) for such period, the taxpayer meets—

''(A) the consistency requirements of subsection (b),

''(B) the return filing requirements of subsection (c), and

''(C) the safe harbor requirement of subsection (d),

for purposes of applying this subtitle for such period, the individual shall be deemed not to be an employee of the taxpayer for such period. The preceding sentence shall cease to apply to periods beginning more than 60 days after the date that the Secretary notifies the taxpayer in writing of a final administration determination that the taxpayer should treat such individual (or any individual holding a substantially similar position) as an employee.

''(b) CONSISTENCY REQUIREMENTS.—A taxpayer meets the consistency requirements of this subsection with respect to any individual for any period if the taxpayer treats such individual (and all other individuals holding substantially similar positions) as not being an employee for purposes of the employment taxes for such period and all prior periods after December 31, 1978.

''(c) RETURN FILING REQUIREMENTS.—The taxpayer meets the return filing requirements of this subsection with respect to any individual for any period if all Federal tax returns (including information returns) required to be filed by the taxpayer for such period with respect to such individual are filed on a basis consistent with the taxpayer's treatment of such individual as not being an employee.

''(d) SAFE HARBORS.—

''(1) IN GENERAL.—The taxpayer meets the safe harbor requirement of this subsection with respect to any individual for any period if the taxpayer establishes that it treatment of such individual as not being an employee for such period was—

''(A) in reasonable reliance on a written determination (as defined in section 6110(b)(1)) issued to the taxpayer that addressed the employment status of the individual or an individual holding a substantially similar position with the taxpayer;

''(B) in reasonable reliance on a concluded Internal Revenue Service audit of the taxpayer in which the employment status of the individual or any individual holding a substantially similar position with the taxpayer was examined and the taxpayer was notified in writing that no change would be made to such individual's employment status; or

''(C) supported by substantial authority.

For purposes of subparagraph (C), the term 'substantial authority' has the same meaning as when used in section 6662(d)(2)(B)(i); except that such term shall not include (i) any private letter ruling issued to a person other than the taxpayer, and (ii) any authority that does not address the employment status of individuals holding positions substantially similar to that of the individual.

''(2) SPECIAL RULES.—

''(A) APPLICATIONS TO PRE-2001 DETERMINATIONS, ETC.— Paragraph (1) shall apply without regard to whether the determination, audit, or the authority referred to therein was before January 1, 2001.

''(B) SUBSEQUENT AUTHORITY—The taxpayer shall not be considered to meet the safe harbor requirement of paragraph (1) with respect to any individual for any period if the treatment of such individual as not being an employee is inconsistent with any regulation, Revenue Ruling, Revenue Procedure, or other authority—

''(i) which is published by the Secretary at least 60 days before the beginning of such period and after the date of the determination, the conclusion of the audit, or the substantial authority referred to in paragraph (1), and

''(ii) which applies to the type of services performed by such individual or the industry or business in which such services are preformed.

''(3) TRANSITIONAL RULE.—Except as provided in paragraph (2)(B), the taxpayer shall be considered to meet the safe harbor requirement of paragraph (1) with respect to services performed by an individual during 2001 or 2002 if the taxpayer would be treated under section 530 of the Revenue Act of 1978 (as in effect on the day before the date of the enactment of this section) as having a reasonable basis for not treating such individual as an employee.

''(e) OTHER SPECIAL RULES.—

''(1) NOTICE.—An officer or employee of the Internal Revenue Service shall, before or at the commencement of any audit inquiry relating to the employment status of one or

more individuals who perform services for the taxpayer, provide the taxpayer with a written notice of the provisions of this section.

''(2) AVAILABILITY OF SAFE HARBORS.—Nothing in this section shall be construed to provide that this section only applies where the individual involved is otherwise an employee of the taxpayer.

''(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) EMPLOYMENT TAX.—The term 'employment tax' means any tax imposed by this subtitle.

''(2) EMPLOYMENT STATUS.—The term 'employment status' means the status of an individual as an employee or as an independent contractor (or other individual who is not an employee).

''(3) TAXPAYER.—The term 'taxpayer' includes any person or entity (including a governmental entity) which is (or would be but for this section) liable for any employment tax. Such term includes any predecessor or successor to the taxpayer.

''(4) SUBSTANTIALLY SIMILAR POSITION.—The determination as to whether an individual holds a position substantially similar to a position held by another individual shall include consideration of the relationship between the taxpayer and such individuals.

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this section.''

(b) CLERICAL AMENDMENT.—The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

''Sec. 3511. Limitations on retroactive employment tax reclassifications.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to all periods beginning after December 31, 2000.

SEC. 4. STATUTE OF LIMITATIONS ON ASSESSMENT OF EMPLOYMENT TAXES TO RUN BEGINNING ON DATE CERTAIN INFORMATION RETURNS FILED.

(a) IN GENERAL.—Subsection (b) of section 6501 of the Internal Revenue Code of 1986 (relating to limitations on assessment and collection) is amended by adding at the end the following new paragraph:

''(5) CERTAIN INFORMATION RETURNS TO BEGIN LIMITATION PERIODS ON EMPLOYMENT TAXES.—For purposes of this section, if—

''(A) a return is filed under section 6041 or 6041A which specifies an amount of payments made to any individual for services performed by such individual, and

''(B) such payments are not taken into account in determining the taxes imposed by chapters 21 and 24,

then, notwithstanding the last sentence of subsection (a), such return shall be treated as the return referred to in subsection (a) for purposes of determining the period of limitations with respect to such taxes on such services.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2000.