United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

SENATE—*Wednesday, April 28, 1999*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Gracious Father, the day stretches out before us filled with opportunities and responsibilities. There also are pressures and problems, stresses and strains, fears and frustrations. We commit the day to You, Father. There are vital things we know that You will never do. You will never give us more than we are able to carry. You will never leave or forsake us, and You will not let us drift from Your care. And there are some reassuring things that we can count on You to do. You will supply us with strength for each challenge, wisdom for each decision, enabling love for each relationship. We claim Your promise, ''I will be with you; I will comfort and uplift you; I will show the way.''

Thank You for being our Light in darkness, our Peace in turmoil, and our Security in distress. We praise You for giving us this new day and for showing us the way. Through the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. BROWNBACK. I thank the Chair.

SCHEDULE

Mr. BROWNBACK. Mr. President, today the Senate will be in a period of morning business until 12 noon. Following morning business, the Senate will resume consideration of S. 96, the Y2K bill. A cloture motion on the pending McCain amendment was filed on Tuesday. Therefore, that cloture vote will take place on Thursday at a time to be determined by the two leaders. All Senators will be notified when that time has been decided. Votes are possible today on any legislative or executive items cleared for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon with Senators permitted to speak therein for up to 10 minutes each.

The distinguished Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the distinguished Senator from Kansas very much for the recognition.

MUSIC IN OUR CULTURE

Mr. BROWNBACK. Mr. President, I have some comments I will make today following what has happened in Colorado, the Columbine tragedy that occurred this last week which has caused all of us really to reflect on the causes and the cures. As we mourn the loss of so many precious young lives, we really have to ask ourselves, how did we get to this place? Why do so many young people with so much going for them in their lives have such despair and so much hate?

Obviously, there are no easy answers and certainly no silver bullets. There are many factors which led those two young men to don trench coats and kill, just as there were many factors that resulted in the shootings in Jonesboro, Paducah, Pearl, and Springfield, communities the names of which have become all too familiar to us via school tragedies where a child has killed other children.

But there are enough common factors that I believe we can start to pull together some ideas as to what is causing this and some solutions. One of the most obvious conclusions is this: The immersion of troubled kids in a violence-glorifying culture is a recipe for disaster.

Monday, I addressed this body on the need for a commission on cultural renewal. Today, I would like to address the importance of one of the most important elements that makes up our culture, and that is our music. In many ways the music industry is more influential than anything that happens here in Washington. Most people spend far more time listening to music than watching C–SPAN or reading the newspaper. They are more likely to recognize musicians than Senators—I guess maybe unless the Senators sing. And they spend more time thinking about music than about government.

All of those can seem to be some fairly trite statements, but when you look at what we are putting out in the music and then ask that question, it takes on a different color.

Of course, no one spends more time listening to music than the young people. In fact, one recent study conducted by the Carnegie Foundation concluded that the average teenager listens to music around 4 hours a day—about 4 hours a day. In contrast, they spend less than an hour a day on homework or reading, less than 20 minutes a day talking with mom, and less than 5 minutes a day talking with dad.

If this study is true, there are thousands, perhaps even tens or hundreds of thousands, of teens who spend more time listening to the music of such artists as Marilyn Manson or Master P than mom or dad.

In fact, Marilyn Manson himself said this:

> Music is such a powerful medium now. The kids don't even know who the President is, but they know what's on TV. I think if anyone like Hitler or Mussolini were alive now, they'd have to be rock stars.

Over the past few years, I have grown increasingly concerned with the popularity of some lyrics, lyrics which glorify violence and devalue life. Some recent best selling albums have included graphic descriptions of murder, torture, and rape. Women are objectified, often in the most degrading ways. Songs such as Prodigy's ''Smack My B. . . Up'' or ''Don't Trust a B. . .'' by

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

the group Mo' Thugs actively encourage animosity or even violence towards women. A few years ago, the alternative group ''Nine Inch Nails'' enjoyed critical and commercial success with their song ''Big Man With a Gun,'' which described forcing a woman into oral sex and shooting her in the head at point-blank range.

I brought along a few examples of the kind of music I am talking about. Each of the Marilyn Manson songs shown here are from his 1996 album ''Anti-Christ Superstar,'' an album which debuted at No. 3 on the Billboard charts. These are some of the song lyrics that you can look at. I want to point it out because it is about the culture of violence and the culture of death, and they may be unpleasant words for us to look at, but when these debut at No. 3 on the Billboard charts, when that song wraps itself around one's inside, when it wraps around a person's soul, it has an impact just as significant as when we might listen to John Philip Sousa's music and it makes us feel patriotic and uplifted or a love song makes us loving. Violent, hateful, misogynistic music encourages that in us as will violence come from hate music.

Look at this:

MARILYN MANSON, ''IRRESPONSIBLE HATE ANTHEM'' (ANTI-CHRIST SUPERSTAR) ON NOTHING/INTERSCOPE RECORDS

I'm so all-American, I'd sell you suicide
I am totalitarian, I've got abortions in my eyes
I hate the hater, I'd rape the raper
I am the animal who will not be himself
F*** it

Hey victim, should I black your eyes again?
Hey victim, you were the one who put the stick in my hand
I am the ism, my hate's a prism
Let's just kill everyone and let your god sort them out
F*** it

Everybody's someone else's n**ger/I know you are so am I
I wasn't born with enough middle fingers/I don't need to choose a side.

DMX, ''GET AT ME DOG'' (IT'S DARK AND HELL IS HOT) ON DEF JAM RECORDS/POLYGRAM

Well in the back with ya fag*** a** face down
Lucky that you breathin but you dead from the waist down
The f*** is on your mind? Talking that s**t you be talkin
And I bet you wish you never got hit cause you be walkin
But s***t happens and f*** it, you gon' did ya dirt
Because we wondering how the f*** you hid your skirt
Right under their eye, master surprise to the guys
And one of their mans was b**ch in disguise
F*** home we capture with more hits and slaughter more kids. . .
You know for real the n**ga came f**in sucked my d**k
And it's gonna take all these n**gaz in the rap game
To barely move me, cause when I blow s**t up
I have n**gaz falling like white b**ches in a scary movie
Ah, you know I don't know how to act
Get too close to n**gaz, it's like:
''Protected by viper, stand back''
What's this, I thought n**gaz you was killas demented
F*** y'all n**gaz callin' me coward finish him and send it.

MASTER P, ''COME AND GET SOME'' (GHETTO D) ON NO LIMIT/PRIORITY RECORDS

I got friends running out the f***in' crack house
I'm not P but I dumpin n**gas like Stackhouse
They call me C-murder, I'm a member of the TRU clique
You run up the wrong boy, you might get your wig split
I'm known in the ghetto for slangin' narcotics
Them feds be watchin but dem 'hoes can't stop me s**t
My game so tight ain't got no time fo slip-ups
I come up short I'ma bust yo' f***in' lip up
Cuz money and murder is the code that I live by
Come to ya set and do a muthaf***in' walk-by
Deep in the game, preparing for the worse
(What about dem po po's)
I wanna put them in a hearse
They took me to jail wit 2 keys in the back trunk
Fresh out of the county still smellin like about a buck
If you want something, come and get somethin . . .

DOVE SHACK, ''SLAP A 'HO'' (THE DOVE SHACK) ON POLYGRAM

Hello all you pimps and playas that got hoes out there that get outta line.
You know the ones that's talking heads, but not giving head.
They wanna be spoon-fed.
You know the ones I'm talking about with no money, wanna be calling you honey? . . .
Hey, if your gal is giving you problems (and I know she is) what I want you to do is . . .
Run out and get the amazing Slap-a-Hoe device.
This stupendous device will put any hard-headed, loud-mouth talking in public b**ch in check in less than 20 minutes. . . .
Post up against that b**ch's tilt for a little bit, smack her around with the Slap-a-Hoe and I guarantee in less than 20 minutes that b**ch will be back in line . . .
Hey, how do you keep hoes in check?
Well god * * * *, I had more problems than O.J.
But now, I reach back with 9.6 velocity and slap the snot out of the b**ch . . .
I used to have all the problems in the world with dem hoes.
Spending my last penny and not gettin' no p***y.
But now, thanks to that amazing device, I invoke that touch and get twice as much . . .
Brought to you by the makers of Slam-a-Ho and Drag-a-Ho.

FIEND, ''ON A MISSION'' (THERE'S ONE IN EVERY FAMILY) ON NO LIMIT/PIORITY RECORDS

N**ga you really f***ed up.
We on a muthaf***in' mission . . .
Retaliation is a must
Dumpin rounds on my muthaf**in adversaries.
N**ga, n**ga ridin dirty for revenge
With my friends, I'm on a caper
Ready to kill 'em, if I see 'em
F*** alarm, hold my paper
I'm a rider, so I leave 'em where I left 'em
When I creep, n**gas sleep
And they ain't restin til they deep up in concrete. . . .

Loco this is the deal, let's put the gun
To the small of his neck, we got caught up and blast
Until there's nothing left . . .

Pulled the trigga on my n**ga
As the forty caliber shell, blew up in the neck
Twice in the head, he was dead 'fore his body hit the ground.
Pull up next to the bodies, I was runnin'
My dog's head was blew off . . .
Hit the driver's side window, as they crash into a pole
With a few left in the clip
Some for the driver, the passenger, and the rest of the trigger men.

If these were some off-beat records that were out in a few isolated places, you would probably say, well, you know, that is the price you pay for freedom, for a free culture. But these are not. These are top-of-the-chart hits that are out there playing endlessly in too many cases and even being marketed to a very troubled youth's mind.

Are we really surprised, then, when some things happen that are pretty strange? That there seems to be so much violence and so much hatred out in this culture? Are we really that surprised? Should we be really that surprised?

I hope people are listening and I hope they are looking.

These are not obscure songs. They are immensely popular, and hugely profitable. They are backed by some of the largest, most prestigious corporations in our country and the world—Time-Warner, Seagrams/Universal, Sony, Polygram, Viacom, BMG, and Thorne-EMI.

I ask if any of the executives of these companies would allow their children to listen to this music? Would they? I hope not. Yet they are selling it and making millions.

Many of my colleagues may not be familiar with these lyrics. Until the past couple of years, I wasn't, either. But most kids are very familiar with them. They make up a vital part of the cultural ocean in which they swim. The messages of these songs are heard over and over, until they are, at the least, familiar, and at worst, internalized.

A little over a year ago, I chaired a hearing on the impact of violent music on young people. During this hearing, we heard a variety of witnesses testify on the effects of music lyrics that glorified violence, sexual torture, and suicide. We heard from the nation's experts on the subject. Their conclusion was unanimous: music helps shape our attitudes.

This is important. Studies indicate that the average teenager listens to

music around four hours a day. It simply stands to reason that what we hear, and see, and experience cannot help but affect our attitudes and assumptions, and thus, our decisions and behavior. If it didn't, commercials wouldn't exist, and anyone who spent a dollar on advertising would be a fool. But advertising is a multi-billion dollar business. Why? Because it works. It creates an appetite for things we don't need, it affects the way we think, the things we want, and the things we buy. What we see and what we hear changes how we act.

Thousands of years ago, the philosopher Plato noted ''Musical training is a more potent instrument than any other, because rhythm and harmony find their way into the inward places of the soul, on which they mightily fasten.'' Can anybody listening to this today not readily pull up a song in their mind and listen to it right now? Because it wraps around their inner being.

Unfortunately, perhaps the last sector of society to acknowledge the importance and effects of music is the music industry.

In this hearing, I asked Hilary Rosen, the president of the Recording Industry Association of America, the trade organization of the music industry, the following questions. I asked, ''Who purchases Marilyn Manson albums? Do you know anything about the demographics of those who purchase these albums?'' She answered ''No.''

I asked, ''Have you looked at the demographic profile of those who purchase shock rock or gangsta rap records? She answered ''No.'' Later in her testimony, she asserted that ''the purchasers of this [Marilyn Manson's ''Anti-Christ Superstar'' album] album in retail stores are over the age of 17.''

I thought—I would be happy to be wrong about this, but somehow, I doubt that the majority of Marilyn Manson fans are out of their teens. The appeal of this music appears to be the greatest to teenagers—the very group of people who are supposed to be protected from it. But they're not.

Let me be clear: I am opposed to censorship of music. I believe the first amendment ensures the widest possible latitude in allowing various forms of speech—including offensive, obnoxious speech. But the fact that lyrics which celebrate should be allowed does not mean that they should be given respectability. There are some forms of speech which should be thoroughly criticized and roundly stigmatized, even though they are allowed. Freedom of expression is not immunity from criticism.

What we honor says as much about our national character as what we allow. There is an old saying ''Tell me what you love, and I'll tell you what you are.'' A love of violence, murder, mayhem, destruction, debasement and pain, as reflected in the popularity of gory movies, violent music, a burgeoning porn industry, grotesque video games, and sleazy television is a cause for national concern. What we honor and esteem as a people both reflects and affects our culture. We grow to resemble what we honor, and we become less like what we disparage.

Glorifying violence in music is dangerous—Because a society that glorifies violence will grow more violent. When we refuse to criticize the gangsta rap songs that debase women, we send the message that treating women like chattel is not something to be upset about. Record companies that promote violent music implicitly push the idea that more people should listen to, purchase, and enjoy the sounds of slaughter. When MTV named Marilyn Manson the ''Best New Artist of the Year'' last year, they help him up as an example to be aspired to. Promoting violence as entertainment corrodes our nation from within.

This is not a new idea. Virtually all of the Founding Fathers believed—even assumed—that nations rise and fall based on what they honor and what they discourage. Samuel Adams stated ''A general dissolution of principles and manner will more surely overthrow the liberties of America than the whole force of a common enemy.''

Next week, we will have a hearing to explore whether violence is actually marketed to children. We have invited the presidents and CEOs of the big entertainment conglomerates—Time-Warner, Viacom, BMG Sony, Sega, Nintendo, Hasbro. We hope they will come and help us begin a fruitful discussion on what can be done to protect our children from entertainment which glorifies and glamorizes violence.

Mr. President, I have gone on for some time, but I think this is critically important, particularly in light of what we experienced this past week that has shocked us as a nation and really caused us to ask why and what do we do to change.

I think it perhaps was best summarized in a speech given by the Most Rev. Charles Chaput who is the Archbishop of Denver.

Mr. President, he said this:

As time passes, we need to make sense of the Columbine killings. The media are already filled with ''sound bites'' of shock and disbelief; psychologists, sociologists, grief counselors and law enforcement officers—all with their theories and plans. God bless them for it. We certainly need help. Violence is now pervasive in American society—in our homes, our schools, on our streets, in our cars as we drive home from work, in the news media, in the rhythms and lyrics of our music, in our novels, films and video games. It is so prevalent that we have become largely unconscious of it. But, as we discover in places like the hallways of Columbine High, it is bitterly, urgently real.

The causes of this violence are many and complicated: racism, fears, selfishness. But in another, deeper sense, the cause is very simple: We're losing God, and in losing Him, we're losing ourselves. The complete contempt for human life shown by the young killers at Columbine is not an accident, or an anomaly, or a freak flaw in our social fabric. It's what we create when we live a contradiction . . . we can't market avarice and greed . . . and then hope that somehow our children will help build a culture of life.

He concludes by saying—and the title of his speech is, ''Ending the violence begins with our own conversion'':

In this Easter season and throughout the coming months, I ask you to join me in praying in a special way for the families who have been affected by the Columbine tragedy. But I also ask you to pray that each of us—including myself—will experience a deep conversion of heart toward love and non-violence in all of our relationships with others.

Mr. President, I ask unanimous consent that the speech of the Most Rev. Charles Chaput be printed in the RECORD.

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

[From the Denver Catholic Register, Apr. 21, 1999]

ENDING THE VIOLENCE BEGINS WITH OUR OWN CONVERSION

(By Most Reverend Charles J. Chaput, O.F.M. Cap.)

He descended into hell.

Over a lifetime of faith, each of us, as believers, recites those words from the Creed thousands of times. We may not understand them, but they're familiar. They're routine. And then something happens to show us what they really mean.

Watching a disaster unfold for your community in the glare of the international mass media is terrible and unreal at the same time. Terrible in its bloody cost; unreal in its brutal disconnection from daily life. The impact of what happened this past week in Littleton, however, didn't fully strike home in my heart until the morning after the murders, when I visited a large prayer gathering of students from Columbine High School, and spent time with the families of two of the students who died.

They taught me something.

The students who gathered to pray and comfort each other showed me again the importance of sharing not just our sorrow, but our hope. God created us to witness His love to each other, and we draw our life from the friendship, the mercy and the kindness we offer to others in pain. The young Columbine students I listened to, spoke individually—one by one—of the need to be strong, to keep alive hope in the future, and to turn away from violence. Despite all their confusion and all their hurt, they would not despair. I think I understand why. We're creatures of life. This is the way God made us: to assert life in the face of death.

Even more moving was my time with the families of two students who had been murdered. In the midst of their great suffering—a loss I can't imagine—the parents radiated a dignity which I will always remember, and a confidence that God would somehow care for them and the children they had lost, no matter how fierce their pain. This is where words break down. This is where you see, up close, that faith—real, living faith—is rooted finally not in how smart, or affluent, or successful, or sensitive persons are, but in how well they love. Scripture says that ''love is

as strong as death.'' I know it is stronger. I saw it.

As time passes, we need to make sense of the Columbine killings. The media are already filled with ''sound bites'' of shock and disbelief; psychologists, sociologists, grief counselors and law enforcement officers—all with their theories and plans. God bless them for it. We certainly need help. Violence is now pervasive in American society—in our homes, our schools, on our streets, in our cars as we drive home from work, in the news media, in the rhythms and lyrics of our music, in our novels, films and video games. It is so prevalent that we have become largely unconscious of it. But, as we discover in places like the hallways of Columbine High, it is bitterly, urgently real.

The causes of this violence are many and complicated: racism, fear, selfishness. But in another, deeper sense, the cause is very simple: We're losing God, and in losing Him, we're losing ourselves. The complete contempt for human life shown by the young killers at Columbine is not an accident, or an anomaly, or a freak flaw in our social fabric. It's what we create when we live a contradiction. We can't systematically kill the unborn, the infirm and the condemned prisoners among us; we can't glorify brutality in our entertainment; we can't market avarice and greed . . . and then hope that somehow our children will help build a culture of life.

We need to change. But societies only change when families change, and families only change when individuals change. Without a conversion to humility, non-violence and selflessness in our own hearts, all our talk about ''ending the violence'' may end as pious generalities. It is not enough to speak about reforming our society and community. We need to reform ourselves.

Two questions linger in the aftermath of the Littleton tragedy. How could a good God allow such savagery? And why did this happen to us?

In regard to the first: God gave us the gift of freedom, and if we are free, we are free to do terrible, as well as marvelous things . . . And we must also live with the results of others' freedom. But God does not abandon us in our freedom, or in our suffering. This is the meaning of the cross, the meaning of Jesus' life and death, the meaning of He descended into hell. God spared His only Son no suffering and no sorrow—so that He would know and understand and share everything about the human heart. This is how fiercely He loves us.

In regard to the second: Why not us? Why should evil be at home in faraway places like Kosovo and Sudan and not find its way to Colorado? The human heart is the same everywhere—and so is the One for whom we yearn.

He descended into hell. The Son of God descended into hell . . . and so have we all, over the past few days. But that isn't the end of the story. On the third day, He rose again from the dead. Jesus Christ is Lord, ''the resurrection and the life,'' and we—His brothers and sisters—are children of life. When we claim that inheritance, seed it in our hearts, and conform our lives to it, then and only then will the violence in our culture begin to be healed.

In this Easter season and throughout the coming months, I ask you to join me in praying in a special way for the families who have been affected by the Columbine tragedy. But I also ask you to pray that each of us—including myself—will experience a deep conversion of heart toward love and non-violence in all our relationships with others.

Mr. BROWNBACK. It is time we address this. It is time we address it strongly. It is time we address it clearly and ask two questions: How did we get here, and how do we get out? This is not the culture we were raised in and this is not the culture we want our kids to be in, as one of our colleagues, Senator LIEBERMAN, put it. I hope we can start the change and renew our culture and start to do that by renewing ourselves.

Mr. President, I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Montana is recognized.

INTERNATIONAL TRADE AND FINANCE

Mr. BAUCUS. Mr. President, I rise to note that this week the world's finance ministers and central bank presidents have gathered in Washington for the annual meeting of the World Bank and the International Monetary Fund. I suspect that Secretary of the Treasury Rubin reminded us last week that, despite the hype about the end of the world's financial crisis, we are just at the starting point of making those structural changes necessary to put the globe back on a solid growth path.

Obviously, it is critical to repair the global financial system, and Secretary Rubin has been the leader in this with excellent ideas. But there is a whole other piece, which we can't ignore; that is, the need to maintain and expand an open trading system. Take a look at some troubling trade statistics released last week.

First, the United States merchandise trade deficit in February hit an all-time record—over $19 billion. Imports into the United States are growing faster now than at any time in the last four years. Furthermore, American exports are lower than they were just one year ago. And remember that one billion dollars in exports equals about 12,000 jobs.

Japan and China seem to be in a race to see who will have the largest deficit with us. Japan's trade deficit with the United States in February was over $5 billion, while China's was a little under $5 billion.

There is more. Another troubling statistic was the World Trade Organization announcement that last year the world's exports grew only 3.5 percent. That compares to a 10.5 percent growth rate in 1997. And they expect the growth of world trade to slow down even further this year.

Third, and this is even worse news, while imports into North America were up 10.5 percent, our exports from North America, which means mainly the United States, rose only 3 percent last year. That is, imports rose three and a half times faster than exports.

All this means that the world economy is surviving by exporting a lot to us while importing less and less.

Why is this?

A major reason is that our economy is so much stronger today than any others. This is due to American economic strength and competitiveness, as well as to the global financial turmoil that has hurt so many of our trading partners.

But another significant reason for the growing trade deficit is the continuing discrepancy between the openness of our market versus the openness of others. It is true that once the world emerges from the financial crisis and global recovery begins to kick in, these numbers will change somewhat. However, the trade barriers that existed prior to the start of the global financial crisis are still there today and will still be there tomorrow.

If Secretary Rubin and other financial leaders succeed in their efforts, foreign economies will pick up later this year or next. We should see an increase in our exports as those economies need American capital goods and start buying more consumer products. But, economic recovery overseas does not mean that trade barriers will disappear. We must deal aggressively with barriers to our goods and services to take advantage of this opportunity for greater export growth.

That is why we must always keep market opening and trade liberalization on the top of our national agenda, aggressively negotiating new agreements, insisting on full implementation of existing agreements, and repairing those aspects of our trade law that are not working.

Our farmers, manufacturers, and service providers are the most efficient in the world. They must have the same freedom to do business overseas that foreign businesses have in our country. And it is the duty of the Congress and the Administration to ensure that those opportunities exist.

We have all been pretty frustrated by the European Union's unwillingness to abide by WTO decisions on beef and bananas. In fact, Europe's reaction to the WTO beef hormone decision is to become even more protectionist. We have also been frustrated by Japan's unwillingness to implement its trade agreements with the United States. A recent study concluded that Japan was implementing fewer than one-third of those agreements.

One possible bright side to this picture, however, lies in the WTO negotiations with China. USTR, USDA, and other agencies have done yeoman's work over the past month. I hope the agreements made thus far with China hold together and the negotiations underway can bring it to a conclusion. We have an opportunity to expand significantly American exports in many sectors—agriculture, manufacturing, and services, for example. Another example of this is the Pacific Northwest wheat agreement, which has been a problem

for us in the Pacific Northwest. China now agrees that we will be able to sell our Pacific Northwest wheat to China.

Mr. President, I firmly believe that opening markets is profoundly important for our national well-being. But it requires persistent, aggressive, high-level attention at all levels of our government. I will do everything in my power to ensure that this is done.

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

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

The legislative assistant called the roll.

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

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

HANDGUNS IN AMERICA

Mr. TORRICELLI. Mr. President, last week the sense of security that Americans had in their own communities, our sense of the strength of our culture, our ability to protect our families and our homes, was once again shattered.

The challenge did not come from Kosovo, and it was not from a computer problem with the new millennium. It was from the most basic form of human violence, striking us where we are most vulnerable, and taking the life of a child.

James Agee once wrote that in every child who is born, no matter what circumstances or without regard to their parents, the potentiality of the human race is born again. It may be because of the sense we possess that our own renewal is in the life of our children that the death of a child shakes us so dramatically. Rarely have we seen an America more traumatized by individual acts of violence than as a result of the murders in Littleton, CO.

All of us recognize that there is no one answer, no one explanation for this tragedy. The answer lies in the strengths of our families, the responsibility of parents, the roles of school administrators and parents and local police. Almost every critic has a point; virtually none has a complete answer.

The increasing level of violence in the entertainment industry, the new use of technologies which have sanitized the very concepts of death and murder, the failure of role models, the growing isolation of children from parents and siblings and extended families—all critics are right; no criticism is complete.

But in this constellation of problems there is the persistent issue of access to guns in American society. Only a few years ago, when a similar tragedy rocked the United Kingdom, the British Parliament responded in days. A gunman killed 16 students in Dunblane, Scotland. The Parliament was outraged. The British people responded. And the private ownership of high-caliber handguns was not regulated or controlled; it was banned.

This Congress can rightfully cite a variety of challenges to the American people to ensure that Littleton never occurs again, though, indeed, we failed to do so after Jonesboro, Paducah, Springfield, and a variety of other cities and schools that had similar tragedies.

Now the question is, Do we visit upon this tragedy the same silence as after those other school shootings, or do we have the same courage the British Parliament exhibited 3 years ago in dealing with this problem?

The amount of death that this Congress is prepared to witness before we deal realistically with the problems of guns in America defies comprehension. Last year, 34,000 Americans were victims of gun violence. But the year before and the year before that, for a whole generation, the carnage has been similar. Every year, 1,500 people die from accidental shootings. Every 6 hours, another child in America commits suicide with a gun. No gun control can eliminate all of this violence. I do not believe any gun control can eliminate a majority of this violence. But no one can credibly argue that some reasonable gun control cannot stop some of this violence.

I am heartened that the majority leader has promised the Senate that within a matter of weeks there will be a debate on this floor and an opportunity to present some reasonable forms of additional gun control. At a minimum, this should include the question of parental responsibility for children who get access to guns. Where parents have knowledge or facilitate that purchase, they must bear some responsibility for the likely, in some cases inevitable, consequences of minors having those weapons.

Second, there is the question of whether or not minors should be able to purchase certain weapons at all. It is arguable that a minor should not be able to purchase a handgun. It is irrefutable, in my judgment, that a minor should not be able to purchase a semiautomatic weapon.

Third, the question of whether, through the new technologies of the Internet, it is appropriate that guns be sold or purchased in any form; if it is not an invitation to violate and avoid existing State and Federal laws; if a person does not have to present themselves in a retail establishment with credentials to purchase a weapon. Remote sales, in my judgment, should not be allowed.

Then there is the larger question of the regulation of all weapons through the Federal Government—whether, when we live in a society where everything from an automobile to a child's teddy bear has regulations on their designs and materials to ensure safety, that same regulatory scheme should not be used for weapons; whether a weapon is designed properly to assure its safety; whether its materials are the best possible; whether technology is being used to ensure that the gun is used properly.

One can envision that the Treasury Department or another Federal agency would require gun manufacturers to have safety locks so that children could not misuse them. Future technology may allow a thumbprint to ensure that only the owner of the gun is using the gun. More basic technologies might require better materials or that a gun does not misfire when it is dropped. Proper regulations might ensure how these guns are sold, to ensure that they are sold properly, that State gun laws are not being evaded by oversupplying stores on State borders with permissive laws so that they are sold into States with restrictive laws. Inevitably this must be part of the debate: the proper Federal role in ensuring the proper design and distribution and sale of these weapons.

I am grateful, Mr. President, that the majority leader has invited the Senate to participate in this debate; proud, if the Senate responds to the challenge.

There were so many prayers throughout this country for the victims of the shooting in Littleton, sincere prayers on the floor of the Senate. The victims and their families and traumatized Americans need our prayers, but they need more than our prayers. They need the courage that comes from a people who recognize that change is both possible and required to avoid these tragedies from repeating themselves.

The victims of Littleton will be grateful for our prayers, but they will curse our inaction if political intimidation, the fear of change, results in the Senate offering nothing but prayers. This Senate has a responsibility to respond. We know what needs to get done. The President of the United States has challenged us. Americans are waiting and watching.

Every Senator must use these next few weeks to think about how they will vote, searching their own consciences on how they will answer their constituents, their families, and themselves, if Littleton becomes one more town in a litany of forgotten schools, forgotten children, and a rising spiral of carnage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. 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. GRAMS. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

The Senator from Minnesota is recognized.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 896 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent, notwithstanding the previous order, I be allowed to speak in morning business for up to 15 minutes.

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

Y2K

Mr. LEAHY. Mr. President, there has been some discussion about Y2K and the Y2K liability bill. It seems every moment I settle down in my office to do other work, I get calls for another meeting on Y2K. I thought it might be good to let my colleagues and the public know what is in the Y2K bill we will be discussing this afternoon.

I have a chart; we like charts in this place. This chart shows how simple this bill is not. It illustrates the detours, roadblocks, and dead ends the bill would impose on innocent plaintiffs in our State-based legal system.

I have a real-life example so we can see what will happen. A small business owner from Warren, MI, Mark Yarsike, testified before the Commerce and Judiciary Committees about his Y2K problems. A few years ago, he bought a new computer cash register system for his small business, Produce Palace. However, they didn't tell him it wasn't Y2K compliant. This brand-new, high-tech cash register system, which the company was happy to sell him for almost $100,000, kept crashing.

The computer cash register system kept breaking down. After more than 200 service calls, it was finally discovered why; it couldn't read credit cards with an expiration date in the year 2000—like the credit card I have in my wallet right now. That is a Y2K computer defect that would be covered under this bill and the company would be protected, not Mark Yarsike. The company that sold him this defective piece of equipment for $100,000 would be protected.

At the top of this chart is how the State-based court system works today for Mark Yarsike, whose business buys a new computerized cash register system and, because of a Y2K defect, the system crashes.

I will in a moment speak to what happens if we pass this legislation before the Senate. Assume we show some sense and reject the legislation; if Mark Yarsike asks the company to fix the system, if the company knows they have to do something for the owner, they will either agree to fix the problem—which is really what he wants; he doesn't want to sue, he just wants his problem fixed—they agree to fix it and make a quick, fair settlement for his damages. That is it.

Or they could fail to fix it, he could go into court, and a trial would decide who is at fault.

Now, that is basically what happens today. In fact, that is what happened to Mark Yarsike. He was forced to buy a new computer cash register system from another company. He sued the first company which sold him the computer that wasn't Y2K compliant, that caused him to lose so much business. He recouped his losses through a fair settlement, and the court system worked for him.

Now, say ''Joe's'' business—not Mark Yarsike, who went through the normal court process—buys a computer cash register system under the bill before the Senate. Assume we pass this bill, assume the President signs it into law. All of a sudden, instead of this very simple straight line as indicated on the chart, the Congress of the United States is saying: We are from the Government and we are here to help you, we will make life simpler for you.

Instead of giving the nice straight line, which is what the law is today, this is what he is presented: first he has to wait 30 days, during which nothing happens; during that time, he still has to turn away business because every customer with a new credit card can't use it, and they will say, to heck with this place, I will go somewhere else. Even if after the 30 days, the company may send a written response and just say that we have another 60 days you will have to wait; if that doesn't put you out of business, then you can also file a lawsuit to recover damages if you are not already out of business anyway.

If he files a lawsuit, under the bill's contract preservation provision we get to our first dead end on the road to justice. The cash register company may be able to enforce unconscionable limits on any recovery if it is in a written contract. Under this bill before the Senate, the unconscionable limits in the written contract are strictly enforced unless the enforcement of that term would manifestly and directly contravene State law and statute in effect January 1999 specifically addressing that term.

In other words, if the State legislatures had not known by January 1 of this year what the U.S. Congress, in its infinite wisdom, was going to do in May of this year when enacting a statute that specifically anticipated what we might do, Joe is out of luck.

If the small business owners can't recover the losses from the Y2K defective cash register system because of this contract preservation provision, then he does have other alternatives: He can go bankrupt; he can fire his employees, lay them off; or if somehow he was able to get past these roadblocks, he could actually file a suit.

We have another detour. The company gets another 30-day extension to respond to the complaint. Their business isn't hurting, but Joe is barely able to hang on. When the small business owner files that lawsuit, he has to meet special pleading requirements under this bill. He has to file with complaints specific statements on the defendant's state of mind, the nature of the amount of damage, and the material Y2K defect. So he has three more roadblocks—all of which can lead to this dead end.

If he misses any one of those hurdles we have put in his way, he is right back to a dead end. The cash register company can say, bye bye, see you; tough, Joe; we will send you a postcard when you are at the bankruptcy court.

Now, suppose the cash register company had sold others of these $100,000 system with a Y2K defect. Should we all join together and bring a class action? No, we come into a new roadblock, back to a dead end, back to bankruptcy again. So let's move on to the next roadblock that is put in the bill—the roadblock we are putting in the way of small businesses. That is something the business lobbyists are not telling the small businesses about, all the roadblocks that are in this special interest legislation.

This bill has a ''duty to mitigate'' section that turns traditional tort law on its head. It requires the plaintiff to anticipate and avoid any Y2K damage before it occurs, not after. Almost all the States have adopted the traditional duty to mitigate tort law, which requires the injured party to mitigate his damages once the harm occurs. That makes some sense. But this requires mitigation before the harm occurs. If the owners bought this $100,000 cash register and didn't anticipate that a lot of its customers are going to leave because the cash register does not work as he was told it was going to, how does he mitigate? He wants to run his business. He doesn't make cash registers. He expects them, for $100,000, to do it right. But if he didn't try to mitigate before the system crashed, then he could be caught in another dead end, end of the road here, and right back down to bankruptcy, and employees are out.

I do not understand how he could have known his cash register system was not going to be able to read credit cards with the year 2000 expiration date after he paid $100,000 for it, but that doesn't matter. This case would be dismissed because of the bill's duty to mitigate provision.

So, roadblock after roadblock—in fact, there is another one. Let's assume somehow Joe is driving a humvee of some sort through the legal system and

he is getting it past these roadblocks. He has another one. Because what he does not know is that the Senate has overridden the 50 State legislatures. We have said to the legislators: Boy, you guys are dumb. The men and women in these State legislatures are not as smart as we are. So we are just going to throw your laws out and we will just pass our laws and override you. Because the bill would override State contract law and could even preempt existing implied warranties under State law.

For the small business owner, the bill's Federal preemption contract clauses may override the State common law claims of breach of implied warranties. Again, here he is at another roadblock, another dead end leading back to bankruptcy.

Then, say he somehow got through all of these roadblocks and dead ends that we put in, basically to make it impossible for a small business owner; everything that we have done to put roadblocks and dead ends in. Let's say he gets through all of them. He still has more limits on his legal rights at the jury verdict point. There are severe limits on recovery. In fact, if it is a small business, then $250,000 is the ceiling for any punitive damages award. If he can prove they intentionally defrauded him, then there is an exemption from these punitive damage caps. This bill is saying: If you can prove intention to defraud, we might give you a chance.

This is a meaningless exception in the real world. Nobody is going to be able to meet this exception, proving the injury was specifically intended. How in the world is our small business owner, who is just trying to keep the place alive at this point, going to prove the cash register company intentionally tried to injure him by selling him a Y2K defective cash register system? Let's get real here. It is not going to happen. Again, the best thing for him is bankruptcy. The big company can breathe a sigh of relief and they are out.

And on and on. Severe joint liability limits; for directors and officers, partial immunity; severe caps on recovery—all of these things end up protecting the companies, overriding State laws, and saying to the small business owner we are not going to do anything for you.

You know, directors and officers are already protected by the business judgment rule adopted by each of the 50 States. But we put a special legal protection for them in this bill. I think that sends the wrong message to the business community. We want to encourage decision makers to be overseeing aggressive year 2000 compliance measures. Instead, we say: 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.

A few of these detours, roadblocks and dead ends may be justified to prevent frivolous Y2K litigation. But certainly not all of them.

This bill makes seeking justice for the harm caused by a Y2K computer problem into a game of chutes and ladders—but there are only chutes for plaintiffs and no ladders. The defendant wins every time under the rigged rules of this game.

Unfortunately, this bill overreaches again and again. It is not close to being balanced.

In addition, this bill preempts all 50 state consumer protection laws and makes ordinary consumers face the bill's legal detours, road blocks and dead ends on the road to justice. That is not fair.

Today, I filed a consumer protection amendment to exclude ordinary consumers from the legal restrictions in the bill. I hope the majority will permit amendments to be brought up on this legislation soon.

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. 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 hope Members will look at what we are doing here. Here is the system we have today for Y2K. Here is the system we are suggesting with all these dead ends, all these roadblocks: Roadblock, roadblock, roadblock, roadblock, all leading to small businesses going bankrupt and all because we stand up here and say to 50 State legislatures: You are not smart enough. You are not as smart as we are. We are going to override you.

I think that is wrong. I think we ought to go back to the drawing boards. I think we ought to do what we did last year when we passed good Y2K legislation because we did it in a bipartisan fashion where we had businesses, Members of Congress, lawyers, those in the high-tech field—we came together and passed legislation that worked and the President signed it into law.

This maze, this unnecessary trampling of State legislatures, will not be signed into law by the President of the United States.

The PRESIDING OFFICER. The Senator from Alabama.

VIOLENCE IN COLORADO

Mr. SESSIONS. Mr. President, I know you, the Senator from Arkansas, are familiar with tragedies in high schools involving our young people who create havoc and take the lives of fellow students and others. The event in Colorado is the most glaring and stunning example of the kind of violence that we are apparently capable of as a nation today. As chairman the Senate Judiciary Committee Subcommittee on Youth Violence, I have given an awful lot of thought to it. But I am perplexed. A few things occur to me. There is what appears to me a pattern here that would suggest how we have gotten to this point.

It strikes me that an extremely small number of young people today have gotten on a very destructive path. They have headed down the road of anger and violence. They have not been acculturated with the kind of gentlemanliness and gentlewomanliness, not inculcated with religious faith and discipline, maybe a lack of values or whatever—somehow it did not take. Maybe their parents tried. Maybe they did not.

But, in addition to that, they are alienated and angry. They are able to hook into the Internet and play video games that are extraordinarily violent, that cause the blood pressure to rise and the adrenalin level to go up, games that cause people to be killed and the players to die themselves. It is a very intense experience. They are able to get into Internet chatrooms and, if there are no nuts or people of the same mentality in their hometown, hook up with people around the country. They are able to rent from the video store—not just go down and see ''Natural Born Killers'' or ''The Basketball Diaries''—but they are able to bring it home and watch it repeatedly. In this case even maybe make their own violent film. Many have said this murder was very much akin to ''The Basketball Diaries,'' in which a student goes in and shoots others in the classroom. I have seen a video of that, and many others may have.

In music, there is Marilyn Manson, an individual who chooses the name of a mass murderer as part of his name. The lyrics of his music are consistent with his choice of name. They are violent and nihilistic and there are groups all over the world who do this, some German groups and others.

I guess what I am saying is, a person already troubled in this modern high-tech world can be in their car and hear the music, they can be in their room and see the video, they can go into the chatrooms and act out these video games and even take it to real life. Something there is very much of a problem.

All of us have to look for the signs of children who may be moving deeper and deeper into death, violence, nihilism, and other bad trends. We ought to

say and we ought to encourage our teachers and our school administrators and our parents to intervene and to assert that life is better than death, that peace is better than violence, and honesty is better than falsehood; that respect for your brothers and tolerance and patience, even in the face of adverse actions by somebody toward you, is essential in a civilized society. I am concerned about that.

What I really want to mention today, because I have been through this for a number of years, is the question of what we do about firearms in America. I was at a church event, not too many months ago, and the preacher prayed against guns. I thought that was odd for him to pray against an inanimate object that does what the holder tells it to do. But I think we would do well to focus on what it is that is eating at the soul of too many people in America today, No. 1.

What about this problem with guns? I was a Federal prosecutor for 15 years, 12 as U.S. attorney under Presidents Reagan and Bush. They created a program called Project Triggerlock. In that program, this Congress passed legislation that said if you are convicted of carrying a firearm during a crime, a felony, it is 5 years without parole consecutive for the underlying offense. If you are a felon and you possess a firearm and you are guilty of a felony, you can get 2 or 3 more years in jail.

Those are bread-and-butter gun laws focusing on people who commit crimes with firearms. There are a lot of others: having a firearm without a serial number, having a sawed-off shotgun, a fully automatic weapon, and now assault weapons. There are literally hundreds of gun laws.

The directive came down from the President of the United States that he wanted these people prosecuted for violating those gun laws. I took the directive. I was one of the lieutenants in the war, and we went to work. I created a newsletter and sent it to every sheriff. I said: If you have the kind of criminal that needs prosecuting under Federal gun laws, you bring those cases to me and we will prosecute them.

Our numbers went up tremendously, and the word began to get out. The word got out in the streets: If you have a gun, they will take you to Federal court.

By the way, most people do not realize that some good laws have been passed for Federal court. Ask your sheriffs and police chiefs which has the fastest justice system, which has the most severe punishment and the most certainty of punishment, which one is the felon least likely to get out of jail on parole, and every one of them will tell you the Federal system is tougher than any State. Whatever State you are in, the Federal justice system is tougher: We have a 70-day speedy trial act; whatever the sentence is, you have to serve at least 85 percent of it.

The Federal Sentencing Guidelines mandate tough sentences. The judges have to impose them. If not, the prosecutor can appeal, and they go to jail. They do not want to go to Federal court for a gun violation. I am telling you, the word gets out, in my professional opinion, having been a prosecutor, as I said, for 15 years in the Federal system and two as Attorney General. I actually believe there was a deterrence in the number of people carrying guns in criminal activities. That is where people get killed.

When I was elected to the Senate in 1996 after I left as a Federal prosecutor in 1992, I began to look at the Department of Justice statistics on the kinds of cases they are prosecuting, because I served 15 years in the Department of Justice, and I know how to read those numbers.

I want to show you what we discovered. What we found is in 1992, when President Bush's U.S. attorneys left office, they were prosecuting 7,048 gun cases each year in 1992. They prosecuted over 7,000. Notice this chart shows the decline in those cases. It was 3,800 in 1998, a 40-percent decline.

This is particularly shocking to me because this President is always talking about guns and how we need to have more laws and we need to prosecute more people for guns, and they are not doing it. His own Attorney General, Janet Reno, has overseen a 40-percent decline.

This is not a secret. Since I have been here, for 2 years, when the Attorney General has come before our committee, the Deputy Attorney General, Eric Holder, the Chief of the Criminal Division for confirmation and other hearings, I have pulled out this very chart. I have gone over these numbers with them and have asked them why they are not prosecuting these cases. I have not yet received a good answer, other than they are just not putting the message out to the U.S. attorneys that they expect them to enforce these laws.

But what we have is a President who wants to call press conferences, as he did yesterday, to announce more laws; that we need to pass more laws. The bread-and-butter laws are already on the books, and we have added scores of other laws, which I support and I willingly prosecuted aggressively.

It concerns me that people say, ''Oh, you just don't believe in gun laws, JEFF. You are just NRA bought and paid for and you don't want to do this.'' They believe in the second amendment right to bear arms, and so do I. If you want to change it, let's talk about changing it, but there is a constitutional right to bear arms. There also is a right for the Government to place reasonable restrictions on the right to bear arms.

I have spent a big part, a major part of my professional career actively engaged with people who violate those reasonable restrictions. Machine guns, fully automatic weapons have been outlawed since the thirties, the Al Capone days. Sawed-off shotguns have been outlawed for many years. Bombs are outlawed today and have been for many years.

First of all, it concerns me, and I think it is hypocritical and really dishonest for the President to suggest that the way to deal with violations of gun laws is to pass more laws, if you are not prosecuting the ones we have. But, oh, that is the big deal: Are you for coming a little further to that second amendment core principle that protects the right to bear arms? Let's see how far we can go and make people vote against it because they have a concern for the Constitution and a general belief that the Government has gone too far and then say they don't care about guns, all the time presiding over an administration that is showing this dramatic decrease, a 40-percent decrease in the prosecutions. That is not an imaginary number. I have raised it with the Attorney General, and we pulled it out of their statistics.

In addition to that, we have in the last several years, at the behest of gun control advocates, passed a number of bills, some of which are good, some of which are marginal, but we passed them. We were told that these were critical to prevent violence in America. And we need these gun laws.

I want to show you this chart. We pulled it out of the Department of Justice statistics. And I questioned them about it in hearings before this tragedy, because this isn't a recent deal, this is something that has been going on for several years, and it is well known.

One of the best things, I suppose, is, the possession of firearms on school grounds is a Federal crime. The First Lady, who sometimes it had been suggested was a de facto Attorney General at the beginning of this administration, yesterday was speaking about gun laws. And that is all right. But she has not had the experience I have had in prosecuting these cases. And she talks about, we need more of them. And this is one of them they highlighted.

But look at this. In 1997, the Clinton administration nationwide prosecuted five. In 1998, they prosecuted eight.

''But we're committed, JEFF.'' But they said—the First Lady did in her speech yesterday—that there were 6,000 incidents last year in schools of weapons being brought to school. So how come her prosecutors are prosecuting so few of them? Let me ask you. I think it is a good question.

Unlawful transfer of firearms to juveniles. I support that. And right now it is unlawful for a firearms dealer to transfer a pistol to a juvenile, a person under 21.

Look at this. In 1997, they prosecuted five. In 1998, they prosecuted six. What

difference does it make if we pass laws if nobody is being prosecuted for them?

Possession or transfer of semiautomatic weapons. Those are the assault weapons. The assault weapon is a weapon that looks like one of these fully automatic military weapons; it has the handles on it, but it is really a semiautomatic weapon that fires one time when you pull the trigger. Traditionally, a lot of rifles are semiautomatic. But in that configuration it was made illegal.

Remember all the debate about that? We had tremendous debate over the first time a semiautomatic rifle had been made illegal. But the administration's position was, it just had to have the law. They just had to have it. And it is an unpleasant weapon, I assure you. I do not think you have to have it to go hunting. But at any rate, in 1997, four of those cases were prosecuted in the entire United States; in 1998, four.

I say all that to say this: I believe we have to quit doing symbolic things. We need to quit doing things for headlines. We need to sit down and figure out how to reduce crime in America.

With regard to this very odd group of people we have seen in five States going on rampages in high schools, that is a unique and special group. And if they are determined to build a bomb, and can build one by looking it up on the Internet, whether or not they have to go down to the store to buy a weapon and give their name or whatever is not going to make much difference. That is real. And if they are seeing this on television, in videos, whether or not there is a law about it, as clever as these kids are, it is not likely to make much difference.

But I just say that that is a crucial matter for us. I would think, as one who has been at this for a long time, we need to maintain our discipline now. And if something good can come out of this tragedy in Colorado, I pray that it will.

When that young girl affirmed her faith with a gun at her head, subjecting herself to summary execution by a laughing, diabolical shooter, I think we ought to take time to pause a minute and think about that, because this is really serious. It is deeper than whether or not you prosecute with 4 or 20 gun laws in the United States. It is deeper than that. That is what I am saying. But it does not mean that effective prosecutions of gun laws can't reduce crime.

Let me tell you this story.

Within the last month I, as chairman of the Judiciary Subcommittee on Juvenile Crime, called a hearing. We were going to discuss a program known as Project Exile in Richmond which the leader of it called ''Trigger Lock with Steroids.'' Not only did they prosecute every gun violation they could find in Richmond, they ran ads on television saying: ''We will prosecute you.'' They put up signs saying how long you would serve in the Federal slammer if you carried a gun during a crime or illegality.

Their prosecutions went sky-high. But there were questions in the Department of Justice. The program was not supported because it was not the trend with this Department of Justice. But they kept doing it. And just last year they found they had over a 40-percent reduction in violent crime in Richmond. And the U.S. attorney, appointed by the President of the United States, President Clinton, testified and others involved with it—the chief of police in Richmond—testified that they were convinced that aggressive criminal prosecutions in a trigger-lock-type fashion of violent criminals, and other criminals who carried guns, helped drive down the murder rate.

I thought we ought to have a hearing about it. I wanted to highlight that and encourage it. What I want to say to you is funny, almost; and maybe something good came from that hearing. The hearing was set for Monday in our little, lowly committee, the Senate Judiciary Committee Subcommittee on Juvenile Crime. On Saturday, before that hearing, the President went on his national radio show and said he wanted to adopt the Richmond project and promote and expand it.

So I hope maybe our hearing had something to do with getting the attention of the Department of Justice. But I have not seen any numbers to indicate that. It is easy to say words. But what we most often heard is that, we want new laws—which are not being prosecuted—and if we can pass a law, then we can say we did something.

I have been in this body just 2 years. I think there is a real problem here. Whenever there is a national matter of intense interest, what happens? We up and pass a law and say we did something. ''Hey, give me a medal. I passed a law. I am against assault weapons. I am fighting crime.'' If you have been in the pit and dealt with criminals professionally for a long time, you know it takes more than that. It takes a sustained effort.

If you do it consistently and aggressively, and you crack down on gun violations, you can in fact reduce the crime rate. Ask the U.S. Attorney and the chief of police in Richmond if it is not so.

I do hope the statement that the President made in his radio show really indicates a commitment to get these numbers up, because this is not acceptable for any administration, but particularly one which claims that the prosecuting of criminals and violations of Federal gun laws is a high priority of theirs. Obviously it is not. We have a 40-percent reduction.

So, maybe somebody says, ''JEFF, that is just political.'' It is not political with me. It is something I have lived with. I prosecuted these kinds of cases. I believe it reduces murders. I believe it saves the lives of innocent people. And I would like to see an effective program conducted by this administration. And it has in fact been demolished, as these numbers show. It undermines the effectiveness of that effort.

There are innocent people, I will assure you, today who have been shot and wounded—some people who have been killed—who would not have been had the Triggerlock Project continued.

So it is something that I have been raising since I first got to this Senate—at virtually every Judiciary Committee hearing I have had. I hope this tragedy will do one thing: It will get the attention of the President and the Attorney General and the Chief of the Criminal Division and the Associate Attorney General and Deputy Attorney General, and they will start sending the word out to their prosecutors. And they have more of them now than they had in 1992 when I was there. They ought to be putting more of these people in jail. If we do, they will make some difference. But I really don't think even those prosecutions are likely to have any significant impact on the bizarre few people who are willing to go to a school and slaughter their own classmates, commit suicide, worship Adolf Hitler, and think of Marilyn Manson as something cool. That is a different matter with which we have to deal.

I hope as a nation we will confront it honestly and directly and begin to bring back in every school system, because some parents apparently are not doing it, a program that teaches character and good values like we are used to in America. There are those who say, well, you cannot do that, that is violating civil liberties, you cannot express a concern about right and wrong in a classroom because that is a value judgment.

Well, we are suffering today from 30 or 40 years of liberalism, relativism, that anything goes. Well, some will say that is just old-fashioned talk.

No, it is not. No nation, in my view, can remain strong in which there are no values which we can affirm. If we can't affirm that Adolf Hitler is bad, what are we? If we can't affirm that Charles Manson is not a fit person to emulate, then what are we as a nation? If we can't say that telling the truth is more important than telling a lie, that reality is better than spin, then we are in trouble.

I hope we have not reached that. I think the American people are good. I hope this tragedy has some ability to cause us to confront that and, if so, our Nation would be better for it.

Mr. President, I thank the Chair for allowing me to address this body on this important issue. I have shared with the Senate some thoughts and

concerns of mine that have been a part of me for a long time. I believe it is something our Nation has to consider, and I hope and pray we will.

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

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

The legislative assistant proceeded to call the roll.

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

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

MEASURE PLACED ON CALENDAR—S.J. RES. 22

Mr. MCCAIN. Mr. President, I understand there is a joint resolution at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will read.

The legislative assistant read as follows:

A joint resolution (S.J. Res. 22) to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact.

Mr. MCCAIN. Mr. President, I object to further proceedings on this matter at this time.

KOSOVO

Mr. MCCAIN. Mr. President, first I will discuss an issue that is going to come before the Senate either late this week or next week. I am not sure. That is the issue of Kosovo. I believe it is important we address the issue. I believe it is important we address the issue as we have previous foreign policy issues.

In the case of our resolution supporting United States involvement in Bosnia, we had a Dole resolution and we had a couple of others that were voted on. In the case of the Persian Gulf resolution, we had a resolution that was proposed by then-Senator Dole, who was then the minority leader, and one that was proposed by Senator Mitchell. I hope we will proceed in a fashion where more than one resolution is considered and voted on at the time. That is our responsibility, and I hope we intend to do it.

I strongly urge the majority leader to accept a vote on a resolution that I have already introduced.

THE Y2K ACT

Mr. MCCAIN. Mr. President, let me say we are ready to move forward on the bill. We have a couple of amendments that can be accepted by both sides. I would like to move forward with that and hope that both supporters and opponents of the bill will come to the floor.

Today I see a Statement of Administration Policy:

The Administration strongly opposes S. 96 as reported by the Commerce Committee, as well as the amendment intended to be proposed by Senators McCain and Wyden as a substitute. If S. 96 were presented to the President, either as reported or in the form of the proposed McCain-Wyden amendment, the Attorney General would recommend a veto.

Let me say, I am glad to see the administration's position on this. I think it makes it very clear as to whose side they are on. I hope all the manufacturers, the small businesses, the medium size businesses and the large businesses in America will take careful note of the administration's absolute opposition to an effort that would solve this very, very serious issue.

Of course, they support amendments that are proposed by the trial lawyers which would gut this legislation. I have no doubt that if we accepted the amendments that are going to be proposed, it would gut it. But let us come to the floor and debate these amendments and move forward.

We have been on this bill now for 3 days. We still haven't had a single amendment. I say to the opponents of this legislation and the substitute that Senator WYDEN and I proposed, come to the floor. Let us debate your amendments and let us move forward. There is a cloture petition that will be voted on tomorrow. We may have to move forward in that fashion.

In USA Today, Mr. President, there is an interesting column under Technology by Kevin Maney: ''Lawyers Find Slim Pickings at Y2K Lawsuit Buffet.''

Y2K lawyers must be getting desperate, in much the way an overpopulation of squirrels gets desperate when there aren't enough nuts to go around.

So far, there's been a beguiling absence of breakdowns and mishaps because of the Y2K computer problem. The ever-multiplying number of lawyers chasing Y2K lawsuits apparently have had to scrounge for something to do. At least that's the picture Sen. John McCain [R-Ariz.] painted on the Senate floor Tuesday.

McCain, who is sponsoring legislation to limit Y2K lawsuits, told the story of Tom Johnson. It seems that Johnson has filed a class action against retailers, including Circuit City, Office Depot and Good Guys. The suit charges that salespeople at the stores have not warned consumers about products that might have Y2K problems.

For one thing, that's like suing a Chrysler dealership because the sales guy didn't tell you a minivan might break down when you're 500 miles from home on a family vacation. Or suing a TV network for failing to announce that its shows might stink.

Beyond that, Johnson doesn't claim in the suit that he has been harmed. He's just doing it for the good of humanity—and ''relief in the amount of all the defendants' profits from 1995 to date from selling these products.''

* * * * *

Think Johnson's case is an anomaly? We haven't even hit seersucker season, and the lawsuits focusing on Jan. 1 are flying. More than 80 have been filed so far. If you sift through the individual suits, a few seem understandable. The rest seem like Rocco Chilelli v. Intuit.

Chilelli's suit says older versions of Intuit's Quicken checkbook software are not Y2K ready and alleges that Intuit refuses to provide free upgrades. Filed in New York, the suit is a class action on behalf of ''thousands of customers (who) will be forced to spend even more money to acquire the latest Quicken version and may be required to spend time acquainting themselves with the updated program and possibly re-inputting financial information.''

After much legal wrangling, the Supreme Court of the State of New York, County of Nassau, found that—duh!—no damage had yet happened, as the calendar hasn't yet flipped to 2000. The case was dismissed.

Mr. President, the column goes on to talk about the frivolous suits that have been filed already. We need to act.

I note the presence of the Senator from South Carolina. I ask if he is ready to consider two Murkowski amendments at this time, which have been agreed to by both sides.

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. HOLLINGS. 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. HOLLINGS. Mr. President, my distinguished chairman continues to say let's talk, let's vote, let's move along. He thinks it is a procedural question. I guess, in a way, it is when it comes to joint and several.

Mr. President, there is an old story told about the days when they used to block minorities from voting down in Mississippi. A gentlemen presented himself at the poll and the poll watcher showed him a Chinese newspaper. These were the days of the literacy tests in order to be able to vote. He presented him with a Chinese newspaper and he said, ''Read that.'' The poor voter takes it and turns it around different ways and says, ''I reads it.'' The poll watcher said, ''What does it say?'' The poor minority says, ''It says: Ain't no minority going to vote in Mississippi today.''

Now, Mr. President, in a similar vein, when you have been in this 20 years, like Victor Schwartz down there at the NAM, when you have been in speaking panels before the manufacturers groups, when you have seen every trick of the trade that they have had to repeal the 10th amendment and take away from the States the administration of the tort system, and you know that there are the strong States righters but they are willing to do this, and when you know there is a nonproblem—I emphasize ''nonproblem''—in the sense that there have only been

44 cases brought and over half have already been disposed of—some 10 others have been settled, and only 8 or 9 are pending—and you know that here we have a contract case, not a tort case, and you have to have privity of contract under joint and several in contract cases.

But you know this extreme strain about punitive, about joint and several, and all of these other hurdles they put in there to discourage anybody bringing a suit, setting precedence, if you please, in the tort field, then like the poor voter that ''can read'' the Chinese newspaper, I can read S. 96. That is right. I can read the McCain-Wyden amendment. What that says is, we don't care about Y2K, but we do care about reforming torts and federalizing it and taking the richest, most capable crowd in the world and giving them all kinds of rights and defenses and privileges and take away from middle sector, the small businessman, the small doctor.

We put into the RECORD, Mr. President, where an individual doctor up in New Jersey—he came before the committee—bought this particular computer in 1996. He talked about the salesman who bragged in terms that it would last 10 years. Like the old adage regarding the Packard, he said, ''Ask the man who owns one. Go and see these. They will last for years. This will take you into the next century.'' And then he finds, of course, that this past year it broke down. It didn't work and he could not get his surgical appointments straight, and otherwise. So he called the salesman and the company, and they absolutely refused.

After several weeks he writes a letter and demands, and they still refuse. A couple of months pass and he gets an attorney. When he gets the attorney, at first they don't respond. But somehow the attorney, or others, had the smarts to put it on the Internet. The next thing you know, they had 17,000 doctors who were similarly situated, and the computer company immediately settled and replaced them free.

When the demands were first made, they said, ''Yes, we can fix it for you for $25,000,'' when the instrument itself, the computer, only cost $13,000 in 1996. But to fix it was $25,000. He didn't, of course, have the $25,000. So all of those cases were settled to the satisfaction of both parties, the computer company, and everything else.

So these are not bad back cases, or some that are indeterminate with respect to injury, pain, and suffering, and a sentimental kind of case of a person having lost his job, in that sense, and all that, where you get poor people injured in a wreck; but, on the contrary, responsible business people who operate by way of contract with the company. You see all of these tort things superimposed and you hear them in the conferences say it is nonnegotiable, there is a nonnegotiable item here, joint and several; it is nonnegotiable because under the chairman's onslaught here, it is, ''Let's move, let's vote, let's vote.''

I responded to him yesterday. I am a minority of a minority. I am trying to make sense out of a bum's rush. They have all the organizations. I have been talking to the trial lawyers about this thing. I know all of them, and they have been big friends of mine, and they did respond handsomely last year in the campaign. But I have been in it 20 years. In the early eighties, in the Presidential race and everything else, I still pleaded the cause and I got no help. So I have a track record of not just taking a position to help good friends in the trial business, but I have the greatest respect for all those friends, because they are there for the injured parties. They are the ones setting the record on health. These trial lawyers have done more to save people from cancer than Koop and Kessler put together. I have been on the floor 33 years now, and we could not get anything moving on cancer and smoking.

Now we have it. Not only on account of dollars, not only on account of the Cancer Institute, not only on account of the American Cancer Society, all leaders that they are with concerns in this field, but on account of trial lawyers. I see them institute the Environmental Protection Agency and institute the Consumer Product Safety Commission.

When you see those cars recalled, yes. That trial lawyer, Mark Robinson, out there in San Diego, back in 1978 got a $128 million verdict. It was $3.5 million actual, but $125 million punitive. He never has collected a red cent of the $125 million punitive. But he has brought to the automobile manufacturers a conscience rather than a cost-benefit study to just write it off and let them pay and pay the lawyers, and pay the doctors, and pay for the injuries, or beat the case on a cost-benefit study. On the contrary, there was one company just last week that recalled another million cars. You see these car recalls. That is my trial lawyer friends. I am very proud of them.

But in this particular case I am trying to protect on the one hand that small doctor, that small businessman, or, on the other hand, what we are trying to do is protect the States and the administration of tort law.

They talk about the ''glitches''—the ''glitches'' and ''deep pockets'' and ''deep pockets.'' We have at this minute, as I speak, on the floor of the Senate, glitches. Everybody has a computer. It comes up again and again with a glitch. You learn how to get it fixed. Nobody is running down to the courthouse. There were only 40 more cases this past year. Deep pockets—you have people running around here. They had a gentleman come in here from America Online. I saw in the USA Today his income last year —just annual—income $325 million. He has deep pockets. But nobody is suing him. He is a wonderful, brilliant individual who deserves every dollar he makes. I am for him. That is the American way.

But there are deep pockets in this technology computerization industry. And there are glitches.

Don't give me this stuff about January 1 glitches, glitches all of a sudden, and that we have to change the whole tort system. You can go ahead and get your computer now. As Business Week shows, they are demanding that the small businessmen come about with the changes in their equipment and become Y2K compliant, or else they are going to run out of suppliers and other distributors that will be Y2K compliant. They are in business. They are not in the law game that the Chamber of Commerce is in downtown. That is their political gain—to get them, pile on, find a nonproblem, but find the organizations, go tell all of them, and say, ''Do you believe in tort?'' ''Yes. I believe in tort reform.'' ''Write your letters to the Senators and talk about $1 trillion''—outrageous estimations. There is not going to be any such thing. Everybody knows it.

I am happy today to receive from the White House a ''Statement of Administration Policy.'' ''This statement has been coordinated by OMB with the concerned agencies.''

Mr. President, I ask unanimous consent to have it printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY—S. 96—Y2K ACT

[McCain (R–AZ) and Frist (R–TN)]

The Administration strongly opposes S. 96 as reported by the Commerce Committee, as well as the amendment intended to be proposed by Senators McCain and Wyden as a substitute. If S. 96 were presented to the President, either as reported or in the form of the proposed McCain-Wyden amendment, the Attorney General would recommend a veto. The Administration, however, understands that Senators Kerry and Robb and others are working on an amendment in the nature of a substitute that would address its primary concerns and which the Administration can support.

The Administration's main goal is to ensure that all organizations—private, public, and governmental—do everything they can between now and the end of this year to ensure that their systems and those of their customers and suppliers are made Year 2000 compliant. The Administration also recognizes both the importance of discouraging frivolous litigation and the need to keep the courts open for legitimate claims, especially those brought by small businesses and consumers with limited resources to press their cause.

The Administration's overriding concern is that S. 96, as amended by the McCain-Wyden amendment, will not enhance readiness and may, in fact, decrease the incentives organizations have to be ready and assist customers and business partners to be ready for

the transition to the next century. This measure would protect defendants in Y2K actions by capping punitive damages and by limiting the extent of their liability to their proportional share of damages, but would not link these benefits to those defendants' efforts to solve their customers' Y2K problems now. As a result, S. 96 would reduce the liability these defendants may face, even if they do nothing, and accordingly undermine their incentives to act now—when the damage due to Y2K failures can still be averted or minimized.

S. 96 also would substantially modify the procedural law of the 50 States by imposing new pleading requirements and by effectively requiring nearly all Y2K class actions to use Federal certification standards. While the Administration could support the adoption of certain federal rules that would, in some meaningful way, help identify and bar frivolous Y2K lawsuits, the broad and intrusive provisions of S. 96 sweep far beyond this purpose and accordingly raise federalism concerns.

The Administration has been working with the Senate on alternatives that would more closely achieve the goals S. 96 purports to serve—creating incentives for organizations to be Y2K compliant, weeding out frivolous Y2K lawsuits, and encouraging alternatives to litigation. In that regard, the Administration would support provisions encouraging alternative dispute resolution, and carefully drawn modifications to pleading rules and substantive law that encourage Y2K readiness. The Administration would support Senators Kerry and Robb's amendment because it satisfactorily addresses many of the previously mentioned concerns (although we are working with the Senators to address drafting issues raised by the Department of Justice).

Mr. HOLLINGS. Mr. President, I thank the Chair.

There it is, Mr. President. We are trying to mushroom a nonproblem into a crisis with $1 trillion worth of lawsuits all on the political juggernaut of the Chamber of Commerce downtown for greed, and taking away rights to protect the group that is not only protectable—God knows they have the money—but they know it. They can bring in their instrument right now and make it compliant.

Those who are purchasing are being told, like that doctor in New Jersey, that it is compliant. But they are being taken advantage of. You find out it is not, and it is not until they have everybody ready to go that, ''Oh, no. We are ready to give you a new computer free.'' Not $25,000, as they charged for months, but they would have to be paid before they get any results. ''We are glad to give you this free, and even to pay your attorney fees.'' Right or wrong? Is this a frivolous lawsuit, some kind of bad back, injured party case coming across trying to go after deep pockets? It is legitimate small businesses that can work right now. They will be like an automobile dealer trying to offload their old year models, with misleading purchases sometimes. But they find out that hasn't paid, so they have gotten very competitive.

This market this minute is very, very competitive. Read Business Week. The market is working. But there is a political agenda here on course, not really to look out for the small businessman, but change the rights of the States under the 10th amendment to administer tort cases. Here with the administration, do you see any States coming up and saying that they are totally inadequate, that they can't handle it, that what they really need is the Federal Government to interpose and change the rules of jurisprudence?

Does any State come up here? Does any legitimate legal organization come up here? Not at all.

I heard what the distinguished Senator from Oregon read about the American Bar Association, but give us hearings before the American Bar and give us the legal folks—they understand law. That is one of the difficulties we have in the Commerce Committee. We don't necessarily have profound legal talent, so they don't want to study it. They look at a business cost-profit standpoint and then it is the bum's rush for S. 96.

I am glad the rush now has stopped with the policy of the administration and the recommended veto of S. 96 and the McCain-Wyden amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, as always, the Senator from South Carolina has raised a number of important issues. I will take a minute or two to respond.

First, it needs to be understood by the Senate that, under the substitute offered by the chairman and myself, a plaintiff can file suit immediately for injunctive relief should they choose to go that route.

There have been all kinds of discussion raised and I gather it is always raised by the administration that somehow the rights of plaintiffs are being cut off. The fact of the matter is, under the substitute being offered by the Senator from Arizona and myself, it is possible for a plaintiff to move for injunctive relief immediately.

What we are saying is, we ought to look at ways to try to bring about corrections in the private sector by private parties coming together, trying to encourage the alternative dispute resolution, a process which is clearly laid out in our legislation.

Our substitute makes it very clear that if a plaintiff wants to file a suit on day one, they can. If they believe they are being jerked around in the marketplace, they can go out on that very first day and seek injunctive relief. We think it would be preferable and avoids causing this bedlam with everybody rushing to court. We think a lot of those approaches can be resolved by the parties coming together.

Second, it seems to me those who will look at the substitute will understand in the vast majority of instances private contract law is going to govern. In most other instances it will be State law. In this administration statement, the notion is that somehow we are federalizing everything, where the substitute clearly lays out in the vast majority of cases contract law is going to take the lead in this area. That, regrettably, is a part of the administration's position that simply is not accurate.

In fact, I and others raised that issue in the committee. We felt there wasn't a strong enough bias in favor of protecting private contract law. That was a change made after the bill left committee, because a number of consumer and other organizations thought it was very important.

I think what is especially troubling about the policy statement that has now been offered by the administration—and this Senator and others are going to continue to work with them—is that they are essentially telling the Senate that over in the Justice Department they know more about the technical issues of running computers and the software businesses than do those businesses that have to do it every single day.

The administration statement says this legislation is going to decrease the incentives, that these computer and software and other technology organizations have to be ready to assist customers to be ready for the transition of the next century.

The fact of the matter is, all of these groups that have to actually work with computers and software every single day believe this legislation is absolutely critical to their being ready for the transition to the next century. Essentially what we have is folks at the Justice Department on this issue saying they know a whole lot more about the technical issues of the computer business than the folks who actually have to work with these systems every single day.

I raise this issue again with respect to defendants who engage in truly outrageous, egregious action. There have been statements made on the floor by others and raised in the administration's letter as well with respect to the question of proportional liability and particularly what you are going to do about those defendants who engage in fraudulent activity.

Under the substitute before the Senate, if a defendant is engaged in fraud, it is very clear that joint and several liability stays in place. There are no changes whatever with respect to joint and several liability if, in fact, a defendant is engaged in an egregious type of conduct. We also ensure that joint and several liability is kept when a defendant is insolvent. We felt it was important to make sure the plaintiff would have an opportunity to be made whole in instances where there was an injured party who badly needed a remedy.

The fact is that there have been many, many changes made in this legislation since it left the committee. In order to be responsive to the consumer, the chairman of the committee reached out to a variety of parties—myself and others—in order to make those changes. I will take a minute or two to outline a couple of those.

Perhaps the most important is the fact that this is a bill with a strong sunset provision. Neither the original McCain legislation nor the Hatch-Feinstein legislation, which has many, many good features, nor the legislation that our colleague, Senator DODD of Connecticut, offered, which also has many good features in it—none of those bills had a sunset provision originally.

We felt it was important to make sure that this legislation was not producing a set of changes for all time but it was going to be legislation that specifically targets problems directly related to Y2K so we don't have an open-ended onslaught with respect to product liability issues.

I happen to think the Senator from South Carolina made a number of important points with respect to tobacco. I also happen to think there were other issues that were relevant on this debate. I and others in the other body were able to get the tobacco executives under oath to say that nicotine was addictive which certainly helped to open up this issue in order to protect consumers and injured parties. I think the Senator from South Carolina makes a number of important points with respect to the issue of lawyers who stand up for injured parties and consumers.

Make no mistake, colleagues, this is not an open-ended tort reform bill. It is not an open-ended product liability bill. It is essentially a 3-year bill to deal directly with a problem that, frankly, could not have been envisaged at the time. At the time many of these decisions were made, there was a real question as to whether there would be adequate space for disks and for memory, so there was an engineering tradeoff adopted a number of years ago to get more space for disks and memory. We find it hard today to believe that at one point disk and memory space was at a premium. It was at that time.

Now we are in a position where we have to come up with ways to ensure we make our computer and technology systems ready for the next century while at the same time providing a safety net when, in fact, there are real problems such as frivolous suits.

I hope our colleagues will look at the many changes that have been made: The fact that there is joint liability when a defendant knowingly commits fraud, there is joint liability when you have an insolvent defendant in order to make a plaintiff whole, that there are punitive damages when an individual acts in bad faith, that there are not new preemptive Federal standards for establishing punitive damages, that there has been an elimination of the vague Federal defenses for reasonable efforts.

I hope our colleagues will look at those changes that have been made. I, for one, am going to continue to work with the administration. I think there are many in the administration who realize this is a very, very serious problem. But I really have to say to the Senate today, with respect to the policy statement issued today, that there simply are a number of statements in there that, to be charitable, are inaccurate. The fact is, this idea that under our substitute injured persons are having their rights to sue cut off is simply wrong. Under our substitute, a plaintiff, an injured consumer, can go out and file a suit immediately on the very first day.

Under the McCain-Wyden substitute, if you feel that you are a wronged party, you can file a suit the first day. We just do not think, as a matter of public policy, that is a particularly good idea. We would like to encourage parties to work together in the private sector. That is what we seek to do through the 90-day period. That is what we seek to do through the alternative dispute resolution system. But for those who think it is important to basically have the right to sue immediately, our legislation does that. We do it in a way that protects, first and foremost, contract law rather than writing whole new Federal standards to govern in this area.

Finally, and this is perhaps the area where I have the strongest disagreement with what the administration has offered today, I find it very, very far-fetched to believe that there are folks in the Justice Department who know more about the technical issues of helping those in the technology sector get ready for the 21st century; that those folks would know more about this technical job we have in front of us than people who have to do it every single day in my home State of Oregon and across the country. Those are folks who right now, every single day, come to work saying, What are we going to do about working with our suppliers? What are we going to do about individuals overseas who may have been slow to get ready for Y2K? Those folks know a whole lot more about the challenge of getting ready for the 21st century than do the folks in the Justice Department.

I hope we listen to those folks across the country in the small businesses, in the grocery stores and hardware stores, who, by the way, overwhelmingly support this substitute. We have had discussions about somehow the grocery stores and the hardware stores and others are ones that are not supportive of this legislation, who feel their rights are being cut off. The fact is they are overwhelmingly in support of this legislation.

A lot of my colleagues, I guess, are saying: Where do we go from here? Is it just going to be impossible to move forward? I am not one who shares that view. I think there is a centrist coalition in the Senate that very much wants to get a responsible bill that meets the needs of consumers and injured parties, and is also concerned about preventing bedlam in the private marketplace next January. We have been meeting on an ongoing basis for several days now. We have had some very thoughtful ideas presented. Senator DODD has some important suggestions; Senator HATCH, Senator FEINSTEIN, and others have made real contributions. I understand our colleague from Massachusetts, Senator KERRY, continues to negotiate on several of the issues that are outstanding.

So I am very hopeful that with the continued leadership of TOM DASCHLE and TRENT LOTT on this issue that we can continue to work through some of the outstanding issues. I have tried to respond this morning to areas where I think the administration is simply off base with respect to what the McCain-Wyden substitute is all about, but I want to make it clear I remain open to working with them.

But I would say now is the time for the Senate to deal with this issue. If we let this go on, if we just let it fester and take months and months and months and arrive at no resolution of this problem, I happen to think we may well be back here early next January for a special session of the Senate having to deal with this problem. There is not a Member of this body who wants that result. Let us continue to work together.

I plan to continue to negotiate with all the Senators I have mentioned this morning, and will continue to try to be responsive to the concerns raised by the distinguished Senator from South Carolina, although I think in the end it is quite clear we have a difference of opinion on this legislation. But this bill is too important to just say: This is it, the end, the administration has given its opinion and let's move on.

I think we have an opportunity to proceed under the McCain-Wyden substitute. We have made nine major changes that were requested by various organizations to be responsive to areas where they thought the committee bill was inadequate. We have made it clear we are open to a variety of other suggestions. Senator DODD, in particular, has offered several which I think are very important and ought to be addressed. I hope the Senate will continue to work in a bipartisan way to deal with this issue, because the time to deal with it is now and not next January.

I yield the floor.

Y2K ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 96, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date.

The Senate resumed consideration of the bill.

Pending:

McCain amendment No. 267, in the nature of a substitute.

Lott amendment No. 268 (to amendment No. 267), in the nature of a substitute.

Lott amendment No. 269 (to amendment No. 268), in the nature of a substitute.

Lott amendment No. 270 (to the language proposed to be stricken by amendment No. 267), in the nature of a substitute.

Lott amendment No. 271 (to amendment No. 270), in the nature of a substitute.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I take a moment on the pending issue before the Senate. The year 2000 litigation reform proposal has certainly been the subject of a lot of discussion over the last couple of days. As the ranking Democrat on the committee chaired by the distinguished Senator from Utah, ROBERT BENNETT, we have spent the last couple of years looking at this issue—intensely the last year and a half. We have held 18 or 19 hearings on the subject of this computer bug problem and its potential effect not only on our own economy but the global economy and the disruptions it would cause in the lives of average Americans, in everything from flying airplanes to operating elevators, emergency rooms in hospitals, schoolrooms and classrooms, the functions of small businesses that depend upon computer data information today to maintain their businesses.

A legitimate area of concern has been raised regarding potential litigation surrounding this issue. I, for one, am very supportive of passing legislation to try to minimize the tremendous cost of lawsuits that could ensue for a number of years as a result of this anticipated but undealt with problem.

I won't go into how the Y2K issue emerged. Suffice it to say that it went back to economies of scale a number of years ago when computers were in their infancy and we were trying to save space in developing or programming computer information. Rather than list all four digits, which took two more spaces, only two spaces were used, ending with the last two digits of the year rather than including all four digits. The assumption was, years ago, that modern technology would take over, the old computers would be replaced, and that new information would include the millennium, therefore solving the millennium problem.

As we painfully know, with some 245 days to go now before January 1 of the year 2000, that is not the case. Not only has this problem not been erased in terms of the date issue, but the embedded chip problem makes this a confounding issue.

Had it not been for Senator BENNETT of Utah calling out to all of the Members to get involved in this question, and my involvement with him after his initial interest in this in the Banking Committee where we examined financial institutions, I don't think we would have done as good a job getting the Federal Government and the country as a whole as interested in this subject matter as it is today. As our reports have indicated, we are actually in very good shape in many areas.

However, there is the potential problem of litigation. Some estimates indicate that the cost of litigation surrounding the year 2000 problem could be as much as $1 trillion. That may be an exaggeration. No one knows for certain how big a problem this may be in terms of clogging up our courts—primarily with companies suing companies, I presume, in contract litigation—over failed businesses or machinery that didn't operate as advertised.

There are several bills before us. We are trying to work out our differences, to see if we cannot put together a proposal here that would attract broad, bipartisan support of legislation that will do several things.

First of all, it tries to avoid litigation altogether. I think this is common of all the various proposals. I do not have each one of them in front of me, but all the proposals try to have some waiting period or some means by which a plaintiff and defendant could see if they could resolve the issue which had prompted the litigation in the first instance. I think that is a wise inclusion here. We ought to do everything we can to avoid litigation and the cost to defendants and plaintiffs. So I commend the authors of those provisions for trying to minimize the cost.

We then try to insist upon some specificity in the allegations, so plaintiffs would have to lay out in some detail what the charges are, where the shortcomings are, giving defendants an opportunity to know what they have been charged with. It sounds like a simple enough request, but in the past we have had a serious problem where merely broad, vague allegations were enough to prompt litigation that could tie up individuals for years and cost literally thousands, in some cases millions, of dollars to the defendants when, in the final analysis, there was a lack of proven culpability. So we are requiring some specificity in the allegations.

We are also talking about trying to reduce the probability of class action lawsuits, particularly in an area which is primarily contract law. But in order to do that, there is a sense of proportional liability here, which is something we included in the securities litigation reform bill—which passed this body and the other body substantially a few years ago and ultimately, after an initial veto, was passed over the President's veto by the Senate and the House—and the uniform standards legislation which followed thereafter.

The proportional liability idea is one of basic fairness. It says defendants ought to be brought into a lawsuit based on the percentage of their alleged culpability, not based on the depth of their pockets financially. If a company is 10-percent responsible for the problem, they ought to bear 10 percent of the cost of liability. In fact, the cases prove that too often what has happened is we have plaintiffs—their attorneys—who go out and seek out the companies with deep pockets that may have had little or nothing to do with the issue but, because they are affluent potential marginal defendants, they get brought into the litigation. If there is a successful result on the part of the plaintiff, then that marginally involved defendant, under the joint and several provisions of most of our law in this area, no matter how marginally involved, are responsible for the full cost of the lawsuit, paying the awards.

Again, I appreciate the lawyers who want to have that. I understand that is one way to get paid. But in fairness to those companies which are only marginally involved, it does not seem to be a very fair way to proceed.

There are some very legitimate issues people raise about trying to come up with some modified version of the proportional liability provisions. They may have some value. I am still listening to their arguments, but I am not yet convinced that is such that we need to modify it in this kind of bill.

The argument they make, and it has some appeal, is that in dealing with the year 2000 litigation, it is fundamentally contract law. Unlike securities litigation or litigation in product liability or other areas, in contract law the notion of proportional liability may not have as much meaning as it would in other areas. So there is some argument. There is an argument being made that you may have a more difficult time reaching offshore companies that are major computer producers, manufacturers, software manufacturers and producers. That argument, again, has some appeal. It has not yet persuaded

this Senator to support any moderation in the proportional liability sections of these bills.

The last series of ideas I would like to see incorporated—and I am prepared at the appropriate time, if we get to it, to offer an amendment, I hope with several of my colleagues who share these views—is we ought not, in my view, have any caps on punitive damages except in the case of small businesses and municipalities. I do not think a cap on punitive damages is needed in this area. We are not talking about personal injury matters here; we are talking about contract law. I understand for smaller businesses that could be a huge problem and put them out of business—on a small lawsuit, destroy them. And for municipalities where taxpayers end up paying the costs of these burdens, I think most of our colleagues will accept those arguments.

The second is to try to raise the limits or lift the limits on the directors' and officers' liability. In this area, I also do not think there is a need for caps on the amount of liability a director or officer should pay in a successful plaintiffs' suit dealing with Y2K issues.

I say that because when we passed the disclosure act a year ago, dealing with the year 2000 legislation, we provided in that legislation a safe harbor for forward-looking statements by the officers and directors and managers of these businesses. It seems to me that protection plus the general business rule which protects business leaders from the kind of frivolous lawsuits that some might envision eliminates the necessity for having a cap on directors' and officers' liability in this area. So I include in my amendment lifting the cap on that issue.

Last is the issue of the state of mind question, which is the one that is a little more thorny for people. This can get rather arcane and esoteric, but it is an important issue. Presently, under the bill offered by the Senator from Arizona, which is the bill before us, the one that is on the floor, and I believe under the bill offered by my colleague from Utah, Senator HATCH and others, that would have a state of mind that would require that it be—I think clear and convincing is the standard that is used. I may be wrong on one of those, but I think it is in the McCain bill.

The argument there is that we used clear and convincing as a standard when we did the full disclosure bill. If we used it there, why not continue using it here? We used it there because we wanted to protect, in a sense, and encourage the leaders of industry and business to disclose to each other where they were in the Y2K remediation efforts. So, candidly, it was to make it more difficult for someone to sue an officer or director of a company that was reaching out to its clients, to its fellows in the business community, its peers, by sharing information. So it was part of the incentive of the Disclosure Act to get that information out.

The reason I am uneasy about including clear and convincing in this bill is because I can see some who want to bring lawsuits on income-related matters where it may actually be more of a product liability issue, it may be a tort issue, but the defendant will say it is an income issue.

So, even though the plaintiff is not thinking about the Y2K problem, the defendant will use the Y2K defense, raising the bar to clear and convincing and make it very difficult for that plaintiff to be able to bring an action which has little or nothing to do with the year 2000 issue.

I also think we established in the securities litigation area a lesser standard. In fact, I know we did, in clear and convincing. It seems to me that by using the standard we used in the securities litigation area, we will be adopting a standard in a more parallel fact situation than the disclosure bill of last year, and one that has already proved to be successful in winning a lot of support in this Chamber and in the other body. It has become the law of the land. We now have a few years of experience of that standard in place.

Clear and convincing opens up a new door that we do not know, quite frankly, where it goes.

I urge my colleagues to be supportive of this proposal on the punitive caps on the directors' and officers' liability, with the exceptions that I have mentioned, when and if I get a chance to offer it, and on the issue of state of mind.

That may not be enough. I am sure there will be other amendments others may want to offer. But I think if you have a bill that roughly incorporates what I described to deal with the year 2000 problem, we can pass a bill with a substantial bipartisan vote; it can go to the House and go to the President's desk, which I am confident he will sign into law.

I know the administration and I know the President and the Vice President care about this issue. They think it is important. We have a responsibility to act. This issue is not as galvanizing, obviously, as the issue surrounding the tragedy in Kosovo or the tragedy in Colorado. Clearly, those are two issues which this Senate must debate and discuss, in my view.

TRAGEDY IN LITTLETON, COLORADO

We ought to be talking about ways in which we can minimize the tragedy that occurred at Columbine High School in Littleton, CO.

I want to hear my colleagues' ideas on what we can do as a country. I am suspicious of quick legislative solutions to what provoked and caused the loss of 13 lives in that tragedy in Colorado, but nonetheless, I want to hear a good discussion of what my colleagues are hearing from their constituents across this country as to how we, as a legislative body, can make a positive contribution to help this country not only come to terms with what happened a week ago, but how we can do everything in our power to minimize the recurrence of that tragedy.

KOSOVO

Secondly, on Kosovo, clearly there the events, as they are unfolding, indicate that we are on the right track. It is not a perfect policy, but I am proud of the fact that my country is standing up for the rights of human beings who have been treated so poorly, to put it mildly, by the regime of Slobodan Milosevic.

It was almost 60 years ago yesterday that a ship called the *St. Louis* left Europe with one-way tickets. Many who are part of the families of survivors or survivors of the Holocaust will know the name of the ship, *St. Louis*.

That ship sailed from Europe with a boatload of passengers, all of whom were Jewish. They were bound for Cuba. When they arrived at Cuba, only 28 of them were allowed to come ashore.

Unfortunately, our country denied that ship the right to enter U.S. waters. Rather than being a one-way ticket to freedom and avoiding the horrors of the Holocaust, the *St. Louis* was forced to return to Europe, and all those passengers on that boat faced the fate of the Holocaust.

This Nation and the nation of Cuba at the time turned its back on a shipload of people seeking freedom. Sixty years later, Mr. President, we are confronted with a human tragedy that, I argue, is not on the magnitude of the Holocaust but of a significant magnitude where 1.5 million people have been tortured, have been executed, have been displaced because of the appetites of one individual and those who support him in Serbia.

It is not easy to stand up. It is not easy to build coalitions. It is costly to be involved in this. In my America, we stand up for people who face that kind of a problem, and when we can do so with 18 other nations standing with us, bearing the cost in proportional ways, to try to right this wrong, then I think it is something of which all Americans can be proud.

It is legitimate to have a debate over the execution of this conflict, how it is being prosecuted, who is doing what and how fast it is occurring, whether or not we should have ground troops or whether or not the airstrikes are performing and achieving the desired results. I think we are on the right track. We ought to have a debate on that as well. It is healthy to have that kind of discussion.

I do not mean to say Y2K is not important. Hardly so. I think it is very important. It is an issue we should resolve in this body, come to terms with,

try to pass it here, and send the bill to the President for his signature. If we do not, we will regret deeply what may happen, and we will look back and wish that we had taken the short time we need to pass a bill that will allow for this problem to be avoided. I also hope we will get to the issue of Kosovo, get to the issue of Columbine High School and the tragedy in Colorado, and discuss and debate how we think we can respond to those issues as well.

Mr. President, I see the arrival of my colleague from California. She may not be ready to say something at this moment. I thank the Chair and suggest the absence of a quorum.

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

The legislative assistant called the roll.

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

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

MOTION TO COMMIT WITH AMENDMENT NO. 291

Mr. KENNEDY. Mr. President, I send a motion to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] moves to commit the bill to the Committee on Health, Education, Labor, and Pensions to report back forthwith, with the following amendment No. 291 by Mr. KENNEDY.

At the appropriate place, insert the following:

SEC. ___. FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the ''Fair Minimum Wage Act of 1999''.

(b) MINIMUM WAGE INCREASE.—

(1) WAGE.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.65 an hour during the year beginning on September 1, 1999; and

''(B) $6.15 an hour beginning on September 1, 2000;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on September 1, 1999.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 292

Mr. MCCAIN. Mr. President, I send an amendment to the desk to the motion to commit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. LOTT, proposes an amendment numbered 292 to the instructions to the motion to commit.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

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

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

UNANIMOUS-CONSENT REQUEST

Mr. MCCAIN. I ask unanimous consent that the pending business be temporarily laid aside in order for the Senate to consider two amendments en bloc to be offered by Senator MURKOWSKI, that such amendments be immediately considered en bloc and agreed to en bloc, the motion to reconsider be laid upon the table, and the Senate then return to the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

Mr. MCCAIN. 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. MCCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent the pending matter before the Senate be set aside so I can speak on the pending bill overall.

The PRESIDING OFFICER. Is there objection?

CLOTURE MOTION

Mr. KENNEDY. Mr. President, reserving the right to object, and I will not object in just a moment, but I do send a cloture motion to the desk at this time.

Mr. MCCAIN. Mr. President, I believe I have the floor.

Mr. KENNEDY. Mr. President, I think I am entitled to express my right to object.

The PRESIDING OFFICER. I am advised that the cloture motion is in order, not withstanding the fact that the Senator from Arizona has the floor.

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 the debate on the Kennedy motion to commit S. 96:

Paul Wellstone, Barbara Mikulski, Harry Reid, John F. Kerry, Carl Levin, Charles E. Schumer, Frank R. Lautenberg, Tom Harkin, Ted Kennedy, Russell D. Feingold, Jack Reed, Patrick Leahy, Robert Torricelli, Dick Durbin, Barbara Boxer, and Jeff Bingaman.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the Senator from Arizona?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I would like to respond to some of the examples of how S. 96 would deny justice to businesses injured by a Y2K failure that have been offered by the ranking member. In particular, the example of a company called Produce Palace has been raised a number of times. In fact, the owner of that business testified before the Commerce Committee.

Let me respond to the specific charges with the specific facts of that case and dispel the notion that S. 96 would make that business' situation even worse.

The small businessman who owns Produce Palace has testified frequently regarding the problem he had with a computerized point of sale system, including a credit card scanner which would not accept credit cards with expiration dates of ''00.'' He asserted his situation would somehow be worsened by S. 96. The facts are to the contrary. The situation would be better with the passage of S. 96.

Although he complains that S. 96 would require a 90-day waiting period, his lawsuit against the cash register system company was not commenced for over 2 years after the problem occurred. S. 96 would require that he provide 30 days notice to the company of the problem. This notice period does not foreclose emergency action for temporary restraining orders or similar extraordinary court involvement where warranted.

Although he communicated back and forth with the company responsible for his problems over many months, under S. 96 the company would have had to respond by the end of the 30 days, and fix the problem within another 60 days. He could have begun suit at the end of the 60-day remediation period if the problem was not fixed, and not continued to be strung along for months and months.

Additionally, most of the Produce Palace damages were suffered from lost profits and business. These losses may or may not be covered in his contract with the equipment provider. If those issues are included in a contract, then

the contract terms prevail. If not, he would have every right to secure a new cash register or new credit card ''swipe'' machine so his business could proceed during the interim. This is something he apparently did not do under the current law.

S. 96 would not affect his right to sue if the problems were not fixed in a timely manner. In fact, he would have been able to sue much more quickly than he actually did. More to the point, under S. 96 defendants are encouraged to fix problems, and quickly, so that Mr. Yarsike's problems would have been alleviated more quickly and without the drain on his energy and financial resources that litigation entails.

We are sending a letter to Yarsike explaining to him this aspect, and we certainly look forward to his response, if there is any disagreement.

The second area that I will talk about is proportionate liability. Proportionate liability is one aspect of the bill that has caused some concern among my colleagues. I quoted this morning from a paper by the Progressive Policy Institute concerning the impact of Y2K litigation, and that same paper also discusses proportionate liability.

The Progressive Policy Institute paper says:

> It is also extremely important that defendants be held liable for only their portion of the fault by eliminating joint and several liability. Given that computers and electronic products pass through many hands before they are finally sold, sourcing the liability like this will be that businesses that had no role in causing the problem will not be held accountable. To demand that a business with little complicity in a dispute provide the lion's share of reparations only because they have the deepest pockets or because they are the last ones left standing, would simply be unfair.

The other issue I will discuss is the financial impact of litigation. It costs everybody money. It raises the cost, goods, and services. Here are a few examples. Twenty percent of the price of a ladder, 50 percent of the price of a football helmet is attributable to liability and litigation costs. The cost of defensive medicine used to help avoid malpractice liability has been estimated at $50 billion annually. These kinds of costs will result in higher costs of technology goods and services.

These increased costs to consumers make technology a potentially more divisive element in our society, dividing the haves and have-nots, those who can afford technology, goods, and services versus those who cannot. Seminars on how to try Y2K cases are well underway. Approximately 500 law firms across the country have put together Y2K litigation teams to capitalize on this event.

Let me just give you a sample of the Y2K litigation cost estimates:

The year 2000 computer bug is expected to cause some disruptions, even if 95 percent of computer system problems are corrected. Problems will dramatically worsen if only 85 percent or 75 percent of the bugs are found. Ninety-five percent corrected/best-case estimate: U.S. total costs (to replace and repair software and systems and pay for litigation) $90 billion; 85 percent: U.S. total costs: $500 billion; 75 percent, which is the worst-case: $1.4 trillion.

The source of that information is Capers Jones of Artemis Management Systems.

The amount of legal litigation associated with the year 2000 has been estimated by the Giga Information Group to be $2 to $3 for every dollar spent on fixing the problems. With the estimated size of the market for the year 2000 ranging from $200 billion to $600 billion, the associated legal costs could easily near or exceed $1 trillion.

Mr. President, the effects of abusive litigation could further be curbed by restricting the award of punitive damages. Punitive damages, as we all know, are meant to punish poor behavior and discourage it in the future. However, this is a one-time event. The only thing deterred by excessive punitive damages in Y2K cases would be remediation efforts by businesses.

I have managed a number of bills on the floor of the Senate, some of them more controversial than others. It is the rarest of occasions when we have seen a situation where amendments are not even allowed to be propounded and debated and voted on.

It is not clear to me why we can't move forward with the legislative process. We have a bill that was reported out of committee. We have made several changes to it, as is normal between the time a bill is reported out of committee and when it gets to the floor. I know there are significant objections by the distinguished Democrat leader, Senator HOLLINGS, of the Commerce Committee. I do not quite understand why he wouldn't come forward, propose an amendment, et cetera.

Now we are playing parliamentary games with motions to recommit and cloture motions. I say to the Senator from Massachusetts, who I have great respect for, why don't we just amend, vote, and move forward on an issue that all of us realize is very, very important to the future of this country? The year 2000 is not going to wait.

I have never, in 13 years in the Senate—and many of those years, from 1987 to 1995, spent in the minority—come to this floor and tried some parliamentary maneuver such as I just saw. Never. I do not think it is the proper way we should conduct business here in the Senate.

We are going to have a cloture vote tomorrow. I believe we will get 60 votes. If we do not get 60 votes, then I believe we ought to have another cloture vote a day or two later and another cloture vote a day or two later and another cloture vote a day or two later. Because we ought to find out, Mr. President, who is really interested in curing this problem and who is interested in blocking legislation on behalf of the American Trial Lawyers Association.

I hope the Senator from Massachusetts will withdraw this foolishness that he just went through. I hope the Senator from Massachusetts will propose an amendment on anything that has to do with this bill, and we would debate it and vote on it. That is the courtesy that I used to give my colleagues on the other side of the aisle when I was in the minority.

I want to repeat, never once, never once did I propose a motion to recommit followed by a cloture motion, nor have I seen it here in this body that often, especially when we are dealing with an issue of this importance.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered.

AMENDMENT NO. 293 TO AMENDMENT NO. 292

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from year 2000 problems, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. MCCAIN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN], for Mr. LOTT, proposes an amendment numbered 293 to Amendment No. 292.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. MCCAIN. Mr. President, I regret that we have to go through this. It was chosen to attempt to recommit this important bill back to the committee. As a result of that action, it is not only impeding but making very difficult our progress on the legislation.

The Senator from Massachusetts and I have done battle on the floor of the Senate in an environment characterized with respect and appreciation. I do appreciate and respect the commitment that the Senate from Massachusetts makes to a variety of issues. I have not seen anyone on the floor who is committed as much as he is and willing to come to the floor day after day in advocacy of the issues that he believes in—health care, minimum wage, and many others. I hope the Senator from Massachusetts and others on the

other side of the aisle will allow us to move forward with this legislation, whatever amendments they wish to propose, or amendments on this side, that we could have open debate and move forward.

With that commitment, I will move that we remove the cloture motion, if we have that commitment from the other side.

I hope we can move forward. Apparently, we will not. But it is not the way the American people expect us to do business.

There is a little book we hand out to people when they come here to the Capitol and we give to our constituents. It is called, ''How Our Laws are Made.'' Our laws aren't made this way. This isn't the way we describe it to the American people. The way we describe it to the American people is a bill is reported out of committee, it comes to the floor, the amending process takes place, and we then continue to final passage of the legislation and to a conference and come back to the floor of the Senate.

This is not that procedure. I do not think the schoolchildren will look very favorably on this kind of exercise that we are going through now. I appeal to the better angels of my colleague's nature that we move forward with this very important legislation as quickly as possible.

I note the presence of the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, I associate myself with the comments of the Senator from Arizona.

The bill before us is the Y2K liability legislation, which is time sensitive, which has bipartisan support, which would allow for a process for small business individuals and others who might be talked into Y2K computer problems, to deal with the problem without winding up with the typical lawsuits being filed.

That is what this is really all about, trying to deal with the liabilities that could be facing a lot of people inadvertently, or because they don't have the ability to deal with this problem, to find a way to deal with the problem, and not just, as is the idea of a lot of people, just to provide an avenue for a lot of lawsuits.

I had hoped we could have amendments on the subject and maybe substitute amendments by others. There are two or three different bills that are very close in this area. I thought we could deal with the subject matter and move forward. In a show of good faith, I wanted to leave those options open, and I didn't completely ''fill up the tree,'' as it is described around here, and offer a lot of amendments to block everybody, to see if we really had a good-faith intent of dealing with this important legislation. There are a lot of small business men and women, and businesses in general, who are very interested in this legislation and know it needs to be done, and they know it could be done in a bipartisan way.

But my show of good faith has been rewarded with an amendment that is unrelated and is intended to change the subject to fulfill an agenda that has been developed on the other side. They had the opportunity and they took advantage of it. That, I think, is a tragedy, but that is the way it goes around here. I have learned a lesson. If we are going to pass legislation, whether it is on bankruptcy or financial modernization, FAA reauthorization, or this legislation, Y2K legislation, which is important, I am going to have to take actions to block irrelevant, nongermane amendments that are just part of a political agenda.

Having said that, I move to table the motion to recommit the bill and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, I advise Members that in about 10 minutes we intend to have a recorded vote. I give Members notice that a vote is impending.

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

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

The legislative clerk proceeded to call the roll.

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

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued the call of the roll.

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

Mr. LOTT. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue with the call of the roll.

The legislative clerk continued the call of the roll.

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

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

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The clerk will call the roll.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum. No one is present, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names.

[Quorum No. 6]

Boxer	Gregg	McCain
Crapo	Kennedy	
Durbin	Lott	

The PRESIDING OFFICER. A quorum is not present.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of the absent Members, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Mississippi. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Frist	McConnell
Baucus	Gorton	Mikulski
Bayh	Graham	Murkowski
Bennett	Gramm	Murray
Biden	Grams	Nickles
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Boxer	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
Enzi	Lott	

NAYS—1

Breaux

NOT VOTING—1

Moynihan

The motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

VOTE ON MOTION TO TABLE THE MOTION TO COMMIT WITH INSTRUCTIONS

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to commit the bill with amendment No. 291 to the Committee on Health, Education, Labor,

and Pensions. The yeas and nays have been ordered. 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 result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—55

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

NAYS—44

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	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Torricelli
Dodd	Landrieu	Wellstone
Dorgan	Lautenberg	Wyden
Durbin	Leahy	

NOT VOTING—1

Moynihan

The motion was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The majority leader.

MOTION TO RECOMMIT

Mr. LOTT. Mr. President, I move to recommit the bill with instructions to report back forthwith, and I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 294

(Purpose: To regulate interstate commerce by making provision for dealing with losses arising from the year 2000 problem, related failures that may disrupt communications, intermodal transportation, and other matters affecting interstate commerce)

Mr. LOTT. Mr. President, I send an amendment to the desk to the motion to recommit with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 294 to the instructions of the Lott motion to recommit.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 295 TO AMENDMENT NO. 294

Mr. LOTT. I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 295 to amendment No. 294.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, in view of the latest action in trying to change the subject on this important Y2K bill, I had no alternative but to fill up the tree. I know there will be comments by Senator DASCHLE and Senator MCCAIN and Senator KENNEDY with the idea that we still hope to be able to bring these issues to a conclusion and get an agreement on Y2K, and, if that can be worked out in terms of available amendments, or final vote, we will work through that, hopefully, by tomorrow.

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

Mr. LOTT. Mr. President, I call for regular order with respect to S. 557, and send a cloture motion to the desk.

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

The legislative clerk read as follows:

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

CLOTURE MOTION

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, do hereby move to bring to a close debate on the pending amendment to Calendar No. 89, S. 577, a bill to provide guidance for the designation of emergencies as a part of the budget process.

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

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur on Friday of this week. The time will be announced after consultation with the Democratic leader, unless it is vitiated because of intervening agreements or decisions that are made. All Senators will be notified of that exact time.

CALL OF THE ROLL

In the meantime, I ask consent that the mandatory call for the quorum under rule XXII be waived.

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

MOTION TO RECOMMIT

Mr. LOTT. I move to recommit the bill with instructions to report back forthwith, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 296

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 296 to the instructions of the LOTT motion to recommit.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 297 TO AMENDMENT NO. 296

Mr. LOTT. Mr. President, I send a second-degree amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi (Mr. LOTT) proposes an amendment numbered 297 to amendment No. 296.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

ORDER OF BUSINESS AND THE Y2K ACT

Mr. LOTT. Mr. President, I regret that we have to use this procedure. But we are hoping that we can see an agreement reached with regard to Y2K. I know there is a bipartisan effort underway on this important issue. It is timely. I hope that Members will work together this afternoon and tonight, and that we can find a way to come to a conclusion on it.

The Social Security lockbox also is an issue that we think is very important which we need to be talking about and find a way to actually achieve that goal. This will give us an opportunity to discuss that some more.

I want to say to Senator DASCHLE publicly what I have been saying to him privately. It is not my intent, and I will not be used to prevent a discussion in a reasonable period of time—we talked about week after next—with regard to school violence, how you deal with that. I think it is appropriate after a reasonable period of time to have a debate and have votes on amendments. I suggest that we would do it on the Justice bill. If for some reason that bill is a problem, we will find some other vehicle, and I am sure there will be amendments with a lot of different ideas of how we try to deal with this problem.

I am not sure we can solve what has happened in Colorado here. But we will have a chance to have a discussion and have a debate and have amendments.

I said to Senator DASCHLE that we are going to do that, and he and I will work together to find a way to do it and to have amendments dealing with school violence.

I don't want this to become a laundry list of all kinds of other issues. But the Senate needs to be heard, and needs to have an opportunity to debate and vote on those issues dealing with school violence. How we try to address that—we will find a way to get that done.

I yield the floor.

Mr. DASCHLE. Mr. President, just for a question for the leader to clarify, yesterday I think the understanding was that it would be his intent to bring this bill to the Senate floor 2 weeks from yesterday.

Is that the current intention?

Mr. LOTT. That is my intention. To give you an example of what might happen, though, it is possible that the supplemental appropriations bill would be ready that day. It depends on when the House acts and when the Senate is able to get to it. If we have to do it a day earlier, or a day later, I don't want the Democratic leader to think it would have to be something he and I agree on. Barring something that might happen, we will do it on that Tuesday.

Mr. DASCHLE. I thank the majority leader.

Mr. LOTT. I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The minority leader is recognized.

Mr. DASCHLE. Mr. President, I want to comment on developments over the last couple of days in particular, and the vote that we just had specifically. There are two issues here. I want to touch on both of them.

The first issue has to do with our desire to reach some accommodation, some agreement on Y2K. I have said it publicly and privately, I think this is a serious issue. I believe there is a way with which to resolve this matter. But I don't think it does any of us any good, or the industry any good, or our country any good to pass a bill out of the Senate knowing it will be vetoed. I don't know why we would do that.

I have heard the argument, ''Well, we can clean it up in conference.'' Mr. President, I don't know why we don't clean it up here. We have as clear a letter as any I have ever seen from this administration which says the current draft will be vetoed. I don't know how you get any more definitive than this.

If we were serious—and I really believe that there are a number of serious and well-intentioned Senators who want to see this resolved—I think this is the test of seriousness, because I believe that the Senators who truly want to see an accomplishment rather than an issue will take this letter seriously.

I am very hopeful that in the not too distant future we will see some final agreement that will allow us to vote on an overwhelming basis on this issue. I want to support it. Most of us will support it.

Mr. WYDEN. Mr. President, will the minority leader yield for a quick moment?

Mr. DASCHLE. I am happy to yield to the Senator from Oregon.

Mr. WYDEN. Mr. President, I thank the leader for yielding. I want to thank him for his patience in an effort to try to make this legislation responsible and fair to prevent damage to our economy.

I also want to tell him that we have made exceptional progress in the last couple of hours, particularly in dealing with the number of those issues that were raised in the administration's letter.

I really commend Senator DODD for all of his efforts. As you know, he is the senior Democrat on the Y2K Committee. He has done yeoman's work over the last couple of hours, particularly on the issue of punitive damages, which is the issue raised by this administration, and also on evidence standards to make sure that you are fair to the consumer and to the plaintiff. Senator DODD has worked very closely with the chairman of the Commerce Committee and myself, Senator HATCH, Senator FEINSTEIN. It is a bipartisan group.

We are going to continue to work in the spirit that the leader has talked about. As a result of the progress in the last few hours, I think we have gone a considerable distance toward meeting the leader's objective.

I thank the leader for yielding me the time, and also for his patience in this effort.

Mr. DASCHLE. I thank the Senator from Oregon.

Mr. President, there are a number of people—Senator WYDEN, Senator MCCAIN, Senator HOLLINGS, Senator EDWARDS, Senator DODD, Senator KERRY, Senator ROBB—as the Senator has noted, who deserve great credit for moving this process along. There are a number of Senators who are actively engaged in an effort to bring this matter to closure. I am very hopeful we can do that.

Let me talk about the second matter, the procedural question. Senator KENNEDY offered an amendment, as is his right, through the recommittal motion simply because he has no other recourse. This is illustrative of an array of frustrations the Democratic Caucus has about the procedure used in each and every instance in which a bill has come to the floor this session of Congress. This is the 28th of April and we have yet to have one amendable vehicle on the Senate floor.

I have a great deal of affection for the majority leader, but I must say, I think he should have run for Speaker because I really believe he would be more comfortable as Speaker. I have said that to him, and I think he would acknowledge he would much rather have a Rules Committee in the Senate than the current rules. When I become majority leader, maybe I will have that same feeling.

However, in the Senate, we have always prided ourselves on open, free debate. We lay a bill down, offer amendments, have tabling motions, have second-degree amendments, and we have a debate. We call ourselves the most deliberative body in the United States, if not in the world, and I believe we have a right to that distinction. How can we be deliberative when every time we bring a bill to the floor, we fill the parliamentary tree, denying anybody a right to offer an amendment?

There is a pent-up frustration and a pent-up pressure to have the opportunity to vote, to have the opportunity to offer amendments on key questions. This happened to be the minimum wage. The distinguished senior Senator

from Massachusetts said he will pull the amendment if we can reach some agreement, if we can get some final solution here in solving the problem of Y2K. If we can solve it and if we can reach agreement, he will pull this amendment. He made that request and that offer. That is more than I get on many occasions. I have to thank the Senator for that.

However, we will continue to see as many challenges and as many significant breakdowns in the effort to reach, with some comity, a solution procedurally and a solution substantively of the issues we want to address in the Senate as long as we fill the tree on each and every occasion.

We just did the Social Security lockbox. What happened? The majority leader filled the tree and, in filling the tree, once again denied the minority the right to offer even a single amendment.

I am very hopeful we can resolve this matter, but the way to resolve it is to do what we are supposed to do, to do what we are paid to do around here. We come to the Senate with ideas. We come to the Senate with a bona fide appreciation of the differences of opinion that exist in the Chamber, even within our own caucuses. I am exasperated, frustrated, mystified that here in the Senate we are not allowed an opportunity to have a free and open debate. If amendments are undesirable, table the amendments; if the amendments can be improved, improve them with a second-degree. But to deny Democratic Senators—and even Republican Senators, for that matter—the chance to amend a bill is not acceptable.

I am hopeful we can find a way to resolve this. If we can't, I will put the Senate on notice that we will use other recourses if we have to. I don't want to have to do that. However, there are ways to respond, to reciprocate, if we are going to be gagged. Committees are meeting with our approval; we don't have to do that. There is an array of other tools we can use to demonstrate our frustration, and we will resort to those if we have to.

I hope we can come to a point where we don't have to do this. We can take up issues that are offered in good faith, debate them, amend them, dispose of them. We can do that on Y2K as we are doing today. We can do that on a lot of other issues, and we must.

Mr. REID. Mr. President, will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. REID. I can speak only of your predecessor, the Democratic leader, Senator Mitchell. I know during one Congress he used this procedure one time during a 2-year period. This has been used, to my knowledge, on every bill that has been brought up this session; is that true?

Mr. DASCHLE. Unless there is a unanimous consent agreement, it has been used on virtually every occasion.

Mr. REID. My understanding is this procedure, when the Democrats were in the majority, was used rarely; is that true?

Mr. DASCHLE. I do not have the statistics the majority leader referred to. The majority leader showed me the list of occasions when filling the tree was something that Democrats resorted to when we were in the majority. We go back to 1977 to find the first time, and we have only used it, according to his own list, on a handful of occasions since 1977. Over the last 20 years, Democrats may have used this procedure 5 times—5 times in 20 years.

This procedure has been used five times in 1999. We will have a lot more to say about the extraordinary utilization of this concept of filling the tree and how undemocratic and unfair it is to the process and to the institution itself. We have to find a way to fix it.

Mr. SCHUMER. Will the majority leader yield? Pardon me; wishful thinking on my part. Will the minority leader yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. SCHUMER. I recently ran for the Senate. One of the main reasons I ran was the ability of Members to amend bills. I have always admired the Senate for this. The House has become nasty and partisan. It has basically shut down.

I want to thank the minority leader for voicing the frustration that so many Members have. During the impeachment proceeding, we worked together. Since then, it seems to me that comity is gone. There is no ability for Members on either side of the aisle who have ideas to offer them. We may lose them.

The frustration that so many felt in the wake of Littleton—we had ideas which we thought wouldn't solve the problem but might ameliorate or reduce the chances of future Littletons—of not being able to offer those amendments was enormous.

Has the process thus far this year evolved so we are virtually no different from the House?

Mr. DASCHLE. We have created a Rules Committee of one. I think it is unfortunate. They have a Rules Committee in the House. Constitutionally, the House was designed differently than we are. We don't need a Rules Committee in the Senate. Somebody made the comment, I think it was the distinguished assistant Democratic leader, the reason our Senate is so family friendly is that we are not doing anything. If we did something, maybe we would not be so family friendly.

I think it is time we do something, we try to resolve these matters. Let's move on and allow Senators the opportunity to express themselves in amendments.

Mrs. BOXER. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to the Senator from California.

Mrs. BOXER. This is for a question. I appreciate the Democratic leader taking to the floor. I want to use this opportunity to ask him a particular question.

The Democratic leader and the Democratic caucus have an agenda of issues. The Republican leader and the Republican caucus, they have their agenda of issues. This is good. This shows the people our vision for this country. One of the things that occurred when the Senator from Massachusetts offered the minimum wage increase as an amendment here, or asked the bill be recommitted so we could vote for it, was that the majority leader was very unhappy with this and said something to the effect—I am not quoting verbatim, but something to the effect—he even used the word ''tragedy''—it was a tragedy this was occurring on this bill and that this is not a time for one party to put forward its political agenda.

I ask my leader this question: Isn't it totally appropriate that each side here, Republicans and Democrats, has a chance to put forward their political agenda? The Senator from New York talked about his race. I had a race that was very difficult. I can assure my friends on both sides of the aisle, it was based on real issues. It was not some theoretical race. It was about the minimum wage, it was about the Patients' Bill of Rights, it was about equal pay for equal work, it was about the environment, yes, and schools and education.

So the question is, I would love to ask my leader what he thinks about our agenda, whether it is pressing? I think the majority leader said this bill is timely. It is; that is true. But is our agenda not timely as well?

Mr. DASCHLE. The Senator from California raises a very good question. Absolutely, our purpose is to present our agenda. That is why we are here.

That does not mean to the exclusion of the Republican agenda. Obviously, we ought to have a good debate about both agendas. But you need that debate. You need that opportunity. How do you have that debate? Not just by talking but by offering legislative proposals: the minimum wages, Patients' Bill of Rights, school construction, Social Security, Medicare reform. Those are the things we are here to vote on and work on, and we need the opportunity to do that.

We can do it the easy way or the hard way. We can do it by allowing amendments and having a good debate, by having some agreement about what the schedule will be, or we can force these issues by offering amendments and by having to defeat cloture and by doing all the procedural things we have had to do now for so long. By the time we

set aside all the procedural time we have spent, we could have had a good debate on the minimum wage or the Patients' Bill of Rights.

The majority leader has said we will bring up the Patients' Bill of Rights. He just said we will bring up minimum wage. He has now said we will bring up juvenile justice. So we are making progress. But I think the time has come to drop this procedural stampede that we find every time on the part of the majority when we want to offer amendments. We have to quit trying to steamroll these bills without offering due opportunity to all Members to offer amendments.

I know the Senators from Massachusetts and Arizona are waiting to speak, and I yield the floor.

Several Senators addressed the Chair.

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

Mr. MCCAIN. Mr. President, I would like to first comment on the remarks by the Democratic leader, who is a very old and dear friend of mine going back many years. I appreciate his frustration and concern. I think he made a very eloquent point here.

I point out to my good friend, there is a bit of frustration on this side, too. There is no better example than what is happening right now. We have this bill on Y2K, which is time sensitive if there ever was one, if there was ever a definition of a time-sensitive piece of legislation. We have had it on the floor for 4 days and we cannot get a single amendment, not one single amendment up on your side of the aisle for debate and voting. I say to the Senator, the distinguished Democrat leader, that is what also breeds frustration on this side. Then the majority leader has to file a cloture motion.

The Senator hearkened back to previous years when his party was in the majority. I have to tell you, most of the bills we took up, we put up amendments. Those amendments were either tabled or agreed to or modified, and we went forward. On this bill right here, we have not had a single amendment. I begged for the last 4 days: Please come forward with an amendment. In all candor, on that side of the aisle the leader has said: On this bill, all I want to do is kill the bill. All I want to do is kill the bill. Then we are forced to go ahead with a cloture motion and a cloture vote.

My point to the distinguished Democratic leader is, maybe we ought to all draw back a little bit, go back to a period of time where perhaps we were proposing amendments on both sides and they were allowed. I agree with the distinguished Democratic leader that we should have these issues raised, I hope in a timely fashion, such as the distinguished Democratic leader has sought to do.

I know what the staff is now whispering in the Senator's ear: ''We filled up the tree.'' We filled up the tree because we did not want to take up minimum wage. We wanted to move forward with this bill.

I understand and appreciate the passion the Senator from Massachusetts has about minimum wage. I do not mind debating the bill. But I would also like to get this bill done, which is time sensitive on January 1 of the year 2000. Why there would not be a single amendment—as soon as we filled up the tree I said I would be glad to agree by unanimous consent we take up any amendment that is germane to this bill. I think that would be appropriate.

In 4 days, there has not been a single amendment. I am not saying the responsibility is all on that side of the aisle or on this side of the aisle. I hope we can work out an orderly process. But it frustrates me and the people, the small-, medium- and large-size business people all over America who are facing this crisis, when we seem to be stuck without even considering a single amendment on the bill.

So I hope the Democratic leader in his frustration, which is understandable, would also understand that occasionally there is frustration on this side of the aisle as well. Having been in both the minority and the majority, I understand, I think, the frustrations that are felt there on that side of the aisle.

I would like to make one additional comment. I want to express my appreciation to Senator DODD for his efforts on this bill; Senator HATCH, Senator FEINSTEIN, Senator WYDEN, and Senator BENNETT. As we know, Senator DODD and Senator BENNETT chaired a very important special committee on the Y2K issue. They have done a tremendous job. So they have been heavily involved in this legislation.

Senator FEINSTEIN and Senator HATCH have had a longstanding involvement, and I am very grateful to them for their constructive contributions to this bill. We have had many hours of meetings trying to work out very difficult aspects of this issue. Thanks to Senator DODD's leadership, along with that of Senators HATCH and FEINSTEIN, WYDEN and BENNETT, I think we have an agreement that we will be able to move this issue forward.

So I ask again if we could agree on amendments. I understand there are about 20 pending, about 10 of them by the distinguished ranking member of the Commerce Committee. If we could narrow down those amendments, agree to them and agree to have votes, then we could vitiate the cloture vote tomorrow and get this thing done.

Unfortunately, so far there has been no agreement, there has been no amendment brought up, and there has been no time agreement. I again plead with the other side, if we are really interested in passing this legislation, let's go ahead, agree we stand ready to agree to the amendments and the time agreements on all of those amendments.

Mr. President, again I want to make clearly understood the great respect and affection I have especially for the distinguished Democratic leader. I understand his frustrations. We felt them when we were in the minority, and I hope all of us together can have more comity in this entire process so we can do the people's business.

Mr. WYDEN. Will the Senator yield?

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

Mr. KENNEDY addressed the Chair.

Mr. WYDEN. Mr. President, does the Senator from Arizona still have the floor?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know others have been here, but I have been here for 2½ hours waiting to speak on the amendment which I offered. While I see my friend from Oregon, I do not intend to take a very long time, but I would like to be able to speak about that issue.

First of all, just to review where we are, I want to identify myself with the good remarks of my friend from South Dakota, Senator DASCHLE.

Mr. President, I ask unanimous consent that we have printed in the RECORD the majority leader's schedule for April and for May.

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

The following is a list of legislative items the Senate may consider between now and the Memorial Day recess. As always, this is not an exclusive list and is in no particular order.

Supplemental Conference Report
Kosovo Funding
Y2K
Ed-Flex Conference Report
Safe Deposit Lockbox
Budget Reform
FAA
Commerce/Justice/State Appropriations
Financial Modernization
Flag Burning
Bankruptcy
Satellite Users
Water Resources
State Dept. Authorization
Dod Authorization

Mr. KENNEDY. In April and May, we have the supplemental conference report, Kosovo funding, Y2K, Ed-Flex, safe-deposit lockbox, budget reform, FAA, Commerce-Justice-State appropriations; financial modernization, flag burning, bankruptcy, satellite users, water resources, State Department authorization, DOD authorization.

Mr. President, do you know what is not on that? Any possible opportunity to debate an increase in the minimum wage.

We were effectively shut out from any opportunity last year.

We raised the issue, and we had to follow a similar process to bring that

issue before the Senate. We were denied that opportunity. It is a very simple and fundamental issue of fairness and equity to those who are some of the hardest workers in America—11 million hard-working Americans, who go to work every single day, who work 40 hours a week, 52 weeks a year, and at the end of the year bring home what is less than a poverty wage in the United States of America.

Forty-five Members of the Senate have asked this body for an opportunity to address this issue so that we can have economic justice for the workers of this country, and what has been the response? Is there any opportunity to look down the road and say, ''In another week, or 2 weeks, or 3 weeks, you will have that opportunity''? No. The answer is no, you cannot have an opportunity to raise the minimum wage. You cannot even bring that to floor of the Senate.

I have heard a lot of talk about courtesy and about how bills are made here. What about courtesy toward the hard-working men and women who are making a minimum wage, who cannot put bread on the table or pay their rent? Or, courtesy toward the proud working woman we heard from just yesterday who said that she has been unable to go to see her two daughters in the last 3 years because when you make the minimum wage, you cannot afford to take a bus across the country to see them. How about courtesy to them, Mr. Leader, how about courtesy to them? Don't they count? Shouldn't they be on the agenda?

Mr. President, I find these arguments rather empty in trying to establish priorities here. I am sympathetic to trying to reach out with legislative solutions to the problems we have before us, but we have been denied any opportunity to do anything about these 11 million Americans earning the minimum wage.

And it is not only on the issue of the minimum wage. Last year we brought up an issue that is on the minds of every working family in this country, and that is the Patients' Bill of Rights—a very fundamental idea—that the medical profession, and not an accountant in the insurance companies, ought to be making the decision affecting families. That is the heart of the Patients' Bill of Rights. And we were denied the opportunity to consider it on the basis of the merits. We were denied the opportunity to even have a hearing.

I hope all of those voices that were out here talking about ''undermining the spirit of the Senate'' will go back and talk to the chairmen of those various committees and say: Give them a hearing, report a bill out, get it to the floor of the Senate, so we can make sure that we are going to have clinical trials available to women who have breast cancer or to children who have other dreaded diseases; to make sure people are going to have a specialist when they need it; to make sure people are going to be able to get treated at the nearest emergency room; to make sure, if someone has some particular illness or sickness, they are going to get the right prescription drugs, not just what is on an ordinary formulary.

It is not very complicated, not very revolutionary, not very dramatic. It is not our agenda, not the Democratic agenda. It is the agenda of 100 agencies of doctors, nurses, and consumers of this country who say this is what we need to protect your children, to protect your wives, and to protect your loved ones.

But where is it on this agenda? Where do we have the opportunity to debate these issues? Where do we even have the opportunity to say that we will be willing to enter into a time agreement, say, 3 days? We take days and weeks on some issues around here, but are not even given the opportunity to have time-limited debate on these issues, which are of such vital importance to the men, women, and children of this country.

Just tell us, majority leader, when we can debate these issues. Give us Mondays and Fridays when we are not voting. Give us those days when the Senate has not been working. We will take any time. We will take Mondays and Fridays. We will take nighttimes. We will take any time. But give us the time, and put these issues on the agenda, because they are on the agenda of every family.

But no. We are denied the opportunity to debate these issues: ''It is not on our agenda, Senator. Don't insult us on our side by trying to bring this measure up on the floor of the Senate this afternoon. Don't inconvenience the majority that have an agenda here this afternoon. No, you cannot speak, Senator; you cannot speak here this afternoon on your particular amendment. No, no, we are not going to let you do that.''

Mr. President, it is the best reason I know why we ought to change this body, why we need men and women in this body who are going to say that an increase in the minimum wage is deserved. An increase in the minimum wage is a women's issue—Sixty percent of those recipients of the minimum wage are women. It is a minority issue—nearly 4 million African-American and Hispanic workers would benefit from an increase in the minimum wage.

Mr. President, this is something that cries out for fairness. The American people support it. But, no, we cannot even debate the issue.

I am beginning to believe that the majority refuses to bring it up because they do not want to vote. We know what is going on, all the whispers: ''Don't let them bring up the minimum wage on the basis of the merits because it's going to be painful for us.''

But how much pain does it cause those individuals who are trying to provide for their families tonight? How much pain are they going through?

Still, we heard words on the floor this afternoon about courtesy to the body. We were told about this is not the way of doing business, this is not how laws are made. I was reminded by another Republican leader, we ought to be showing good faith, that this is a tragedy but that it is irrelevant material.

You tell the 11 million people who are trying to survive on the minimum wage that this is what has happened to their purchasing power.

We have heard in the wake of the Littleton tragedy about the importance of parents spending time with families. When you are working two or three jobs at the minimum wage, how much time do you have to spend with your children? That is the testimony these people are giving. They do not have the time to spend with their children.

Do you know what the payroll for the United States of America is a year? It is $4.3 trillion. Do you know what the impact of this increase in the minimum wage would be? It would be three-tenths of 1 percent of that, and we hear that it is going to add to the problems of inflation, that we are going to throw a lot of people out of work. Mr. President, $4.3 trillion, and we are talking about 50 cents a year for more than 11 million people. Come on.

If you do not want to vote for it, do not vote for it. Let's take it to the American people and see who they want to represent them. But no. Just read the schedule. No matter how much we try, Senator DASCHLE has not been able to bring those measures before the Senate.

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

Mr. KENNEDY. Let me make a final comment, and then I will be glad to yield.

Mr. President, I underscore my support for Senator DASCHLE. I mentioned very briefly yesterday in our Democratic caucus that just before I came to the Senate, you did not get a vote in the Senate unless you got the nod from the majority leader.

But something took place in the 1960s. We had a movement within this Nation to strike down the walls of discrimination. People said, ''This is an important issue.'' The two places these issues were debated and considered were the federal court—the 5th Circuit—and the Senate. The debate on the war also took place in the Senate—and later, on the environment, disability rights, and other issues of crucial importance to our country. The Senate has been the repository for debate about the Nation's concerns.

One thing that every Senator understands is that everyone is equal in this body. So I cannot accept what the majority leader is saying: ''I make the decisions on this agenda. And no one else.'' That isn't what this body is about.

The Senate Democratic leader, Senator DASCHLE, indicated in a very positive and constructive way his willingness to try to work with the majority. This is the way it has been for 36 of the 37 and a half years I have been here—when Democrats have been in the majority and when Republicans have been in the majority. But never in that time have we had the leadership saying that one Senator is a lesser Member of this body than another. And that is what is being said, when a Member is denied the opportunity to raise important issues of conscience or of concern to their constituency.

They may be able to deny that opportunity on a particular measure. They may be able to prevent someone from speaking for 2½ hours, as they did today. They may eat up another hour of time, as they did this afternoon by having a live quorum. That is all part of this process. You can play this nice or you can play it rough.

I like to believe, as someone who takes a sense of pride in being able to work together with Members on both sides of the aisle, that we have been able to make a difference. That is what the Senate should be about. But if they are going to play it the other way, let them just understand that we can play it that way too.

I suggest my colleagues go back and read the little book by Jim Allen. Senator Allen had this place tied up for 7 months—an individual Member of the Senate. If they are not going to work this out in a way that respects individual Members, they cannot expect Members to respond in the positive tradition of this great institution.

Every Member on both sides of the aisle wants to honor that tradition. That is what I want to see. Hopefully we can, through the leadership of Senator DASCHLE and Senator LOTT, proceed in that way for the remainder of this session.

I am glad to yield.

Mr. REID. I ask the Senator: You have talked about minimum wage. It is true, is it not, as you have said, that 60 percent of the people who draw minimum wage are women? Is that true?

Mr. KENNEDY. The Senator is correct. Sixty percent.

Mr. REID. For 40 percent of all of these women who draw minimum wage, that is the only money they get for themselves and their families; is that true?

Mr. KENNEDY. That is correct.

Mr. REID. The Y2K problem is something you and I acknowledge we should resolve; is that true?

Mr. KENNEDY. Absolutely.

Mr. REID. But tell me, isn't it true—you have been the lead Democrat on the Judiciary Committee; you have been on that committee for many years that is looking to litigation which will transpire as a result of computers not working properly after the year 2000 hits? Is that true?

Mr. KENNEDY. The Senator is correct again.

Mr. REID. Even though we both acknowledge it is more important legislation, would the Senator tell me why it is important in April of 1999 that that legislation be completed prior to a bill that would give the 12 million people who are desperately in need of a minimum wage increase?

Mr. KENNEDY. I know there may be some who differ, but I think we could pass the minimum wage and the Patients' Bill of Rights and the Y2K in a relatively short period of time and do the country's business. As it is we cannot do the country's business, as the Senator has pointed out, if we can never even reach the minimum wage or the Patients' Bill of Rights.

In the meantime, we are told by my good friend from Arizona—I wish he were here—that he is frustrated because we have not had an amendment all week. Well, you know what he is saying? ''We haven't had an amendment that the majority can agree to all week.'' He said right here on the floor, ''We haven't had an amendment all week.'' Well, the rest of that sentence is: ''that he will permit, to be offered.''

That is not what this place is about. I really am quite surprised that a Member of the Senate would interpret the rules that way.

Mr. REID. Will the Senator yield for another question?

Mr. KENNEDY. Yes.

Mr. REID. The Senator outlined graphically the Patients' Bill of Rights. And it is important that we do something about that. But is it not also true, in relation to the Patients' Bill of Rights, that all over this country managed care entities are dropping senior citizens?

Mr. KENNEDY. The Senator is absolutely correct.

Mr. REID. There are senior citizens now who have chosen to go off Medicare, who are now without any managed care, without any ability to get health care; is that right?

Mr. KENNEDY. That is right.

Mr. REID. There are some who say, once you go off Medicare, then you can't go back on for a certain period of time.

And now there are hundreds of thousands of them in the country who have been dropped from the managed care entities. Don't you think our doing the Patients' Bill of Rights is important to the senior citizens of this country?

Mr. KENNEDY. The Senator is correct. An opportunity to debate the prescription drug issue is also important to our senior citizens. I know the Senator is home just about every weekend, and I am sure that when he meets with senior citizens they raise, in an almost unanimous chorus, their concerns about prescription drugs. I daresay they think we ought to be addressing that issue in the Senate.

When I go home and meet with workers, they are concerned about the minimum wage, they are concerned about the Patients' Bill of Rights, they are concerned about prescription drugs. Sure, the legislation before us is important, but then I look at this agenda and wonder, where are the issues the people at home care about?

It is important that we have the opportunity to debate and discuss these issues. We are denied that opportunity now.

Mr. REID. One last question I will ask the Senator.

Based on your experience and my experience, is it a fair statement to say that on our agenda items we may not win every one of them, we may not prevail on every one of them, but wouldn't it be nice, I ask the Senator, to be able to debate the issue of the minimum wage, the Patients' Bill of Rights, the other things we believe are important? Win or lose, wouldn't it be great if we could have the opportunity to explain to the American people and the Members of this Senate why we feel strongly about an issue?

Mr. KENNEDY. I could not agree with you more, Senator. And, tragically—tragically—the Republican leaders were able to kill the effort to consider the minimum wage here today. I do not know why they will not even give us an opportunity to debate and vote on the merits of the issue.

I hope that we are able, through the efforts of our leader working with the majority leader, to agree on a process that gives these issues, and others that are important to our colleagues, their day on the floor of the Senate.

Mrs. BOXER. Would the Senator yield for a brief moment?

Mr. KENNEDY. I will be glad to yield.

Mrs. BOXER. I will be very brief.

I have been on the floor with the Senator for 2 and a half hours.

Mr. KENNEDY. I know the Senator has.

Mrs. BOXER. And I am proud that I was able to take that time to do it, because by my presence I wanted to show the support I feel for what he is trying to do. I am a person who represents the Silicon Valley, the high-tech people. I want to solve the Y2K problem. I know my friend is a leader on technology in his State.

We want to do the right thing. I have praise for his colleague, Senator KERRY, who I think is doing a terrific job, working to come up with a solution some of us would prefer and, by the way, the administration prefers.

I want to pick up on this notion of time sensitive, because it is time sensitive that we do this. It doesn't have to be done today or next week, but it is time sensitive. Certainly, we have to do it in time to resolve the problem.

But there are a lot of things that are time sensitive. Isn't it time sensitive when a family can't pay the bill? Isn't it time sensitive when, as the Senator says, a woman can't afford to take a Greyhound bus to see her children? Isn't it time sensitive that under current law a 12-year-old can walk into a gun show and buy, essentially, a semiautomatic assault weapon? There are a lot of things that are time sensitive.

In many ways, it is as if the majority leader has the corner on what is time sensitive. As my friend says, it depends on who you talk to.

Frankly, the people I am talking to must be similar to the people you are talking to. These are bread-and-butter issues. It is safety in schools. It is a Patients' Bill of Rights, the quality of health care, many, many issues, Medicare, Social Security, that we want to take up, in addition to the business issues that the majority leader wants to take up.

I ask my friend, isn't time sensitive a term that we could apply to all of the issues that are on the agenda of the Democrats here in the Senate under the leadership of Leader DASCHLE?

Mr. KENNEDY. Let me answer very specifically on the time-sensitive aspect. If we do not increase the minimum wage now to 50 cents this year and 50 cents next year, next year the real value of the $5.15 minimum wage will be $4.90. So they are going to be worse off. Even with the 50 cent increase, as the Senator can tell from this chart, we are still below what we were during the 1960s, all during the 1970s, and up through the 1980s, in terms of purchasing power. This last increase was supported by Republicans and Democrats alike.

Yes, this is time sensitive, because the people who are living on the minimum wage are not just holding where they are, they are going down. This is at a time when our nation is experiencing the greatest economic prosperity in the history of the world. But we evidently don't have time to debate and act on this.

I yield to the Senator from Illinois.

Mr. DURBIN. If the Senator will yield for a question, after I voted, I left the floor before the rollcall was announced on the Senator's efforts to bring the minimum wage issue to the floor. Does the Senator recall the vote total that was announced?

Mr. KENNEDY. We were 55 in favor to 44.

Mr. DURBIN. So it was 55——

Mr. KENNEDY. Senator MOYNIHAN is necessarily absent. It would have been 55 tabling and 45 against tabling. Every Member of the other side of the aisle was for denying the opportunity to consider this and everyone on this side of the aisle thought we ought to at least consider it.

Mr. DURBIN. So it was a straight party-line vote——

Mr. KENNEDY. The Senator is correct.

Mr. DURBIN. Against considering an increase in the minimum wage.

Mr. KENNEDY. The Senator is correct.

Mr. DURBIN. Well, I want to ask the Senator: We are considering on the floor S. 96, the so-called Y2K bill, which is designed to protect businesses. And good, compelling arguments can be made about protecting businesses. But doesn't this vote suggest that the majority party feels that we should not be discussing help for working families, those in the lower income categories who are falling behind even as they go to work every single day trying to raise their families? That is how I read that vote. It is loud and clear.

Mr. KENNEDY. As mentioned earlier, it is not just today that we have been refused an opportunity to debate it. I have in my hand what the leadership has provided as the schedule for all of April and all of May. We are coming to the end of April now, but there are still several items that haven't been finished in April, and all of May. And nowhere on this do we have any indication that we will have the opportunity to debate either a minimum wage increase or a Patients' Bill of Rights.

If the Senator remembers, we were denied the opportunity to debate both of those issues at the end of last year as well, and we received assurances from the majority leader that the Patients' Bill of Rights would be considered in an early part of this session. We have had the markup in our Health and Education Committee, but still there is no priority on that particular issue.

So the Senator is right. Not only can we not consider that today, but it doesn't seem that it will be possible for consideration at any time in the foreseeable future.

Mr. DURBIN. If the Senator will yield, yesterday we were prepared on the floor to offer an amendment relative to school violence, to try to prevent a repeat of the tragedy that we saw in Littleton, CO, and in Jonesboro, AR, Pearl, MS, West Paducah, KY, and so many other places. I believe the Senator and I came away with the understanding from the majority leader, Senator LOTT, that, yes, within 2 weeks we would have our opportunity to consider those issues and some legislation to deal with them.

I ask the Senator from Massachusetts, there is a concern as well about teachers and the President's proposal to try to have more classroom teachers and a smaller student/teacher ratio in grades kindergarten, 1, 2, and 3; is that scheduled to be considered under any schedule that the Senator from Massachusetts has seen?

Mr. KENNEDY. No, it is not, Senator. You have identified something which is enormously important and that is the increasing evidence that the smaller the schools—schools where every schoolteacher knows the name of every child in the school, and knows the parents—and the smaller the classrooms, the greater the reduction in incidences of hall rage, and other types of school violence. This, it seems to me, would be worthy of debate and discussion. If we spent some time, knowing that we will debate that, went back to our States and listened to schoolteachers and parents for a few days and then came back and talked about these types of issues, perhaps we could do something that might be useful.

Mr. DURBIN. One last question to the Senator—and I thank him for his patience in responding—all of us are concerned about Littleton, CO, and what happened there and school violence in general. There isn't a parent in America who isn't sensitive to that today.

The suggestion of a smaller classroom and more personal attention to children in the early stages of their development suggests to me the possibility of spotting a child's problem at an early stage and perhaps dealing with it successfully rather than having this child pushed through the mill, ignored, perhaps not given the personal attention they need.

It strikes me that there are so many different pieces to this, whether it is the guns that make these troubled kids so dangerous to so many other people, or the fact that there are troubled children who are not getting the personal attention they need.

I join with the Senator from Massachusetts. I hope we can return to an agenda that really identifies the priorities of America's families. It is important to talk about Ed-Flex. It is important to talk about Y2K. But for goodness sake, before we leave at the end of the year, shouldn't we talk about the issues that families talk about when they are sitting around the table or around the family room watching television?

I salute the Senator. I hope he will continue with his efforts.

Mr. KENNEDY. I thank the Senator.

Mr. President, I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Oregon.

Mr. WYDEN. Mr. President, I will be brief. I know my friend from North Carolina wants to speak as well.

First, as one who strongly supports Senator KENNEDY on this matter of raising the minimum wage, I think he knows that I have worked since my days as codirector of the Gray Panthers to make sure that senior citizens would get prescription drug coverage.

I want him to know that I look forward to working closely with him on these issues. I will, before the Senator leaves the floor, talk about why this Y2K issue is so important to those low-income seniors, and on a point that the Senator from Massachusetts has led the fight on. I want to do this briefly.

Mr. KENNEDY. If the Senator will yield, I am quite familiar with what he is talking about—health care and some of the other issues that make a difference. I represent a State that is proudly one of the leaders in this area, and I look forward to hearing what the Senator has to say.

Mr. WYDEN. I thank my colleague. I will make this point very briefly. One of the key concerns that senior citizens now have is the problem of taking prescription drugs in the proper way. We have learned a great deal, for example, about how billions of dollars are wasted as a result of seniors not being in a position to get good information about drug interactions.

One of the ways that we are best able to tackle that problem, and save billions of dollars, in order to make sure that seniors have their needs met in terms of prescriptions is to get some of this information online. This is now just beginning to be done. I submit that it is a perfect example of how we should not be pitting the issues relating to Y2K against those affecting low-income citizens.

I think the Senator from Massachusetts is absolutely right with respect to minimum wage, and I just say that on the basis of even the example I have given with respect to drug interactions among the elderly, and the billions of dollars that are wasted as a result of people not being in a position to take their medicine in a proper fashion. That is an example of how this Y2K issue really does affect all citizens—even on the question of pay. If the computers break down, it is going to be hard for folks to get their paychecks early next year.

So I think the Senator from Massachusetts is absolutely right with respect to the need to raise the minimum wage. And I share his view on the need to help seniors with respect to their prescriptions. But I do think that this question of addressing the Y2K issue in a responsible kind of way is beneficial to all Americans, regardless of their income, in our country.

I appreciate the courtesy of the Senator from North Carolina. I want to wrap up with a couple of comments with respect to issues that Members of my party may have about the Y2K legislation. For example, there are a number of Senators on the Democratic side of the aisle who have been concerned about the question of punitive damages. Well, in the last few hours, we have made substantial progress on this issue. I happen to believe that it is critically important that when you engage in egregious conduct, you be in a position to send a very powerful message with respect to punitive damages on these questions of fraudulent activity.

In the last couple of hours, a great deal of progress has been made with respect to this issue. Senator DODD, in particular, deserves a great deal of credit. These changes that have been made in the last couple of hours with respect to punitive damages respond directly to what a number of Democratic colleagues have gotten from the administration this morning.

The other issue I would like to touch on that was mentioned as well by a number of our colleagues on the Democratic side deals with the question of evidentiary standards. I think it is clear that we do need evidentiary standards that are fair to consumers and are fair to plaintiffs. In the last couple of hours, again, for Democrats looking at this issue, a substantial amount of progress has been made, largely due to the efforts of the Senator from Connecticut. I am very pleased to be able to report that those changes have been made as well. Democratic Senators, I think, will be pleased with some of the other changes as well. I know that early on—and I think this was a concern that the Senator from North Carolina, who has been such a valuable addition to the Senate, had raised—the bill that came out of committee talked about a very ill-defined defense for defendants, essentially saying if they engage in a reasonable effort, that would in some way provide them with a defense from wrongful conduct. That, too, has been eliminated.

So I am very hopeful that Members on this side of the aisle will look at the progress that has been made in the last couple of hours. I want it understood that I very much want to work with the Senator from North Carolina on the points that he, I know, is going to raise in connection with this legislation. I want to see this bill go forward. I believe there is a coalition on both sides of the aisle that is now prepared to continue to work in a constructive kind of way to get this legislation done.

As one who feels strongly about an increase in the minimum wage, as one who feels that this Y2K legislation, properly done, has the opportunity in it for us to help lower health care costs and make sure seniors don't have these drug interactions that hurt them and waste billions of dollars, I hope that in the name of trying to address both of those issues the Senate will move forward in a bipartisan way.

I will just wrap up, Mr. President, by asking unanimous consent to have printed a letter from the American Bar Association on this legislation.

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

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, April 28, 1999.

Senator RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: In listening to yesterday's Y2K debate on the Senate floor, we at the American Bar Association were surprised to hear that you and Senator Sessions believe the ABA has issued a report saying, among other things, that the Y2K litigation could affect billions and billions of dollars of our economy. I can assure you that the ABA has not issued a report estimating litigation costs of the Y2K problem and has not taken any position on the pending Y2K legislation. I understand that your misunderstanding comes from the reading of a Backgrounder prepared by the Progressive Policy Institute which cites in turn from an article in the *Newark Star-Ledger*.

The ABA had several programs on the Y2K issue at our 1998 Annual Meeting in Toronto and we had speakers at those programs representing all sites of the Y2K debate. In one program, presented by the ABA Section of Business Law's Committee on Corporate Counsel, there were seven speakers. One of the speakers, Jeff Jinnett, said that "there has been considerable speculation in the legal and public press that the year 2000 computer problem will generate considerable amounts of litigation." He summarizes some of the speculation, including the views of one commentator, who had provided the estimate cited in the *Newark Star-Ledger*. Mr. Jinnett concluded in his speech that "we can only speculate as to the actual litigation which will result from the Year 2000 computer problem and the cost of the ultimate litigation, since (a) no substantial litigation (other than the Produce Palace, Software Business Technologies, Symantec, Macola, and Intuit lawsuits, discussed below) has been reported to have occurred as of the date of this article based on the Year 2000 problem and (b) we do not know how much necessary Year 2000 corrective work will ultimately not be completed on time." In any event, the views he expressed are not those of the American Bar Association and should not be referred to as either our policy position or as coming from an ABA "study" "report."

We would appreciate it if you would do what you can to correct the record on this matter. If you have any questions, please let me know.

I will be sending a similar letter to Senator Sessions to let him know our views as well.

Thank you for any assistance you can provide on this matter.

Sincerely,

ROBERT D. EVANS,
Director.

Mr. EDWARDS addressed the Chair.

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

Mr. EDWARDS. Mr. President, let me say to my friend, the Senator from Oregon, that I have great respect for him. He knows that. He has spent a tremendous amount of time and work on this project, along with Senator MCCAIN, for whom I also have tremendous respect, along with my great and dear friend, Senator DODD from Connecticut. All three have spent a tremendous amount of time on this issue.

I will say at the outset that, from my perspective, I do believe we need to

provide the kind of support and help for the high-tech community in this country that it so richly deserves. It is a critical issue not only in Oregon but also in North Carolina. We take great pride in our high-tech community, particularly in the Research Triangle area of North Carolina. My problem is that I don't think this bill strikes a proper balance. I think it fails to do so in a number of ways. I will candidly admit that I am not fully familiar with some of the discussions and negotiations going on right now. We will have to see the final product. I only have the bill as it is before us now to discuss.

First, I think there is an enormous problem in doing at least one of the things that this bill does, which is to relieve, in some ways, businesses and corporations from accountability or responsibility, particularly in a day and age when we as Americans are saying to our children, to our families, that they need to be responsible for what they do. We need to be personally responsible and accountable for everything we do.

How do we say to the children and families of America that they are accountable and responsible, fully, for everything they do, while at the same time passing legislation in the Congress of the United States saying that a particular slice of corporate America is not fully accountable and responsible for what it does? I think the reality is that it sends a terrible message to our children and to our families. I think what they want to hear from us is that every American, every child, woman, family, parent and every business is, in fact, fully accountable and responsible for what they do, because we as Americans believe in personal responsibility and accountability.

Now, I want to talk about a couple of things by way of background. First, we are tinkering here with a civil jury system that has existed in this country for over 200 years. Whenever you tinker around the margins with a system with checks and balances, which has been at work for a long period of time, you create an enormous potential for trouble. That is exactly what this bill does.

The argument is made on behalf of this bill that it will decrease litigation, that it will help with this anticipated but still fictional litigation explosion.

The reality is that bill creates a morass of potential litigation. It creates new terminology. It creates new definitions, and it has descriptions of legal avenues that can be pursued that have not existed heretofore.

The jury system that we have in this country has been developed over a long period of time. There are many trial and appellate decisions that we can rely on and depend on.

This bill creates a whole new genre of litigation and appellate decisions. There will be enormous fights over some of the language in this bill. More importantly, one of the things this bill does is it dilutes the jury system. The reality is, if you believe in democracy, you believe in the jury system, because the jury system is nothing but a microcosm of democracy.

Speaking for myself, and I think speaking for most Americans, I have tremendous faith—in fact, I would go so far as to say I have a boundless faith—in the Americans who sit on juries all over this country every day who render justice and render fair decisions, fair to both sides, in any litigation. This bill dilutes the responsibility that we give those Americans.

I personally have more confidence in regular Americans, North Carolinians, farmers, bankers, people who work in stores, people who are engaged in all walks of life, who come in and sit on the jury, hear cases, and do what they think is right. I have more confidence in them than I do in us as a body trying to impose upon them what we think is fair and just across the board. Those juries hear the facts; they hear the circumstances from both sides, and they render justice. They do what they think is fair and right.

Anybody, as I said earlier, who believes and has confidence in Americans who sit on those juries, knows that the decisionmaking should stay right where it is—with the jury.

Let me talk for just a minute about this Y2K problem, because this is not a new problem. The history of this problem is, I think, greatly educational in terms of where we are.

If I could look at a chart, the title of this chart is ''Y2K. Why do today what you can put off 'til tomorrow?''

This is not a new problem.

I might add that, along with Senators DODD and BENNETT, I also serve on the Y2K committee. We have learned a great deal through the hearings that have taken place on that committee.

For example, in 1960, Robert Bemer, who was a pioneer in computer sciences, advocated the use of a four-digit rather than a two-digit date format. This is now 39 years ago—almost 40 years ago. One of the pioneers of American computer science said it is an enormous mistake to go to a two-digit system instead of a four-digit system.

In 1979, he wrote again, the same Robert Bemer, in a computer publication about the inevitable Y2K problems, unless this defect is remedied. He warned, ''Don't drop the first two digits. The program may well fail from an ambiguity in the year 2000.''

We have known about it for 40 years.

In 1979, 20 years ago, he is telling the industry you have to do something about this, and you have to do something about it now.

In 1983, an early Y2K-fix software was marketed and sold in this country which dealt with the Y2K problem. How many copies of that software were sold? Two copies of this software that addressed this problem were sold.

In 1984, just 1 year later, ''Computerworld'' magazine said, ''The problem you may not know you have,'' and they warned companies to start making modifications now—in 1984, 15 years ago.

In 1986, there was a publication by another computer magazine where IBM asserted:

> ''IBM and other vendors have known about this problem for many years. This problem is fully understood by IBM software developers who anticipate no difficulty in programming around it.''

Then in 1988, the National Institute of Standards and Technology said, ''NIST highly recommends that four-digit year elements be used''—11 years ago.

In 1989, the Social Security Administration's computer experts found that the overpayment recoupment systems did not work for dates after 2000, and realized that 35 million lines of code had to be reviewed.

Finally, in 1996, Senator MOYNIHAN requested the Congressional Research Service report on Y2K. It predicted widespread massive failures. He introduced legislation to create a special office for Y2K problems and to establish compliance deadlines. It died in committee.

Finally, in 1999, this year, Bill Gates blamed Y2K on those who ''love to tell tales of fear.'' At the same time, Microsoft was still shipping products that were not Y2K compliant.

My point is a simple one. This Y2K problem has been around for 40 years. Those folks who are involved in this business have known about it. The truth is that many of the people involved in the computer industry have worked hard at correcting this problem. They have addressed it in a very responsible way. Those people will have no liability and no responsibility from any failures that occur.

The people who I think make up a great deal of the high-tech industry, who have acted responsibly, who have recognized that this is a problem, who have gone out to the people who they have sold their products to, and done everything in their power to correct this problem, those people have no responsibility. Under the current legal system, they have absolutely no responsibility. They can't be held responsible.

The people who can be held responsible are those who have known about this problem for 40 years and have done nothing to correct it, and, in fact, over the course of the last few years have continued to sell products that are not Y2K compliant, and are not concerned about the result. They have their product sold. They have their money in, and they have let the people who bought the product worry about the

problem, or it would be dealt with later.

We have no business in this Senate providing protection for people who have engaged in that kind of behavior. That is exactly what this bill does.

It has a number of problems in it. Let me just talk about a few of them briefly.

First, my friend, the Senator from Oregon, mentioned a few minutes ago that he thought it was important for punitive damages that we be able to send a powerful message to those who had acted irresponsibly and recklessly.

This bill places enormous limits on punitive damages that can be awarded, punitive damages that under existing law—if this bill never goes anywhere, never passes, never becomes law, as I stand here today, businesses can only be held accountable for punitive damages if they have engaged in reckless, egregious, willful, sometimes criminal, conduct. It is the only circumstance in which a business can be held liable for punitive damages.

My friend, the Senator from South Carolina, who just joined us, is fully aware of that. We have an existing law that provides that protection.

''Joint and several liability'' are terms that lawyers use regularly. But they are critically important terms. The terminology that we hear used by my friend, Senator DODD, and Senator WYDEN, is ''proportionate liability.'' It is very important for the American people to understand what this bill will do to them if it passes.

Let me give an example. A small business man—say a grocery store owner—buys a computer system that is necessary to run his business on a day-to-day basis. This is a family business. The system fails. As a result of the system failing, he is unable to keep his doors open over a period of 2, 3, or 4 months. All of these businesses operate on very short-term cash flow. They need money, and they need it on a daily basis. If they don't have it because the computer fails, they get run out of the business.

So we have this family-owned grocery store that has been run out of business because their computer system didn't work. Keep in mind, we are talking about a regular American who runs a business. These are not computer experts. They are not experts in lawsuits and litigation. They don't know what they are supposed to do.

In my example, they discover that three different companies participated in making their computer system. So they bring an action against those three companies to recover for the cost of what happened with their system and for the fact they have now been put out of business. Any fair-minded American would say if these companies knew about the problem, knew they had sold them a product that was defective, they ought to be held responsible for that.

Joint and several liability says each one of those companies can be held liable and responsible for what happened to this family grocery store. This bill says if for some reason one of those three companies is out of business, you can't collect against the other two. Maybe one of the three is an offshore company—which will be true on many occasions with respect to this kind of case—and you can't reach it. Then, because of this bill, you can't reach the other two. This bill says the innocent grocery store owner bears that share of the responsibility.

Joint and several liability, which has existed in this country for 200 years, exists for a very simple reason: It is just, and it is fair. We have a choice: Somebody is going to suffer this damage. Should the cost of this damage be paid by the absolutely innocent grocery store owner? Or should it be paid and shared by the defendants who were guilty? It is that simple. It is the guilty on one side, the innocent on the other.

The question is, Who is going to share in paying for the damage that has been done? Joint and several liability says that responsibility is borne by the guilty and is never to be borne by the innocent. That is the reason that system has existed.

This bill, first of all, essentially eliminates joint and several liability as a starting place. Then it sets up a complex—I am a lawyer and I can barely understand what it says—exception which creates certain circumstances where this grocery store owner can make an effort to collect some of his money from the other defendants if, in fact, there is an uncollectible defendant. But he has to jump through lots of hoops and he has to do it in 6 months, which is the time limitation. Having been in the trenches for 20 years doing these cases, it is almost an impossible task to finish the process of trying to collect in 6 months.

The bottom line is, it creates a very narrow exception and puts the burden entirely on the innocent party to jump through these hoops. It makes absolutely no sense. The system that exists in America and has existed for 200 years exists for a good reason. It has been fair and just for 200 years. It is fair and just now. There is absolutely no reason to change it. It makes no sense to change it.

Let me use the chart that my friend, Senator LEAHY, referred to earlier—and he did a beautiful job of that. Across the top of this chart is the present justice system. I want to emphasize for Americans who are listening that no computer company or high-tech company can be held responsible under existing law unless they have acted negligently or irresponsibly.

Under this jury system that we have in this country today, we have a very simple process. We go through the process of making a claim and seeing if they respond to the claim. If they don't, a lawsuit is filed, the case is eventually heard, and there is a result. Or, on the other hand, as happens in almost 99 percent of the cases, if the company recognizes that the problem was their responsibility, they pay for it. They settle the case, because they know they have a responsibility to pay for what they caused. So we have a quick, fair settlement or we have a fair trial. We have a system that is in place and has existed for 200 years and systems that work State by State.

I have to add to this, I don't know why we as a Senate and as a Congress think we are so much smarter than our State legislatures that have passed laws over many years and have court systems that deal with these problems. They are fully capable of addressing this problem. I personally believe if this were an issue, it could easily be addressed at the State level.

The reality is, the existing system that we have will work. It is simple. It is streamlined. And it will get a fair result for everyone concerned.

On the other hand, if we enact this morass that I have in my hand right now, what we will have is the biggest mess anybody has ever seen in the court system. First of all, all the cases are going to go to Federal court instead of State court. The National Judicial Conference has said the Federal judicial system is already overburdened before they ever get these cases. They don't have enough resources; they don't have enough judges. What we are about to do is dump an enormous pile of new cases in the Federal judicial system which they don't want and which they don't have the resources to handle.

We start this complicated process, and without going through all the details—Senator LEAHY has outlined it beautifully—it is one roadblock after another to the innocent party, the grocery store owner, the guy who was put out of business because his computer system wouldn't work and he had nothing to do with it. Every time he moves, he runs into another roadblock. He doesn't have the resources to fight this battle. It is a long and tortuous process that ultimately makes no sense.

We have a system that works. There is no reason to do this.

Let me give an example of problems we create in a bill like this. There is a provision in this bill that says in any lawsuit a defendant can raise Y2K as a defense. If you have one business suing another business for a contract—no matter what the claim is about; it could be about anything—and the defendant says, wait a minute, this is a Y2K computer problem, all of a sudden you have triggered enormous, procedural, bureaucratic hurdles that have to be jumped through. The case goes into Federal court. We have this big

mess. A tool has been created to complicate a simple lawsuit that could be over and resolved in very simple fashion.

I don't suggest for a minute that the people who crafted this bill don't have the very best intentions. I believe they do. I myself—and I only speak for myself—have no problem with the idea that we ought to try to provide incentives for people who are engaged in disputes to resolve those disputes. Alternative dispute resolution, I think, is fine. A cooling off, some period when these folks can talk to each other and try to work it out is fine. I think, if there is a problem, we want to promote discussion between the innocent person who bought the computer system and the people who make it. I think we want to do all of those things. Those are laudable goals. The problem is what we have here is an extremist version of a bill that takes away rights of the innocent party and creates enormous hurdles to that innocent party ultimately recovering.

I might add, I think this is unintentional. But the proposal makes the recovery of economic losses virtually impossible. Here is the reason. When I say economic losses, for example in my grocery store story, the recovery of the cost of the computer would not be considered an economic loss. But the fact that these folks have been put out of business and their grocery store is not in business anymore and they have lost the profits they would have made in their grocery store for X number of years, all because of an irresponsible computer maker that would be an economic loss. Well, in order to recover those economic losses that they had nothing to do with—they are totally innocent—in order to recover for those injuries, they have to have a written contract, or a contract that says they can recover under the terms of this bill.

Think about that. Use a little common sense here. How many Americans, small business men, who go out and buy a computer system have been thinking about: Well, I better make sure I have a written contract that says if my computer system fails I can recover my losses, my economic losses—my lost sales, my lost profits as a result? The reality is, to the extent there is any contract other than a handshake or walking in the store and buying the computer system, the contracts are drafted by the manufacturers, because they are the ones with the lawyers, a big team of lawyers. They draft these contracts. If anything, they are only signed by the purchasers. So the likelihood that these contracts are going to have any provision in them for the recovery of economic losses is almost nonexistent.

The bottom line is this. I think the intention of my colleagues, Senator MCCAIN, Senator WYDEN, Senator DODD—I have absolutely no doubt their intentions are only the best. They want to do exactly what they say they want to do, which is to create incentives for these high-tech companies to correct these problems and not to create, from their perspective, a morass of litigation.

The problem is this bill does not do that. I spent many years in the trenches, in courtrooms, fighting these battles. I can respectfully say that I have read the entire bill. It has numerous problems, including some of the ones I have described today. But I do believe we could fashion a bill, I say to Senator MCCAIN, who has just arrived—fashion a bill that would accomplish some of the things they want to accomplish, which is instead of going straight to litigation, have folks talking to one another, working out the problem, curing the problems with the computers. That is in everybody's best interests. I want that. I think all of us here in the Senate want that.

But it is my belief, having studied this bill and having studied it carefully—and I will concede I have not seen the most recent discussions because I don't think they have been put in writing yet—but the version we have before us now is completely unacceptable and creates many more problems than it cures. Instead of reducing litigation, I think in fact it creates a vehicle for not only trial litigation but appellate litigation that will go on for many years to come.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. EDWARDS. Yes.

Mr. HOLLINGS. Mr. President, the Senator has come to the Senate not just as a practitioner, but as a brilliant one, as you can tell from his comments here on the floor of the Senate this afternoon.

Is it not a fact that what this really does is create disincentives to produce a good Y2K-compliant product—isn't that correct? If companies know they do not have to worry about making their products competitive and reliable, they have no incentive to make a good product. In fact, removing any threat of litigation will remove any need for technology companies and businesses to ensure that their products and systems are ready to handle the Y2K problem. I have been asked by none other than Jerry Yang, the head of the Internet company Yahoo, to oppose this bill, because Mr. Yang said he will use the fact that companies do not have Y2K-compliant computers when he competes with them.

So, isn't it the fact that when you get this kind of obstacle course of legalities companies will say: We do not have to worry about the quality of the product or whether or not it is Y2K compliant, because by the time they can finally get to me, and everything else like that, on a cost/benefit basis it is better for me to get rid of all these old noncompliant models. I don't mind paying a few lawyers to protect me on these hurdles here. Isn't that the case?

Mr. EDWARDS. I believe that is the case for that small number of companies this is all about.

Mr. HOLLINGS. Right.

Mr. EDWARDS. I do believe, and I know my colleague will agree with me, that the vast majority of these companies are totally responsible. They want to cure these problems. And in fact, they will cure them, and as a result will never be involved in any of this process.

Mr. HOLLINGS. That is what ''Business Week'' just put out a month ago in its March 1 issue. The marketplace was taking care of what problems could ensue come January 1 of the year 2000. All of the blue chip corporations—grocery, manufacturers, automotive dealers—everybody is really concerned if they don't perform and have Y2K compliance, they are going to lose the business. The blue-chippers have come around and told their suppliers and distributors and everything else: Unless you become Y2K compliant, we are going to find a new sales force and distributors and otherwise to handle our product.

Really, that is the conclusion to which the ''Business Week'' article came. In fact, the Y2K problem is going to clean out the laggards and bring out nothing but good, quality producers. It is not going to be a problem come January 1, because the market is behaving effectively. We get extremes like this legislation because the Chamber of Commerce gets down there and starts talking about a trillion dollars' worth of lawsuits, and we see entities coming in not knowing really what is at issue.

The fact is, then having said that, they are way off base in the whole thing with respect to the market itself. And as the Senator indicates, the responsible producers in America, they are the best of the best because they are competing internationally with the Japanese and everything else. So we have the best producers and they will comply. They want to comply because that is good business. They don't want to get bogged down with lawyers and everything else like that.

But a few companies want to have the political crowd in Washington throw up an obstacle course for consumers and small businesses, so that those companies do not have to worry about making good, reliable, Y2K-compliant products.

Mr. EDWARDS. I agree with that, and I would add, based on my conversations with the high-tech companies that do business in North Carolina, I am totally convinced they will act responsibly, they will do what they are supposed to do, and I do not think those are the companies that this bill addresses or that we are concerned about, in any event.

Mr. HOLLINGS. Isn't that the case? That is why you find the extremes of tort law provision in here, and joint and several? The drive really is not to take care of the Y2K problem but to take care of what they call the lawyer problem in business. It has brought about the most responsible production in the entire world. We have quality production. We have safe articles on the market. On product liability and everything else, they have been coming after us for 20 years. Now they have all joined together, of all people not to hurt, just injured individuals with bad back cases like you and I have handled, but on the contrary, little small businesses, individual doctors who have to have a computer and have to keep up with their surgery and everything else of that kind.

I cite that because that is the testimony we had before the Commerce Committee. An individual doctor, in 1996, bought a computer. They bragged how it was going to last for 10 years and be Y2K compliant. And instead of being Y2K compliant, it was not. He asked for it to be repaired. He went twice to do it. They told him, you might have bought it for $16,000, but it is going to cost you $25,000. He didn't have the $25,000 to make it compliant. He finally brought a lawsuit, and the computer industry on the Internet picked it up and before long he had $17,000 against this particular supplier. They came around immediately and said: We will do it for free for everybody and pay the lawyers' fees.

That is what we are trying to avoid. But I do congratulate the Senator on his very cogent analysis and commonsensical approach and experienced judgment that he has rendered here this afternoon on this particular issue.

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

Mr. HOLLINGS. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I paid attention to the exchange. The Senator from North Carolina was not here. The Senator from South Carolina was here when we fought for 10 years on a little item called aircraft product liability. I know the Senator from South Carolina fought viciously against that. The whole world was going to collapse if we gave an 18-year period of repose to aircraft manufacturers for products they built and manufactured.

Now there are 9,000, at least, new employees, and we are building the best piston driven aircraft in the world, thanks to that legislation.

Ask any of the owners of those aircraft companies and those people who are working there. It is because we finally passed that bill over the objections of the American Trial Lawyers Association which fought it for 10 years.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mr. McCAIN. I will not.

DEATH OF FORMER SENATOR ROMAN L. HRUSKA

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier by Senators HAGEL and KERREY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 88) relative to the death of the Honorable Roman L. Hruska, formerly a Senator from the State of Nebraska.

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

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

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

The resolution (S. Res. 88) was agreed to, as follows:

S. RES. 88

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Roman L. Hruska, formerly a Senator from the State of Nebraska.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

DESIGNATING THE HENRY CLAY DESK

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 89, submitted earlier by Senator McCONNELL.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 89) designating the Henry Clay Desk in the Senate Chamber for assignment to the senior Senator from Kentucky.

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

Mr. LOTT. Mr. President, it is my distinct honor to support this resolution submitted today by Senator McCONNELL assigning the Henry Clay Desk in the Senate Chamber to the senior Senator from Kentucky. This resolution will ensure that the Henry Clay Desk will forever stay within the family of Kentucky Senators.

The Senate has a proud tradition of passing this type of resolution. During the 94th Congress, for example, the Senate adopted a resolution assigning the Daniel Webster Desk to the senior Senator from New Hampshire. And, during the 104th Congress, the Senate agreed to a resolution ensuring that the Jefferson Davis Desk would forever reside with the senior Senator from Mississippi.

Let me take a brief moment to reflect on the life and legacy of Henry Clay. Henry Clay began his political career in the Kentucky House of Representatives in 1803, at age 27, and remained in public service until his death in 1852. During Clay's long and distinguished career, he served his state and his nation in a wide range of capacities including speaker of the Kentucky House of Representatives, Speaker of the United States House of Representatives, and, of course, as a U.S. Senator for fifteen years. Clay also served President John Quincy Adams as Secretary of State for four years, and received his party's nomination for President in 1824, 1832, and 1844.

Henry Clay's ability to facilitate compromise was quickly recognized in Washington, and he became well-known as a highly-skilled negotiator. This skill, coupled with his knack for convincing and persuasive speech, made Clay the ideal appointment in 1814 to help negotiate the Treaty of Ghent that concluded the war with Great Britain. And, during Clay's quest to save the Union in 1820, he earned his reputation as ''The Great Compromiser'' by helping broker the Missouri Compromise. His leadership, however, did not end there. He also went on to play a significant role in crafting the Compromise of 1850.

Henry Clay's lifetime of public service is indeed worthy of recognition. He will always be a role model for public servants because of his dedication to the people of Kentucky and to our great Nation, and lives on his history as one of the greatest Senators of all time. In fact, Henry Clay's portrait is displayed just off the Senate floor to honor his designation in 1957, as one of history's ''Five Outstanding Senators.'' Clay certainly deserves today's honor of committing his former desk to Senator McCONNELL and to the senior Senators from Kentucky who will follow.

Mr. President, let me say today that I think Senator McCONNELL is following in the footsteps of Henry Clay. He has done a tremendous job representing the good people of Kentucky for the past 15 years. And, on a personal level, I would like to say that I have developed a genuine appreciation for Senator McCONNELL's courage, his political insight, and his keen and candid advice on a wide range of subjects. I value him as a friend, a confidant, and an advisor, and look forward to many more years of service with him here in this chamber.

Mr. President, I am proud today to support this resolution submitted by Senator McCONNELL. It is his strong

desire to maintain the heirloom of the Clay desk in the family of Kentucky Senators for the years to come. I urge the Senate to adopt this resolution and ask that it be included in the collection of the Standing Orders of the Senate.

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

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

The resolution (S. Res. 89) was agreed to, as follows.

S. RES. 89

Resolved, That during the One Hundred Sixth Congress and each Congress thereafter, the desk located within the Senate Chamber and used by Senator Henry Clay shall, at the request of the senior Senator from the State of Kentucky, be assigned to that Senator for use in carrying out his or her senatorial duties during that Senator's term of office.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 27, 1999, the federal debt stood at $5,596,529,776,391.98 (Five trillion, five hundred ninety-six billion, five hundred twenty-nine million, seven hundred seventy-six thousand, three hundred ninety-one dollars and ninety-eight cents).

One year ago, April 27, 1998, the federal debt stood at $5,507,607,000,000 (Five trillion, five hundred seven billion, six hundred seven million).

Five years ago, April 27, 1994, the federal debt stood at $4,562,363,000,000 (Four trillion, five hundred sixty-two billion, three hundred sixty-three million).

Ten years ago, April 27, 1989, the federal debt stood at $2,754,734,000,000 (Two trillion, seven hundred fifty-four billion, seven hundred thirty-four million).

Fifteen years ago, April 27, 1984, the federal debt stood at $1,485,189,000,000 (One trillion, four hundred eighty-five billion, one hundred eighty-nine million) which reflects a debt increase of more than $4 trillion—$4,111,340,776,391.98 (Four trillion, one hundred eleven billion, three hundred forty million, seven hundred seventy-six thousand, three hundred ninety-one dollars and ninety-eight cents) during the past 15 years.

THE NORTHEASTERN DAIRY COMPACT

Mr. SESSIONS. Mr. President, I wish to express my support for a bill that was introduced yesterday by Senator JEFFORDS—the Northeastern and Southern Dairy Compact. This bill would reauthorize the Northeastern Dairy Compact and grant the consent of Congress for a Southern Dairy Compact. The Southern Dairy Compact, which has been passed by Alabama and 10 other southeastern States, authorizes an interstate Compact Commission to take whatever measures are necessary to assure customers of an adequate local supply of fresh fluid milk while encouraging the continued viability of dairy farming within the region encompassing the compact States.

The current milk marketing order pricing system does not adequately account for regional differences in the costs of producing milk; furthermore, the Federal milk marketing order system establishes only minimum prices for milk. Due to these inconsistencies in milk prices, surplus milk is flooding the southeast and shutting down the family dairy farmer. By design, the Federal program relies on State regulation to account for regional differences. However, milk usually crosses State lines, so courts have ruled that individual States do not have the authority to regulate milk prices under the interstate commerce clause of the U.S. Constitution. To account for these regional price differences, states can gain regulatory authority by entering into a compact. States are now joining these compacts to maintain their dairy industry and are asking us to approve of the legislation they have already passed in their respective states. The support at the State level has been overwhelming and unanimous and I am hopeful this body will adopt these compacts unanimously as well.

The compact benefits everyone. Farmers are assured of more stable milk prices, thereby affording them the opportunity for better planning and recovery of production costs. Consumers will benefit as prices for fluid milk stabilize in the supermarket. According to the USDA and GAO accounting figures, there was a 40 percent increase in the market price of fluid milk between 1985 and 1997. According to the Office of Management and Budget, the compact established in the Northeast in 1996 increased the income of dairy farmers by 6 percent while maintaining prices to the consumer at 5 cents/gallon below the national average price for milk. In addition, OMB found no adverse effect on states outside of the compact. The compact is a win-win piece of legislation.

Dairy farming is an important industry in my State of Alabama, and I am a strong supporter of the family farmer. Their hard work and dedication is at the heart of the greatness of this nation. In Alabama, there are more than 2,000 employees in the dairy industry supporting a $48 million payroll. Last year, the dairy industry in Alabama generated a total of $204 million in economic activity. However, recent production capacity has deteriorated and further decreases may push production past the point of no return. From 1995 to 1998, milk production in Alabama decreased by 26 million pounds. The establishment of the dairy compact will ensure fair prices to farmers so that they can maintain a profitable level of milk production. The creation of a compact will bring stability to an important industry in Alabama and all over the Southeast. Consumers will be assured of fair prices and farmers will be confident in their production decisions.

The States have voiced their concerns. The States have developed a solution. It is now our responsibility to stamp our approval onto the compacts which have been passed in States throughout the Northeast and Southeast.

FUELS REGULATORY RELIEF ACT

Mr. BURNS. Mr. President, I stand in support of S. 880, Fuels Regulatory Relief Act, to provide relief for small businesses and to increase security of information from potential terrorists. This bill will specifically exclude toxic flammable fuels from Section 112 of the Clean Air Act which requires businesses provide public information on stored flammable fuels and how they would respond to emergencies should a disaster occur.

When the Clean Air Act was amended in 1990, Congress required the Environmental Protection Agency, under Section 112, to provide public information on a list of 100 substances which might cause injury or death to humans or adverse effects to the environment in an accident. EPA added flammable fuels to this list of 100 substances. This means that people who store and distribute flammable fuels are required to provide public information about their operations and how they would respond to an accident. These Risk Management Plans provide information on hazards associated with the fuels, safety measures and maintenance, and a worst-case scenario with an emergency response plan. This detailed information, although intended to provide citizens near a fuel facility knowledge about their local risks, also provide dangerous information to potential terrorists. The worst-case scenario information especially could provide potential terrorists with valuable information about how to destroy a flammable fuel facility.

I recognize the constant struggle between providing public access to and security protections of information about flammable fuels. However, given that public safety is adequately protected through existing federal laws and state building and fire codes, I believe no further requirements are needed. Also people who store flammable fuels are very safety conscious given the unstable nature of the product they work with. The safety record on the storage of flammable fuels is good and demonstrates that current regulatory requirements are adequate. Without

any clear problem of the existing framework of protections, I do not see why these substances should be further regulated under Section 112 of the Clean Air Act.

By regulating flammable fuels under this provision of the Clean Air Act, fuel distributors might be hurt. For example, distributors might reduce their storage capacity of flammable fuels affecting their ability to meet local customer demands. Also if businesses and farmers reduce their stored levels of flammable fuels, fuel switching might be encouraged further adversely affecting distributors. This could limit the flexibility and health of these small businesses and farmers. Basically, it would ensure that the ''Hank Hills'' of the world (a character on the Fox network who is a propane small businessman) are not put out of business.

Thus, I trust my colleagues will rise with me to support this bill to provide relief for small businesses and farmers struggling to survive while ensuring security against disclosure of explosive information to potential terrorists.

MESSAGES FROM THE HOUSE

At 3:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, 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. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable waters of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States.

H.R. 1554. An act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.

The message also announced that pursuant to the provisions of section 801(b) of the Public Law 100–696, the Speaker appoints the following Members of the House to the United States Capitol Preservation Commission: Mr. TAYLOR of North Carolina and Mr. FRANKS of New Jersey.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1034. An act to declare a portion of the James River and Kanawha Canal in Richmond, Virginia, to be nonnavigable water of the United States for purposes of title 46, United States Code, and the other maritime laws of the United States; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

S.J. Res. 22. Joint resolution to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact.

The following bill was read the first and second times and placed on the calendar:

H.R. 1554. An act to amend the provisions of title 17, United States Code, and the Communications Act of 1934, relating to copyright licensing and carriage of broadcast signals by satellite.

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–2713. A communication from the Assistant Secretary of Defense for Health Affairs, transmitting, pursuant to law, a report relative to Gulf War veterans; to the Committee on Armed Services.

EC–2714. A communication from the Secretary of Defense, transmitting, pursuant to law, the Report on Theater Missile Defense Architecture Options in the Asia-Pacific Region; to the Committee on Armed Services.

EC–2715. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on Federally Sponsored Research on Gulf War Veterans' Illnesses for calendar year 1997; to the Committee on Armed Services.

EC–2716. A communication from the Chairman, Federal Energy Regulatory Commission transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines'' (Docket No. RM96–1–011; Order No. 587–K) received on April 22, 1999; to the Committee on Energy and Natural Resources.

EC–2717. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Science, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Safety of Accelerator Facilities'' (O 420.2) received on April 7, 1999; to the Committee on Energy and Natural Resources.

EC–2718. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Quality Assurance'' (O 414.1) received on April 7, 1999; to the Committee on Energy and Natural Resources.

EC–2719. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Field Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Life Cycle Asset Management'' (O 430.1A) received on April 7, 1999; to the Committee on Energy and Natural Resources.

EC–2720. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled ''Clean Coal Technology Demonstration Program, Program Update 1998'' for the period July 1, 1997, through September 30, 1998; to the Committee on Energy and Natural Resources.

EC–2721. A communication from the Secretary of Energy, transmitting, proposed legislation entitled ''Comprehensive Electricity Competition Act''; to the Committee on Energy and Natural Resources.

EC–2722. A communication from the Administrator, United States Environmental Protection Agency, transmitting, pursuant to law, a report on the Agency's implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act for fiscal year 1998; to the Committee on Energy and Natural Resources.

EC–2723. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Office of the Secretary, Department of the Interior, transmitting, proposed legislation relative to the Home of Franklin Delano Roosevelt National Historic Site; to the Committee on Energy and Natural Resources.

EC–2724. A communication from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Firearms Qualification Courses Manual'' [M 473.2–1) received on March 1, 1999; to the Committee on Energy and Natural Resources.

EC–2725. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Multiple State Abandoned Mine Land Reclamation Plans and Regulatory Programs—Technical Amendment'' [MCRCC–01); to the Committee on Energy and Natural Resources.

EC–2726. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the summary of proposed and enacted rescissions for fiscal years 1974 through 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–2727. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''25 CFR Part 61, Preparation of Rolls of Indians'' (RIN 1076–AD89) received on April 20, 1999; to the Committee on Indian Affairs.

EC–2728. A communication from the National Treasurer, Navy Wives Clubs of America transmitting, pursuant to law, the report of the audit for the period September 1, 1997 through August 31, 1998; to the Committee on the Judiciary.

EC–2729. A communication from the Executive Director, Federal Labor Relations Authority, transmitting, pursuant to law, a rule entitled ''Revision of Freedom of Information Act Regulations'' received on April 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–2730. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC–2731. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC–2732. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC–2733. A communication from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled ''Regulations concerning the Convention Against Torture'', INS No. 1976–99 (RIN1115–AF39); to the Committee on the Judiciary.

EC–2734. A communication from the Director, Office of Regulations Management. Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled ''Medical Care Collection or Recovery'' (RIN2900–AJ30) received April 22, 1999; to the Committee on Veterans Affairs.

EC–2735. A communication from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled ''Loan Guaranty: Requirements for Interest Rate Reduction Refinancing Loans'' (RIN2900–AI92) received April 20, 1999; to the Committee on Veterans Affairs.

EC–2736. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report under the Chemical and Biological Weapons and Warfare Elimination Act of 1991 for the period February 1, 1998 through January 31, 1999; to the Committee on Foreign Relations.

EC–2737. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning amendments to Parts 121, 123, 124 and 126 of the International Traffic in Arms Regulations received April 7, 1999; to the Committee on Foreign Relations.

EC–2738. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2739. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a certification of an export license to various countries; to the Committee on Foreign Relations.

EC–2740. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of two Accountability Review Boards; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–61. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Appropriations.

HOUSE JOINT MEMORIAL 4004

Whereas, Prostate cancer is the second most common form of cancer in men; and

Whereas, The American Cancer Society estimates that, in 1998, in the United States, approximately two hundred ten thousand new cases of prostate cancer were diagnosed and approximately forty-two thousand American men died of prostate cancer; and

Whereas, With an estimated nine million American men currently afflicted, prostate cancer amounts to an epidemic in the United States; and

Whereas, African-American men have the highest incidence of prostate cancer of any population of men in the world today; and

Whereas, The number of prostate cancer cases successfully diagnosed has increased significantly over the past thirty-five years, partly as a result of the widespread use of improved screening techniques, including screening for the prostate cancer antigen; and

Whereas, Awareness needs to be strengthened, to alert men of ages fifty and above to the risk of and treatments for prostate cancer; and

Whereas, Significantly more research is needed to determine the causes and most effective treatments for prostate cancer; and

Whereas, The National Prostate Cancer Coalition, a network of prostate cancer patients' advocates and support organizations, has presented five hundred thousand signatures to the United States Congress and the President, urging increased research funding for prostate cancer: Now, therefore

Your Memorialists respectively pray that the United States support increased federal funding for prostate cancer research; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–62. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Appropriations.

HOUSE JOINT MEMORIAL 4014

Whereas, Strokes are the leading cause of death in the United States of America; and

Whereas, Strokes are also the leading cause of disability in the United States; and

Whereas, The American Heart Association estimates that in this year alone in the United States approximately six hundred thousand strokes will occur, and that approximately two hundred thousand deaths will ensue as a result of these strokes; and

Whereas, The incidence of stroke in young people is increasing in the United States; and

Whereas, African-Americans have the highest incidence of stroke of any segment of the population in the United States; and

Whereas, While the ability to treat strokes in the last decade has increased significantly in the United States, a great deal of work must still be done, especially in the areas of diagnosis, emergency treatment, and prevention; and

Whereas, Awareness of stroke risk and symptoms needs to be heightened among all Americans so that we will be alert to this risk; and

Whereas, Although it is the third leading cause of death in the United States, stroke risk in 1998 received the least amount of federal research funds of the five major diseases; and

Whereas, The American Heart Association is launching a nine-month, concerted effort to alert members of Congress about the urgent need and responsibility for more funding for stroke research; Now therefore

Your Memorialists respectfully pray that the members of Congress increase federal funding for stroke research; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William j. Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM–63. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Appropriations.

LEGISLATIVE RESOLUTION 27

Whereas, the Wood River Flood Control Project will divert Wood River flood water around the southern edge of Grand Island and carry the flood water from the Wood River to the Platte River; and

Whereas, $11,800,000 was authorized for the Wood River Flood Control Project through the 1996 Water Resources Development Act, which was to include $6,040,000 in federal funds; and

Whereas, in 1998, the Omaha District of the Army Corps of Engineers revised its estimates for the project to $17,353,000, including $9,969,000 to be contributed by the federal government. Since the cost increase is greater than twenty percent, congressional legislation to reauthorize the project is required; and

Whereas, an estimated 1,755 home and business structures in southern Grand Island, with a total value of $219 million, would be protected by the flood control project; and

Whereas, the flood control project would also protect 5,385 acres of irrigated farmland and 7,000 to 8,000 acres of grassland; and

Whereas, the Nebraska Legislature proposes to the Congress of the United States that procedures be instituted for congressional legislation to include appropriate authorization for the Wood River Flood Control Project in Grand Island, Nebraska; and

Whereas, prompt action is essential to decrease future flooding risks, the Nebraska Legislature requests the support and assistance of Congress in permitting this flood control project to move forward in a timely manner: Now therefore, be it

Resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Nebraska Legislature requests that the Congress of the United States appropriate the necessary funds to complete the Wood River Flood Control Project.

2. That the Clerk of the Legislature shall send copies of this resolution to the Secretary of State, to the Nebraska Congressional Delegation, to the Clerk of the United States House of Representatives, and to the Secretary of the United States Senate.

POM–64. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT MEMORIAL 4011

Whereas, The Federal Communications Commission, pursuant to the Telecommunications Act of 1996, has implemented a universal service fund program to provide discounts on the cost of telecommunications services to schools and libraries; and

Whereas, On May 8, 1997, the Commission determined that schools and libraries that join consortia that include entities other than ''public sector (governmental) entities'' may not take advantage of the universal service fund program unless the services purchased by the consortia are based on tariffed rates; and

Whereas, This requirement effectively prevents schools and libraries from participating in consortia with nonprofit independent baccalaureate institutions without losing the advantages of the leveraged purchasing, economies of scale, and efficiencies that are the very rationale for such consortia; and

Whereas, Washington state has sought to leverage the state's purchasing power in its procurements of telecommunications and information services, and obtain the lowest prices for telecommunications services for universities, colleges, schools, and libraries;

Whereas, The Washington Legislature in 1996 authorized and funded the development of the K–20 Educational Telecommunications Network, a sixty-two million dollar state-

wide backbone network intended to link K–12 school districts, educational service districts, public and private baccalaureate institutions, public libraries, and community and technical colleges; and

Whereas, This network will provide the consortium of Washington colleges, schools, and libraries with enhanced function and increased efficiencies in their use of telecommunications services; and

Whereas, Washington state is home to several outstanding nonprofit independent baccalaureate institutions, including Antioch University, Cornish College of the Arts, Gonzaga University, Heritage College, Northwest College, Pacific Lutheran University, St. Martin's College, Seattle University, Seattle Pacific University, University of Puget Sound, Walla Walla College, Whitman College, and Whitworth College, that are not ''public sector (governmental) entities''; and

Whereas, These institutions each year prepare thousands of students for jobs in Washington state, and their graduates comprise more than twenty-five percent of the state's school teachers; and

Whereas, The Washington Legislature has recognized the important public service that these institutions perform; and

Whereas, The Washington Legislature has recognized that the public interest would be served by their inclusion in the K–20 Educational Telecommunications Network; and

Whereas, On July 16, 1997, the Washington Department of Information Services petitioned the Federal Communications Commission to clarify universal service program eligibility for schools and libraries that participate in telecommunications consortia with nonprofit independent colleges; and

Whereas, The Commission has not responded to that petition in more than eighteen months; and

Whereas, The state continues to delay the inclusion of nonprofit independent baccalaureate institutions in the K–20 Educational Telecommunications Network out of concern that doing so may render the network services provided to schools and libraries ineligible for universal service discounts; and

Whereas, Such continued delay is detrimental to the interests of the state; Now, therefore

Your Memorialists respectfully pray that the members of the Committee on Commerce, Science, and Transportation of the United States Senate; and members of the Subcommittee on Telecommunications, Trade and Consumer Protection, Committee on Commerce, United States House of Representatives, urge the Federal Communications Commission to address promptly the matters raised in the Department of Information Service's Petition for Reconsideration, and find that schools and libraries may participate with independent colleges in consortia to procure telecommunications services at below-tariffed rates without losing their eligibility for universal service discounts; be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable William J. Clinton, President of the United States, the members of the Committee on Commerce, Science, and Transportation of the United States Senate, and members of the Subcommittee on Telecommunications, Trade and Consumer Protection, Committee on Commerce, United States House of Representatives, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, and the members of the Federal Communications Commission.

POM–65. A concurrent resolution adopted by the Legislature of the State of New Jersey; to the Committee on Finance.

CONCURRENT RESOLUTION 107

Whereas, New Jersey and 45 other states, as well as Puerto Rico and the District of Columbia, are scheduled to receive some $206 billion from the nation's five largest cigarette manufacturers as a result of the settlement, which was formally agreed to on November 23, 1998, between these tobacco companies and the plaintiff states of their respective actions against these companies to recover the costs incurred by the states in connection with tobacco-related diseases, in addition to the states of Florida, Minnesota, Mississippi and Texas that will receive monies from these companies as a result of individual settlements which they reached with the companies of their respective actions; and

Whereas, The monies received by New Jersey and the other plaintiff states from the tobacco companies constitute a return of their state taxpayer dollars, which was the result of their own efforts and expense, and which should not be siphoned off by the federal government through a reduction in federal Medicare payments to the states or by any other means; and

Whereas, The monies recovered by the states from the tobacco companies should be available for the states to use as they deem to be in the interest of their own citizens and according to their own needs, and in keeping with the terms of the national tobacco settlement or individual state settlements reached with the tobacco companies; and

Whereas, The federal government should not be able to recover its Medicaid costs associated with tobacco-related diseases without pursuing its own action against the tobacco companies and expending its own resources for that purpose; and

Whereas, Legislation is currently pending in the Congress of the United States as H.R. 351, sponsored by Representative Bilirakis (R–Florida), which would preclude action by the Secretary of Health and Human Services to recoup any portion of the tobacco settlement funds received by the various states as an overpayment under the Medicaid program: Now, therefore, be it

Resolved by the Senate of the State of New Jersey (the General Assembly concurring):

1. The Legislature respectfully memorializes the Congress of the United States to pass, and the President of the United States to sign into law. H.R. 351 or similar legislation which would ensure that the federal government will not seek to recoup any monies recovered by the states from the tobacco companies a as result of the national tobacco settlement or individual state settlements.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the United States Secretary of Health and Human Services, the presiding officers of the United States Senate and House of Representatives, and each of the members of the United States Congress elected from the State of New Jersey.

POM–66. A concurrent resolution adopted by the Legislature of the State of Kansas; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 5017

Whereas, The agricultural heritage and economy of the State of Kansas is dependent upon the harvest, storage and transportation of grain; and

Whereas, There are 785 grain elevators in Kansas and 65,000 farms in Kansas, many of which are family-owned operations; and

Whereas, Kansas grain elevators are valued neighbors to and located in close proximity to homes, schools, farms and businesses in most of all Kansas' communities; and

Whereas, Kansas grain elevators, feed mills, processors and growers are committed to protecting the health and safety of applicators and workers and the wellbeing of the public; and

Whereas, Grain elevators are located in Kansas communities near railroads and highways to facilitate the transportation of grain; and

Whereas, Kansas is a leader in the Nation and in the World in grain production; and

Whereas, Kansas grain elevators, feed mills, processors and growers are committed to producing an adequate safe and high quality food supply for domestic and world consumers; and

Whereas, Treaties and established trade relations may require pest-controlled grain before grain can be exported; and

Whereas, Insect pests in grain without fumigation treatment could create health risks and reduce the quality of the grain marketed from Kansas; and

Whereas, Aluminum and magnesium phosphide are cost-effective fumigants used both by commercial elevators and farmers in the storage of grain in Kansas; and

Whereas, The Environmental Protection Agency (EPA) acknowledged few, if any, viable alternatives to the use of aluminum and magnesium phosphide exist for fumigation to control pests in stored grain; and

Whereas, The current label restrictions for aluminum and magnesium phosphide provide for the safe and effective use of the product; and

Whereas, The State of Kansas practices rigorous enforcement of the label restrictions on fumigants, ensures adequate training of certified applicators and conducts a fumigation and grain storage project to inspect the use of fumigants; and

Whereas, Restrictions in the use of fumigations in grain storage and transportation should be based only on sound scientific reasoning, available technology and accurate analysis of risk level and avoid raising undue public alarm over unsubstantiated or inconsequential risk: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, That the Congress of the United States direct the EPA to curtail implementation of new restrictions from its reregistration eligibility decision (RED) on phosphine gas that would require a 500-foot buffer zone and other restrictions that effectively preclude the use of aluminum or magnesium phosphide in most Kansas grain storage facilities and grain transportation; and be it further

Resolved, That Congress direct the EPA to ensure that risk mitigation allowances for aluminum and magnesium phosphides are clearly demonstrated as necessary to protect human health, are based upon sound science and reliable information, are economically and operationally reasonable and will permit the continued use of these products in accordance with the label; and

Whereas, The Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996; and

Whereas, The FQPA institutes changes in the types of information the Environmental

Protection Agency (EPA) is required to evaluate in the risk assessment process for establishing tolerances for pesticide residues in food and feed; and

Whereas, The FQPA was to assure that pesticide tolerances and policies are formulated in an open and transparent manner; and

Whereas, The FQPA further emphasizes the need for reliable information about the volume and types of pesticides being applied to individual crops and what residues can be anticipated on these crops; and

Whereas, Risk estimates based on sound science and reliable real-world data are essential to avoid misguided decisions, and the best way for the EPA to obtain this data is to require its development and submission by the registrant through the data call-in process; and

Whereas, The implementation of FQPA by the EPA could have a profound negative impact on domestic agriculture production and on consumer food prices and availability; and

Whereas, The possibility of elimination of these products will result in fewer pest control options for the United States and Kansas and significant disruption of successful integrated pest management programs which would be devastating to the economy of our state and jeopardize the very livelihood of many of our agricultural producers; and

Whereas, The absence of reliable information will result in fewer pest control options for urban and suburban uses, with potential losses of personal property and increased costs for human health concerns: Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein, That the EPA should be directed by Congress to immediately initiate appropriate administrative rulemaking to ensure that the policies and standards it intends to apply in evaluating pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency; and

Be it further resolved, That the EPA use sound science and real-world data from the data call-in process in establishing realistic models for evaluating risks; and

Be it further resolved, That the United States Department of Agriculture (USDA) establish FQPA as a priority and that EPA be required to have reliable pesticide residue data and other FQPA data on the specific crop affected by any proposed restriction, before, EPA imposes restriction of a pesticide under FQPA; and

Be it further resolved, That the EPA should be directed by Congress to implement the FQPA in a manner that will not disrupt agricultural production nor negatively impact the availability, diversity and affordability of food; and be it further

Resolved, That Congress should immediately conduct oversight hearings to ensure that actions by EPA are consistent with FQPA provisions and Congressional intent; and

Be it further resolved, That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, the administrator of the Environmental Protection Agency, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and to each member of the Kansas Congressional Delegation.

POM–67. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations.

JOINT RESOLUTION NO. 1373

Whereas, children's rights require special protection and continuous improvement all over the world, as well as calling for the development and education of children in conditions of peace and security; and

Whereas, the United Nations has proclaimed that the period of childhood is entitled to special care and assistance; and

Whereas, the child should grow up in a family environment with happiness, love and understanding; and

Whereas, the child should be fully prepared to live the life of an individual in society; and

Whereas, the child should be brought up with dignity in a spirit of peace, tolerance, freedom, equality and solidarity; and

Whereas, in all countries of the world, there are children living in exceptionally difficult conditions; and

Whereas, it is important to have international cooperation in order to improve the living conditions of children in every country, in particular in the developing countries; and

Whereas, the United Nations Convention on the Rights of the Child has broken all records as the most widely ratified human rights treaty in history; and

Whereas, the convention is the most rapidly and widely adopted human rights treaty in history with 191 States Parties; and

Whereas, only 2 countries have not ratified this agreement, Somalia and the United States; and

Whereas, the uniqueness of the treaty is that it is the first legally binding international instrument to incorporate the full range of children's human rights, which include civil and political rights as well as their economic, social and cultural rights, thus giving all rights equal emphasis; now, therefore, be it

Resolved, That We, your Memorialists, request the President of the United States and the United States Congress to ratify the United Nations Convention on the Rights of the Child; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the United Nations Secretary-General Kofi Annan; each Member of the Maine Congressional Delegation; the Speaker of the House or the equivalent officer in the 49 other states; and the President of the Senate or the equivalent officer in the 49 other states.

POM–68. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 1241

Whereas, the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller General, and the Office of Thrift Supervision proposed a ''Know Your Customer'' section of the Bank Secrecy Act on December 7, 1998, which seeks to determine the banking characteristics of its customers; and

Whereas, the ''Know Your Customer'' regulations will require banks to learn and recognize a customer's normal and expected transactions; and

Whereas, the ''Know Your Customer'' regulations will require banks to obtain knowledge regarding the legitimate activities of their customers; and

Whereas, the ''Know Your Customer'' regulations will require banks to report any unusual or suspicious transactions to as yet to be determined FDIC agencies existing suspicious activity reporting regulation; and

Whereas, there are already sufficient regulations in place to ensure that financial crimes are detected, and the ''Know Your Customer'' regulations are not needed and are in fact dangerous to a society where privacy is valued; and

Whereas, the ''Know Your Customer'' regulations constitute a clear violation of banking patrons privacy and therefore, must not be allowed to pass in any form. Now, therefore, be it

Resolved by the Senate, That the members of this body encourage the Congress of the United States to act swiftly to prevent the passage of any such legislation under the ''Know Your Customer'' designation; and be it further

Resolved, That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the directors of the Federal Reserve, the Federal Deposit Insurance Corporation, the Office of the Comptroller General, the Office of Thrift Supervision, and all members of the Georgia Congressional Delegation.

SENATE RESOLUTION NO. 128

Whereas, the Food Quality Protection Act of 1996 (FQPA) was signed into law on August 3, 1996, by President Clinton; and

Whereas, the FQPA establishes new safety standards that pesticides must meet to be newly registered or to remain on the market; and

Whereas, the FQPA requires the Environmental Protection Agency (EPA) to ensure that all pesticide tolerances meet these new FQPA standards by reassessing one-third of the 9,700 existing pesticide tolerances by August, 1999, and all existing tolerances within ten years; and

Whereas, the FQPA institutes changes in the types of information the EPA is required to evaluate in the risk assessment process for establishing tolerances for pesticide residues in food and feed; and

Whereas, the FQPA was designed to ensure that pesticide tolerances and policies are formulated in an open and public manner; and

Whereas, the FQPA further emphasizes the need for reliable information about the volume and types of pesticides being applied to individual crops and what residues can be anticipated on these crops; and

Whereas, risk estimates based on sound science and reliable, real-world data are essential to avoid misguided decisions, and the best way for the EPA to obtain this data is to require development and submission of such data by the registrant through the data call-in process; and

Whereas, the ill considered implementation of FQPA by the EPA could have a profound negative impact on domestic agricultural production and on consumer food prices and availability; and

Whereas, the possibility of elimination of these products will result in fewer pest control options for the United States and Georgia and significant disruption of successful integrated pest management programs which would in turn be devastating to the economy of our state and jeopardize the very livelihood of many of our agricultural producers; and

Whereas, the absence of reliable information is expected to result in fewer pest control options for urban and suburban uses,

with potential losses of personal property, damage to valuable recreational areas and managed green space, and increased human health concerns. Now therefore be it

Resolved by the Senate, That the members of this body urge Congress to direct the EPA to immediately initiate appropriate public administrative guidance or rule-making to ensure that the policies, standards, and procedures it intends to apply in reassessing existing pesticide tolerances are subject to thorough public notice and comment prior to final tolerance determinations being made by the agency; and be it further

Resolved, That Congress should direct the EPA to use sound science and real-world data from the data call-in process in establishing realistic models for evaluating risks; and be it further

Resolved, That Congress should direct the EPA to implement the FQPA in a manner that will not disrupt agricultural production nor negatively impact the availability, diversity, and affordability of food, threaten public health, nor diminish the quality of valuable recreational areas and managed green spaces; and be it further

Resolved, That Congress should immediately conduct oversight hearings to ensure that actions by EPA are consistent with FQPA provisions and congressional intent; and be it further

Resolved, That the Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the Georgia congressional delegation, the EPA Administrator, Vice President Al Gore, and the Secretary of Agriculture.

POM–69. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Environment and Public Works.

SENATE JOINT RESOLUTION NO. 407

Whereas, Virginia ranks second in the nation in the amount of municipal waste imported from other states, and the tonnage imported is likely to increase as other states close landfills; and

Whereas, the negative impacts of truck, rail, and barge traffic and litter, odors, and noise associated with waste imports occur not just at the location of final disposal but also along waste transportation routes; and

Whereas, current landfill technology has the potential to fail, leading to long-term cleanup and other associated costs; and

Whereas, the importation of waste runs counter to the repeatedly expressed strong desire of Virginia's citizens for clean air, land, and water and for the preservation of Virginia's unique historic and cultural character, and it is essential to promote and preserve these attributes; and

Whereas, the Commonwealth has demonstrated the ability to attract good jobs and to promote sound economic development without relying on the importation of garbage; and

Whereas, in 1995, 23 state governors wrote to the Commerce Committee of the United States House of Representatives urging passage of legislation allowing states and localities the power to regulate waste entering their jurisdictions; and

Whereas, legislation is pending before the Commerce Committee of the United States House of Representatives that would provide states and localities with the authority to control the importation of waste, a power that is essential to the public health, safety, and welfare of all citizens of Virginia; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to enact legislation giving states and localities the power to control waste imports into their jurisdictions, including the following provisions: (i) a ban on waste imports in the absence of specific approval from the disposal site host community and governor of the host state; (ii) authorization for governors to freeze solid waste imports at 1993 levels; (iii) authorization for states to consider whether a disposal facility is needed locally when deciding whether to grant a permit; and (iv) authorization for states to limit the percentage of a disposal facility's capacity that can be filled with waste from other states; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be apprised of the sense of the Virginia General Assembly in this matter.

REPORTS OF COMMITTEES

The following reports of committees were submitted on April 27, 1999:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 886: An original bill to authorize appropriations for the Department of State for fiscal years 2000 and 2001; to provide for enhanced security at United States diplomatic facilities; to provide for certain arms control, nonproliferation, and other national security measures; to provide for the reform of the United Nations; and for other purposes (Rept. No. 106–43).

The following reports of committees were submitted on April 28, 1999:

By Mr. GRAMM, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 900: An original bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes (Rept. No. 106–44).

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. CLELAND:

S. 894. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LIEBERMAN (for himself, Mr. SANTORUM, Mr. DURBIN, Mr. ABRAHAM, Mr. ROBB, and Mr. KERREY):

S. 895. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Finance.

By Mr. GRAMS (for himself, Mr. ABRAHAM, and Mr. KYL):

S. 896. A bill to abolish the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself and Mr. HAGEL):

S. 897. A bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COVERDELL:

S. 898. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers with greater notice of any unlawful inspection or disclosure of their return or return information; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. SPECTER, Mr. DEWINE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. SESSIONS, and Mr. GRAMS):

S. 899. A bill to reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAMM:

S. 900. An original bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

By Mr. BINGAMAN:

S. 901. A bill to provide disadvantaged children with access to dental services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TORRICELLI (for himself, Mr. KERRY, Mrs. MURRAY, and Mrs. BOXER):

S. 902. A bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. DEWINE):

S. 903. A bill to facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. BUNNING (for himself and Mr. MCCONNELL):

S. 904. A bill to provide that certain costs of private foundations in removing hazardous substances shall be treated as qualifying distributions; to the Committee on Finance.

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 905. A bill to establish the Lackawanna Valley American Heritage Area; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM:

S. 906. A bill to establish a grant program to enable States to establish and maintain pilot drug testing and drug treatment programs for welfare recipients engaging in illegal drug use, and for other purposes; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 907. A bill to protect the right to life of each born and preborn human person in existence at fertilization; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 908. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption that are regulated by the Food and Drug Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. HAGEL (for himself and Mr. KERREY):

S. Res. 88. A resolution relative to the death of the Honorable Roman L. Hruska, formerly a Senator from the State of Nebraska; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 89. A resolution designating the Henry Clay Desk in the Senate Chamber for assignment to the senior Senator from Kentucky at that Senator's request; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CLELAND:

S. 894. A bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL CIVILIAN AND UNIFORMED SERVICES LONG-TERM CARE INSURANCE ACT OF 1999

Mr. CLELAND. Mr. President, in support of the need for an initiative to help address the growing long-term care needs of Americans, I am pleased to introduce the Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999 in the Senate.

The Administration proposed a plan to offer long-term health care insurance to federal civilian employees. Under my bill, the administration's proposal is expanded to include federal civilian and uniformed services employees, as well as foreign service employees. This non-subsidized, quality private long-term care insurance option can then be offered at an affordable group rate. It is anticipated that 300,000 Federal employees and 200,000 uniformed services employees would voluntarily participate in such a long-term insurance plan. With such participation, the Federal government could truly serve as the model for employers for long-term care insurance.

The bill would make the following groups eligible for the long-term care insurance: Civilian employees after continuously working for the federal government for 6 months, Foreign Service employees, civilian annuitants upon retirement, members of the Armed Services, retired members of the Armed Services, and designated relatives, like parents and parents-in-laws.

The bill also offers: (1) portability of this benefit regardless of future federal or military employment as long as the monthly premium is paid on a time, (2) a choice of plans to meet the insurer's needs from up to three insurance carriers, and (3) a choice of cash or service benefits (such as expense-incurred or indemnity method). Costs for this program are anticipated to be no more than $15 million for OPM administrative expenses.

The price of long-term care is very expensive both in terms of the financial and emotional burden to families. In 1997, Medicare and Medicaid spent $15.4 billion providing home health care to Americans. In that same year, nursing home care cost American taxpayers approximately $16.9 billion. What I am proposing is legislating the ability to maintain self-reliance. The Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999 is an important step to providing ''affordable, high-quality long-term care.'' I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Civilian and Uniformed Services Long-Term Care Insurance Act of 1999''.

SEC. 2. LONG-TERM CARE INSURANCE.

Subpart G of part III of title 5, United States Code, is amended by adding after chapter 89 the following:

"Chapter 90—Long-Term Care Insurance

''Sec.
''9001. Definitions.
''9002. Eligibility to obtain coverage.
''9003. Contracting authority.
''9004. Long-term care benefits.
''9005. Financing.
''9006. Regulations.

"§ 9001. Definitions

''For purposes of this chapter, the term—

''(1) 'activities of daily living' includes—

''(A) eating;

''(B) toileting;

''(C) transferring;

''(D) bathing;

''(E) dressing; and

''(F) continence;

''(2) 'annuitant' has the meaning such term would have under section 8901(3) if, for purposes of such paragraph, the term 'employee' were considered to have the meaning under paragraph (7) of this section;

''(3) 'appropriate Secretary' means—

''(A) except as otherwise provided in this paragraph, the Secretary of Defense;

''(B) with respect to the United States Coast Guard when it is not operating as a service of the Navy, the Secretary of Transportation;

''(C) with respect to the commissioned corps of the National Oceanic and Atmospheric Administration, the Secretary of Commerce;

''(D) with respect to the commissioned corps of the Public Health Service, the Secretary of Health and Human Services; and

''(E) with respect to members of the Foreign Service, the Secretary of State;

''(4) 'assisted living facility' has the meaning given such term under section 232 of the National Housing Act (12 U.S.C. 1715w);

''(5) 'carrier' means a voluntary association, corporation, partnership, or other nongovernmental organization that is lawfully engaged in providing, paying for, or reimbursing the cost of, qualified long-term care services under group insurance policies or contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier;

''(6) 'eligible individual' means—

''(A) an employee who has completed 6 months of continuous service as an employee under other than a temporary appointment limited to 6 months or less;

''(B) an annuitant;

''(C) a member of the uniformed services on active duty for a period of more than 30 days or full-time National Guard duty (as defined under section 101(d)(5) of title 10) who satisfies such eligibility requirements as the Office prescribes under section 9006(c);

''(D) a member of the uniformed services entitled to retired or retainer pay (other than under chapter 1223 of title 10) who satisfies such eligibility requirements as the Office prescribes under section 9006(c);

''(E) a member of the Foreign Service who—

''(i) is described under section 103(1), (2), (3), (4), or (5) of the Foreign Service Act of 1980 (22 U.S.C. 3903(1), (2), (3), (4), or (5); and

''(ii) satisfies such eligibility requirements as the Office prescribes under sanction 9006(c);

''(F) a member of the Foreign Service entitled to an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System who satisfies such eligibility requirements as the Office prescribes under section 9006(c); or

''(G) a qualified relative of a sponsoring individual;

''(7) 'employee' means—

''(A) an employee as defined under section 8901(1) (A) through (H); and

''(B) an individual described under section 2105(e);

''(8) 'home and community care' has the meaning given such term under section 1929 of the Social Security Act (42 U.S.C. 1396t(a));

''(9) 'long-term care benefits plan' means a group insurance policy or contract, or similar group arrangement, provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for qualified long-term care services;

''(10) 'nursing home' has the meaning given such term under section 1908 of the Social Security Act (42 U.S.C. 1396g(e)(1));

''(11) 'Office' means the Office of Personnel Management;

''(12) 'qualified long-term care services' has the meaning given such term under section 7702B of the Internal Revenue Code of 1986;

''(13) 'qualified relative', as used with respect to a sponsoring individual, means—

''(A) the spouse of such sponsoring individual;

''(B) a parent or parent-in-law of such sponsoring individual; and

''(C) any other person bearing a relationship to such sponsoring individual specified by the Office in regulations; and

''(14) 'sponsoring individual' refers to an individual described under paragraph (6)(A), (B), (C), or (D).

"§ 9002. Eligibility to obtain coverage

''(a) Any eligible individual may obtain long-term care insurance coverage under this chapter for such individual.

''(b)(1) As a condition for obtaining long-term care insurance coverage under this chapter based on an individual's status as a qualified relative, certification from the applicant's sponsoring individual shall be required as to—

''(A) such sponsoring individual's status, as described under section 9001(6)(A), (B), (C), or (D) (as applicable), as of the time of the qualified relative's application for coverage; and

''(B) the existence of the claimed relationship as of that time.

''(2) Any certification under paragraph (1) shall be submitted at such time and in such form and manner as the Office shall by regulation prescribe.

''(c) Nothing in this chapter shall be considered to require that long-term care insurance coverage be made available in the case of any individual who would be immediately benefit eligible.

"§ 9003. Contracting authority

''(a) Without regard to section 3709 of the Revised Statutes or other statute requiring competitive bidding, the Office may contract with qualified carriers to provide group long-term care insurance under this chapter, except that the Office may not have contracts in effect under this section with more than 3 qualified carriers.

''(b) To be considered a qualified carrier under this chapter, a company shall be licensed to issue group long-term care insurance in all the States and the District of Columbia.

''(c)(1) Each contract under this section shall contain a detailed statement of the benefits offered (including any maximums, limitations, exclusions, and other definitions of benefits), the rates charged (including any limitations or other conditions on any subsequent adjustment), and such other terms and conditions as may be mutually agreed to by the Office and the carrier involved, consistent with the requirements of this chapter.

''(2) The rates charged under any contract under this section shall reasonably reflect the cost of the benefits provided under such contract.

''(d) The benefits and coverage made available to individuals under any contract under this section shall be guaranteed to be renewable and may not be canceled by the carrier except for nonpayment of charges.

''(e) Each contract under this section shall require the carrier to agree to—

''(1) pay or provide benefits in an individual case if the Office (or a duly designated third-party administrator) finds that the individual involved is entitled to such payment or benefit under the contract; and

''(2) participate in administrative procedures designed to bring about the expeditious resolution of disputes arising under such contract, including, in appropriate circumstances, 1 or more alternative means of dispute resolution.

''(f)(1)(A) Subject to subparagraph (B), each contract under this section shall be for a term of 5 years, but may be made automatically renewable from term to term in the absence of notice of termination by either party.

''(B) The rights and responsibilities of the enrolled individual, the insurer, and the Office (or duly designated third-party administrator) under any such contract shall continue until the termination of coverage of the enrolled individual.

''(2) Group long-term care insurance coverage obtained by an individual under this chapter shall terminate only upon the occurrence of—

''(A) the death of the insured;

''(B) exhaustion of benefits, as determined under the contract;

''(C) insolvency of the insurer, as determined under the contract; or

''(D) any event justifying a cancellation under subsection (d).

''(3) Subject to paragraph (2), each contract under this section shall include such provisions as may be necessary to—

''(A) effectively preserve all parties' rights and responsibilities under such contract notwithstanding the termination of such contract (whether due to nonrenewal under paragraph (1) or otherwise); and

''(B) ensure that, once an individual becomes duly enrolled, long-term care insurance coverage obtained by such individual under that enrollment shall not be terminated due to any change in status (as described under section 9001(6)), such as separation from Government service or the uniformed services, or ceasing to meet the requirements for being considered a qualified relative (whether due to divorce or otherwise).

"§ 9004. Long-term care benefits

''(a) Benefits under this chapter shall be provided under qualified long-term care insurance contracts, within the meaning of section 7702B of the Internal Revenue Code of 1986.

''(b) Each contract under section 9003, in addition to any matter otherwise required under this chapter, shall provide for—

''(1) adequate consumer protections (including through establishment of sufficient reserves or reinsurance);

''(2) adequate protections in the event of carrier bankruptcy (or other similar event);

''(3) availability of benefits upon appropriate certification as to an individual's—

''(A) inability (without substantial assistance from another individual) to perform at least 2 activities of daily living for a period of at least 90 days due to a loss of functional capacity;

''(B) having a level of disability similar (as determined under regulations prescribed by the Secretary of the Treasury in consultation with the Secretary of Health and Human Services) to the level of disability described in subparagraph (A); or

''(C) requiring substantial supervision to protect such individual from threats to health and safety due to severe cognitive impairment;

''(4) choice of cash or service benefits (such as the expense-incurred method or the indemnity method);

''(5) inflation protection (whether through simple or compounded adjustment of benefits); and

''(6) portability of benefits (consistent with section 9003 (d) and (f)).

''(c) To the maximum extent practicable, at least 1 of the policies being offered under this chapter shall, in addition to any matter otherwise required under this chapter, provide for—

''(1) length-of-benefit options;

''(2) options relating to the provision of coverage in a variety of settings, including nursing homes, assisted living facilities, and home and community care;

''(3) options relating to elimination periods;

''(4) options relating to nonforfeiture benefits; and

''(5) availability of benefits upon appropriate certification of medical necessity (as defined by the Office in consultation with the Secretary of Health and Human Services) not satisfying the requirements of subsection (b)(3).

''(d)(1) The Office shall take all practicable measures to ensure that, at least 1 of the long-term care benefits plans available under this chapter shall be a Governmentwide long-term care benefits plan.

''(2) Neither subsection (c)(5) nor the exception under subsection (e) shall apply with respect to any Governmentwide plan under this subsection.

''(e) Nothing in this chapter shall be considered to permit or require the inclusion, in any contract, of provisions inconsistent with section 7702B of the Internal Revenue Code of 1986 or any other provision of such Code (except to the extent necessary to carry out subsection (c)(5)).

''(f) If a State (or the District of Columbia) imposes any requirement which is more stringent than the requirement imposed by subsection (b)(1), the requirement imposed by subsection (b)(1) shall be treated as met if the more stringent requirement of the State (or the District of Columbia) is met.

"§ 9005. Financing

''(a) Except as provided in subsection (b)(2), each individual having long-term care insurance coverage under this chapter shall be responsible for 100 percent of the charges for such coverage.

''(b)(1) The amount necessary to pay the charges for enrollment shall—

''(A) in the case of an employee, be withheld from the pay of such employee;

''(B) in the case of an annuitant, be withheld from the annuity of such annuitant;

''(C) in the case of a member of the uniformed services described under section 9001(6)(C), be withheld from the basic pay of such member; and

''(D) in the case of a member of the uniformed services described in section 9001(6)(D), be withheld from the retired pay or retainer pay payable to such member.

''(2) Withholdings to pay the charges for enrollment of a qualified relative may, upon election of the sponsoring individual involved, be withheld under paragraph (1) in the same manner as if enrollment were for such sponsoring individual.

''(3) All amounts withheld under paragraph (1) or (2) shall be paid directly to the carrier.

''(c)(1) Any enrollee whose pay, annuity, or retired or retainer pay (as referred to in subsection (b)(1)) is insufficient to cover the withholding required for enrollment (or who is not receiving any regular amounts from the Government, as referred to in subsection (b)(1), from which any such withholdings may be made) shall pay an amount described under paragraph (2) (or, in the case of an enrollee not receiving any regular amounts, the full amount of those charges) directly to the carrier.

''(2) The amount referred to under paragraph (1) is the amount equal to the difference between the amount of withholding required for the enrollment and the amount actually withheld.

''(d) Each carrier participating under this chapter shall maintain all amounts received under this chapter separate from all other funds.

''(e) Contracts under this chapter shall include appropriate provisions under which each carrier shall reimburse the Office or other administering entity for the administrative costs incurred by the Office or such entity under this chapter (such as for dispute resolution) which are allocable to such carrier.

"§ 9006. Regulations

''(a) The Office shall prescribe regulations necessary to carry out this chapter.

''(b)(1) Subject to paragraph (2), the regulations of the Office shall prescribe the time at which and the manner and conditions under which an individual may obtain long-term care insurance under this chapter.

''(2) The regulations prescribed under this section shall provide for an open enrollment period at least once each year (similar to the open enrollment period provided under section 8905(f)).

''(c) Any regulations necessary to effect the application and operation of this chapter with respect to an eligible individual or a qualified relative of such individual shall be prescribed by the Office in consultation with the appropriate Secretary.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of enactment of this Act, except that no coverage may become effective before the first calendar year beginning after the expiration of the 18-month period beginning on the date of enactment of this Act.

By Mr. LIEBERMAN (for himself, Mr. SANTORUM, Mr. DURBIN, Mr. ABRAHAM, Mr. ROBB, and Mr. KERREY):

S. 895. A bill to provide for the establishment of Individual Development Accounts (IDAs) that will allow individuals and families with limited means an opportunity to accumulate assets, to access education, to own their own homes and businesses, and ultimately to achieve economic self-sufficiency, and for other purposes; to the Committee on Finance.

SAVINGS FOR WORKING FAMILIES ACT

• Mr. LIEBERMAN. Mr. President, with the economy in its 9th year of record growth, unemployment the lowest its been in over 25 years, and the stock market at an all time high, the following is worth noting:

Fully a third of all American households have no financial assets to speak of.

Another 20 percent have only negligible financial assets.

Almost half of all American children live in households that have no financial assets.

Over 10 million Americans don't even have a bank account.

In our efforts to foster policies that encourage economic growth, we have not done enough for the group that needs it the most—hardworking low income Americans. We have established tax credits for retirement plans, for home mortgages, for college education, and so on, all of which make for good policy. The problem is that to take advantage of these policies, you must already have some wealth. You must already have some assets. To put it plainly, you cannot benefit from a home mortgage credit if you do not have the wealth to buy a home.

So the challenge becomes creating a policy that helps low-income Americans reach the point where they can take advantage of these benefits. Any such policy must start with encouraging saving. Saving is empowering. It allows families to weather the bad times, to live without aid, and to deal with emergencies. Saving is also the first step to building assets.

And having assets is a prerequisite for taking part in this economy. That is because assets offer a way up. Whether it is a home, an education, or a small business, assets can be leveraged to deal with the bad times and usher in the good. That is why I believe that our tax policies should provide more incentives for asset building.

So Mr. President today along with Senators SANTORUM, DURBIN, ABRAHAM, ROBB, and KERREY of Nebraska, I offer tax legislation aimed at building assets for low-income families. The Savings for Working Families Act is centered around Individual Development Accounts (IDAs), an idea of Dr. Michael Sherraden of Washington University: create a savings account for low income workers that can be used to acquire assets, and allow the saver to receive matching funds towards the purchase of those assets.

The Savings for Working Families Act allows for the creation by federally insured banks and credit unions of IDAs for U.S. citizens or legal residents aged 18 or over, with a household income of not more than 60 percent of area median income, and a household net worth that does not exceed $10,000 excluding home equity and the value of one car.

The federal government will provide tax credits of up to $300 per account to financial institutions to reimburse them for providing matching funds for IDAs. All other sources of matching funds are welcome as well, including employers, charitable organizations, and the banks themselves.

Before an individual can use money from an IDA, he or she must complete an economic literacy course that will be offered by participating banks and community organizations. The course will teach about saving, banking, investing, and IDAs. Two years from its establishment the Act requires the Secretary of the Treasury to review the program for its cost-effectiveness and make recommendations as necessary to the Congress. We expect a cost of $200–500 million per year.

This is not a handout. Because only earned income is matched, IDAs only help those who are already trying to help themselves. Small IDA programs already exist across the country and have been overwhelmingly successfully. IDAs change the outlook of the saver. When you have assets, you have a stake in the economy, and you act to protect that stake.

For example, in Stamford, Connecticut a receptionist named Scharlene is saving to start her own business through the CTE IDA program. She had always thought of her interest in jewelry as a hobby. But after working with CTE IDA program she has not only saved over $700, but has also learned the basics of running a business. I met Scharlene, and I can tell you that win or lose, she is on the path to success. I might also add that the Connecticut State Treasurer, Ms. Denise Nappier, is also investigating ways to set up a state-side IDA program, and I would like to commend her for her efforts.

In the Sierra Ridge, Texas IDA program describes the case of Charles, a 38 year old divorced father of two. He uses that IDA program to save money for his children's education. Charles says that since he entered the program he thinks more about where his money goes: ''Having to commit to a long term goal makes us more aware that our decisions today could have consequences for tomorrow.'' His oldest daughter is planning on attending college in two years.

Another example comes from a Bonneville, Kentucky IDA program. There, Pam, a 37 year old factory worker and mother of two, has been saving to start her own business. ''I want to start a business and I will,'' Pam said. Together with the matching funds she has saved over $1700 towards a combination dry cleaners/video store. Her reasons are simple: ''I want more for my children.''

IDAs are good for business too. Financial institutions like IDAs because they bring some of the 10 million ''unbanked'' Americans into the system, and because it allows them to support low-income communities in a way that will ultimately be profitable for them. This is an idea that gives the right incentives to a deserving group in an effective and efficient manner. It is an idea that represents at once both our support of equal opportunity and our emphasis on self reliance. It is an idea whose time has come.

Mr. President, with Senators SANTORUM, DURBIN, ABRAHAM, ROBB, and KERREY of Nebraska, I introduce the Savings for Working Families Act. I ask that the text of this bill be included in the RECORD.

The bill follows:

S. 895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Savings for Working Families Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.
Sec. 4. Definitions.

TITLE I—INDIVIDUAL DEVELOPMENT ACCOUNTS FOR LOW-INCOME WORKERS

Sec. 101. Structure and administration of individual development account programs.

Sec. 102. Procedures for opening an Individual Development Account and qualifying for matching funds.
Sec. 103. Contributions to Individual Development Accounts.
Sec. 104. Deposits by qualified financial institutions.
Sec. 105. Withdrawal procedures.
Sec. 106. Certification and termination of individual development account programs.
Sec. 107. Reporting and evaluation.
Sec. 108. Funds in parallel accounts of program participants disregarded for purposes of all means-tested Federal programs.

TITLE II—INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDITS

Sec. 201. Matching funds for Individual Development Accounts provided through a tax credit for qualified financial institutions.
Sec. 202. CRA credit provided for individual development account programs.
Sec. 203. Designation of earned income tax credit payments for deposit to Individual Development Account.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) One-third of all Americans have no assets available for investment, and another 20 percent have only negligible assets. The household savings rate of the United States lags far behind other industrial nations, presenting a barrier to national economic growth and preventing many Americans from entering the economic mainstream by buying a house, obtaining an adequate education, or starting a business.

(2) By building assets, Americans can improve their economic independence and stability, stimulate the development of human and other capital, and work toward a viable and hopeful future for themselves and their children. Thus, economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets.

(3) Traditional public assistance programs based on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based social policies that meet consumption needs (including food, child care, rent, clothing, and health care) should be complemented by asset-based policies that can provide the means to achieve long-term independence and economic well-being.

(4) Individual Development Accounts (IDAs) can provide working Americans with strong incentives to build assets, basic financial management training, and access to secure and relatively inexpensive banking services.

(5) There is reason to believe that Individual Development Accounts would also foster greater participation in electric fund transfers (EFT), generate financial returns, including increased income, tax revenue, and decreased welfare cash assistance, that will far exceed the cost of public investment in the program.

SEC. 3. PURPOSES.

The purposes of this Act are to provide for the establishment of individual development accounts projects that will—

(1) provide individuals and families with limited means an opportunity to accumulate assets and to enter the financial mainstream;

(2) promote education, homeownership, and the development of small businesses; and

(3) stabilize families and build communities.

SEC. 4. DEFINITIONS.

As used in this Act:

(1) ELIGIBLE INDIVIDUAL.—

(A) IN GENERAL.—The term ''eligible individual'' means an individual who—

(i) has attained the age of 18 years;

(ii) is a citizen or legal resident of the United States; and

(iii) is a member of a household—

(I) which is eligible for the earned income tax credit under section 32 of the Internal Revenue Code of 1986,

(II) which is eligible for assistance under a State program funded under part A of title IV of the Social Security Act, or

(III) the gross income of which does not exceed 60 percent of the area median income (as determined by the Department of Housing and Urban Affairs) and the net worth of which does not exceed $10,000.

(B) HOUSEHOLD.—The term ''household'' means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

(C) DETERMINATION OF NET WORTH.—

(i) IN GENERAL.—For purposes of subparagraph (A)(iii)(II), the net worth of a household is the amount equal to—

(I) the aggregate fair market value of all assets that are owned in whole or in part by any member of a household, minus

(II) the obligations or debts of any member of the household.

(ii) CERTAIN ASSETS DISREGARDED.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and 1 motor vehicle owned by the household.

(2) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term ''Individual Development Account'' means a custodial account established for an eligible individual as part of an individual development account program established under section 101, but only if the written governing instrument creating the account meets the following requirements:

(A) No contribution will be accepted unless it is in cash, by check, or by electronic fund transfer.

(B) The custodian of the account is a qualified financial institution.

(C) The assets of the account will not be commingled with other property except in a common trust fund or common investment fund.

(D) Except as provided in section 105(b), any amount in the account may be paid out only for the purpose of paying the qualified expenses of the eligible individual.

(3) QUALIFIED FINANCIAL INSTITUTION.—

(A) IN GENERAL.—The term ''qualified financial institution'' means any federally insured financial institution, including any bank, trust company, savings bank, building and loan association, savings and loan company or credit union.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A) from collaborating with 1 or more community-based, not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to carry out an individual development account program established under section 101, including serving as a custodian for any Individual Development Account.

(4) QUALIFIED EXPENSES.—The term ''qualified expenses'' means, with respect to an eligible individual, 1 or more of the following paid from an Individual Development Account and from a separate, parallel individual or pooled account, as provided by a qualified financial institution:

(A) POST-SECONDARY EDUCATIONAL EXPENSES.—Post-secondary educational expenses paid directly to an eligible educational institution. In this subparagraph:

(i) POST-SECONDARY EDUCATIONAL EXPENSES.—The term ''post-secondary educational expenses'' means the following:

(I) TUITION AND FEES.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

(II) FEES, BOOKS, SUPPLIES AND EQUIPMENT.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term ''eligible educational institution'' means the following:

(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of enactment of this Act.

(II) POST-SECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (c) or (d) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(a))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this Act.

(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a qualified principal residence for a qualified first-time home buyer, if paid directly to the persons to whom the amounts are due. In this subparagraph:

(i) QUALIFIED ACQUISITION COSTS.—The term ''qualified acquisition costs'' means the cost of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

(ii) QUALIFIED PRINCIPAL RESIDENCE.—The term ''qualified principal residence'' means a principal residence (within the meaning of section 121 of the Internal Revenue Code of 1986).

(iii) QUALIFIED FIRST-TIME HOME BUYER.—

(I) IN GENERAL.—The term ''qualified first-time home buyer'' means an individual participating in an individual development account program (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the three-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

(II) DATE OF ACQUISITION.—The term ''date of acquisition'' means the date on which a binding contract to acquire, construct or reconstruct the principal residence to which this subparagraph applies is entered into.

(C) BUSINESS CAPITALIZATION.—Amounts paid directly to a business capitalization account which is established in a qualified financial institution and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term ''qualified business capitalization expense'' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

(ii) QUALIFIED EXPENDITURES.—The term ''qualified expenditures'' means expenditures

included in a qualified plan, including capital, plant, equipment, working capital and inventory expenses.

(iii) QUALIFIED BUSINESS.—The term ''qualified business'' means any business that does not contravene any law or public policy (to be determined by the Secretary).

(iv) QUALIFIED PLAN.—The term ''qualified plan'' means a business plan, or a plan to use a business asset purchased, which—

(I) is approved by a financial institution, a micro enterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

(D) QUALIFIED ROLLOVERS.—Amounts paid as qualified rollovers. In this subparagraph, the term ''qualified rollover'' means any amount paid directly—

(i) to another Individual Development Account established for the benefit of the eligible individual in another qualified financial institution, or

(ii) if such eligible individual dies, to an Individual Development Account established for the benefit of another eligible individual within 30 days of the date of death.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

TITLE I—INDIVIDUAL DEVELOPMENT ACCOUNTS FOR LOW-INCOME WORKERS

SEC. 101. STRUCTURE AND ADMINISTRATION OF INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) ESTABLISHMENT OF INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.—Any qualified financial institution may establish 1 or more individual development account programs which meet the requirements of this Act either on its own initiative or in partnership with community-based, not-for-profit organizations.

(b) BASIC PROGRAM STRUCTURE.—

(1) IN GENERAL.—All individual development account programs shall consist of the following 2 components:

(A) An Individual Development Account to which an eligible individual may contribute money in accordance with section 103.

(B) A separate, parallel individual or pooled account to which all matching funds shall be deposited in accordance with section 104.

(2) TAILORED IDA PROGRAMS.—A qualified financial institution may tailor its individual development account program to allow matching funds to be spent on 1 or more of the categories of qualified expenses.

(c) NUMBER OF ACCOUNTS.—

(1) IN GENERAL.—The average number of active Individual Development Accounts in an individual development account program at any 1 banking office of a qualified financial institution shall be limited to the applicable limit.

(2) APPLICABLE LIMIT.—For purposes of this title, the applicable limit shall be determined in accordance with the following table:

"Calendar year:	Applicable Limit:
2000	100
2001	200
2002	300
2003	400
2004 and thereafter	500.

(d) TAX TREATMENT OF ACCOUNTS.—Any account described in subparagraph (B) of subsection (b)(1) is exempt from taxation under the Internal Revenue Code of 1986 unless such account has ceased to be such an account by reason of section 105(c) or the termination of the individual development account program under section 106(b).

SEC. 102. PROCEDURES FOR OPENING AN INDIVIDUAL DEVELOPMENT ACCOUNT AND QUALIFYING FOR MATCHING FUNDS.

(a) OPENING AN ACCOUNT.—An eligible individual must open an Individual Development Account with a qualified financial institution and contribute money in accordance with section 103 to qualify for matching funds in a separate, parallel individual or pooled account.

(b) REQUIRED COMPLETION OF ECONOMIC LITERACY COURSE.—Before becoming eligible to withdraw matching funds to pay for qualified expenses, holders of Individual Development Accounts must complete an economic literacy course offered by the qualified financial institution, a nonprofit organization, or a government entity.

SEC. 103. CONTRIBUTIONS TO INDIVIDUAL DEVELOPMENT ACCOUNTS.

(a) IN GENERAL.—Except in the case of a qualified rollover, individual contributions to an Individual Development Account will not be accepted for the taxable year in excess of an amount equal to the compensation (as defined in section 219(f)(1) of the Internal Revenue Code of 1986) includible in the individual's gross income for such taxable year.

(b) PROOF OF COMPENSATION AND STATUS AS AN ELIGIBLE INDIVIDUAL.—Federal W–2 forms and other forms specified by the Secretary proving the eligible individual's wages and other compensation and the status of the individual as an eligible individual shall be presented to the custodian at the time of the establishment of the Individual Development Account and at least once annually thereafter.

(c) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution to an Individual Development Account on the last day of the preceding taxable year if the contribution is made on account of such taxable year and is made not later than the time prescribed by law for filing the Federal income tax return for such taxable year (not including extensions thereof).

(d) CROSS REFERENCE.—

For designation of earned income tax credit payments for deposit to an Individual Development Account, see section 32(o) of the Internal Revenue Code of 1986.

SEC. 104. DEPOSITS BY QUALIFIED FINANCIAL INSTITUTIONS.

(a) SEPARATE, PARALLEL INDIVIDUAL OR POOLED ACCOUNTS.—The qualified financial institution shall deposit all matching funds for each Individual Development Account into a separate, parallel individual or pooled account. The parallel account or accounts shall earn not less than the market rate of interest.

(b) REGULAR DEPOSITS OF MATCHING FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the qualified financial institution shall deposit not less than quarterly into the separate, parallel account with respect to each eligible individual the following:

(A) A dollar-for-dollar match for the first $300 contributed by the eligible individual into an Individual Development Account with respect to any taxable year.

(B) Any matching funds provided by State, local, or private sources in accordance to the matching ratio set by those sources.

(2) CROSS REFERENCE.—

For allowance of tax credit to qualified financial institutions for Individual Development Account subsidies, including matching funds, see section 30B of the Internal Revenue Code of 1986.

(c) FORFEITURE OF MATCHING FUNDS.—Matching funds that are forfeited under section 105(b) shall be used by the qualified financial institution to pay matches for other Individual Development Account contributions by eligible individuals.

(d) EXCLUSION FROM INCOME.—Gross income of an eligible individual shall not include any matching fund deposited into a parallel account under subsection (b) on behalf of such individual.

(e) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for matching funds from all possible sources in the parallel accounts.

(f) REGULAR REPORTING OF MATCHING DEPOSITS.—Any qualified financial institution shall report matching fund deposits to eligible individuals with Individual Development Accounts on not less than a quarterly basis.

SEC. 105. WITHDRAWAL PROCEDURES.

(a) WITHDRAWALS FOR QUALIFIED EXPENSES.—

(1) REQUEST FOR WITHDRAWAL.—To withdraw money from an eligible individual's Individual Development Account to pay qualified expenses of such individual or such individual's spouse or dependents, an eligible individual shall obtain permission from the custodian of the individual development account program. Such permission may include a request to withdraw matching funds from the applicable parallel account.

(2) DISBURSEMENT OF FUNDS.—Once permission to withdraw funds is granted under paragraph (1), the qualified financial institution shall directly transfer such funds from the Individual Development Account, and, if applicable, from the parallel account electronically to the vendor or other Individual Development Account. If the vendor is not equipped to receive funds electronically, the qualified financial institution may issue such funds by paper check to the vendor.

(3) RESOLUTION OF DISPUTES.—The qualified financial institution shall establish a grievance procedure to hear, review, and decide in writing any grievance made by an Individual Development Account holder who disputes a decision of the operating organization that a withdrawal is not for qualified expenses.

(b) WITHDRAWALS FOR NONQUALIFIED EXPENSES.—An Individual Development Account holder may unilaterally withdraw funds from the Individual Development Account for purposes other than to pay qualified expenses, but shall forfeit the corresponding matching funds and interest earned on the matching funds by doing so, unless such withdrawn funds are recontributed to such Account within 1 year of withdrawal.

(c) DEEMED WITHDRAWALS FROM ACCOUNTS OF NONELIGIBLE INDIVIDUALS.—If, during any taxable year of the individual for whose benefit an Individual Development Account is established, such individual ceases to be an eligible individual, such account shall cease to be an Individual Development Account as of the first day of such taxable year and any balance in such account shall be deemed to have been withdrawn on such first day by such individual for purposes other than to pay qualified expenses.

(d) TAX TREATMENT OF WITHDRAWN AMOUNTS.—Any amount withdrawn from an Individual Development Account or any

matching funds withdrawn from a parallel account shall be includible in gross income to the extent such amount has not previously been so includible.

SEC. 106. CERTIFICATION AND TERMINATION OF INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

(a) CERTIFICATION PROCEDURES.—Upon establishing an individual development account program under section 101, a qualified financial institution shall certify to the Secretary on forms prescribed by the Secretary and accompanied by any documentation required by the Secretary, that—

(1) the accounts described in subparagraphs (A) and (B) of section 101(b)(1) are operating pursuant to all the provisions of this Act; and

(2) the qualified financial institution agrees to implement an information system necessary to permit the Secretary to evaluate the cost and effectiveness of the individual development account program.

(b) AUTHORITY TO TERMINATE IDA PROGRAM.—If the Secretary determines that a qualified financial institution under this Act is not operating an individual development account program in accordance with the requirements of this Act (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such institution's authority to conduct the program. If the Secretary is unable to identify a qualified financial institution to assume the authority to conduct such program, then any account established for the benefit of any eligible individual under such program shall cease to be an Individual Development Account as of the first day of such termination and any balance in such account shall be deemed to have been withdrawn on such first day by such individual for purposes other than to pay qualified expenses.

SEC. 107. REPORTING AND EVALUATION.

(a) RESPONSIBILITIES OF QUALIFIED FINANCIAL INSTITUTIONS.—Each qualified financial institution that establishes an individual development account program under section 101 shall report annually to the Secretary within 90 days after the end of each calendar year on—

(1) the number of eligible individuals making contributions into Individual Development Accounts;

(2) the amounts contributed into Individual Development Accounts and deposited into the separate, parallel accounts for matching funds;

(3) the amounts withdrawn from Individual Development Accounts and the separate, parallel accounts, and the purposes for which such amounts were withdrawn;

(4) the balances remaining in Individual Development Accounts and separate, parallel accounts; and

(5) such other information needed to help the Secretary evaluate the cost and effectiveness of the individual development account program.

(b) RESPONSIBILITIES OF THE SECRETARY.—

(1) TWO-YEAR EVALUATION.—Not later than 24 months after the date of enactment of this Act, the Secretary shall evaluate the cost and effectiveness of the individual development account programs established under section 101. In addition, the Secretary shall evaluate the effect of the account limitation under section 101(c) on each banking office of a qualified financial institution and make recommendations for its adjustment or removal.

(2) FOUR-YEAR EVALUATION.—Not later than 48 months after the date of enactment of this Act, the Secretary shall evaluate the effect of the individual development account programs established under section 101 on the eligible individuals.

(3) SUBSEQUENT ANNUAL EVALUATIONS.—In each subsequent year after the first evaluation under paragraph (1) or (2), the Secretary shall issue an update on the status of such individual development account programs.

(4) APPROPRIATIONS FOR EVALUATIONS.—There is authorized to be appropriated $5,000,000 for the purposes of evaluating individual development account programs established under section 101, to remain available until expended.

SEC. 108. FUNDS IN PARALLEL ACCOUNTS OF PROGRAM PARTICIPANTS DISREGARDED FOR PURPOSES OF ALL MEANS-TESTED FEDERAL PROGRAMS.

Notwithstanding any other provision of law that requires consideration of 1 or more financial circumstances of an individual, for the purposes of determining eligibility to receive, or the amount of, any assistance or benefit authorized by such law to be provided to or for the benefit of such individual, funds (including interest accruing) in any parallel account shall be disregarded for such purpose with respect to any period during which the individual participates in an individual development account program established under section 101.

TITLE II—INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDITS

SEC. 201. MATCHING FUNDS FOR INDIVIDUAL DEVELOPMENT ACCOUNTS PROVIDED THROUGH A TAX CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to other credits) is amended by inserting after section 30A the following:

"SEC. 30B. INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT CREDIT FOR QUALIFIED FINANCIAL INSTITUTIONS.

''(a) DETERMINATION OF AMOUNT.—There shall be allowed as a credit against the applicable tax for the taxable year an amount equal to the individual development account investment provided by a qualified financial institution during the taxable year under an individual development account program established under section 101 of the Savings for Working Families Act.

''(b) APPLICABLE TAX.—For the purposes of this section, the term 'applicable tax' means the excess (if any) of—

''(1) the sum of—

''(A) the tax imposed under this chapter (other than the taxes imposed under the provisions described in subparagraphs (C) through (Q) of section 26(b)(1)), plus

''(B) the tax imposed under section 3111, over

''(2) the credits allowable under subparts B and D of this part.

''(c) INDIVIDUAL DEVELOPMENT ACCOUNT INVESTMENT.—For purposes of this section, the term 'individual development account investment' means, with respect to an individual development account program of a qualified financial institution in any taxable year, an amount equal to the sum of—

''(1) the aggregate amount of dollar-for-dollar matches under such program by such institution under section 104 of the Savings for Working Families Act for such taxable year, plus

''(2) an amount equal to the lesser of—

''(A) 50 percent of the aggregate costs paid or incurred under such program by such institution during such taxable year—

''(i) to provide economic literacy training to Individual Development Account holders under section 102(b) of such Act, either directly or indirectly through nonprofit organizations or government entities, and

''(ii) to underwrite the activities of collaborating community-based, not-for-profit organizations (within the meaning of section 4(3)(B) of such Act), or

''(B) $100, times the total number of Individual Development Accounts maintained by such institution under such program during such taxable year.

''(d) OTHER DEFINITIONS.—For purposes of this section, the terms 'Individual Development Account' and 'qualified financial institution' have the meanings given such terms by section 4 of the Savings for Workings Families Act.

''(e) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations providing for a recapture of the credit allowed under this section in cases where there is a forfeiture under section 105(b) of the Savings for Workings Families Act in a subsequent taxable year of any amount which was taken into account in determining the amount of such credit.''

(b) TRANSFER TO TRUST FUNDS.—The Secretary of the Treasury shall transfer from the general fund of the United States Treasury to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, and the Federal Hospital Insurance Trust Fund amounts equivalent to the amount of the reduction in taxes imposed by section 3111 of the Internal Revenue Code of 1986 by reason of the credit determined under section 30B (relating to the individual development account investment credit for qualified financial institutions). Any such transfer shall be made at the same time that the reduced taxes would have been deposited in such Trust Funds.

(c) CONFORMING AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 30A the following:

''Sec. 30B. Individual development account investment credit for qualified financial institutions.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1999.

SEC. 202. CRA CREDIT PROVIDED FOR INDIVIDUAL DEVELOPMENT ACCOUNT PROGRAMS.

Qualified financial institutions which establish individual development account programs under section 101 shall receive credit for funding, administration, and education expenses under the services test contained in regulations for the Community Reinvestment Act of 1977 for those activities related to Individual Development Accounts.

SEC. 203. DESIGNATION OF EARNED INCOME TAX CREDIT PAYMENTS FOR DEPOSIT TO INDIVIDUAL DEVELOPMENT ACCOUNT.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income credit) is amended by adding at the end the following:

''(o) DESIGNATION OF CREDIT FOR DEPOSIT TO INDIVIDUAL DEVELOPMENT ACCOUNT.—

''(1) IN GENERAL.—With respect to the return of any eligible individual (as defined in section 4(1) of the Savings for Working Families Act) for the taxable year of the tax imposed by this chapter, such individual may

designate that a specified portion (not less than $1) of any overpayment of tax for such taxable year which is attributable to the credit allowed under this section shall be deposited by the Secretary into an Individual Development Account (as defined in section 4(2) of such Act) of such individual. The Secretary shall so deposit such portion designated under this paragraph.

''(2) MANNER AND TIME OF DESIGNATION.—A designation under paragraph (1) may be made with respect to any taxable year—

''(A) at the time of filing the return of the tax imposed by this chapter for such taxable year, or

''(B) at any other time (after the time of filing the return of the tax imposed by this chapter for such taxable year) specified in regulations prescribed by the Secretary.

Such designation shall be made in such manner as the Secretary prescribes by regulations.

''(3) PORTION ATTRIBUTABLE TO EARNED INCOME TAX CREDIT.—For purposes of paragraph (1), an overpayment for any taxable year shall be treated as attributable to the credit allowed under this section for such taxable year to the extent that such overpayment does not exceed the credit so allowed.

''(4) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under paragraph (1) shall be treated as being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by this chapter (determined without regard to extensions) or, if later, the date the return is filed.

''(5) TERMINATION.—This subsection shall not apply to any taxable year beginning after December 31, 2006.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1999.●

By Mr. GRAMS (for himself, Mr. ABRAHAM, and Mr. KYL):

S. 896. A bill to abolish the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

THE DEPARTMENT OF ENERGY ABOLISHMENT ACT OF 1999

Mr. GRAMS. Mr. President, I rise to introduce The Department of Energy Abolishment Act of 1999. I am pleased to include as original cosponsors Senator SPENCER ABRAHAM and Senator JON KYL and want to thank them for their support both this year and in past Congresses.

I would also like to say that Congressman TODD TIAHRT will be introducing his DOE elimination bill today in the House of Representatives and I thank him for his continued leadership and cooperation on this issue.

As many of my colleagues are aware, the effort to eliminate the DOE is not a new endeavor. In fact, since its inception, experts have been clamoring to eliminate the Department and to move its programs back to the agencies from which they were taken—agencies better suited to achieving specific programmatic goals.

When we began to look into the specifics of DOE elimination in the 104th Congress, we considered three main issues. First, we examined the fact that the Department of Energy no longer has a mission—a situation clearly reflected by the fact that nearly 85 percent of its budget is expended upon ''non-energy'' programs.

The Department was created to develop a long-term energy strategy with an ultimate goal of energy indepedence. Sadly, we are now far more reliant upon foreign energy sources than we were when the Department was created.

During the long oil lines of the 1970s, we were about 35 percent dependent on foreign oil. Today, it is more than 60 percent. So our foreign oil dependency has grown, and a lack of an energy strategy is a result of the failure of the DOE.

I recall at one point Secretary Hazel O'Leary commented that we should consider taking the word ''energy'' out of the Department's name because it was such a small portion of its overall activity. Next, we studied those programs charged to the DOE and reviewed its ability to meet the related job requirements.

And finally, we looked at the DOE's ever-increasing budget in light of the first two criterion—determining whether the taxpayers should be forced to expend nearly $18 billion annually on this bureacratic hodgepodge.

Now, I want to be up front and say for the record that I acknowledge the difficulties inherent in eliminating a cabinet-level agency. I am keenly aware that the chances of passing this bill into law in this Congress, with this Administration, and in a presidential election year are difficult.

Those chances may be exactly as they were in 1996 when I first introduced this legislation and when we held our first hearing on the matter, but unfortunately, the reasons for offering the bill haven't changed.

In 1996, the opponents of this legislation charged that it was unnecessary. They claimed that the Department was headed in the right direction and making the changes necessary to both justify its mission and reduce its bloated budget.

The call of many Members of Congress to eliminate the Department encouraged a group of DOE supporters to back a hastily arranged set of objectives in defense of the DOE's record of mismanagement.

At the time of the 1996 hearings on this legislation, the backers of the Department relied largely on the DOE's Strategic Alignment and Downsizing Initiative as a defense against charges that the Department wasted too much money and that the Department was involved in a two-decades old scavenger hunt for new missions.

The Strategic Alignment and Downsizing Initiative, its proponents claimed, would save taxpayers over $14 billion in 5 years and change the way the DOE conducted business. Regrettably, those projections were never met and the Initiative was never taken seriously—even by the same people who touted its promise.

In fact, while they have continued their reluctance to reduce their budget—they have continuously sought billions of dollars in budget increase to fund their on-going mission creep. So I think its worthwhile to look back on the great hopes those opposed to my bill placed on this proposal.

While speaking about this legislation on September 4, 1996, in the Energy and Natural Resources Committee, Senator Bennett Johnston said, ''Maybe all of this would be worth doing if we were going to save the taxpayers a lot of money. But the operational savings claimed by S. 1678 by the Heritage Foundation are actually less than the operational savings that would be realized by the Department's on-going strategic realignment initiative, savings that the GAO has testified are real.''

In other words, the Senator was saying that the Department of Energy would save more money for the taxpayers by doing a better job than we could by eliminating the department.

As I stated earlier, Mr. President, the Strategic Alignment and Downsizing Initiative—the great hope of DOE's defenders in 1996—hasn't achieved one red cent of budgetary savings over the last 4 years, and it doesn't appear that anything is going to change anytime soon. Regrettably, the Strategic Alignment and Downsizing Initiative isn't the only improvement the Department has failed to make over the past four years.

Today, commercial nuclear waste still sits at 73 sites in 34 states despite both legal and contractual obligations that mandated the removal of the waste by January 31, 1998, more than a year ago.

Since my election to the Senate in 1994, I have listened to a parade of DOE witnesses tell the Energy and Natural Resources Committee that they are committed to resolving this conflict and living up to their responsibilities. Every nominee I have questioned has told me how important this issue is to them and how they are going to work with Congress. But not one of them—not one—in any substantive way, has taken actions which generate faith in Congress that the DOE is capable of fulfilling its promises. Again—not one—nominee has delivered on their promises—instead, of what they need to say to get confirmed and then return to business as usual.

They don't keep their promises. They say what they need to say, what Congress wants to hear to get confirmed, and then they go on with business as usual.

Today, the Government Performance and Results Act paints a clear picture of how difficult it is to get a grip on the size of problems at the Department

of Energy. The Department's final strategic plan, which took four years of preparation, scored a pathetic 43.5 points out of a possible 100. That is how good this is.

And the DOE's FY99 annual performance plan was ranked fourth from last of all government agencies—scoring 30 out of a possible 100. No business, no college student, no family, could consistently perform so miserably and yet maintain a cushy existence of even larger and larger budgets.

But thanks to an indifferent Administration, and a Congress that places too little importance on its oversight role, the DOE continues along with the knowledge that its protectors will keep the lights on and the funding flowing without any regard for the American taxpayer.

And today, as this nation continues to grow increasingly dependent upon foreign oil—in total contrast to the DOE's core mission. Even in light of this Administration's focus on alternative energy, the DOE expends less than one-sixth of its budget on ''energy'' related programs—a trend that clearly will continue well into the future.

Let me be the first to state that the proposals contained within this bill are not all of my own. The idea to eliminate the Department of Energy is not a new one—since its creation in 1978, experts have been clamoring to abolish this ''agency in search of a mission.'' This bill represents the comments and input of many who have worked in these fields for decades, but, I consider it a work in progress.

Under the Department of Energy Abolishment Act of 1999, we dismantle the patchwork quilt of government initiatives—reassembling them into agencies better equipped to accomplish their basic goals; we refocus and increase federal funding towards basic research by eliminating corporate welfare; and, we abolish the bloated, duplicative upper management bureaucracy.

First, we begin by eliminating Energy's cabinet-level status and establishing a three-year Resolution Agency to oversee the transition. This is critical to ensuring progress continues to be made on the core programs.

Under Title I, the Federal Energy Regulatory Commission (FERC) is spun off to become an independent agency, as it was prior to the creation of the DOE. The division which oversees hearings and appeals is eliminated, with all pending cases transferred to the Department of Justice for resolution within 1 year. The functions of the Energy Information Administration are transferred to the Department of Interior with the instruction to privatize as many as possible. And with the exception of research being conducted by the DOE labs, basic science and energy research functions are transferred to Interior for determination on which are basic research, and which can be privatized. Those deemed as core research will be transferred to the National Science Foundation and reviewed by an independent commission. Those that are more commercial in nature will be subject to disposition recommendations by the Secretary of Interior.

The main reasoning behind this is to ensure the original mission of the DOE—to develop this nation's energy independence—is carried out.

With scarce taxpayer dollars currently competing against defense and cleanup programs within the DOE, it's no surprise that little progress has been made. However, by refocusing dollars into competitive alternative energy research, we will maximize the potential for areas such as solar, wind, biomass, etc.

For states like Minnesota, where the desire for renewable energy technologies is high, growth in these areas could help fend off our growing dependence upon foreign oil while protecting our environment.

Under Title II, the laboratory structure within the DOE is revamped.

First, the three ''defense labs'' are transferred to the Defense Department. They include Sandia, Los Alamos and Lawrence Livermore. The remaining labs are studied by a ''Non-defense Energy Laboratory Commission''.

This independent commission operates much like the Base Closure Commission and can recommend restructuring, privatization or a transfer to the DOD as alternatives to closure. Congress is granted fast-track authority to adopt the Commission's recommendations.

Title III directs the General Accounting Office to assess an inventory of the Power Marketing Administration's assets, liabilities, etc. This inventory is aimed at ensuring fair treatment of current customers and a fair return to the taxpayers. All issues, including payments by current customers, must be included in the GAO audit.

Petroleum Reserves are the focus of Title IV. The Naval Petroleum Reserve is targeted for immediate sale. Any of the reserves that are unable to be disposed of within the three-year window will be sold transitionally from the Interior Department.

The Strategic Petroleum Reserve is transferred to the Defense Department and an audit on value and maintenance costs is conducted by the GAO. Then, the DOD is charged with determining how much oil to maintain for national security purposes after reviewing the GAO report.

Under Titles V and VI, all of the national security and environmental restoration/management activities are sent to the Department of Defense.

Therefore, all defense-related activities are transferred back to Defense, but are placed in a new civilian controlled agency (the Defense Nuclear Programs Agency) to ensure budget firewalls and civilian control over sensitive activities such as arms control and nonproliferation activities.

And the program which has received much criticism as of late, the Civilian Nuclear Waste Program, is transferred to the Corps of Engineers. This section dovetails legislation adopted by the Senate last Congress. A key element is that the interim storage site is designated at Nevada's Test Site Area 25.

As I mentioned in the beginning of my statement, while I believe we should eliminate the Department as cabinet-level agency, I appreciate the difficulty involved in accomplishing this goal now and realize the opposition to this among many of my colleagues. For that reason, I believe it is important to point out that the reasons I have outlined for eliminating the Department have a dual purpose—they can also serve as reasons for improving the Department.

Toward that end, I am willing to work with any Member of the Senate and House to improve, downsize, or restructure the DOE. I have long advocated positions which are consistent with my beliefs.

I am an original co-sponsor of The Nuclear Waste Policy Act of 1999—legislation I believe is essential to fulfilling the DOE's promises to America's ratepayers and taxpayers. I have been a strong supporter of legislation and efforts which are aimed at improving our nation's energy security by promoting domestically produced alternative and renewable fuels. Those efforts have included support for extending the ethanol tax credit, including biodiesel as an alternative fuel under the Energy Policy Act, cosponsoring the Wind Energy Tax Credit, cosponsoring the Poultry Litter Tax Credit legislation, and cosponsoring legislation to reform the hydropower relicensing process.

Briefly, I believe those efforts strengthen the original mission of the Department of Energy. My bottom line is, I want America's taxpayers to be assured they are receiving a proper return on their investment.

The taxpayers need to have confidence they are receiving the services they deserve. Unfortunately, the record of the Department of Energy is evidence in part of our reliance upon foreign oil, by the nuclear waste program debacle and by the low ratings it receives under the Government Performance and Results Act, and is a record of failure the taxpayers should no longer be forced to bear.

I patiently awaited the reforms and savings promised by the Department and its advocates, but the waiting continues and the savings never developed. As long as this is the case, I will continue to offer my legislation to dismantle the Department of Energy and shift its responsibilities elsewhere.

By Mr. BAUCUS (for himself and Mr. HAGEL):

S. 897. A bill to provide matching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

FEDERALLY IMPACTED SCHOOL IMPROVEMENT ACT

Mr. HAGEL. Mr. President, I join the senior Senator from Montana, Senator BAUCUS, in introducing the Federally Impacted School Improvement Act. This bipartisan legislation is designed to renew and enhance the partnership between the federal government and schools located on or around Indian reservations and military bases.

For almost fifty years Congress has provided financial assistance to school districts impacted by a federal presence. Up until 1994, Congress also provided funding to help these communities defray the cost of building and repairing their schools.

The loss of this particular revenue over the last five years, combined with the continued under-funding for almost 15 years of the impact aid program in general, has left school districts that serve military and Indian children scrambling to finance their routine costs. As a result, many of these schools now have buildings that are antiquated, overcrowded and compromise the health and safety of their students.

The Federally Impacted School Improvement Act takes a step toward correcting this situation by providing matching grants that impacted schools can use to address their most pressing modernization needs. This Act authorizes a federal appropriation of $50 million for each of the next five fiscal years for impact aid school construction and repair.

Forty-five percent of the funds appropriated under the bill go to Indian lands. Another forty-five percent is dedicated to military schools. The final ten percent will be reserved for emergency situations.

In order to make limited federal funds go farther, our bill calls for local communities to contribute their share to this effort. Schools and communities will have to match the federal grants on all but the 10% appropriated for emergencies. This is done to ensure that all—or at least more—impacted schools will have the opportunity to use these new grants to improve their facilities.

The federal government cannot and should not be all things to all people. However, Congress has a responsibility to ensure that highly impacted school districts, such as Bellevue and Santee, Nebraska, are not shortchanged.

The hardships faced by our military personnel, their families and individuals living on Indian reservations are well known. Their children deserve no less than the best educational facilities.

The Federally Impacted School Improvement Act helps to meet our commitment to schools and children impacted by a federal presence. It makes good use of our limited federal resources. It embodies what we should be doing more of—building partnerships between local communities, taxpayers and government in order to strengthen our schools.

I urge my colleagues to support this legislation. I also request unanimous consent that the bill and a letter sent to me by the Northern Nebraska Native American Consortium be placed in the RECORD.

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

S. 897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the ''Federally Impacted School Improvement Act''.

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

(1) In 1950 Congress recognized its obligation, through the passage of Public Law 81–815, to provide school construction funding for local educational agencies impacted by the presence of Federal activities.

(2) The conditions of federally impacted school facilities providing educational programs to children in areas where the Federal Government is present have deteriorated to such an extent that the health and safety of the children served by such agencies is being compromised, and the school conditions have not kept pace with the increase in student population causing classrooms to become severely overcrowded and children to be educated in trailers.

(3) Local educational agencies in areas where there exists a significant Federal presence have little if any capacity to raise local funds for purposes of capital construction, renovation and repair due to the nontaxable status of Federal land.

(4) The need for renewed support by the Federal Government to help federally connected local educational agencies modernize their school facilities is far greater in 2000 than at any time since 1950.

(5) Federally connected local educational agencies and the communities the agencies serve are willing to commit local resources when available to modernize and replace existing facilities, but do not always have the resources available to meet their total facility needs due to the nontaxable presence of the Federal Government.

(6) Due to the conditions described in paragraphs (1) through (5) there is in 1999, as there was in 1950, a need for Congress to renew its obligation to assist federally connected local educational agencies with their facility needs.

(c) PURPOSE.—The purpose of this Act is to provide matching grants to local educational agencies for the modernization of minimum school facilities that are urgently needed because—

(1) the existing school facilities of the agency are in such disrepair that the health and safety of the students served by the agency is threatened; and

(2) increased enrollment results in a need for additional classroom space.

SEC. 2. DEFINITIONS.

In this Act:

(1) MODERNIZATION.—The term ''modernization'' means the repair, renovation, alteration, or construction of a facility, including—

(A) the concurrent installation of equipment; and

(B) the complete or partial replacement of an existing facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the facility.

(2) FACILITY.—The term ''facility'' means a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, the primary purpose of which is the instruction of public elementary school or secondary school students.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965.

(4) SECRETARY.—The term ''Secretary'' means—

(A) with respect to funds made available under paragraph (1) or (3) of section 4(a) for grants under section 6 or 8, respectively, the Secretary of Education; and

(B) with respect to funds made available under paragraph (2) of section (4)(a) for grants under section 6, the Secretary of Defense.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Education to carry out this Act $50,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(b) PROHIBITION.—None of the funds authorized to be appropriated under subsection (a) shall be available to a local educational agency to pay the cost of administration of the activities assisted under this Act.

SEC. 4. FEDERAL DISTRIBUTION OF FUNDING.

(a) IN GENERAL.—From amounts appropriated under section 3(a) for a fiscal year the Secretary of Education—

(1) shall use 45 percent to award grants under section 6 to local educational agencies—

(A) that are eligible for assistance under section 8002(a); and

(B) for which the number of children determined under section 8003(a)(1)(C) of the Elementary and Secondary Education Act of 1965 constitutes at least 25 percent of the number of children who were in average daily attendance in the schools of such local educational agency during the school year preceding the school year for which the determination is made;

(2) shall make available to the Secretary of Defense 45 percent to enable the Secretary of Defense to award grants under section 6 to local educational agencies for which the number of children determined under subparagraphs (A), (B), and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 constitutes at least 25 percent of the number of children who were in average daily attendance in the schools of such local educational agency during the school year preceding the school year for which the determination is made; and

(3) shall use 10 percent to award grants under section 8.

(b) DEPARTMENT OF DEFENSE FUNDING.—

(1) IN GENERAL.—Not later than 30 days after the date the Secretary of Education receives funds appropriated under section 3(a)

for a fiscal year, the Secretary of Education shall make available to the Secretary of Defense from such funds the portion of such funds described in subsection (a)(2) for the fiscal year. The Secretary of Defense shall use the portion to award grants under section 6 through the Office of Economic Adjustment of the Department of Defense.

(2) LIMITATIONS.—

(A) ADMINISTRATIVE EXPENSES.—No funds made available under subsection (a)(2) shall be used by the Secretary of Defense to pay the costs of administration of the activities assisted under this Act.

(B) SPECIAL RATE.—No funds made available under subsection (a)(2) shall be used to replace Federal funds provided to enhance the quality of life of dependents of members of the Armed Forces as determined by the Secretary of Defense.

SEC. 5. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—A local educational agency shall be eligible to receive funds under this Act if—

(1) the local educational agency is described in paragraph (1) or (2) of section 4(a); and

(2) the local educational agency—

(A) received a payment under section 8002 of the Elementary and Secondary Education Act of 1965 during the fiscal year preceding the fiscal year for which the determination is made, and the assessed value of taxable property per student in the school district of the local educational agency is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

(B) received a basic payment under section 8003(b) of the Elementary and Secondary Education Act of 1965 during the fiscal year preceding the fiscal year for which the determination is made, and for which the number of children determined under subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 constituted at least 25 percent of the number of children who were in average daily attendance in the schools of such local educational agency during the school year preceding the school year for which the determination is made.

(b) SPECIAL RULE.—Any local educational agency described in subsection (a)(2)(B) may apply for funds under this section for the modernization of a facility located on Federal property (as defined in section 8013 of the Elementary and Secondary Education Act of 1965) only if the Secretary determines that the number of children determined under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 who were in average daily attendance in such facility constituted at least 50 percent of the number of children who were in average daily attendance in the facilities of the local educational agency during the school year preceding the school year for which the determination is made.

SEC. 6. BASIC GRANTS.

(a) AWARD BASIS.—From the amounts made available under paragraphs (1) and (2) of section 4(a) the Secretary shall award grants to local educational agencies on such basis as the Secretary determines appropriate, including—

(1) in the case of a local educational agency described in section 5(a)(2)(A), a high percentage of the property in the school district of the local educational agency is nontaxable due to the presence of the Federal Government;

(2) in the case of a local educational agency described in section 5(a)(2)(B), a high number or percentage of children determined under subparagraphs (A), (B), (C), and (D) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965;

(3) the extent to which the local educational agency lacks the fiscal capacity, including the ability to raise funds through the full use of the local educational agency's bonding capacity and otherwise, to undertake the modernization project without Federal assistance;

(4) the need for modernization to meet—

(A) the threat the condition of the facility poses to the safety and well-being of students;

(B) the requirements of the Americans with Disabilities Act of 1990;

(C) the costs associated with asbestos removal, energy conservation, and technology upgrading; and

(D) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment;

(5) the facility needs of the local educational agency resulting from the acquisition or construction of military family housing under subchapter IV of chapter 169 of title 10, United Sates Code, and other actions of the Federal Government that cause an adverse impact on the facility needs of the local educational agency; and

(6) the age of the facility to be modernized regardless of whether the facility was originally constructed with funds authorized under Public Law 81–815.

(b) GRANT AMOUNT.—In determining the amount of a grant the Secretary shall—

(1) consider the relative costs of the modernization;

(2) determine the cost of a project based on the local prevailing cost of the project;

(3) require that the Federal share of the cost of the project shall not exceed 50 percent of the total cost of the project;

(4) not provide a grant in an amount greater than $3,000,000 over any 5-year period; and

(5) take into consideration the amount of cash available to the local educational agency.

(c) ADMINISTRATION OF GRANTS.—In awarding grants under this section the Secretary shall—

(1) establish by regulation the date by which all applications are to be received;

(2) consider in-kind contributions when calculating the 50 percent matching funds requirement described in subsection (b)(3); and

(3) subject all applications to a review process.

(d) SECTION 8007 FUNDING.—In awarding grants under this section, the Secretary shall not take into consideration any funds received under section 8007 of the Elementary and Secondary Education Act of 1965.

SEC. 7. APPLICATIONS REQUIRED.

(a) IN GENERAL.—Each local educational agency desiring a grant under this Act shall submit an application to the Secretary.

(b) CONTENTS.—Each application shall contain—

(1) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 in average daily attendance in each facility;

(2) a description of the ownership of the property on which the current facility is located or on which the planned facility will be located;

(3) a description of each architectural, civil, structural, mechanical, or electrical deficiency to be corrected with funds provided under this Act, including the priority for the repair of the deficiency;

(4) a description of any facility deficiency that poses a health or safety hazard to the occupants of the facility and a description of how that deficiency will be repaired;

(5) a description of the criteria used by the local educational agency to determine the type of corrective action necessary to meet the purposes of this Act;

(6) a description of the modernization to be supported with funds provided under this Act;

(7) a cost estimate of the proposed modernization;

(8) an identification of other resources (such as unused bonding capacity), if applicable, that are available to carry out the modernization, and an assurance that such resources will be used for the modernization;

(9) a description of how activities assisted with funds provided under this Act will promote energy conservation; and

(10) such other information and assurances as the Secretary may reasonably require.

(c) CONTINUING CONSIDERATION.—A local educational agency that applies for assistance under this Act (other than section 8) for any fiscal year and does not receive the assistance shall have the application for the assistance considered for the following 5 fiscal years.

SEC. 8. EMERGENCY GRANTS.

(a) WAIVER OF MATCHING REQUIREMENT.—From the amount made available under section 4(a)(3) the Secretary shall award grants to any local educational agency for which the number of children determined under section 8003(a)(1)(C) constituted at least 50 percent of the number of children who were in average daily attendance in the schools of such agency during the school year preceding the school year for which the determination is made, if the Secretary determines a facility emergency exists that poses a health or safety hazard to the students and school personnel assigned to the facility.

(b) CERTIFICATION OF EMERGENCY.—In addition to meeting the requirements of section 7, a local educational agency desiring funds under this section shall include in the application submitted under section 7 a signed statement from a State official certifying that a health or safety deficiency exists.

(c) GRANT AMOUNT; PRIORITIZATION RULES; CONTINUING CONSIDERATION.—

(1) GRANT AMOUNT.—In determining the amount of grant awards under this section, the Secretary shall make every effort to fully meet the facility needs of the local educational agencies applying for funds under this section.

(2) PRIORITIZATION RULE.—If the Secretary receives more than 1 application under this section for any fiscal year, the Secretary shall prioritize the applications based on when an application was received and the severity of the emergency as determined by the Secretary.

(3) CONTINUING CONSIDERATION.—A local educational agency that applies for assistance under this section for any fiscal year and does not receive the assistance shall have the application for the assistance considered for the following fiscal year, subject to the prioritization requirement described in paragraph (2).

SEC. 9. REQUIREMENTS.

(a) MAINTENANCE OF EFFORT.—A local educational agency may receive a grant under this Act for any fiscal year only if the Secretary finds that either the combined fiscal

effort per student or the aggregate expenditures of that agency and the State with respect to the provision of free public education by such local educational agency for the preceding fiscal year was not less than 90 percent of such combined fiscal effort or aggregate expenditures for the fiscal year for which the determination is made.

(b) SUPPLEMENT NOT SUPPLANT.—An eligible local educational agency shall use funds received under this subsection only to supplement the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the modernization of school facilities used for educational purposes, and not to supplant such funds.

SEC. 10. GENERAL LIMITATIONS.

(a) REAL PROPERTY.—No part of any grant funds awarded under this Act shall be used for the acquisition of any interest in real property.

(b) MAINTENANCE.—Nothing in this Act shall be construed to authorize the payment of maintenance costs in connection with any facilities modernized in whole or in part with Federal funds provided under this Act.

(c) ENVIRONMENTAL SAFEGUARDS.—All projects carried out with Federal funds provided under this Act shall comply with all relevant Federal, State, and local environmental laws and regulations.

(d) ATHLETIC AND SIMILAR FACILITIES.—No funds received under this Act shall be used for outdoor stadiums or other facilities that are primarily used for athletic contests or exhibitions, or other events, for which admission is charged to the general public.

NORTHERN NEBRASKA
NATIVE AMERICAN CONSORTIUM,
Niobrara, NE, March 29, 1999.

Hon CHUCK HAGEL,
U.S. Senator, Russell Office Building, Washington, DC.

DEAR SENATOR HAGEL: The member schools of the Northern Nebraska Native American Consortium have gone on record in support of National Association of Federally Impacted Schools (NAFIS) construction funding in the ESEA reauthorization proposals. We would be receptive to any federal options for funding the viable construction needs of the Native American students being served by member schools.

These Nebraska schools currently educate 98% if all Indian students living on reservation land. The NAC schools currently have significant construction needs ranging from meeting ADA requirements to updating firm alarm systems. Several Nebraska school districts are, or have, passed bond issues for construction of new schools or modernizing old ones. Our school districts only option is Impact Aid or other federally connected funding for construction purposes. The State of Nebraska statutorily exclude state aid as a construction funding mechanism, such aid can only be used for general fund purposes.

Please consider the importance of meeting federal treaty obligations. Such treaties mandate the education of the Native American students on reservation land. If state and federal education standards are to be met, a positive learning environment must be met. We thank you for your attention to this matter.

Kindest Regards,

FLORENCE PARKER,
Board President, Omaha Nations Public School.

MARCIA ROSS,
Board Member, Walthill Public School.

C. TODD CHESSMORE,
Supt., Omaha Nations Public School.

DR. TONY GARCIA,
Supt., Walthill Public School.

MARLENE WHITE,
Board President, Santee Community School.

TERRY MEDINA,
Board President, Winnebago Public School.

CHARLES D. SQUIER,
Supt., Santee Community School.

DR. VIRGIL LIKNESS,
Supt., Winnebago Public School.

By Mr. COVERDELL:

S. 898. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers with greater notice of any unlawful inspection or disclosure of their return or return information; to the Committee on Finance.

TAXPAYER PRIVACY PROTECTION IMPROVEMENT ACT OF 1999

Mr. COVERDELL. Mr. President, I rise today to report on the implementation of the Taxpayer Browsing Protection Act of 1997. Two years ago, the Congress passed and the President signed into law, legislation I proposed with Senator John Glenn that sought to end the egregious protection of unauthorized inspections of taxpayer files. Something I prefer to call ''file snooping.''

I am pleased to report that, according to a GAO report my office is releasing today, it appears that the Taxpayer Browsing Protection Act is working. But, we still have work to do. The report demonstrates that file snooping still occurs, but the incidents have become fewer. I believe this is good news for taxpayers.

At the same time, as I stated previously, our work is not done. The GAO found that sixteen confirmed cases of file snooping occurred since the enactment of the Taxpayer Browsing Protection Act, each of which had been appropriately referred for prosecution. Unfortunately, 15 cases were declined for prosecution meaning there was only one case in which taxpayers were notified that their privacy had been violated. In those 15 cases, the affected taxpayers were not assured the opportunity to seek the civil recourse available under the law.

I believe we have a duty to correct this loophole. Taxpayers not only have a right to know their privacy, entrusted by them to the Federal Government, has been violated, that we let them down, but that the opportunity to seek the relief provided under the law is ensured.

Legislation I introduce today, the Taxpayer Privacy Protection Improvement Act of 1999, will ensure taxpayers' right to know. In short, it triggers the notification of taxpayers that their files have been snooped to the point where a case is referred for prosecution following the conclusion of a thorough internal investigation.

This proposal builds on our previous progress, and I encourage my colleagues to join me in this effort.

By Mr. HATCH (for himself, Mr. THURMOND, Mr. SPECTER, Mr. DEWINE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. SESSIONS, and Mr. GRAMS):

S. 899. A bill to reduce crime and protect the public in the 21st Century by strengthening Federal assistance to State and local law enforcement, combating illegal drugs and preventing drug use, attacking the criminal use of guns, promoting accountability and rehabilitation of juvenile criminals, protecting the rights of victims in the criminal justice system, and improving criminal justice rules and procedures, and for other purposes; to the Committee on the Judiciary.

TWENTY-FIRST CENTURY JUSTICE ACT

Mr. HATCH. Mr. President, today I am proud to introduce the Twenty-first Century Justice Act. Last month, when I announced this initiative, along with my colleagues Senator THURMOND, Senator DEWINE, Senator ASHCROFT, Senator SESSIONS, Senator ABRAHAM, and Senator GRAMS, I noted that despite some modest gains in the fight against crime, violent crime still touched far too many Americans. Sadly, this has been borne out in the weeks since.

As the recent tragedies in Littleton, CO, and in my own hometown of Salt Lake City, UT, remind us, crime in America is still too prevalent and violent. The tragic cost imposed on law-abiding citizens requires reasoned and thoughtful action to deter these heinous crimes. We must come together as a society to address this problem.

Furthermore, we should recognize that there is little the Federal Government could have done directly to have prevented the tragedies in Littleton and elsewhere. There are, however, important steps we can take to address this issue. Our crime bill takes such steps.

Now, let me describe for my colleagues how this bill, which is a balanced, comprehensive, and focused plan to fight crime, will expand current successful law enforcement practices. It is based on what we know reduces crime. Be it increased methamphetamine abuse in Utah and other Western states, further increases in juvenile crime, or the threat of international crime, we know that our plan will make a significant difference.

Our plan maintains and strengthens the current federal assistance to States that has proven invaluable in reducing crime nationally, and it adds new initiatives that will further reduce crime at the federal, state, and local levels. I

am proud of our plan, and I look forward to working with the administration and my Senate colleagues to enact it.

America witnessed an unprecedented growth in crime during the 20th century. Our plan ensures that we will become the 21st century with decreasing crime rates. Our plan contains four central elements:

First, it continues and improves Federal assistance to State and local law enforcement. Second, it reinvigorates our commitment to winning the war on drugs. Third, it emphasizes holding violent offenders accountable by vigorously prosecuting gun crimes. And fourth, it includes needed judicial and criminal procedure reforms and protections for the rights of crime victims.

Notwithstanding the leadership we have seen here in Congress and by many of our nation's governors, crime in America is still unacceptably high by historical standards. For example, for 1997—the most recent year for which national crime rate statistics are available—the murder rate was 33 percent higher than it was in 1960, and the rape rate was 413 percent higher than in 1960. In 1997, the aggravated assault rate was 526 percent higher than it was in 1960. Even with the modest declines in recent years, America still has more violent crime than any industrialized nation in the world. The first obligation of government is to protect its citizens from crime. Obviously, despite the recent declines, we have a long way to go in reducing crime in America.

Despite the recent progress—much of it in partnership with Governors like Mike Leavitt of Utah, George Allen and Jim Gilmore of Virginia, and George W. Bush of Texas—we cannot become complacent. The most troubling aspect of the Clinton Justice Department's budget is its elimination of block grants that have proven so successful in helping state and local authorities reduce crime. We simply cannot become indifferent. Remember the war on drugs? During the Reagan and Bush administrations, our nation began a national, long-term commitment to fight drug abuse. Due to these efforts, drug use began to decline. However, drug use, especially among teenagers, has exploded since 1992. Unless we remain vigilant, the same will happen with violent crime.

Permit me to review each of the four main parts to our legislative crime plan in greater detail.

CONTINUING AND IMPROVING FEDERAL ASSISTANCE TO STATE AND LOCAL LAW ENFORCEMENT

Combined with our ongoing commitment to prevention and treatment, our bill extends the authorization for the highly successful partnership we have created with local law enforcement—the Local Law Enforcement Block Grant Program, which the Republican Congress created in the Contract with America. Since fiscal year 1996, this program has provided more than $2 billion in funding for equipment and technology, such as radios and scanners, directly to state and local law enforcement. The authorization for this program will be between $600–700 million per year. Although the block grant has been extremely effective in assisting state and local law enforcement, the Clinton administration budget eliminates funding for this program.

Our bill also reauthorizes the truth-in-sentencing prison grants at approximately $700 million per year. These truth-in-sentencing grants, which provide funds to States to build prisons, have been instrumental in lowering crime by encouraging States to incarcerate violent and repeat offenders for at least 85 percent of their sentence. In January, the Justice Department reported that 70 percent of prison admissions in 1997 were in States requiring criminals to serve at least 85 percent of their sentence. More significantly, the average time served by violent criminals nationally has increased 12.2 percent since 1993. Perhaps the biggest reason for recent declines in violent crime is due to these truth-in-sentencing prison grants. Simply put, violent criminals cannot commit crimes against innocent victims while in prison. Our bill continues this successful program and makes the program more flexible by allowing States to use the funds for jails and juvenile facilities, in addition to prison construction.

Despite this success, the Clinton administration eliminates funding for the Truth-in-Sentencing program—even though many States have changed their laws due to this federal commitment to assist in prison construction. Nothing deters and prevents violent crime as well as incarcerating violent and repeat offenders.

Our bill also includes the Juvenile Accountability Incentive Block Grant to help States build juvenile detention centers, drug test juvenile offenders, establish graduated sentencing sanctions for repeat juvenile offenders, and improve juvenile record keeping. This provision authorizes $450 million for the Juvenile Accountability Incentive Block Grant. It also includes $435 million for prevention programs and reauthorizes the Office of Juvenile Justice and Delinquency Prevention within the Justice Department. The administration's budget eliminates funding for the Juvenile Accountability Incentive Block Grant, even though these are the only federal funds dedicated to juvenile law enforcement purposes.

Finally, our bill reauthorizes and reforms the COPS program re-targeting this assistance to the type of policing we know works—zero tolerance for crime, computer tracking of criminal hot spots, and holding commanders responsible for results.

A COMMITMENT TO WINNING THE WAR ON DRUGS

The second major part of this legislative addresses drugs. This section focuses attention where only the federal government has the ability to make a difference—drug interdiction. It also increases the penalties for methamphetamine and powder cocaine trafficking. Our bill encourages States to keep prisons and jails drug-free to break the link between drugs and crime—and provides bonus grants to help States do this. And our bill includes a faith-based drug treatment bill designed by Senator ABRAHAM. I would especially like to thank and acknowledge the leadership that Senators ASHCROFT and DEWINE have shown in fighting drugs, particularly methamphetamine. Their leadership has been invaluable on this issue.

HOLDING VIOLENT OFFENDERS ACCOUNTABLE THROUGH FIREARMS PROSECUTIONS

I do not support gun control, but I do believe in crime control. In addition to remaining true to truth-in-sentencing and prison construction, our bill builds on and expands a successful Richmond, Virginia program in which the U.S. Attorney's office prosecutes as many local gun-related crimes in federal court as possible to take advantage of federal mandatory minimum sentences and stiff bond rules. This provision does not create additional federal crimes, but instead utilizes existing federal statues. This program builds on the Project Triggerlock program which was implemented by the Bush administration.

This program emphasizes cooperation between state and federal prosecutors, as well as the BATF and the local police departments. The last major component of this program is an extensive media campaign to promote the message to potential criminals that ''[a]n illegal gun will get you five years in federal prison.'' The media campaign also encourages citizens to report gun crimes to authorities. This program has been a huge success. Homicides have decreased 50 percent in Richmond after this program was implemented. Our bill provides funds to implement this program in major cities across the nation.

Again, the Clinton administration's record on gun prosecutions is troubling. Between 1992 and 1997, Triggerlock gun prosecutions dropped nearly 50 percent, from 7,045 to 3,765. These are prosecutions of defendants who use a firearm in the commission of a felony.

JUDICIAL-PROCEDURAL REFORMS AND VICTIMS' RIGHTS

The last major element of our crime plan enacts procedural and judicial reforms that improve the administration of justice. Our bill reforms the Miranda rule to allow voluntary statements in evidence. It codifies common-sense procedural issues, including the ''good-faith'' exception to exclusionary rule,

and further reforms habeas corpus appeals.

Our bill also recognizes that the administration of justice requires government to safeguard the interests of victims. How can there be justice if crime victims feel victimized by the criminal justice system? The bill ensures that victims are given respect in the criminal system, ensuring their right to attend trials in federal court, to be heard at critical stages such as detention hearings, and to be notified when the defendant is released or escapes. Our bill also calls for ratification of a crime victim's rights constitutional amendment to ensure that these rights are recognized everywhere in America. Our bill also steers necessary funds toward combating violence against women and children, and strengthens federal mandatory restitution laws.

This bill is not a panacea for our crime problem. We are faced, I believe, with a problem which cannot be solved alone by new laws. It is, at its core, a moral problem. Somehow, in too many instances, we have failed as a society to pass to the next generation the moral compass that differentiates right from wrong. This problem cannot be solved by legislation alone. It cannot be restored by the enactment of a new law or the implementation of a new program But it can be achieved by families and communities working together to teach accountability by example and by early intervention when the signs point to violent and antisocial behavior.

Our bill is a step in the right direction. I urge my colleagues to support this important crime fighting legislation, which will strengthen our nation's ability to protect citizens from the scourge of violent crime.

By Mr. BINGAMAN:

S. 901. A bill to provide disadvantaged children with access to dental services; to the Committee on Health, Education, Labor, and Pensions.

CHILDREN'S DENTAL HEALTH IMPROVEMENT ACT OF 1999

Mr. BINGAMAN. Mr. President, I rise today to introduce a measure that is one cornerstone of a series of initiatives that are designed to help ensure that the fundamental needs of children in New Mexico and this country are met. This cornerstone, the Children's Dental Health Improvement Act of 1999, is built on the belief that children must have access to quality, affordable health care. A child who is sick cannot go to school, cannot be expected to learn, and cannot be expected to grow and thrive. For New Mexico, this is a particularly compelling need because according to the Children's Defense Fund, no state has a greater percentage of uninsured children than New Mexico. Specifically, the bill is designed to increase access to dental services for our children.

Some will say: ''Why care about a few cavities in kids?'' In reality, this is a complex children's health issue. Chronically poor oral health is associated with growth and development problems in toddlers and compromises children's nutritional status. These children suffer great pain and cannot play or learn. It is estimated that lack of treatment for these children results in missed school days: an estimated 52 million school hours annually. Their personal suffering is real. In reality, untreated dental problems get progressively worse and ultimately require more expensive interventions.

Medicaid's Early and Periodic Screening Diagnosis and Treatment, or ''EPSDT,'' program requires states to not only pay for a comprehensive set of child health services, including dental services, but to assure delivery of those services. Unfortunately, low income children do not get the dental service they need. Despite the design of the Medicaid program to reach children and ensure access to routine dental care, the Inspector General of the Department of Health and Human Services reported in 1996 that only 18 percent of children eligible for Medicaid received even a single preventive dental service. The same report shows that no state provides preventive services to more than 50% of eligible children. Dentist participation is too low to assure access. We are falling short of our obligation to these children.

In the past few months, I have had the opportunity to speak to many of New Mexico's rural health care providers and have learned that for New Mexico, the problem is of crisis proportions. Less than two percent of New Mexico's Medicaid dollars are used for children's oral health needs. My state alone projects a shortage of 157 dentists and 229 dental hygienists. Children in New Mexico and elsewhere are showing up in emergency rooms for treatment of tooth abscesses instead of getting their cavities filled early on or having dental decay prevented in the first place.

Tooth decay remains the single most common chronic disease of childhood and according to the Children's Dental Health Project, it affects more than half of all children by second grade. Tooth decay in children six years old is five to eight times more common than asthma which is often cited as the most common chronic disease of childhood.

National data confirm that pediatric oral health in the U.S. is backsliding. Healthy People 2000 goals for dental needs of children will not be met. As this chart shows:

52% of our 6 to 8 year olds have dental caries or cavities compared to 54% in 1986. Our goal was to decrease this to 35% by the year 2000; we have succeeded in a mere 2% change in this area.

Additionally, we have slid backwards in some areas. The Healthy People 2000 oral health indicators show an increase in the percentage of children with untreated cavities. In 1986, 28% of our 6 to 8 year olds had untreated cavities compared to now when we find 31% of these children have untreated cavities.

Tooth decay is increasingly a disease of low and modest income children. A substantial portion of decay in young children goes untreated. In fact, forty seven per cent of decay in children aged 2 through 9, is untreated.

The Children's Dental Health Improvement Act of 1999 is designed to attack the problem from many fronts. First, the bill addresses the issue of provider shortage by expanding opportunities for training pediatric dental health care providers. It allows for the Secretary to look at the reimbursement rates for dental providers as an incentive for dentists to participate in the Medicaid program so that we work toward increasing the actual care provided under the Medicaid program. Additionally, I have looked at the need for pediatric dental research to facilitate better approaches for care and it will put into place greater measures for surveillance of the problem. The bill would lead to increased accountability in the area of actual treatment once a problem is identified. Finally, I have included a section on health promotion and disease prevention to increase the number of children who have access to fluoridated water systems and dental sealants to prevent cavities.

I recognize that this is an ambitious bill and that the issue of access to dental care for children covered by the Medicaid program is a complex one. I want to thank the various groups that have worked on the formulation of this legislation. In particular, I want to thank Drs. Burt Edelstein and Heber Simmons of the American Academy of Pediatric Dentistry for their hard work and excellent information. I also want to thank the American Association of Dental Schools, the American Dental Hygienist Association, the American Dental Association, the Hispanic Dental Association, the National Dental Association, and the American Association for Dental Research for their valuable input and I look forward to working with them all to ensure that we achieve increased access to oral health care for our children.

I am committed to solving the problem of adequate access to dental care for our children and view this as a public health issue that has gone unnoticed for too long. I will welcome my colleagues to work with me to ensure that these children have healthy smiles instead of chronic pain from untreated problems.

Mr. President, I ask unanimous consent to have the text of the Children's Dental Health Improvement Act of 1999 printed in the RECORD.

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

S. 901

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Children's Dental Health Improvement Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—EXPANDED OPPORTUNITIES FOR TRAINING PEDIATRIC DENTAL HEALTH CARE PROVIDERS
Sec. 101. Children's dental health training and demonstration programs.
Sec. 102. Increase in National Health Service Corps dental training positions.
Sec. 103. Maternal and child health centers for leadership in pediatric dentistry education.
Sec. 104. Dental officer multiyear retention bonus for the Indian Health Service.
Sec. 105. Medicare payments to approved nonhospital dentistry residency training programs; permanent dental exemption from voluntary residency reduction programs.
Sec. 106. Dental health professional shortage areas.
TITLE II—ENSURING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER THE MEDICAID AND SCHIP PROGRAMS
Sec. 201. Increased FMAP and fee schedule for dental services provided to children under the medicaid program.
Sec. 202. Required minimum medicaid expenditures for dental health services.
Sec. 203. Requirement to verify sufficient numbers of participating dental health professionals under the medicaid program.
Sec. 204. Inclusion of recommended age for first dental visit in definition of EPSDT services.
Sec. 205. Approval of final regulations implementing changes to EPSDT services.
Sec. 206. Use of SCHIP funds to treat children with special dental health needs.
Sec. 207. Grants to supplement fees for the treatment of children with special dental health needs.
Sec. 208. Demonstration projects to increase access to pediatric dental services in underserved areas.
TITLE III—PEDIATRIC DENTAL RESEARCH
Sec. 301. Identification of interventions that reduce the burden and transmission of oral, dental, and craniofacial diseases in high risk populations; development of approaches for pediatric oral and craniofacial assessment.
Sec. 302. Agency for Health Care Policy and Research.
Sec. 303. Oral health professional research and training program.
Sec. 304. Consensus development conference.
TITLE IV—SURVEILLANCE AND ACCOUNTABILITY
Sec. 401. CDC reports.
Sec. 402. Reporting requirements under the medicaid program.
Sec. 403. Administration on Children, Youth, and Families.
Sec. 404. Special supplemental food program for women, infants, and children.
TITLE V—ORAL HEALTH PROMOTION AND DISEASE PREVENTION
Sec. 501. Grants to increase resources for community water fluoridation.
Sec. 502. Community water fluoridation.
Sec. 503. Community-based dental sealant program.
TITLE VI—MISCELLANEOUS
Sec. 601. Effective date.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The 1995 Institute of Medicine report on dental education finds that oral health is an integral part of total health, and is integral to comprehensive health, including primary care.

(2) Tooth decay is the most prevalent preventable chronic disease of childhood and only the common cold, the flu, and otitis media occur more often among young children.

(3) Despite the design of the medicaid program to reach children and ensure access to routine dental care, in 1996, the Inspector General of the Department of Health and Human Services reported that only 18 percent of children eligible for medicaid received even a single preventive dental service.

(4) The United States is facing a major dental health care crisis that primarily affects the poor children of our country, with 80 percent of all dental caries in children found in the 20 percent of the population.

(5) Low income children eligible for the medicaid program and the State children's health insurance program experience disproportionately high levels of oral disease.

(6) The United States is not training enough pediatric dental health care providers to meet the increasing need for dental services for children.

(7) The United States needs to increase access to health promotion and disease prevention activities in the area of oral health for children by increasing access to dental health providers for children.

TITLE I—EXPANDED OPPORTUNITIES FOR TRAINING PEDIATRIC DENTAL HEALTH CARE PROVIDERS

SEC. 101. CHILDREN'S DENTAL HEALTH TRAINING AND DEMONSTRATION PROGRAMS.

(a) IN GENERAL.—Subpart 2 of part E of title VII of the Public Health Service Act, as amended by the Health Professions Education Partnerships Act of 1998 (Public Law 105-392) is amended by adding at the end the following:

''SEC. 771. CHILDREN'S DENTAL HEALTH PROGRAMS.

''(a) TRAINING PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Bureau of Health Professions, shall develop training materials to be used by health professionals to promote oral health through health education.

''(2) DESIGN.—The materials developed under paragraph (1) shall be designed to enable health care professionals to—

''(A) provide information to individuals concerning the importance of oral health;

''(B) recognize oral disease in individuals; and

''(C) make appropriate referrals of individuals for dental treatment.

''(3) DISTRIBUTION.—The materials developed under paragraph (1) shall be distributed to—

''(A) accredited schools of the health sciences (including schools for physician assistants, schools of medicine, osteopathic medicine, dental hygiene, public health, nursing, pharmacy, and dentistry), and public or private institutions accredited for the provision of graduate or specialized training programs in all aspects of health; and

''(B) health professionals and community-based health care workers.

''(b) DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary shall make grants to schools that train pediatric dental health providers to meet the costs of projects—

''(A) to plan and develop new training programs and to maintain or improve existing training programs in providing dental health services to children; and

''(B) to assist dental health providers in managing complex dental problems in children.

''(2) ADMINISTRATION.—

''(A) AMOUNT.—The amount of any grant under paragraph (1) shall be determined by the Secretary.

''(B) APPLICATION.—No grant may be made under paragraph (1) unless an application therefore is submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

''(C) ELIGIBILITY.—To be eligible for a grant under subsection (a), the applicant must demonstrate to the Secretary that it has or will have available full-time faculty and staff members with training and experience in the field of pediatric dentistry and support from other faculty and staff members trained in pediatric dentistry and other relevant specialties and disciplines such as dental public health and pediatrics, as well as research.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.''.

(b) AUTHORIZATION OF APPROPRIATIONS FOR GENERAL AND PEDIATRIC DENTISTRY.—Section 747(e)(2)(A) of the Public Health Service Act (42 U.S.C. 293k(e)(2)(A), as amended by the Health Professions Education Partnerships Act of 1998 (Public Law 105-392) is amended in striking clause (iv) and inserting the following:

''(iv) not less than $8,000,000 for awards of grants and contracts under subsection (a) to programs of pediatric or general dentistry.''.

SEC. 102. INCREASE IN NATIONAL HEALTH SERVICE CORPS DENTAL TRAINING POSITIONS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall increase the number of dental health providers skilled in treating children who become members of the Commissioned Corps of the U.S. Health Service and who are assigned to duty for the National Health Service Corps (referred to in this section as the ''Corps'') under subpart II of part D of title III of the Public Health Service Act (42 U.S.C. 254d et seq.) so that there are at least 100 additional Commissioned Corps dentists and dental hygienists in the Corps by 2001, at least 150 additional dentists and dental hygienists in the Commissioned Corps by 2002, and at least 300 additional dentists and dental hygienists in the Commissioner Corps by 2003.

(b) DETERMINATION OF DENTAL SITE READINESS.—By not later than January 1, 2001, the

Secretary shall collaborate with dental education institutions, State and local public health dental officials and dental hygienist societies to determine dental site readiness, specifically in inner city, rural, frontier and border areas.

(c) REPORT BY CORPS.—The Corps shall annually report to Congress concerning how the Corps is meeting the oral health needs of children in underserved areas, including rural, frontier and border areas.

(d) LOAN REPAYMENT PROGRAM.—The Secretary shall increase the number of Corps dentists selected for loan repayments under the provisions referred to in subsection (a) in a sufficient number to address the demand for such repayment by qualified dentists. The Secretary shall increase the number of private practice dentists who contract with the Corps and allow for such student loan repayment.

(e) PEDIATRIC DENTISTS.—The Secretary shall ensure that at least 20 percent of the dentists in the Corps are pediatric dentists and that another 20 percent of the dentists in the Corps have general dentistry residency training.

SEC. 103. MATERNAL AND CHILD HEALTH CENTERS FOR LEADERSHIP IN PEDIATRIC DENTISTRY EDUCATION.

(a) EXPANSION OF TRAINING PROGRAMS.—The Secretary of Health and Human Services shall, through the Bureau of Health Professions, establish at least 10 Pediatric Dental Centers of Excellence with not less than 36 additional training positions annually for pediatric dentists at such centers of excellence. The Secretary shall ensure that such training programs are established in geographically diverse areas.

(b) DEFINITION.—In this section, the term 'centers of excellence' means a health professions school designated under section 736 of the Public Health Service Act (42 U.S.C. 293).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.

SEC. 104. DENTAL OFFICER MULTIYEAR RETENTION BONUS FOR THE INDIAN HEALTH SERVICE.

(a) TERMS AND DEFINITIONS.—In this section:

(1) DENTAL OFFICER.—The term ''dental officer'' means an officer of the Indian Health Service designated as a dental officer.

(2) DIRECTOR.—The term ''Director'' means the Director of the Indian Health Service.

(3) CREDITABLE SERVICE.—The term ''creditable service'' includes all periods that a dental officer spent in graduate dental educational (GDE) training programs while not on active duty in the Indian Health Service and all periods of active duty in the Indian Health Service as a dental officer.

(4) RESIDENCY.—The term ''residency'' means a graduate dental educational (GDE) training program of at least 12 months leading to a speciality, including general practice residency (GPR) or a 12-month advanced education general dentistry (AEGD).

(5) SPECIALTY.—The term ''specialty'' means a dental specialty for which there is an Indian Health Service specialty code number.

(b) REQUIREMENTS FOR BONUS.—

(1) IN GENERAL.—An eligible dental officer of the Indian Health Service who executes a written agreement to remain on active duty for 2, 3, or 4 years after the completion of any other active duty service commitment to the Indian Health Service may, upon acceptance of the written agreement by the Director, be authorized to receive a dental officer multiyear retention bonus under this section. The Director may, based on requirements of the Indian Health Service, decline to offer such a retention bonus to any specialty that is otherwise eligible, or to restrict the length of such a retention bonus contract for a specialty to less than 4 years.

(2) LIMITATIONS.—Each annual dental officer multiyear retention bonus authorized under this section shall not exceed the following:

(A) $14,000 for a 4-year written agreement.

(B) $8,000 for a 3-year written agreement.

(C) $4,000 for a 2-year written agreement.

(c) ELIGIBILITY.—

(1) IN GENERAL.—In order to be eligible to receive a dental officer multiyear retention bonus under this section, a dental officer shall—

(A) be at or below such grade as the Director shall determine;

(B) have at least 8 years of creditable service, or have completed any active duty service commitment of the Indian Health Service incurred for dental education and training;

(C) have completed initial residency training, or be scheduled to complete initial residency training before September 30 of the fiscal year in which the officer enters into a dental officer multiyear retention bonus written service agreement under this section; and

(D) have a dental specialty in pediatric dentistry or oral and maxillofacial surgery, or be a dental hygienist with a minimum of a baccalaureate degree.

(2) EXTENSION TO OTHER OFFICERS.—The Director may extend the retention bonus to dental officers other than officers with a dental specialty in pediatric dentistry based on demonstrated need. The criteria used as the basis for such an extension shall be equitably determined and consistently applied.

(d) TERMINATION OF ENTITLEMENT TO SPECIAL PAY.—The Director may terminate at any time a dental officer's multiyear retention bonus contract under this section. If such a contract is terminated, the unserved portion of the retention bonus contract shall be recouped on a pro rata basis. The Director shall establish regulations that specify the conditions and procedures under which termination may take place. The regulations and conditions for termination shall be included in the written service contract for a dental officer multiyear retention bonus under this section.

(e) REFUNDS.—

(1) IN GENERAL.—Prorated refunds shall be required for sums paid under a retention bonus contract under this section if a dental officer who has received the retention bonus fails to complete the total period of service specified in the contract, as conditions and circumstances warrant.

(2) DEBT TO UNITED STATES.—An obligation to reimburse the United States imposed under paragraph (1) is a debt owed to the United States.

(3) NO DISCHARGE IN BANKRUPTCY.—Notwithstanding any other provision of law, a discharge in bankruptcy under title 11, United States Code, that is entered less than 5 years after the termination of a retention bonus contract under this section does not discharge the dental officer who signed such a contract from a debt arising under the contract or paragraph (1).

SEC. 105. MEDICARE PAYMENTS TO APPROVED NONHOSPITAL DENTISTRY RESIDENCY TRAINING PROGRAMS; PERMANENT DENTAL EXEMPTION FROM VOLUNTARY RESIDENCY REDUCTION PROGRAMS.

(a) MEDICARE PAYMENTS TO APPROVED NONHOSPITAL DENTISTRY TRAINING PROGRAMS.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following:

''(l) PAYMENTS FOR NONHOSPITAL BASED DENTAL RESIDENCY TRAINING PROGRAMS.—

''(1) IN GENERAL.—Beginning January 1, 2000, the Secretary shall make payments under this paragraph to approved nonhospital based dentistry residency training programs providing oral health care to children for the direct and indirect expenses associated with operating such training programs.

''(2) PAYMENT AMOUNT.—

''(A) METHODOLOGY.—The Secretary shall establish procedures for making payments under this subsection.

''(B) TOTAL AMOUNT OF PAYMENTS.—In making payments to approved non-hospital based dentistry residency training programs under this subsection, the Secretary shall ensure that the total amount of such payments will not result in a reduction of payments that would otherwise be made under subsection (h) or (k) to hospitals for dental residency training programs.

''(C) APPROVED PROGRAMS.—The Secretary shall establish procedures for the approval of nonhospital based dentistry residency training programs under this subsection.''.

(b) PERMANENT DENTAL EXEMPTION FROM VOLUNTARY RESIDENCY REDUCTION PROGRAMS.—

(1) IN GENERAL.—Section 1886(h)(6)(C) of the Social Security Act (42 U.S.C. 1395ww(h)(6)(C)) is amended—

(A) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting such subclauses (as so redesignated) appropriately;

(B) by striking ''For purposes'' and inserting the following:

''(i) IN GENERAL.—Subject to clause (ii), for purposes''; and

(C) by adding at the end the following:

''(ii) DEFINITION OF 'APPROVED MEDICAL RESIDENCY TRAINING PROGRAM'.—In this subparagraph, the term 'approved medical residency training program' means only such programs in allopathic or osteopathic medicine.''.

(2) APPLICATION TO DEMONSTRATION PROJECTS AND AUTHORITY.—Section 4626(b)(3) of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note) is amended by inserting ''in allopathic or osteopathic medicine'' before the period.

(c) REMOVAL OF DENTISTS FROM FULL-TIME EQUIVALENT COUNT AVERAGING PROVISIONS.—

(1) MEDICARE IME.—Section 1886(d)(5)(B)(vi) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(B)(vi)) is amended by adding at the end the following: ''The determination (based on the 3-year average) described in subclause (II) shall apply only to residents in the fields of allopathic medicine and osteopathic medicine. All other residents shall be counted based on the actual full-time equivalent resident count for the cost-reporting period involved.''.

(2) MEDICARE DIRECT GME.—Section 1886(h)(4)(G)(i) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(G)(i)) is amended by adding at the end the following: ''Such determination (based on the 3-year average) shall apply only to residents in the fields of allopathic medicine and osteopathic medicine. All other residents shall be counted based on the actual full-time equivalent resident count for the cost-reporting period involved.''.

(d) DEFINITION OF PRIMARY CARE RESIDENT.—Section 1886(h)(5)(H) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(H)) is amended by striking ''or osteopathic general

practice'' and inserting ''osteopathic general practice, general dentistry, advanced general dentistry, pediatric dentistry, or dental public health''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a), (c), and (d) take effect on the date of enactment of this Act.

(2) EXCEPTION.—The amendments made by subsection (b) shall take effect as if included in the enactment of the Balanced Budget Act of 1997.

SEC. 106. DENTAL HEALTH PROFESSIONAL SHORTAGE AREAS.

(a) DESIGNATION.—Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended by adding at the end the following:

''(4)(A) In designating health professional shortage areas under this section, the Secretary may designate certain areas as dental health professional shortage areas if the Secretary determines that such areas have a severe shortage of dental health professionals. The Secretary shall develop, publish and periodically update criteria to be used in designating dental health professional shortage areas.

''(B) For purposes of this title a dental health professional shortage area shall be considered to be a health professional shortage area.''.

''(C) In subparagraph (A), the term 'dental health professional' includes general and pediatric dentists and dental hygienists.''.

(b) LOAN REPAYMENT PROGRAM.—Section 338B(b)(1)(A) of the Public Health Service Act (42 U.S.C. 254l–1(b)(1)(A)) is amended by inserting ''(including dental hygienists)'' after ''profession''.

(c) TECHNICAL AMENDMENT.—Section 331(a)(2) of the Public Health Service Act (42 U.S.C. 254d(a)(2)) is amended by inserting ''(including dental health services)'' after ''services''.

TITLE II—ENSURING DELIVERY OF PEDIATRIC DENTAL SERVICES UNDER THE MEDICAID AND SCHIP PROGRAMS

SEC. 201. INCREASED FMAP AND FEE SCHEDULE FOR DENTAL SERVICES PROVIDED TO CHILDREN UNDER THE MEDICAID PROGRAM.

(a) INCREASED FMAP.—Section 1903(a)(5) of the Social Security Act (42 U.S.C. 1396b(a)(5)) is amended—

(1) by striking ''equal to 90 per centum'' and inserting ''equal to—

''(A) 90 per centum'';

(2) by inserting ''and'' after the semicolon; and

(3) by adding at the end the following:

''(B) the greater of the Federal medical assistance percentage or 75 per centum of the sums expended during such quarter which are attributable to dental services for children;''.

(b) FEE SCHEDULE.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) in paragraph (65), by striking the period and inserting ''; and''; and

(2) by inserting after paragraph (65) the following:

''(66) provide for payment under the State plan for dental services for children at a rate that is designed to create an incentive for providers of such services to treat children in need of dental services (but that does not result in a reduction or other adverse impact on the extent to which the State provides dental services to adults).''.

SEC. 202. REQUIRED MINIMUM MEDICAID EXPENDITURES FOR DENTAL HEALTH SERVICES.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 201(b), is amended—

(1) in paragraph (65), by striking ''and'' at the end;

(2) in paragraph (66), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (66) the following:

''(67) provide that, beginning with fiscal year 2000—

''(A) not less than an amount equal to 7 percent of the total annual expenditures under the State plan for medical assistance provided to children will be expended during each fiscal year for dental services for children (including the prevention, screening, diagnosis, and treatment of dental conditions); and

''(B) the State will not reduce or otherwise adversely impact the extent to which the State provides dental services to adults in order to meet the requirement of subparagraph (A).''.

SEC. 203. REQUIREMENT TO VERIFY SUFFICIENT NUMBERS OF PARTICIPATING DENTAL HEALTH PROFESSIONALS UNDER THE MEDICAID PROGRAM.

Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)), as amended by section 202, is amended—

(1) in paragraph (66), by striking ''and'' at the end;

(2) in paragraph (67), by striking the period and inserting ''; and''; and

(3) by inserting after paragraph (67) the following:

''(68) provide that the State will—

''(A) annually verify that the number of dental health professionals (as defined in section 332(a)(4)(C) of the Public Health Service Act) participating under the State plan—

''(i) satisfies the minimum established degree of participation of dental health professionals (as defined in section 332(a)(4)(C) of the Public Health Service Act) to the population of children in the State, as determined by the Secretary in accordance with the criteria used by the Secretary under section 332(a)(4) of such Act (42 U.S.C. 254e(a)(4)) to designate a dental health professional shortage area; and

''(ii) is sufficient to ensure that children enrolled in the State plan have the same level of access to dental services as the children residing in the State who are not eligible for medical assistance under the State plan; and

''(B) collect data on the number of children being served by dental health professionals as compared to the number of children eligible to be served, and the actual services provided.''.

SEC. 204. INCLUSION OF RECOMMENDED AGE FOR FIRST DENTAL VISIT IN DEFINITION OF EPSDT SERVICES.

Section 1905(r)(1)(A)(i) of the Social Security Act (42 U.S.C. 1396d(r)(1)(A)(i)) is amended by inserting ''and, with respect to dental services under paragraph (3), in accordance with guidelines for the age of a first dental visit that are consistent with guidelines of the American Dental Association, the American Dental Hygienist Association, the American Academy of Pediatric Dentistry, and the Bright Futures program of the Health Resources and Services Administration of the Department of Health and Human Services,'' after ''vaccines,''.

SEC. 205. APPROVAL OF FINAL REGULATIONS IMPLEMENTING CHANGES TO EPSDT SERVICES.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations implementing the proposed regulations based on section 6403 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2262) that were contained in the Federal Register issued for October 1, 1993.

SEC. 206. USE OF SCHIP FUNDS TO TREAT CHILDREN WITH SPECIAL DENTAL HEALTH NEEDS.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by striking ''or subsection (u)(3)'' and inserting ''subsection (u)(3), or subsection (u)(4)''; and

(2) in subsection (u)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph:

''(4)(A) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for medical assistance described in subparagraph (B) for a low-income child described in subparagraph (C), but only in the case of such a child who resides in a State described in subparagraph (D).

''(B) For purposes of subparagraph (A), the medical assistance described in this subparagraph consists of the following:

''(i) Dental services provided to children with special oral health needs, including advanced oral, dental, and craniofacial diseases and conditions.

''(ii) Outreach conducted to identify and treat children with such special dental health needs.

''(C) For purposes of subparagraph (A), a low-income child described in this subparagraph is a child whose family income does not exceed 50 percentage points above the medicaid applicable income level (as defined in section 2110(b)(4)).

''(D) A State described in this subparagraph is a State that, as of August 5, 1997, has under a waiver authorized by the Secretary or under section 1902(r)(2), established a medicaid applicable income level (as defined in section 2110(b)(4)) for children under 19 years of age residing in the State that is at or above 185 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section for a family of the size involved).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 4911 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 570).

SEC. 207. GRANTS TO SUPPLEMENT FEES FOR THE TREATMENT OF CHILDREN WITH SPECIAL DENTAL HEALTH NEEDS.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 511. GRANTS TO SUPPLEMENT FEES FOR THE TREATMENT OF CHILDREN WITH SPECIAL DENTAL HEALTH NEEDS.

''(a) AUTHORITY TO MAKE GRANTS.—

''(1) IN GENERAL.—In addition to any other payments made under this title to a State, the Secretary shall award grants to States to supplement payments made under the State programs established under titles XIX and XXI for the treatment of children with special oral health care needs.

''(2) DEFINITION OF CHILDREN WITH SPECIAL ORAL, DENTAL, AND CRANIOFACIAL HEALTH

CARE NEEDS.—In this section the term 'children with special oral health care needs' means children with oral, dental and craniofacial conditions or disorders, and other acute or chronic medical, genetic, and behavioral disorders with dental manifestations.

''(b) APPLICATION OF OTHER PROVISIONS OF TITLE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the other provisions of this title shall not apply to a grant made, or activities of the Secretary, under this section.

''(2) EXCEPTIONS.—The following provisions of this title shall apply to a grant made under subsection (a) to the same extent and in the same manner as such provisions apply to allotments made under section 502(c):

''(A) Section 504(b)(4) (relating to expenditures of funds as a condition of receipt of Federal funds).

''(B) Section 504(b)(6) (relating to prohibition on payments to excluded individuals and entities).

''(C) Section 506 (relating to reports and audits, but only to the extent determined by the Secretary to be appropriate for grants made under this section).

''(D) Section 508 (relating to nondiscrimination).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.''.

SEC. 208. DEMONSTRATION PROJECTS TO INCREASE ACCESS TO PEDIATRIC DENTAL SERVICES IN UNDERSERVED AREAS.

(a) AUTHORITY TO CONDUCT PROJECTS.—The Secretary of Health and Human Services, through the Administrator of the Health Care Financing Administration, the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, and the Director of the Centers for Disease Control and Prevention shall establish demonstration projects that are designed to increase access to dental services for children in underserved areas, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE III—PEDIATRIC DENTAL RESEARCH

SEC. 301. IDENTIFICATION OF INTERVENTIONS THAT REDUCE THE BURDEN AND TRANSMISSION OF ORAL, DENTAL, AND CRANIOFACIAL DISEASES IN HIGH RISK POPULATIONS; DEVELOPMENT OF APPROACHES FOR PEDIATRIC ORAL AND CRANIOFACIAL ASSESSMENT.

(a) IN GENERAL.—The Secretary of Health and Human Services, through the Maternal and Child Health Bureau, the Indian Health Service, and in consultation with the Agency for Health Care Policy and Research and the National Institutes of Health, shall—

(1) support community based research that is designed to improve our understanding of the etiology, pathogenesis, diagnosis, prevention, and treatment of pediatric oral, dental, craniofacial diseases and conditions and their sequelae in high risk populations;

(2) support demonstrations of preventive interventions in high risk populations; and

(3) develop clinical approaches to assess individual patients for pediatric dental disease.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, such sums as may be necessary to carry out this section.

SEC. 302. AGENCY FOR HEALTH CARE POLICY AND RESEARCH.

Section 902(a) of the Public Health Service Act (42 U.S.C. 299a(a)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the barriers that exist, including access to oral health care for children, and the establishment of measures of oral health status and outcomes.''.

SEC. 303. ORAL HEALTH PROFESSIONAL RESEARCH AND TRAINING PROGRAM.

Part G of title IV of the Public Health Service Act is amended by inserting after section 487E (42 U.S.C. 288-5) the following:

''SEC. 487F. ORAL HEALTH PROFESSIONAL RESEARCH AND TRAINING PROGRAM.

''(a) IN GENERAL.—The Secretary, in consultation with the Director of the National Institute of Dental and Craniofacial Research, shall establish a program under which the Secretary will enter into contracts with qualified oral health professionals and such professionals will agree to conduct research or provide training with respect to pediatric oral, dental, and craniofacial diseases and conditions and in exchange the Secretary will agree to repay, for each year of service, not more than $35,000 of the principal and interest of the educational loans of such professionals.

''(b) QUALIFIED ORAL HEALTH PROFESSIONAL.—

''(1) DEFINITION.—In this section, the term 'qualified oral health professional' includes dentists and allied dental personnel serving in faculty positions.

''(2) SPECIAL PREFERENCE.—In entering into contacts under subsection (a), the Secretary shall give preference to qualified oral health professionals—

''(A) who are serving, or who have served in research or training programs of the National Institute of Dental and Craniofacial Research; or

''(B) who are providing services at institutions that provide oral health care to underserved pediatric populations in rural or border areas.

''(c) PRIORITIES.—The Secretary shall annually determine the clinical and basic research and training priorities for contracts under subsection (a), including dental caries, orofacial accidents or traumas, birth defects such as cleft lip and palate and severe malocclusions, and new techniques and approaches to treatment.

''(d) CONTRACTS, OBLIGATED SERVICE, AND BREACH OF CONTRACT.—The provisions of section 338B concerning contracts, obligated service, and breach of contract, except as inconsistent with this section, shall apply to contracts under this section to the same extent and in the same manner as such provisions apply to contracts under such section 338B.

''(e) AVAILABILITY OF FUNDS.—Amounts available for carrying out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.''.

SEC. 304. CONSENSUS DEVELOPMENT CONFERENCE.

(a) IN GENERAL.—Not later than April 1, 2000, the Secretary of Health and Human Services, acting through the National Institute of Child Health and Human Development and the National Institute of Dental and Craniofacial Research, shall convene a conference (to be known as the ''Consensus Development Conference'') to examine the management of early childhood caries and to support the design and conduct of research on the biology and physiologic dynamics of infectious transmission of dental caries. The Secretary shall ensure that representatives of interested consumers and other professional organizations participate in the Consensus Development Conference.

(b) EXPERTS.—In administering the conference under subsection (a), the Secretary of Health and Human Services shall solicit the participation of experts in dentistry, including pediatric dentistry, dental hygiene, public health, and other appropriate medical and child health professionals.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE IV—SURVEILLANCE AND ACCOUNTABILITY

SEC. 401. CDC REPORTS.

(a) COLLECTION OF DATA.—The Director of the Centers for Disease Control and Prevention in collaboration with other organizations and agencies shall annually collect data describing the dental, craniofacial, and oral health of residents of at least 1 State from each region of the Department of Health and Human Services.

(b) REPORTS.—The Director shall compile and analyze data collected under subsection (a) and annually prepare and submit to the appropriate committees of Congress a report concerning the oral health of certain States.

SEC. 402. REPORTING REQUIREMENTS UNDER THE MEDICAID PROGRAM.

Section 1902(a)(43)(D) of the Social Security Act (42 U.S.C. 1396a(43)(D)) is amended—

(1) in clause (iii), by striking ''and'' and inserting ''with the specific dental condition and treatment provided identified,'';

(2) in clause (iv), by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

''(v) the percentage of expenditures for such services that were for dental services,

''(vi) the percentage of dental health professionals (as defined in section 332(a)(4)(C) of the Public Health Service Act) who are licensed in the State and provide services commensurate with eligibility under the State plan, and

''(vii) collect and submit data on the number of children being served as compared to the number of children who are eligible for services, and the actual services provided;''.

SEC. 403. ADMINISTRATION ON CHILDREN, YOUTH, AND FAMILIES.

The Administrator of the Administration on Children, Youth, and Families shall annually prepare and submit to the appropriate committees of Congress a report concerning the percentage of children enrolled in a Head Start or Early Start program who have access to and who obtain dental care, including children with special oral, dental, and craniofacial health needs. The Administrator of the Administration of Children, Youth and Families shall seek methods to reestablish intraagency agreements with the Administrator of the Health Resources and Services Administration to address technical assistance for its grantees in addressing access to preventive clinical services.

SEC. 404. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended by adding at the end the following:

''(25) The State shall collect and submit data on the number of children being served

under this section as compared to the number of children who are eligible for services, and the actual services provided.''.

TITLE V—ORAL HEALTH PROMOTION AND DISEASE PREVENTION

SEC. 501. GRANTS TO INCREASE RESOURCES FOR COMMUNITY WATER FLUORIDATION.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Division of Oral Health of the Centers for Disease Control and Prevention, may make grants to State or locality for the purpose of increasing the resources available for community water fluoridation.

(b) USE OF FUNDS.—A State shall use amounts provided under a grant under subsection (a)—

(1) to purchase fluoridation equipment;

(2) to train fluoridation engineers; or

(3) to develop educational materials on the advantages of fluoridation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year.

SEC. 502. COMMUNITY WATER FLUORIDATION.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), acting through the Director of the Indian Health Service and the Director of the Centers for Disease Control and Prevention, shall establish a demonstration project that is designed to assist rural water systems in successfully implementing the Centers for Disease Control and Prevention water fluoridation guidelines entitled ''Engineering and Administrative Recommendations for Water Fluoridation'' (referred to in this section as the ''EARWF'').

(b) REQUIREMENTS.—

(1) COLLABORATION.—The Director of the Indian Health Services shall collaborate with the Director of the Centers for Disease Control and Prevention in developing the project under subsection (a). Through such collaboration the Directors shall ensure that technical assistance and training are provided to tribal programs located in each of the 12 areas of the Indian Health Service. The Director of the Indian Health Service shall provide coordination and administrative support to tribes under this section.

(2) GENERAL USE OF FUNDS.—Amounts made available under this section shall be used to assist small water systems in improving the effectiveness of water fluoridation and to meet the recommendations of the EARWF.

(3) FLUORIDATION SPECIALISTS.—

(A) IN GENERAL.—In carrying out this section, the Secretary shall provide for the establishment of fluoridation specialist engineering positions in each of the Dental Clinical and Preventive Support Centers through which technical assistance and training will be provided to tribal water operators, tribal utility operators and other Indian Health Service personnel working directly with fluoridation projects.

(B) LIAISON.—A fluoridation specialist shall serve as the principal technical liaison between the Indian Health Service and the Centers for Disease Control and Prevention with respect to engineering and fluoridation issues.

(C) CDC.—The Director of the Centers for Disease Control and Prevention shall appoint individuals to serve as the fluoridation specialists.

(4) IMPLEMENTATION.—The project established under this section shall be planned, implemented and evaluated over the 5-year period beginning on the date on which funds are appropriated under this section and shall be designed to serve as a model for improving the effectiveness of water fluoridation systems of small rural communities.

(c) EVALUATION.—In conducting the ongoing evaluation as provided for in subsection (b)(4), the Secretary shall ensure that such evaluation includes—

(1) the measurement of changes in water fluoridation compliance levels resulting from assistance provided under this section;

(2) the identification of the administrative, technical and operational challenges that are unique to the fluoridation of small water systems;

(3) the development of a practical model that may be easily utilized by other tribal, State, county or local governments in improving the quality of water fluoridation with emphasis on small water systems; and

(4) the measurement of any increased percentage of Native Americans or Alaskan Natives who receive the benefits of optimally fluoridated water.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year.

SEC. 503. SCHOOL-BASED DENTAL SEALANT PROGRAM.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Maternal and Child Health Bureau of the Health Resources and Services Administration, may award grants to States or localities to provide for the development of school-based dental sealant programs to improve the access of children to sealants.

(b) USE OF FUNDS.—A State shall use amounts received under a grant under subsection (a) to provide funds to eligible school-based entities or to public elementary or secondary schools to enable such entities or schools to provide children in second or sixth grade with access to dental care and dental sealant services. Such services shall be provided by licensed dental health professionals in accordance with State practice licensing laws.

(c) ELIGIBILITY.—To be eligible to receive funds under this section an entity shall—

(1) prepare and submit to the State an application at such time, in such manner and containing such information as the State may require; and

(2) be a public elementary or secondary school—

(A) that located in an urban area and in which and more than 50 percent of the student population is participating in Federal or State free or reduced meal programs; or

(B) that is located in a rural area and, with respect to the school district in which the school is located, the district involved has a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

Preference in awarding grants shall be provided to eligible entities that use dental health care professionals in the most cost effective manner.

(d) COORDINATION WITH OTHER PROGRAMS.—

(1) IN GENERAL.—An entity that receives funds from a State under this section shall serve as an enrollment site for purposes of enabling individuals to enroll in the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or in the State Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.).

(2) CONFORMING AMENDMENT.—Section 1920A(b)(3)(A)(i) of the Social Security Act (42 U.S.C. 1396r–1a(b)(3)(A)(i)) is amended—

(A) by striking ''or (II)'' and inserting '', (II)''; and

(B) by inserting '', or (III) is an eligible community-based entity or a public elementary or secondary school that participates in the school-based dental sealant program established under section 503 of the Children's Dental Health Improvement Act of 1999'' before the semicolon.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2000, and such sums as may be necessary for each subsequent fiscal year.

TITLE VI—MISCELLANEOUS

SEC. 601. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such amendments solely on the basis of its failure to meet the additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

By Mr. TORRICELLI (for himself, Mr. KERRY, Mrs. MURRAY, and Mrs. BOXER):

S. 902. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Finance.

EARLY TREATMENT FOR HIV ACT OF 1999

Mr. TORRICELLI. Mr. President, I rise today to introduce the Early Treatment for HIV Act. In recent years, exciting scientific breakthroughs have led to an improved understanding of AIDS and provided powerful new treatments for Americans living with HIV disease. Commonly known as the protease cocktail, these drugs have helped transform HIV into a manageable chronic disease. To be most effective, the medical community and the U.S. Department of Health and Human Services (HHS) recommends the use of these treatments early in the course HIV infection, before the onset of symptoms. Tragically though, the high cost of these drugs means that only those of significant financial means have access to them.

In another tragic irony, vulnerable low-income HIV-positive Americans cannot receive AIDS-preventing drugs under the Medicaid program until they develop full blown AIDS. By that time, their preventive value has greatly diminished. To correct this glaring flaw

in the Medicaid program, the Early Treatment for HIV Act will ensure that HIV positive, low income patients, will be eligible for medical services immediately.

The benefits of this legislation are overwhelming. A report released at the 12th World AIDS Conference in Geneva found that treatment for HIV early in the course of the disease is both medically and economically effective. Another report by the University of California found that expanding Medicaid to provide wider access to HIV therapies would prevent thousands of deaths and AIDS diagnoses, leading to 14,500 more years of life for persons living with HIV disease over five years.

In terms of economic savings, several recent studies have found that money spent ''up front'' on medications are offset by later savings on hospitalizations and other expensive care and treatments for AIDS-related illnesses. A report by the Medical Associates of Los Angeles found that each dollar spent on combination drugs therapies resulted in at least two dollars of savings and overall treatment costs.

Mr. President, the Early Treatment for HIV Act will help thousands of low-income people with HIV live longer, more fulfilling lives by allowing them to overcome the financial barriers to effective medical treatments.

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. 902

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 ''Early Treatment for HIV Act of 1999''.

SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME HIV-INFECTED INDIVIDUALS.

(a) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(10)(A)(ii)—

(A) by striking ''or'' at the end of subclause (XIII);

(B) by adding ''or'' at the end of subclause (XIV); and

(C) by adding at the end the following:

''(XV) who are described in subsection (aa) (relating to HIV-infected individuals);''; and

(2) by adding at the end the following new subsection:

''(aa) HIV-infected individuals described in this subsection are individuals not described in subsection (a)(10)(A)(i)—

''(1) who have HIV infection;

''(2) whose income (as determined under the State plan under this title with respect to disabled individuals) does not exceed the maximum amount of income a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan; and

''(3) whose resources (as determined under the State plan under this title with respect to disabled individuals) do not exceed the maximum amount of resources a disabled individual described in subsection (a)(10)(A)(i) may have and obtain medical assistance under the plan.''.

(b) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended, in the matter preceding paragraph (1)—

(1) by striking ''or'' at the end of clause (x);

(2) by adding ''or'' at the end of clause (xi); and

(3) by inserting after clause (xii) the following:

''(xii) individuals described in section 1902(aa);''.

(c) EXEMPTION FROM FUNDING LIMITATION FOR TERRITORIES.—Section 1108(g) of the Social Security Act (42 U.S.C. 1308(g)) is amended by adding at the end the following:

''(3) DISREGARDING MEDICAL ASSISTANCE FOR OPTIONAL LOW-INCOME HIV-INFECTED INDIVIDUALS.—The limitations under subsection (f) and the previous provisions of this subsection shall not apply to amounts expended for medical assistance for individuals described in section 1902(aa) who are only eligible for such assistance on the basis of section 1902(a)(10)(A)(ii)(XV).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning on or after the date of the enactment of this Act, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

By Mr. KOHL (for himself and Mr. DEWINE):

S. 903. A bill to facilitate the exchange by law enforcement agencies of DNA identification information relating to violent offenders, and for other purposes; to the Committee on the Judiciary.

VIOLENT OFFENDER DNA IDENTIFICATION ACT OF 1999

• Mr. KOHL. Mr. President, I rise today with Senator DEWINE to introduce the Violent Offender DNA Identification Act of 1999. This bipartisan measure will put more criminals behind bars by correcting practical and legal shortcomings that leave too much crucial DNA evidence unused and too many violent crimes unsolved.

Currently, all 50 states require DNA samples to be obtained from certain convicted offenders, and these samples increasingly can be shared through a national DNA database established by Federal law. This national database—part of the Combined Database Index System (CODIS)—enables law enforcement officials to link DNA evidence found at a crime scene with any suspect whose DNA is already on file. By identifying repeat offenders, this DNA sharing can and does make a difference. Already the FBI has recorded over 400 matches through DNA databases, helping solve numerous crimes. And in my home state of Wisconsin, experience proves that DNA ''sharing'' pays off. We've already had 19 ''hits'' that have assisted more than 20 criminal investigations. In fact, just a week before the statute of limitations ran out in a multiple rape investigation, DNA matching helped identify a serial rapist responsible for three rapes in Kenosha and a fourth in Racine. As a result, he's currently serving an 80-year sentence. Without DNA databases, suspects like this otherwise might never be discovered—or convicted.

As valuable as this system is, it is not as effective as it could—or should—be. The effectiveness of the database is directly related to the number of DNA profiles it contains. For every 1,000 new profiles, we can expect to find at least one match, and with every new profile added, the odds for a match increase. However, there are currently two major obstacles to the effective functioning of the database. Our measure would correct these problems and make the database far more productive.

First, hundreds of thousands of DNA samples that have already been collected still must be analyzed before they can be entered into the national database. The FBI estimates that there is a backlog of nearly 400,000 DNA samples from convicted offenders languishing, unanalyzed, in state crime laboratories for simple lack of funding.

Our measure will reduce the backlog of unanalyzed samples by providing the funding necessary to analyze them and put them ''on-line.'' It provides $30 million over two years to erase the backlog of the 400,000 unanalyzed samples and the almost-as-pressing backlog of approximately 200,000 more samples that need to be reanalyzed using state-of-the-art methods. For example, in Wisconsin, we have almost 2,000 samples that have not yet been analyzed, and more than 10,000 that need to be reanalyzed so they can be effectually shared through the national database.

Indeed, easing this backlog was the lead recommendation of the National Commission on the Future of DNA Evidence appointed by the Attorney General. As the Commission explained, ''the power of the CODIS program lies in the sheer numbers of convicted offender samples that are processed and entered into the database.''

Second, for some inexplicable reason, we do not collect samples from Federal and D.C. offenders. So while the database can identify a suspect whose DNA is on file in one of the 50 states, it generally won't catch a Federal or D.C. offender. Under current law, that suspect will not be identified; his crime may not be solved; and he could get off scot-free. We thought we already closed this loophole through 1996 legislation which provides that the FBI ''may expand [the database] to include Federal crimes and crimes committed in the District of Columbia,'' but Federal officials claim more express authority is necessary. We are not so sure they're right, but there is no need to wait any longer.

Our measure closes once and for all this loophole that allows DNA samples from Federal (including military) and

Washington, D.C. offenders to go uncollected. Under our proposal, DNA samples would be obtained from any Federal offender—or any D.C. offender under Federal custody or supervision—convicted of a violent crime or other qualifying offense. And it would require the collection of samples from juveniles found delinquent under Federal law for conduct that would constitute a violent crime if committed by an adult. Our proposal was prepared with the assistance of the FBI, the Administrative Office of the U.S. Courts, the Bureau of Prisons, the U.S. Parole Commission, agencies within the District of Columbia responsible for supervision of released felons, and the Department of Defense.

Mr. President, modern crime-fighting technology like DNA testing and DNA databases make law enforcement much more effective. But in order to take full advantage of these valuable resources, we need this measure to make the database as comprehensive—and as productive—as possible. Violent criminals should not be able to evade arrest simply because a state didn't analyze its DNA samples or because an inexcusable loophole leaves Federal and D.C. offenders out of the DNA database. This measure will ensure that we apprehend violent repeat offenders, regardless of whether they originally violated state, Federal or D.C. law. And, by collecting more DNA evidence and utilizing the best of DNA technology, we also can help exonerate individual suspects whose DNA does not match with particular crime scenes.

The Senate has already made clear that issues like these need to be addressed. In this year's Budget, we acknowledged that ''tremendous backlogs * * * prevent swift administration of justice and impede fundamental individual rights, such as the right to a speedy trial and to exculpatory evidence.'' We unanimously concluded that it was the Sense of the Senate that ''Congress should consider legislation that specifically addresses the backlogs in State and local crime laboratories and medical examiner's offices.''

Mr. President, this measure will help police use modern technology to solve crimes and prevent repeat offenders from committing new ones. So we look forward to working with our colleagues and with the Department of Justice to move this measure forward and help law enforcement keep pace with today's criminal.●

● Mr. DEWINE. Mr. President, today I rise to introduce the ''Violent Offender DNA Identification Act of 1999,'' with my colleague Senator HERB KOHL. Existing anti-crime technology can allow us to solve many violent crimes that occur in our communities—but in order for it to work, it has to be used.

I have been a longtime advocate for use of the Combined DNA Indexing System (CODIS), a national DNA database, to profile convicted offender DNA. In fact, during consideration of the Anti-Terrorism Act of 1996, I proposed a provision under which Federal convicted offenders' DNA would be included in CODIS. Unfortunately, the Department of Justice never implemented this law, though currently all 50 states collect DNA from convicted offenders.

One of the purposes of this legislation is to expressly require the collection of DNA samples from federally convicted felons, and military personnel convicted of similar offenses. Collection of convicted offender DNA is crucial to solving many of the crimes occurring in our communities. Statistics show that many of these violent felons will repeat their crimes once they are back in society. Since the Federal government does not collect DNA from these felons, however, law enforcement's ability to rapidly identify likely suspects is retarded. Collection of such data is critical.

The case of Mrs. Debbie Smith of Virginia underscores the importance of collection of DNA from convicted offenders. Debbie Smith was at her home in the middle of the day when a masked intruder entered her unlocked back door. Her husband, a police lieutenant, was upstairs sleeping. The stranger blindfolded Mrs. Smith and took her to a wooded area behind her house where he robbed and repeatedly raped her. After warning Mrs. Smith not to tell, the assailant let her go. She told her husband, who reported the incident, then took her to the hospital where evidence was collected for DNA analysis.

Debbie Smith's rape experience was so terrible that she contemplated taking her own life. She continued to live in constant fear until six-and-a-half years later when a state crime laboratory found a CODIS match with an inmate then serving in jail for abduction and robbery. In fact, the offender was jailed on another offense one month after raping her. There are thousands of other crimes the DNA database can solve. With CODIS we can grant countless victims, like Mrs. Smith, peace of mind and bring their attackers swiftly to justice.

We need to do everything we can to make sure law enforcement has access to these tools. A major obstacle facing state and local crime laboratories are the backlogs of convicted offender samples. The Federal Bureau of Investigation estimates that there are about 450,000 convicted offender samples in state and local laboratories awaiting analysis. Increasing demand for DNA analysis in active cases, and limited resources, are reducing the ability of state and local crime laboratories to analyze their convicted offender backlogs. While I introduced, and Congress passed, the Crime Identification Technology Act of 1998 to address the long-term needs of crime laboratories, many crime laboratories need immediate assistance to address their short-term backlogs that will help law enforcement solve crime.

This bill would provide about $30 million, over 4 years, to help state and local crime laboratories address their convicted offender backlogs. We are asking the FBI to work with private, state and local laboratories to organize regional laboratories to analysis backlogged State and local convicted offender samples. While we have considered many ways to address the backlog of convicted offender samples in state and local laboratories, we believe that the approach outlined in this legislation provides the fastest, most cost-effective and efficient method of eliminating the backlog.

Violent criminals should not be able to evade responsibility simply because a state lacks the resources to analyze their DNA samples, or because a loophole excludes certain Federal offenders from our national database. This legislation would be a huge asset for our local law enforcers in their day-to-day fight against crime. I thank Senator KOHL for his efforts.●

By Mr. SANTORUM (for himself and Mr. SPECTER):

S. 905. A bill to establish the Lackawanna Valley American Heritage Area; to the Committee on Energy and Natural Resources

LACKAWANNA VALLEY AMERICAN HERITAGE AREA ACT OF 1999

Mr. SANTORUM. Mr. President, I rise today to introduce a bill that would establish the Lackawanna Valley American Heritage Area. This legislation recognizes the significance of Pennsylvania's Lackawanna Valley, the site of the first state heritage park in the Commonwealth of Pennsylvania.

Nearly nine years ago, people in the Lackawanna Valley pursued their vision to recognize the cultural, historical, natural, and recreational values that existed within the region. As such, partnerships were formed among federal, state, and local governments, in addition to local business interests, to move this idea forward. As those partnerships evolved, that cooperation produced ''The Plan for the Lackawanna Heritage Valley.''

With the credo of ''community development through partnerships,'' the LHVA began developing a wide agenda of community projects that would come to define the term ''heritage park.'' Specifically, the LHVA was instrumental in creating the National Institute of Environmental Renewal, a ''living laboratory'' founded with the intention of identification and clean-up of the Lackawanna Valley's scarred industrial landscape. Through an adaptive re-use of a former school building, there now exists a 100,000 square foot

Education and Training, Research and Development, and Technology Transfer Center.

Other projects taken on by the Authority include: construction of the Lackawanna Trolley Museum; designation of the Lackawanna River Heritage Trail; development of the Olyphant Elementary School housing project; and the ''Young People's Heritage Festival.'' One of the most significant undertakings by LHVA partners has been a research document commissioned by the National park Service and the PA Historical and Museum Commission. The study, ''Anthracite Coal in Pennsylvania: an Industry and a Region,'' concludes that, ''the anthracite industry of northeastern Pennsylvania played a critical role in the expansion of the American economy during the second quarter of the nineteenth century.''

The legislation that I am introducing today, with the support of Senator SPECTER, encourages the continuation of local interest by demonstrating the federal government's commitment to preserving the unique heritage of the Lackawanna Valley. It would require the Lackawanna Heritage Valley Authority to enter a compact with the Secretary of the Interior to establish Heritage Area boundaries, and to prepare and implement a management plan within three years. This plan would inventory resources and recommend policies for resource management interpretation. Further, based on the criteria of other Heritage Areas established by the Omnibus Parks and Public Lands Management Act of 1996, this bill requires that federal funds provided under this bill do not exceed 50 percent of the total cost of the program.

Mr. President, this legislation is a culmination of the hard work and diligence of many parties interested in preserving the cultural and natural resources of the Lackawanna Valley. I believe this bill represents the positive impact public and private institutions can have when given the opportunity for collaboration.

Mr. President, I ask unanimous consent that a copy 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. 905

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 ''Lackawanna Valley American Heritage Area Act of 1999''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the industrial and cultural heritage of northeastern Pennsylvania, including Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, related directly to anthracite and anthracite-related industries, is nationally significant;

(2) the industries referred to in paragraph (1) include anthracite mining, ironmaking, textiles, and rail transportation;

(3) the industrial and cultural heritage of the anthracite and anthracite-related industries in the region described in paragraph (1) includes the social history and living cultural traditions of the people of the region;

(4) the labor movement of the region played a significant role in the development of the Nation, including—

(A) the formation of many major unions such as the United Mine Workers of America; and

(B) crucial struggles to improve wages and working conditions, such as the 1900 and 1902 anthracite strikes;

(5)(A) the Secretary of the Interior is responsible for protecting the historical and cultural resources of the United States; and

(B) there are significant examples of those resources within the region described in paragraph (1) that merit the involvement of the Federal Government to develop, in cooperation with the Lackawanna Heritage Valley Authority, the Commonwealth of Pennsylvania, and local and governmental entities, programs and projects to conserve, protect, and interpret this heritage adequately for future generations, while providing opportunities for education and revitalization; and

(6) the Lackawanna Heritage Valley Authority would be an appropriate management entity for a Heritage Area established in the region described in paragraph (1).

(b) PURPOSES.—The purposes of the Lackawanna Valley American Heritage Area and this Act are—

(1) to foster a close working relationship among all levels of government, the private sector, and the local communities in the anthracite coal region of northeastern Pennsylvania and enable the communities to conserve their heritage while continuing to pursue economic opportunities; and

(2) to conserve, interpret, and develop the historical, cultural, natural, and recreational resources related to the industrial and cultural heritage of the 4-county region described in subsection (a)(1).

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Lackawanna Valley American Heritage Area established by section 4.

(2) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area specified in section 4(c).

(3) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area developed under section 6(b).

(4) PARTNER.—The term ''partner'' means—

(A) a Federal, State, or local governmental entity; and

(B) an organization, private industry, or individual involved in promoting the conservation and preservation of the cultural and natural resources of the Heritage Area.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 4. LACKAWANNA VALLEY AMERICAN HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Lackawanna Valley American Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of all or parts of Lackawanna County, Luzerne County, Wayne County, and Susquehanna County, Pennsylvania, determined in accordance with the compact under section 5.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Lackawanna Heritage Valley Authority.

SEC. 5. COMPACT.

(a) IN GENERAL.—To carry out this Act, the Secretary shall enter into a compact with the management entity.

(b) CONTENTS OF COMPACT.—The compact shall include information relating to the objectives and management of the area, including—

(1) a delineation of the boundaries of the Heritage Area; and

(2) a discussion of the goals and objectives of the Heritage Area, including an explanation of the proposed approach to conservation and interpretation and a general outline of the protection measures committed to by the partners.

SEC. 6. AUTHORITIES AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES OF MANAGEMENT ENTITY.—The management entity may, for the purposes of preparing and implementing the management plan, use funds made available under this Act—

(1) to make loans and grants to, and enter into cooperative agreements with, any State or political subdivision of a State, private organization, or person; and

(2) to hire and compensate staff.

(b) MANAGEMENT PLAN.—

(1) IN GENERAL.—The management entity shall develop a management plan for the Heritage Area that presents comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—The management plan shall—

(A) take into consideration State, county, and local plans;

(B) involve residents, public agencies, and private organizations working in the Heritage Area; and

(C) include actions to be undertaken by units of government and private organizations to protect the resources of the Heritage Area.

(3) SPECIFICATION OF FUNDING SOURCES.—The management plan shall specify the existing and potential sources of funding available to protect, manage, and develop the Heritage Area.

(4) OTHER REQUIRED ELEMENTS.—The management plan shall include the following:

(A) An inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the purposes of the Heritage Area and that should be preserved, restored, managed, developed, or maintained because of its historical, cultural, natural, recreational, or scenic significance.

(B) A recommendation of policies for resource management that considers and details application of appropriate land and water management techniques, including the development of intergovernmental cooperative agreements to protect the historical, cultural, natural, and recreational resources of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability.

(C) A program for implementation of the management plan by the management entity, including—

(i) plans for restoration and construction; and

(ii) specific commitments of the partners for the first 5 years of operation.

(D) An analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this Act.

(E) An interpretation plan for the Heritage Area.

(5) SUBMISSION TO SECRETARY FOR APPROVAL.—

(A) IN GENERAL.—Not later than the last day of the 3-year period beginning on the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(B) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the day referred to in subparagraph (A), the Secretary shall not, after that day, provide any grant or other assistance under this Act with respect to the Heritage Area until a management plan for the Heritage Area is submitted to the Secretary.

(c) DUTIES OF MANAGEMENT ENTITY.—The management entity shall—

(1) give priority to implementing actions specified in the compact and management plan, including steps to assist units of government and nonprofit organizations in preserving the Heritage Area;

(2) assist units of government and nonprofit organizations in—

(A) establishing and maintaining interpretive exhibits in the Heritage Area;

(B) developing recreational resources in the Heritage Area;

(C) increasing public awareness of and appreciation for the historical, natural, and architectural resources and sites in the Heritage Area; and

(D) restoring historic buildings that relate to the purposes of the Heritage Area;

(3) encourage economic viability in the Heritage Area consistent with the goals of the management plan;

(4) encourage local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan;

(5) assist units of government and nonprofit organizations to ensure that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are placed throughout the Heritage Area;

(6) consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area;

(7) conduct public meetings not less often than quarterly concerning the implementation of the management plan;

(8) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for the Secretary's approval; and

(9) for each year in which Federal funds have been received under this Act—

(A) submit a report to the Secretary that specifies—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made during the year;

(B) make available to the Secretary for audit all records relating to the expenditure of such funds and any matching funds; and

(C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of such funds.

(d) USE OF FEDERAL FUNDS.—

(1) FUNDS MADE AVAILABLE UNDER THIS ACT.—The management entity shall not use Federal funds received under this Act to acquire real property or any interest in real property.

(2) FUNDS FROM OTHER SOURCES.—Nothing in this Act precludes the management entity from using Federal funds obtained through law other than this Act for any purpose for which the funds are authorized to be used.

SEC. 7. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—

(A) PROVISION OF ASSISTANCE.—The Secretary may, at the request of the management entity, provide technical and financial assistance to the management entity to develop and implement the management plan.

(B) PRIORITY IN ASSISTANCE.—In assisting the management entity, the Secretary shall give priority to actions that assist in—

(i) conserving the significant historical, cultural, and natural resources that support the purposes of the Heritage Area; and

(ii) providing educational, interpretive, and recreational opportunities consistent with the resources and associated values of the Heritage Area.

(2) EXPENDITURES FOR NON-FEDERALLY OWNED PROPERTY.—

(A) IN GENERAL.—To further the purposes of this Act, the Secretary may expend Federal funds directly on non-federally owned property, especially for assistance to units of government relating to appropriate treatment of districts, sites, buildings, structures, and objects listed or eligible for listing on the National Register of Historic Places.

(B) STUDIES.—The Historic American Buildings Survey/Historic American Engineering Record shall conduct such studies as are necessary to document the industrial, engineering, building, and architectural history of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLANS.—

(1) IN GENERAL.—The Secretary, in consultation with the Governor of the Commonwealth of Pennsylvania, shall approve or disapprove a management plan submitted under this Act not later than 90 days after receipt of the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan, the Secretary shall advise the management entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—The Secretary shall approve or disapprove a proposed revision within 90 days after the date on which the revision is submitted to the Secretary.

(c) APPROVAL OF AMENDMENTS.—

(1) REVIEW.—The Secretary shall review substantial amendments (as determined under section 6(c)(8)) to the management plan for the Heritage Area.

(2) REQUIREMENT OF APPROVAL.—Funds made available under this Act shall not be expended to implement the amendments described in paragraph (1) until the Secretary approves the amendments.

SEC. 8. SUNSET PROVISION.

The Secretary shall not provide any grant or other assistance under this Act after September 30, 2012.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, except that not more than $1,000,000 may be appropriated to carry out this Act for any fiscal year.

(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this Act shall not exceed 50 percent.

By Mr. ABRAHAM:

S. 906. A bill to establish a grant program to enable States to establish and maintain pilot drug testing and drug treatment programs for welfare recipients engaging in illegal drug use, and for other purposes; to the Committee on Finance.

DRUG TESTING AND TREATMENT FOR WELFARE RECIPIENTS ACT OF 1999

Mr. ABRAHAM. Mr. President, I rise to introduce the Drug Testing and Treatment for Welfare Recipients Act of 1999. This legislation would establish a pilot program encouraging up to 5 States to implement drug testing and treatment programs for people receiving assistance through the Temporary Assistance to Needy Families Block Grant (TANF); the AFDC replacement established through the 1996 welfare reform law. It would fund these programs through three year competitive grants, providing States with the resources and flexibility they need to establish the most effective drug testing and treatment programs for their communities.

Mr. President, across the Nation, welfare caseloads are dropping. More and more welfare recipients are working to provide for their families and moving closer to complete independence from public assistance. According to the Congressional Research Service, in March of 1994 5.1 million families received assistance through the Aid to Families with Dependent Children program (AFDC). By September of 1998, those numbers had dropped to 2.9 million families receiving assistance through the Temporary Assistance to Needy Families (TANF) block grant program.

This 43% decline in the welfare caseload is encouraging. But it should not stop our efforts to help those hard-to-serve cases still on the rolls. Individuals who continue to receive welfare payments face daunting barriers to employment. One such barrier is drug addiction. People who are addicted to drugs have great trouble concentrating, keeping set schedules and maintaining basic order in their lives. For them, steady employment is often simply out of reach.

According to the Administration's Office of National Drug Control Policy, drug abuse has plagued America for over a century. It has torn families apart, regardless of socio-economic background as it has destroyed individual lives and spawned crime and social breakdown. Drugs pose a threat to the individual, the family, and the community. Individuals dependent on illegal substances cannot take care of themselves, much less their children, and drug dependence often leads to other crimes. Desperate to feed their addiction, abusers are often forced into theft, assault, or even worse crimes in the search for that next hit.

Today, an estimated 12.8 million Americans use illegal drugs. Approximately 45% of Americans know someone with a substance abuse problem. And the problem is particularly acute among young people preparing to enter adult life and the adult workforce. 25 percent of 12th graders still use illegal drugs regularly, as do 20 percent of 10th graders and 12 percent of 8th graders.

To combat the debilitating effects of drugs on addicts and those around them, this bill would enable States to fund drug testing and treatment programs for welfare recipients in their communities. It would do this by establishing a three year competitive grant program. States would apply for this grant by submitting a drug testing and treatment plan for their welfare recipients. The Secretary of Health and Human Services would then award the grant to up to 5 states in the amount of $1.5 million per year per state for three years, bringing the total cost of this grant program to $22.5 million.

The award decision will be based on two factors: (1) the need and ability of the State to address drug abuse by welfare recipients and (2) the ability of the State to continue such testing and treatment programs after the 3 year grant subsidies. Upon receiving the grant, States would be required to distribute the monies to entities already receiving funds through the Federal Substance Abuse Prevention and Treatment block grant (SAPT), the primary tool the federal government uses to support State substance abuse prevention and treatment programs. The States may allocate the funds in any manner they deem appropriate to establish programs that best serve their communities.

Mr. President, we often talk about breaking the cycle of poverty, and I believe that goes hand in hand with winning the drug war. I would like to read a brief quotation from the Administration's Office of National Drug Control Policy's National Drug Control Strategy. I think it makes an important point: "While drug use and its consequences threaten Americans of every socio-economic background * * * the effects of drug use are often felt disproportionally. Neighborhoods where illegal drug markets flourish are plagued by attendant crime and violence." I have always been a strong advocate of community renewal and I truly believe that when we begin building drug-free families, safer streets, safer communities and more opportunities for our nation's economically disadvantaged will follow.

Treatment for welfare recipients engaged in illegal drug use is the most important form of assistance they will ever receive. The Office of National Drug Control Policy points out that "Americans who lack comprehensive health plans and have smaller incomes may be less able to afford treatment programs to overcome drug dependence."

Mr. President, this bill would put drug treatment dollars in the hands of those who need it most. States need these funds to help finance more comprehensive treatment programs not covered by Medicaid. Comprehensive services are desperately needed for the most serious victims of drug abuse. This grant program constitutes a small investment that would encourage States to address drug abuse by welfare recipients, further reducing rates of welfare dependency and other social problems related to drug addiction.

Ultimately, our goal is to help individuals provide for their families and achieve independence by breaking the cycle of dependency. This legislation will help significantly in that effort and I encourage my colleagues to give it their support.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 906

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 "Drug Testing and Treatment for Welfare Recipients Act of 1999".

SEC. 2. PURPOSE.

The purpose of this Act is to create a grant program that assists States in establishing and maintaining pilot drug testing and drug treatment programs for welfare recipients who have a commitment to overcoming their substance abuse problems and are in acute need of overcoming such problems.

SEC. 3. DEFINITIONS.

In this Act:

(1) DRUG.—The term "drug" means a drug within the meaning of subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.).

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) WELFARE AGENCY.—The term "welfare agency" means a State agency carrying out a program described in paragraph (4).

(4) WELFARE RECIPIENT.—The term "welfare recipient" means an individual in a State who is receiving assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

SEC. 4. PROGRAM AUTHORIZED.

The Secretary may award grants to States to establish and maintain pilot drug testing programs and drug treatment programs for welfare recipients in each State that receives a grant.

SEC. 5. APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive a grant under this Act, a State shall submit an application to the Secretary.

(b) CONTENTS.—Each application submitted pursuant to subsection (a) shall—

(1) describe a program to provide drug testing for welfare recipients in the State; and

(2) describe a drug treatment program for welfare recipients in the State that provides treatment if such a recipient receives a positive result on a test described in paragraph (1).

SEC. 6. CRITERIA FOR AWARD OF GRANTS.

(a) IN GENERAL.—The Secretary shall award grants to eligible States under section 4 on a competitive basis in accordance with the criteria set out in subsection (b).

(b) CRITERIA.—The Secretary shall award grants to eligible States based on the following criteria:

(1) The need and ability of a State to address drug use by welfare recipients.

(2) The ability of the State to continue the State programs established under this Act after the grant program established under this Act is concluded.

SEC. 7. AWARDS.

(a) AMOUNT OF GRANT.—The Secretary shall award a grant under this Act in the amount of $1,500,000 per year.

(b) DURATION.—The Secretary shall award a grant under this Act for a period of 3 years.

(c) LIMITATION ON NUMBER OF GRANTS.—The Secretary shall award grants under this Act to not more than 5 States.

SEC. 8. USE OF FUNDS.

(a) IN GENERAL.—A State that receives a grant under this Act shall use the funds made available through the grant to establish and maintain the programs described in the application submitted by the State under section 5.

(b) DISTRIBUTION BY STATES.—Each State receiving a grant under this Act shall distribute grant funds only to entities that are receiving assistance under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-21 et seq.).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

DRUG TESTING AND TREATMENT FOR WELFARE RECIPIENTS ACT OF 1999—SECTION-BY-SECTION ANALYSIS

A bill to establish a grant program to enable States to establish and maintain pilot drug testing and drug treatment programs for welfare recipients engaging in illegal drug use, and for other purposes.

Section 1. Short Title.

The act may be cited as the "Drug Testing and Treatment for Welfare Recipients Act of 1999".

Section 2. Purpose.

The purpose of this Act is to create a grant program that assists States in establishing and maintaining pilot drug testing and drug treatment programs for welfare recipients that have an acute and intensive need in overcoming drug abuse.

Section 3. Definitions.

This section defines various terms used in the bill. Significantly, for the purposes of this legislation, a welfare recipient is defined as an individual receiving assistance under the State temporary assistance for needy families (TANF) grant program. A welfare agency is any State agency that carries out the TANF program.

Section 4. Program Authorized.

This section states that the Secretary of Health and Human Services may award grants to States to establish and maintain pilot drug testing and treatment programs in each State receiving the grant.

Section 5. Applications.

To receive a grant, a State must submit an application to the Secretary of Health and

Human Services that describes a program to provide drug testing and treatment for welfare recipients in the State.

Section 6. Criteria for award of grants.

These grants will be awarded on a competitive basis and shall be based on the need and ability of the State to address drug use by welfare recipients and the ability of the State to continue such testing and treatment programs after this Act sunsets.

Section 7. Awards.

The Secretary will award the grant to no more than 5 States. Each grant will be $1.5 million dollars per year for three years. That brings the total cost of this Act to $22.5 million dollars.

Section 8. Use of Funds.

The State shall distribute grant funds to those entities that currently receive federal funding in the form of the Substance Abuse Prevention and Treatment block grant (SAPT). The grant money, which will be allotted in amounts determined solely by the States, will be used for treatment purposes.

Section 9. Authorization of Appropriations.

This section authorizes to be appropriated such sums as may be necessary to carry out this Act.

By Mr. SMITH of New Hampshire:

S. 907. A bill to protect the right to life of each born and preborn human person in existence at fertilization; to the Committee on the Judiciary.

RIGHT TO LIFE ACT OF 1999

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce the Right to Life Act of 1999.

Our Nation's founding document, the Declaration of Independence, declared for all the world that we hold it to be self-evident that the right to life comes from God and that it is unalienable. Life itself, the Declaration held, is the fundamental right without which the rights to liberty and the pursuit of happiness have to meaning. As the author of the Declaration, Thomas Jefferson, later wrote, ''The care of human life and not its destruction . . . is the first and only object of good government.''

Almost 200 years after the Declaration of Independence, however, in 1973, the United States Supreme Court violated its most sacred principle. In Roe versus Wade, the Supreme Court held that the entire class of unborn children—from fertilization to birth—have no right to life and may be destroyed at will. In subsequent cases, the Court has zealously guarded the right to abortion that it created. The Court has repeatedly rejected all meaningful attempts by the States to protect the unalienable right to life of unborn children.

Those of us who proudly count ourselves to be members of the right-to-life movement must not lose sight of our ultimate goal. Our objective is to keep the Declaration's promise by reversing Roe versus Wade and restoring to unborn children their God-given right to life. In order to keep that hope alive in the Senate, I am introducing today the ''Right to Life Act of 1999.''

My bill first sets forth several findings of Congress regarding the fundamental right to life and the tragic constitutional errors of Roe versus Wade. Based on these findings and in the exercise of the powers of the Congress under Article I, Section 8, of the Constitution, and Section 5 of the Fourteenth Amendment to the Constitution, my bill establishes that ''the right to life guaranteed by the Constitution is vested in each human being at fertilization.''

Mr. President, I ask unanimous consent that the text of my bill, the ''Right to Life Act of 1999,'' be printed in the RECORD.

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

S. 907

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 ''Right to Life Act of 1999''.

SEC. 2. The Congress finds that—

(1) we, as a Nation, have declared that the unalienable right to life endowed by Our Creator is guaranteed by our Constitution for each human person:

(2) the Supreme Court, in *Roe* v. *Wade* (410 U.S. 113 at 159), stated: ''We need not resolve the difficult question of when life begins . . . the judiciary at this point in the development of man's knowledge, is not in a position to speculate as to the answer . . .'';

(3) the Supreme Court, in *Roe* v. *Wade* (410 U.S. 113 at 156–157), stated: ''If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life is then guaranteed specifically by the [Fourteenth] Amendment . . .'';

(4) the Supreme Court, in *Roe* v. *Wade* stated that the privacy right is not absolute, and stated (410 U.S. 113, at 159) that: ''The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, a fetus. . . . The woman's privacy is no longer sole and any right of privacy she possesses must be measured accordingly.'';

(5) a human father and mother beget a human offspring when the father's sperm fertilizes the mother's ovum, and the life of each preborn human person begins at fertilization;

(6) there is no justification for any Federal, State, or private action intentionally to kill an innocent born or preborn human person, and that Federal, State, and private action must assure equal care and protection for the right to life of both a pregnant mother and her preborn child in existence at fertilization;

(7) Americans and our society suffer from the evils of killing even one innocent born or preborn human person, and each day suffer the torture and slaughter of an estimated 4,000 preborn persons;

(8) the intentional killing of preborn human persons occurs in Federal enclaves, in interstate commerce activities, and in the States, estimated at 1,500,000 per year and 33,000,000 since 1973; and

(9) the violence of intentionally killing a preborn human person has provoked more violence, carnage, and conflict reaching into homes, schools, churches, workplaces and lives of Americans.

SEC. 3. RIGHT TO LIFE.

Upon the basis of these findings and in the exercise of duty, authority, and powers of the Congress, including its power under Article I, Section 8, to make necessary and proper laws, and including its power under section 5 of the 14th article of amendment to the Constitution of the United States, the Congress hereby declares that the right to life guaranteed by the Constitution is vested in each human being at fertilization.

SEC. 4. DEFINITION OF STATE.

For the purpose of this Act, the term ''State'' used in the 14th article of amendment to the Constitution of the United States and other applicable provisions of the Constitution includes the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

By Mr. DORGAN:

S. 908. A bill to establish a comprehensive program to ensure the safety of food products intended for human consumption that are regulated by the Food and Drug Administration, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CONSUMER FOOD SAFETY ACT OF 1999

Mr. DORGAN. Mr. President, I am introducing legislation Wednesday to improve the safety of the nation's food supply, by increasing educational efforts for food processors and handlers and the frequency of inspections for some of them. The bill also establishes new mechanisms for identifying food processors and handlers who originate contaminated food in order to improve federal recall and food safety law enforcement action.

Farmers produce high quality products and expect them to reach the consumer with the same high quality standards observed. Farmers and consumers both have an interest in assuring the unquestioned safety of our food.

The new global economy is another reason for strengthening the nations' food safety laws. With the new global economy, we have food moving around the world without much understanding of where its coming from, who produced it, and under what conditions. I think it calls for a much more rigorous food inspections, not only for the safety of consumers, but to safeguard the reputation of the products our farmers produce.

Another important feature of the bill is new authority for inspection of food and food products at the border as they enter the United States from foreign countries, and in some cases inspections at food processing plants located in foreign countries.

A similar bill will be introduced shortly in the U.S. House by Representative FRANK PALLONE (D–NJ), underscoring the urban-rural, producer-consumer nature of the new drive for improved food safety laws.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 39, a bill to provide a national medal for public safety officers who act with extraordinary valor above the call of duty, and for other purposes.

S. 241

At the request of Mr. JOHNSON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 241, a bill to amend the Federal Meat Inspection Act to provide that a quality grade label issued by the Secretary of Agriculture for beef and lamb may not be used for imported beef or imported lamb.

S. 242

At the request of Mr. JOHNSON, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 242, a bill to amend the Federal Meat Inspection Act to require the labeling of imported meat and meat food products.

S. 303

At the request of Mr. MCCAIN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 303, a bill to amend the Communications Act of 1934 to enhance the ability of direct broadcast satellite and other multichannel video providers to compete effectively with cable television systems, and for other purposes.

S. 401

At the request of Mr. CAMPBELL, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 401, a bill to provide for business development and trade promotion for native Americans, and for other purposes.

S. 443

At the request of Mr. LAUTENBERG, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 443, a bill to regulate the sale of firearms at gun shows.

S. 472

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ROBB) 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. 512

At the request of Mr. GORTON, the names of the Senator from Michigan (Mr. ABRAHAM), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 514

At the request of Mr. COCHRAN, the names of the Senator from Maine (Ms. COLLINS), the Senator from Hawaii (Mr. AKAKA), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 514, a bill to improve the National Writing Project.

S. 517

At the request of Mr. GRAHAM, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 517, a bill to assure access under group health plans and health insurance coverage to covered emergency medical services.

S. 542

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue Code of 1986 to expand the deduction for computer donations to schools and allow a tax credit for donated computers.

S. 577

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 577, a bill to provide for injunctive relief in Federal district court to enforce State laws relating to the interstate transportation of intoxicating liquor.

S. 597

At the request of Mr. SMITH, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 597, a bill to amend section 922 of chapter 44 of title 28, United States Code, to protect the right of citizens under the Second Amendment to the Constitution of the United States.

S. 600

At the request of Mr. WELLSTONE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 625

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 625, a bill to amend title 11, United States Code, and for other purposes.

S. 631

At the request of Mr. DEWINE, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from West Virginia [Mr. BYRD] were added as cosponsors of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 638

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors 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 New York [Mr. SCHUMER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arkansas [Mrs. LINCOLN], and the Senator from North Dakota [Mr. DORGAN] 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. 697

At the request of Mrs. BOXER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 697, a bill to ensure that a woman can designate an obstetrician or gynecologist as her primary care provider.

S. 721

At the request of Mr. GRASSLEY, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 721, a bill to allow media coverage of court proceedings.

S. 784

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from New York [Mr. SCHUMER] were added as cosponsors of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 789

At the request of Mr. MCCAIN, the names of the Senator from Maine [Ms. SNOWE] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 789, a bill to amend title 10, United States Code, to authorize payment of special compensation to certain severely disabled uniformed services retirees.

S. 791

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 791, a bill to amend the Small Business Act with respect to the women's business center program.

S. 805

At the request of Mr. DURBIN, the name of the Senator from California

[Mrs. BOXER] was added as a cosponsor of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 820

At the request of Mr. CHAFEE, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 820, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 836

At the request of Mr. SPECTER, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 836, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group health plans and health insurance issuers provide women with adequate access to providers of obstetric and gynecological services.

S. 860

At the request of Mr. GRAHAM, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of 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.

S. 878

At the request of Mr. TORRICELLI, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 878, a bill to amend the Federal Water Pollution Control Act to permit grants for the national estuary program to be used for the development and implementation of a comprehensive conservation and management plan, to reauthorize appropriations to carry out the program, and for other purposes.

SENATE JOINT RESOLUTION 2

At the request of Mr. KYL, the name of the Senator from Illinois [Mr. FITZGERALD] was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

SENATE JOINT RESOLUTION 3

At the request of Mr. KYL, the name of the Senator from Ohio [Mr. VOINOVICH] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. ASHCROFT, the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution expressing the sense of the Congress that the current Federal income tax deduction for interest paid on debt secured by a first or second home should not be further restricted.

SENATE RESOLUTION 22

At the request of Mr. CAMPBELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Resolution 22, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives serving as law enforcement officers.

SENATE RESOLUTION 29

At the request of Mr. ROBB, the names of the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. BROWNBACK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Idaho [Mr. CRAPO], the Senator from New Mexico [Mr. DOMENICI], the Senator from Wyoming [Mr. ENZI], the Senator from Illinois [Mr. FITZGERALD], the Senator from Washington [Mr. GORTON], the Senator from Texas [Mr. GRAMM], the Senator from Utah [Mr. HATCH], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Kansas [Mr. ROBERTS], the Senator from Alabama [Mr. SHELBY], the Senator from New Hampshire [Mr. SMITH], the Senator from Oregon [Mr. SMITH], the Senator from Wyoming [Mr. THOMAS], and the Senator from South Carolina [Mr. THURMOND] 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 34

At the request of Mr. TORRICELLI, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of Senate Resolution 34, a resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Louisiana [Ms. LANDRIEU] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Resolution 59, a resolution designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 71

At the request of Mr. ABRAHAM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of Senate Resolution 71, a resolution expressing the sense of the Senate rejecting a tax increase on investment income of certain associations.

SENATE RESOLUTION 72

At the request of Mr. TORRICELLI, the names of the Senator from Nevada [Mr. REID], the Senator from Virginia [Mr. ROBB], the Senator from Minnesota [Mr. GRAMS], the Senator from Maryland [Mr. SARBANES], the Senator from Louisiana [Mr. BREAUX], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Colorado [Mr. CAMPBELL], the Senator from California [Mrs. BOXER], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Carolina [Mr. EDWARDS], the Senator from Kentucky [Mr. BUNNING], the Senator from North Carolina [Mr. HELMS], the Senator from Delaware [Mr. ROTH], the Senator from North Dakota [Mr. DORGAN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oregon [Mr. WYDEN], the Senator from Georgia [Mr. COVERDELL], the Senator from Washington [Mrs. MURRAY], the Senator from Alabama [Mr. SESSIONS], the Senator from Illinois [Mr. DURBIN], the Senator from Montana [Mr. BURNS], the Senator from Massachusetts [Mr. KERRY], the Senator from Missouri [Mr. ASHCROFT], the Senator from Nevada [Mr. BRYAN], the Senator from Michigan [Mr. ABRAHAM], the Senator from Georgia [Mr. CLELAND], the Senator from South Carolina [Mr. THURMOND], the Senator from Hawaii [Mr. AKAKA], the Senator from Connecticut [Mr. DODD], the Senator from California [Mrs. FEINSTEIN], the Senator from Wisconsin [Mr. KOHL], the Senator from Nebraska [Mr. KERREY], the Senator from Missouri [Mr. BOND], the Senator from Florida [Mr. GRAHAM], the Senator from Vermont [Mr. LEAHY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Arizona [Mr. MCCAIN], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Tennessee [Mr. FRIST], the Senator from Indiana [Mr. LUGAR], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Illinois [Mr. FITZGERALD], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Resolution 72, a resolution designating the month of May in 1999 and 2000 as ''National ALS Awareness Month.''

SENATE RESOLUTION 84

At the request of Ms. SNOWE, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of Senate Resolution 84, a resolution to designate the month of May, 1999, as ''National Alpha 1 Awareness Month.''

SENATE RESOLUTION 88—RELATIVE TO THE DEATH OF THE HONORABLE ROMAN L. HRUSKA, FORMERLY A SENATOR FROM THE STATE OF NEBRASKA

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

S. RES. 88

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Roman L. Hruska, formerly a Senator from the State of Nebraska.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

SENATE RESOLUTION 89—DESIGNATING THE HENRY CLAY DESK IN THE SENATE CHAMBER FOR ASSIGNMENT TO THE SENIOR SENATOR FROM KENTUCKY AT THAT SENATOR'S REQUEST

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 89

Resolved, That during the One Hundred Sixth Congress and each Congress thereafter, the desk located within the Senate Chamber and used by Senator Henry Clay shall, at the request of the senior Senator from the State of Kentucky, be assigned to that Senator for use in carrying out his or her senatorial duties during that Senator's term of office.

AMENDMENTS SUBMITTED

Y2K ACT

LEAHY AMENDMENT NO. 273

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill (S.96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a 2-digit expression of that year's date; as follows:

At the appropriate place, insert the following:

SEC. . EXCLUSION FOR CONSUMERS.

(a) CONSUMER ACTIONS.—This does not apply to any Y2K action brought by a consumer.

(b) DEFINITIONS.—In this section:

(1) CONSUMER.—The term ''consumer'' means an individual who acquires a consumer product for purposes other than resale.

(2) CONSUMER PRODUCT.—The ''consumer product'' means any personal property or service which is normally used for personal, family, or household purposes.

INHOFE AMENDMENT NO. 274

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

On page 11, between lines 10 and 11, insert the following:

(f) APPLICATION TO ACTIONS DESCRIBED IN SECTION 3(1)(C).—

(1) IN GENERAL.—This Act applies, as provided in this subsection to actions by a government entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term ''defendant'' includes a State or local government.

(ii) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(iii) LOCAL GOVERNMENT.—The term ''local government'' means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in clause (i) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term ''Y2K upset''—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this section, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 30 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

HOLLINGS AMENDMENTS NOS. 275–281

(Ordered to lie on the table.)

Mr. HOLLINGS submitted seven amendments intended to be proposed by him to the bill, S. 96, supra; as follows:

AMENDMENT NO. 275

Strike section 16.

AMENDMENT NO. 276

Strike section 15.

AMENDMENT NO. 277

Strike section 14.

AMENDMENT NO. 278

Strike section 13.

AMENDMENT NO. 279

Strike section 6.

AMENDMENT NO. 280

Strike section 5.

AMENDMENT NO. 281

On page six, strike line 19 through Page 10, line 7 and insert the following:

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action alleging commercial loss commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term ''personal injury'' means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

(9) COMMERCIAL LOSS.—The term ''commercial loss'' means any loss incurred by a plaintiff in the course of operating a business enterprise that provides goods or services for compensation.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a state of Federal court after February 22, 1999, in which the plaintiff alleges harm from commercial loss arising from a Y2K failure occurring before January 1, 2003, including any appeal, reward, stay, or other judicial, administrative, or alternative dispute resolution preceding in such an action.

TORRICELLI AMENDMENT NO. 282

(Ordered to lie on the table.)

Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

Strike section 9.

At the appropriate place, insert the following:

SEC. ___. ANTIPROFITEERING.

(a) DEFINITIONS.—In this section:

(1) PRODUCT SELLER.—The term ''product seller'' means a person who in the course of a business conducted for that purpose, sells an information technology product.

(2) YEAR 2000 COMPLIANT.—The term ''year 2000 compliant'' means, with respect to information technology, that the information technology accurately processes (including calculating, comparing, and sequencing) date and time data from, into, and between the 20th and 21st centuries and the years 1999 and 2000, and leap year calculations, to the extent that other information technology properly exchanges date and time data with it.

(b) CORRECTION.—Notwithstanding any other provision of law, during the 60-day period beginning on the date on which a plaintiff or prospective plaintiff provides notice under section 7, if—

(1) the plaintiff or prospective plaintiff is a business and alleges harm caused by an information technology product that is not year 2000 compliant; and

(2) a product seller that is a defendant or prospective defendant sold the plaintiff that information technology product;

that product seller shall be required to render that information technology product year 2000 compliant (if a practicable method of doing so is available) and provide the applicable certification under subsection (c).

(c) CERTIFICATION.—A product seller that is required under subsection (b) to provide certification under this subsection shall certify, as applicable, that—

(1) the product seller is not obligated, under a contract, written agreement, or applicable State law, to render the information technology product described in subsection (b) year 2000 compliant;

(2) a practicable method of rendering the information technology product described in subsection (b) year 2000 compliant is not available; or

(3)(A) the correction to render the information technology product described in subsection (b) year 2000 compliant is provided at actual cost to the seller; and

(B) the correction is being provided at the least costly and most practicable manner available.

(d) PENALTIES.—Notwithstanding any other provision of this Act, if a product seller provides false information in a certification under subsection (c), in a year 2000 civil action for harm caused by the information technology product—

(1) the plaintiff shall have the burden of proof in demonstrating, by a preponderance of the evidence, that the product seller made a false certification under subsection (c); and

(2) if the plaintiff proves under paragraph (1) that such a false certification was made, the product seller shall be liable for 3 times the amount of actual and consequential damages suffered by the business as a result of the year 2000 failure involved.

(e) EFFECT ON WRITTEN AGREEMENTS AND CONTRACT OBLIGATIONS.—Nothing in this section may supersede, alter, or abrogate a written agreement or contractual obligation entered into by a product seller and a party harmed by an information technology product that is not year 2000 compliant.

FEINGOLD AMENDMENTS NOS. 283–286

(Ordered to lie on the table.)

Mr. FEINGOLD submitted four amendments intended to be proposed by him to the bill, S. 96, supra; as follows:

AMENDMENT NO. 283

In section 14, strike subsection (c).

AMENDMENT NO. 284

In section 5(a), strike ''In any Y2K action in which punitive damages are permitted by applicable State law,'' and inserting ''Punitive damages may be awarded in a Y2K action and''.

AMENDMENT NO. 285

In section 6, strike subsection (g).

AMENDMENT NO. 286

Strike sections 5 through 14 and insert in lieu thereof the following:

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—Punitive damages may be awarded in a Y2K action and the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees.

paragraph (1) shall be applied by substituting ''smaller'' for ''larger''.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant

found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each such person and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) Fraud; recklessness.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion made not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NEW WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMNT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUITON.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except that an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not alter than 6 months after the date on which such payment was made.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or less allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant of service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSABILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence a legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, or offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a

legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contact, or a statute enacted before January 1, 1999, requires notice of nonperformance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable Federal or State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amended, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c) whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach or repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that element of the claim by clear and convincing evidence.

(b) LIMITATION OF BYSTANDER LIABILITY FOR Y2K FAILURES.—(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves, by clear and convincing evidence, that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for who special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATION OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, systems, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership or non-profit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee or employee from the business or organization during that 12 months immediatley preceding the act or omission for which liability is inmposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

DODD AMENDMENT NO. 287

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 96, supra; as follows:

In section 5, strike subsection (b) and insert the following:

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant described in paragraph (2) in a Y2K action may not exceed the lesser of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) DEFENDANT DESCRIBED.—A defendant described in this paragraph is a defendant—

(A) who—

(i) is sued in his or her capacity as a individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, or organization with fewer than 25 full-time employees.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Paragraph (1) does not apply if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

In section 13—

(1) in subsection (a), strike ''by clear and convincing evidence'' and inserting ''by the standard of evidence under applicable State law in effect before January 1, 1999'';

(2) in subsection (b)(1), strike ''by clear and convincing evidence'' and inserting ''by the standard of evidence under applicable State law in effect before January 1, 1999''; and

(3) at the end add the following:

(d) PROTECTIONS OF THE YEAR 2000 INFORMATION AND READINESS DISCLOSURE ACT APPLY.—The protections for the exchange of information provided by section 4 of the Year 2000 Information and Readiness Disclosure Act (Public Law 105–271) shall apply to this Act.

Strike section 14.

FEINSTEIN AMENDMENT NO. 288

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 96, supra; as follows:

Strike Section 5.
Strike Section 13.
Strike Section 14.

MURKOWSKI AMENDMENTS NOS. 289–290

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted two amendments intended to be proposed by him to the bill, S. 96, supra; as follows:

AMENDMENT NO. 289

At the end of section 5(b)(3), strike ''plaintiff.'' and insert the following:

''plaintiff or that the defendant sold the product or service that is the subject of the Y2K action after the date of enactment of this Act knowing that the product or service will have a Y2K failure, without a signed waiver from the plaintiff.''

AMENDMENT NO. 290

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section shall give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

KENNEDY AMENDMENT NO. 291

Mr. KENNEDY proposed an amendment to the motion to recommit proposed by him to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. . FAIR MINIMUM WAGE.

(a) SHORT TITLE.—This section may be cited as the ''Fair Minimum Wage Act of 1999''.

(b) MINIMUM WAGE INCREASE.—

(1) WAGE.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.65 an hour during the year beginning on September 1, 1999; and

''(B) $6.15 an hour beginning on September 1, 2000;''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on September 1, 1999.

(c) APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

MCCAIN AMENDMENT NO. 292

Mr. MCCAIN proposed an amendment to the bill, S. 96, supra; as follows:

In lieu of the instructions insert the following: ''with instructions to report forthwith with the following amendment:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Y2K Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term ''personal injury'' means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting ''smaller'' for ''larger''.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who,

prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) MINIMUM INJURY REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

LOTT AMENDMENT NO. 293

Mr. MCCAIN (for Mr. LOTT) proposed an amendment to amendment No. 292 proposed by Mr. LOTT to the bill, S. 96, supra; as follows:

Strike all after the word ''with'' and insert ''Instructions to report forthwith with the following amendment:

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Y2K Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further

limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term ''personal injury'' means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting ''smaller'' for ''larger''.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective

plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at issue;

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for

recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) MINIMUM INJURY REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective five days after the date of enactment.

LOTT AMENDMENT NO. 294

Mr. LOTT proposed an amendment to the motion to recommit proposed by him to the bill, S. 96, supra; as follows:

At the end of the instructions add the following:

with an amendment as follows:

Strike all after the word ''SECTION'' and add the following:

1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Y2K Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to

solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term ''personal injury'' means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting ''smaller'' for ''larger''.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice

specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found

by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) MINIMUM INJURY REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective four days after the date of enactment.

LOTT AMENDMENT NO. 295

Mr. LOTT proposed an amendment to amendment No. 294 proposed by Mr. LOTT to the bill, S. 96, supra; as follows:

Strike all after the word ''1'' and add the following:

SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the ''Y2K Act''.

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings and purposes.
Sec. 3. Definitions.
Sec. 4. Application of Act.
Sec. 5. Punitive damages limitations.
Sec. 6. Proportionate liability.
Sec. 7. Pre-litigation notice.
Sec. 8. Pleading requirements.
Sec. 9. Duty to mitigate.
Sec. 10. Application of existing impossibility or commercial impracticability doctrines.
Sec. 11. Damages limitation by contract.
Sec. 12. Damages in tort claims.
Sec. 13. State of mind; bystander liability; control.
Sec. 14. Liability of officers, directors, and employees.
Sec. 15. Appointment of special masters or magistrates for Y2K actions.
Sec. 16. Y2K actions as class actions.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1)(A) Many information technology systems, devices, and programs are not capable of recognizing certain dates in 1999 and after December 31, 1999, and will read dates in the year 2000 and thereafter as if those dates represent the year 1900 or thereafter or will fail to process dates after December 31, 1999.

(B) If not corrected, the problem described in subparagraph (A) and resulting failures could incapacitate systems that are essential to the functioning of markets, commerce, consumer products, utilities, Government, and safety and defense systems, in the United States and throughout the world.

(2) It is in the national interest that producers and users of technology products concentrate their attention and resources in the time remaining before January 1, 2000, on assessing, fixing, testing, and developing contingency plans to address any and all outstanding year 2000 computer date-change problems, so as to minimize possible disruptions associated with computer failures.

(3)(A) Because year 2000 computer date-change problems may affect virtually all businesses and other users of technology products to some degree, there is a substantial likelihood that actual or potential year 2000 failures will prompt a significant volume of litigation, much of it insubstantial.

(B) The litigation described in subparagraph (A) would have a range of undesirable effects, including the following:

(i) It would threaten to waste technical and financial resources that are better devoted to curing year 2000 computer date-change problems and ensuring that systems remain or become operational.

(ii) It could threaten the network of valued and trusted business and customer relationships that are important to the effective functioning of the national economy.

(iii) It would strain the Nation's legal system, causing particular problems for the small businesses and individuals who already find that system inaccessible because of its complexity and expense.

(iv) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes could exacerbate the difficulties associated with the date change and work against the successful resolution of those difficulties.

(4) It is appropriate for the Congress to enact legislation to assure that Y2K problems do not unnecessarily disrupt interstate commerce or create unnecessary caseloads in Federal courts and to provide initiatives to help businesses prepare and be in a position to withstand the potentially devastating economic impact of Y2K.

(5) Resorting to the legal system for resolution of Y2K problems is not feasible for many businesses and individuals who already find the legal system inaccessible, particularly small businesses and individuals who already find the legal system inaccessible, because of its complexity and expense.

(6) The delays, expense, uncertainties, loss of control, adverse publicity, and animosities that frequently accompany litigation of business disputes can only exacerbate the difficulties associated with Y2K date change, and work against the successful resolution of those difficulties.

(7) Concern about the potential for liability—in particular, concern about the substantial litigation expense associated with defending against even the most insubstantial lawsuits—is prompting many persons and businesses with technical expertise to avoid projects aimed at curing year 2000 computer date-change problems.

(8) A proliferation of frivolous Y2K lawsuits by opportunistic parties may further limit access to courts by straining the resources of the legal system and depriving deserving parties of their legitimate rights to relief.

(9) Congress encourages businesses to approach their Y2K disputes responsibly, and to avoid unnecessary, time-consuming and costly litigation about Y2K failures, particularly those that are not material. Congress supports good faith negotiations between parties when there is a dispute over a Y2K problem, and, if necessary, urges the parties to enter into voluntary, non-binding mediation rather than litigation.

(b) PURPOSES.—Based upon the power of the Congress under Article I, Section 8, Clause 3 of the Constitution of the United States, the purpose of this Act are—

(1) to establish uniform legal standards that give all businesses and users of technology products reasonable incentives to solve Y2K computer date-change problems before they develop;

(2) to encourage continued Y2K remediation and testing efforts by providers, suppliers, customers, and other contracting partners;

(3) to encourage private and public parties alike to resolve Y2K disputes by alternative dispute mechanisms in order to avoid costly and time-consuming litigation, to initiate those mechanisms as early as possible, and to encourage the prompt identification and correction of Y2K problems; and

(4) to lessen the burdens on interstate commerce by discouraging insubstantial lawsuits while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief.

SEC. 3. DEFINITIONS.

In this Act:

(1) Y2K ACTION.—The term ''Y2K action''—

(A) means a civil action commenced in any Federal or State court, or an agency board of contract appeal proceeding, in which the

plaintiff's alleged harm or injury resulted directly or indirectly from an actual or potential Y2K failure, or a claim or defense is related directly or indirectly to an actual or potential Y2K failure;

(B) includes a civil action commenced in any Federal or State court by a governmental entity when acting in a commercial or contracting capacity; but

(C) does not include an action brought by a governmental entity acting in a regulatory, supervisory, or enforcement capacity.

(2) Y2K FAILURE.—The term ''Y2K failure'' means failure by any device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data, including failures—

(A) to deal with or account for transitions or comparisons from, into, and between the years 1999 and 2000 accurately;

(B) to recognize or accurately to process any specific date in 1999, 2000, or 2001; or

(C) accurately to account for the year 2000's status as a leap year, including recognition and processing of the correct date on February 29, 2000.

(3) GOVERNMENT ENTITY.—The term ''government entity'' means an agency, instrumentality, or other entity of Federal, State, or local government (including multijurisdictional agencies, instrumentalities, and entities).

(4) MATERIAL DEFECT.—The term ''material defect'' means a defect in any item, whether tangible or intangible, or in the provision of a service, that substantially prevents the item or service from operating or functioning as designed or according to its specifications. The term ''material defect'' does not include a defect that—

(A) has an insignificant or de minimis effect on the operation or functioning of an item or computer program;

(B) affects only a component of an item or program that, as a whole, substantially operates or functions as designed; or

(C) has an insignificant or de minimis effect on the efficacy of the service provided.

(5) PERSONAL INJURY.—The term ''personal injury'' means physical injury to a natural person, including—

(A) death as a result of a physical injury; and

(B) mental suffering, emotional distress, or similar injuries suffered by that person in connection with a physical injury.

(6) STATE.—The term ''State'' means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision thereof.

(7) CONTRACT.—The term ''contract'' means a contract, tariff, license, or warranty.

(8) ALTERNATIVE DISPUTE RESOLUTION.—The term ''alternative dispute resolution'' means any process or proceeding, other than adjudication by a court or in an administrative proceeding, to assist in the resolution of issues in controversy, through processes such as early neutral evaluation, mediation, minitrial, and arbitration.

SEC. 4. APPLICATION OF ACT.

(a) GENERAL RULE.—This Act applies to any Y2K action brought in a State or Federal court after February 22, 1999, for a Y2K failure occurring before January 1, 2003, including any appeal, remand, stay, or other judicial, administrative, or alternative dispute resolution proceeding in such an action.

(b) NO NEW CAUSE OF ACTION CREATED.—Nothing in this Act creates a new cause of action, and, except as otherwise explicitly provided in this Act, nothing in this Act expands any liability otherwise imposed or limits any defense otherwise available under Federal or State law.

(c) CLAIMS FOR PERSONAL INJURY OR WRONGFUL DEATH EXCLUDED.—This Act does not apply to a claim for personal injury or for wrongful death.

(d) CONTRACT PRESERVATION.—

(1) IN GENERAL.—Subject to paragraph (2), in any Y2K action any written contractual term, including a limitation or an exclusion of liability, or a disclaimer of warranty, shall be strictly enforced unless the enforcement of that term would manifestly and directly contravene applicable State law embodied in any statute in effect on January 1, 1999, specifically addressing that term.

(2) INTERPRETATION OF CONTRACT.—In any Y2K action in which a contract to which paragraph (1) applies is silent as to a particular issue, the interpretation of the contract as to that issue shall be determined by applicable law in effect at the time the contract was executed.

(e) PREEMPTION OF STATE LAW.—This Act supersedes State law to the extent that it establishes a rule of law applicable to a Y2K action that is inconsistent with State law, but nothing in this Act implicates, alters, or diminishes the ability of a State to defend itself against any claim on the basis of sovereign immunity.

SEC. 5. PUNITIVE DAMAGES LIMITATIONS.

(a) IN GENERAL.—In any Y2K action in which punitive damages are permitted by applicable law, the defendant shall not be liable for punitive damages unless the plaintiff proves by clear and convincing evidence that the applicable standard for awarding damages has been met.

(b) CAPS ON PUNITIVE DAMAGES.—

(1) IN GENERAL.—Subject to the evidentiary standard established by subsection (a), punitive damages permitted under applicable law against a defendant in such a Y2K action may not exceed the larger of—

(A) 3 times the amount awarded for compensatory damages; or

(B) $250,000.

(2) SPECIAL RULE.—In the case of a defendant—

(A) who—

(i) is sued in his or her capacity as an individual; and

(ii) whose net worth does not exceed $500,000; or

(B) that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees,

paragraph (1) shall be applied by substituting ''smaller'' for ''larger''.

(3) NO CAP IF INJURY SPECIFICALLY INTENDED.—Neither paragraph (1) nor paragraph (2) applies if the plaintiff establishes by clear and convincing evidence that the defendant acted with specific intent to injure the plaintiff.

(c) GOVERNMENT ENTITIES.—Punitive damages in a Y2K action may not be awarded against a government entity.

SEC. 6. PROPORTIONATE LIABILITY.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), a person against whom a final judgment is entered in a Y2K action shall be liable solely for the portion of the judgment that corresponds to the relative and proportional responsibility of that person. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all persons, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(b) PROPORTIONATE LIABILITY.—

(1) DETERMINATION OF RESPONSIBILITY.—In any Y2K action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning—

(A) the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all persons who caused or contributed to the loss incurred by the plaintiff; and

(B) if alleged by the plaintiff, whether the defendant—

(i) acted with specific intent to injure the plaintiff; or

(ii) knowingly committed fraud.

(2) CONTENTS OF SPECIAL INTERROGATORIES OR FINDINGS.—The responses to interrogatories or findings under paragraph (1) shall specify the total amount of damages that the plaintiff is entitled to recover and the percentage of responsibility of each defendant found to have caused or contributed to the loss incurred by the plaintiff.

(3) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(A) the nature of the conduct of each person found to have caused or contributed to the loss incurred by the plaintiff; and

(B) the nature and extent of the causal relationship between the conduct of each defendant and the damages incurred by the plaintiff.

(c) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—

(1) IN GENERAL.—Notwithstanding subsection (a), the liability of a defendant in a Y2K action is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(2) FRAUD; RECKLESSNESS.—

(A) KNOWING COMMISSION OF FRAUD DESCRIBED.—For purposes of subsection (b)(1)(B)(ii) and paragraph (1)(B) of this subsection, a defendant knowingly committed fraud if the defendant—

(i) made an untrue statement of a material fact, with actual knowledge that the statement was false;

(ii) omitted a fact necessary to make the statement not be misleading, with actual knowledge that, as a result of the omission, the statement was false; and

(iii) knew that the plaintiff was reasonably likely to rely on the false statement.

(B) RECKLESSNESS.—For purposes of subsection (b)(1)(B) and paragraph (1) of this subsection, reckless conduct by the defendant does not constitute either a specific intent to injure, or the knowing commission of fraud, by the defendant.

(3) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this section affects the right, under any other law, of a defendant to contribution with respect to another defendant found under subsection (b)(1)(B), or determined under paragraph (1)(B) of this subsection, to have acted with specific intent to

injure the plaintiff or to have knowingly committed fraud.

(d) SPECIAL RULES.—

(1) UNCOLLECTIBLE SHARE.—

(A) IN GENERAL.—Notwithstanding subsection (a), if, upon motion not later than 6 months after a final judgment is entered in any Y2K action, the court determines that all or part of the share of the judgment against a defendant for compensatory damages is not collectible against that defendant, then each other defendant in the action is liable for the uncollectible share as follows:

(i) PERCENTAGE OF NET WORTH.—The other defendants are jointly and severally liable for the uncollectible share if the plaintiff establishes that—

(I) the plaintiff is an individual whose recoverable damages under the final judgment are equal to more than 10 percent of the net worth of the plaintiff; and

(II) the net worth of the plaintiff is less than $200,000.

(ii) OTHER PLAINTIFFS.—For a plaintiff not described in clause (i), each of the other defendants is liable for the uncollectible share in proportion to the percentage of responsibility of that defendant, except that the total liability of a defendant under this clause may not exceed 50 percent of the proportionate share of that defendant, as determined under subsection (b)(2).

(B) OVERALL LIMIT.—The total payments required under subparagraph (A) from all defendants may not exceed the amount of the uncollectible share.

(C) SUBJECT TO CONTRIBUTION.—A defendant against whom judgment is not collectible is subject to contribution and to any continuing liability to the plaintiff on the judgment.

(2) SPECIAL RIGHT OF CONTRIBUTION.—To the extent that a defendant is required to make an additional payment under paragraph (1), that defendant may recover contribution—

(A) from the defendant originally liable to make the payment;

(B) from any other defendant that is jointly and severally liable;

(C) from any other defendant held proportionately liable who is liable to make the same payment and has paid less than that other defendant's proportionate share of that payment; or

(D) from any other person responsible for the conduct giving rise to the payment that would have been liable to make the same payment.

(3) NONDISCLOSURE TO JURY.—The standard for allocation of damages under subsection (a) and subsection (b)(1), and the procedure for reallocation of uncollectible shares under paragraph (1) of this subsection, shall not be disclosed to members of the jury.

(e) SETTLEMENT DISCHARGE.—

(1) IN GENERAL.—A defendant who settles a Y2K action at any time before final verdict or judgment shall be discharged from all claims for contribution brought by other persons. Upon entry of the settlement by the court, the court shall enter a bar order constituting the final discharge of all obligations to the plaintiff of the settling defendant arising out of the action. The order shall bar all future claims for contribution arising out of the action—

(A) by any person against the settling defendant; and

(B) by the settling defendant against any person other than a person whose liability has been extinguished by the settlement of the settling defendant.

(2) REDUCTION.—If a defendant enters into a settlement with the plaintiff before the final verdict or judgment, the verdict or judgment shall be reduced by the greater of—

(A) an amount that corresponds to the percentage of responsibility of that defendant; or

(B) the amount paid to the plaintiff by that defendant.

(f) GENERAL RIGHT OF CONTRIBUTION.—

(1) IN GENERAL.—A defendant who is jointly and severally liable for damages in any Y2K action may recover contribution from any other person who, if joined in the original action, would have been liable for the same damages. A claim for contribution shall be determined based on the percentage of responsibility of the claimant and of each person against whom a claim for contribution is made.

(2) STATUTE OF LIMITATIONS FOR CONTRIBUTION.—An action for contribution in connection with a Y2K action shall be brought not later than 6 months after the entry of a final, nonappealable judgment in the Y2K action, except than an action for contribution brought by a defendant who was required to make an additional payment under subsection (d)(1) may be brought not later than 6 months after the date on which such payment was made.

(g) MORE PROTECTIVE STATE LAW NOT PREEMPTED.—Nothing in this section pre-empts or supersedes any provision of State statutory law that—

(1) limits the liability of a defendant in a Y2K action to a lesser amount than the amount determined under this section; or

(2) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section.

SEC. 7. PRE-LITIGATION NOTICE.

(a) IN GENERAL.—Before commencing a Y2K action, except an action that seeks only injunctive relief, a prospective plaintiff with a Y2K claim shall send a written notice by certified mail to each prospective defendant in that action. The notice shall provide specific and detailed information about—

(1) the manifestations of any material defect alleged to have caused harm or loss;

(2) the harm or loss allegedly suffered by the prospective plaintiff;

(3) how the prospective plaintiff would like the prospective defendant to remedy the problem;

(4) the basis upon which the prospective plaintiff seeks that remedy; and

(5) the name, title, address, and telephone number of any individual who has authority to negotiate a resolution of the dispute on behalf of the prospective plaintiff.

(b) PERSON TO WHOM NOTICE TO BE SENT.—The notice required by subsection (a) shall be sent—

(1) to the registered agent of the prospective defendant for service of legal process;

(2) if the prospective defendant does not have a registered agent, then to the chief executive officer of a corporation, the managing partner of a partnership, the proprietor of a sole proprietorship, or to a similarly-situated person for any other enterprise; or

(3) if the prospective defendant has designated a person to receive pre-litigation notices on a Year 2000 Internet Website (as defined in section 3(7) of the Year 2000 Information and Readiness Disclosure Act), to the designated person, if the prospective plaintiff has reasonable access to the Internet.

(c) RESPONSE TO NOTICE.—

(1) IN GENERAL.—Within 30 days after receipt of the notice specified in subsection (a), each prospective defendant shall send by certified mail with return receipt requested to each prospective plaintiff a written statement acknowledging receipt of the notice, and describing the actions it has taken or will take to address the problem identified by the prospective plaintiff.

(2) WILLINGNESS TO ENGAGE IN ADR.—The Written statement shall state whether the prospective defendant is willing to engage in alternative dispute resolution.

(3) INADMISSIBILITY.—A written statement required by this paragraph is not admissible in evidence, under Rule 408 of the Federal Rules of Evidence or any analogous rule of evidence in any State, in any proceeding to prove liability for, or the invalidity of, a claim or its amount, or otherwise as evidence of conduct or statements made in compromise negotiations.

(4) PRESUMPTIVE TIME OF RECEIPT.—For purposes of paragraph (1), a notice under subsection (a) is presumed to be received 7 days after it was sent.

(d) FAILURE TO RESPOND.—If a prospective defendant—

(1) fails to respond to a notice provided pursuant to subsection (a) within the 30 days specified in subsection (c)(1); or

(2) does not describe the action, if any, the prospective defendant has taken, or will take, to address the problem identified by the prospective plaintiff,

the prospective plaintiff may immediately commence at legal action against that prospective defendant.

(e) REMEDIATION PERIOD.—

(1) IN GENERAL.—If the prospective defendant responds and proposes remedial action it will take, of offers to engage in alternative dispute resolution, then the prospective plaintiff shall allow the prospective defendant an additional 60 days from the end of the 30-day notice period to complete the proposed remedial action before commencing a legal action against that prospective defendant.

(2) EXTENSION BY AGREEMENT.—The prospective plaintiff and prospective defendant may change the length of the 60-day remediation period by written agreement.

(3) MULTIPLE EXTENSIONS NOT ALLOWED.—Except as provided in paragraph (2), a defendant in a Y2K action is entitled to no more than one 30-day period and one 60-day remediation period under paragraph (1).

(4) STATUTES OF LIMITATION, ETC., TOLLED.—Any applicable statute of limitations or doctrine of laches in a Y2K action to which paragraph (1) applies shall be tolled during the notice and remediation period under that paragraph.

(f) FAILURE TO PROVIDE NOTICE.—If a defendant determines that a plaintiff has filed a Y2K action without providing the notice specified in subsection (a) or without awaiting the expiration of the appropriate waiting period specified in subsection (c), the defendant may treat the plaintiff's complaint as such a notice by so informing the court and the plaintiff. If any defendant elects to treat the complaint as such a notice—

(1) the court shall stay all discovery and all other proceedings in the action for the appropriate period after filing of the complaint; and

(2) the time for filing answers and all other pleadings shall be tolled during the appropriate period.

(g) EFFECT OF CONTRACTUAL OR STATUTORY WAITING PERIODS.—In cases in which a contract, or a statute enacted before January 1, 1999, requires notice of non-performance and provides for a period of delay prior to the initiation of suit for breach or repudiation of contract, the period of delay provided by

contract or the statute is controlling over the waiting period specified in subsections (c) and (d).

(h) STATE LAW CONTROLS ALTERNATIVE METHODS.—Nothing in this section supersedes or otherwise preempts any State law or rule of civil procedure with respect to the use of alternative dispute resolution for Y2K actions.

(i) PROVISIONAL REMEDIES UNAFFECTED.—Nothing in this section interferes with the right of a litigant to provisional remedies otherwise available under Rule 65 of the Federal Rules of Civil Procedure or any State rule of civil procedure providing extraordinary or provisional remedies in any civil action in which the underlying complaint seeks both injunctive and monetary relief.

(j) SPECIAL RULE FOR CLASS ACTIONS.—For the purpose of applying this section to a Y2K action that is maintained as a class action in Federal or State court, the requirements of the preceding subsections of this section apply only to named plaintiffs in the class action.

SEC. 8. PLEADING REQUIREMENTS.

(a) APPLICATION WITH RULES OF CIVIL PROCEDURE.—This section applies exclusively to Y2K actions and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal or State civil procedure.

(b) NATURE AND AMOUNT OF DAMAGES.—In all Y2K actions in which damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(c) MATERIAL DEFECTS.—In any Y2K action in which the plaintiff alleges that there is a material defect in a product or service, there shall be filed with the complaint a statement of specific information regarding the manifestations of the material defects and the facts supporting a conclusion that the defects are material.

(d) REQUIRED STATE OF MIND.—In any Y2K action in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

SEC. 9. DUTY TO MITIGATE.

Damages awarded in any Y2K action shall exclude compensation for damages the plaintiff could reasonably have avoided in light of any disclosure or other information of which the plaintiff was, or reasonably should have been, aware, including information made available by the defendant to purchasers or users of the defendant's product or services concerning means of remedying or avoiding the Y2K failure.

SEC. 10. APPLICATION OF EXISTING IMPOSSIBILITY OR COMMERCIAL IMPRACTICABILITY DOCTRINES.

In any Y2K action for breach or repudiation of contract, the applicability of the doctrines of impossibility and commercial impracticability shall be determined by the law in existence on January 1, 1999. Nothing in this Act shall be construed as limiting or impairing a party's right to assert defenses based upon such doctrines.

SEC. 11. DAMAGES LIMITATION BY CONTRACT.

In any Y2K action for breach or repudiation of contract, no party may claim, nor be awarded, any category of damages unless such damages are allowed—

(1) by the express terms of the contract; or

(2) if the contract is silent on such damages, by operation of State law at the time the contract was effective or by operation of Federal law.

SEC. 12. DAMAGES IN TORT CLAIMS.

(a) IN GENERAL.—A party to a Y2K action making a tort claim may not recover damages for economic loss unless—

(1) the recovery of such losses is provided for in a contract to which the party seeking to recover such losses is a party; or

(2) such losses result directly from damage to tangible personal or real property caused by the Y2K failure (other than damage to property that is the subject of the contract between the parties to the Y2K action or, in the event there is no contract between the parties, other than damage caused only to the property that experienced the Y2K failure),

and such damages are permitted under applicable State law.

(b) ECONOMIC LOSS.—For purposes of this section only, and except as otherwise specifically provided in a valid and enforceable written contract between the plaintiff and the defendant in a Y2K action, the term ''economic loss''—

(1) means amounts awarded to compensate an injured party for any loss other than losses described in subsection (a)(2); and

(2) includes amounts awarded for damages such as—

(A) lost profits or sales;

(B) business interruption;

(C) losses indirectly suffered as a result of the defendant's wrongful act or omission;

(D) losses that arise because of the claims of third parties;

(E) losses that must be plead as special damages; and

(F) consequential damages (as defined in the Uniform Commercial Code or analogous State commercial law).

(c) CERTAIN ACTIONS EXCLUDED.—This section does not affect, abrogate, amend, or alter any patent, copyright, trade-secret, trademark, or service-mark action, or any claim for defamation or invasion of privacy under Federal or State law.

(d) CERTAIN OTHER ACTIONS.—A person liable for damages, whether by settlement or judgment, in a civil action to which this Act does not apply because of section 4(c), whose liability, in whole or in part, is the result of a Y2K failure may, notwithstanding any other provision of this Act, pursue any remedy otherwise available under Federal or State law against the person responsible for that Y2K failure to the extent of recovering the amount of those damages.

SEC. 13. STATE OF MIND; BYSTANDER LIABILITY; CONTROL.

(a) DEFENDANT'S STATE OF MIND.—In a Y2K action other than a claim for breach of repudiation of contract, and in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim, the defendant is not liable unless the plaintiff establishes that elements of the claim by clear and convincing evidence.

(b) LIMITATION ON BYSTANDER LIABILITY FOR Y2K FAILURES.—

(1) IN GENERAL.—With respect to any Y2K action for money damages in which—

(A) the defendant is not the manufacturer, seller, or distributor of a product, or the provider of a service, that suffers or causes the Y2K failure at

(B) the plaintiff is not in substantial privity with the defendant; and

(C) the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law,

the defendant shall not be liable unless the plaintiff, in addition to establishing all other requisite elements of the claim, proves by clear and convincing evidence that the defendant actually knew, or recklessly disregarded a known and substantial risk, that such failure would occur.

(2) SUBSTANTIAL PRIVITY.—For purposes of paragraph (1)(B), a plaintiff and a defendant are in substantial privity when, in a Y2K action arising out of the performance of professional services, the plaintiff and the defendant either have contractual relations with one another or the plaintiff is a person who, prior to the defendant's performance of such services, was specifically identified to and acknowledged by the defendant as a person for whose special benefit the services were being performed.

(3) CERTAIN CLAIMS EXCLUDED.—For purposes of paragraph (1)(C), claims in which the defendant's actual or constructive awareness of an actual or potential Y2K failure is an element of the claim under applicable law do not include claims for negligence but do include claims such as fraud, constructive fraud, breach of fiduciary duty, negligent misrepresentation, and interference with contract or economic advantage.

(c) CONTROL NOT DETERMINATIVE OF LIABILITY.—The fact that a Y2K failure occurred in an entity, facility, system, product, or component that was sold, leased, rented, or otherwise within the control of the party against whom a claim is asserted in a Y2K action shall not constitute the sole basis for recovery of damages in that action. A claim in a Y2K action for breach or repudiation of contract for such a failure is governed by the terms of the contract.

SEC. 14. LIABILITY OF OFFICERS, DIRECTORS, AND EMPLOYEES.

(a) IN GENERAL.—A director, officer, trustee, or employee of a business or other organization (including a corporation, unincorporated association, partnership, or nonprofit organization) is not personally liable in any Y2K action in that person's capacity as a director, officer, trustee, or employee of the business or organization for more than the greater of—

(1) $100,000; or

(2) the amount of pre-tax compensation received by the director, officer, trustee, or employee from the business or organization during the 12 months immediately preceding the act or omission for which liability is imposed.

(b) EXCEPTION.—Subsection (a) does not apply in any Y2K action in which it is found by clear and convincing evidence that the director, officer, trustee, or employee—

(1) made statements intended to be misleading regarding any actual or potential year 2000 problem; or

(2) withheld from the public significant information there was a legal duty to disclose regarding any actual or potential year 2000 problem of that business or organization which would likely result in actionable Y2K failure.

(c) STATE LAW, CHARTER, OR BYLAWS.—Nothing in this section supersedes any provision of State law, charter, or a bylaw authorized by State law in existence on January 1, 1999, that establishes lower financial limits on the liability of a director, officer, trustee, or employee of such a business or organization.

SEC. 15. APPOINTMENT OF SPECIAL MASTERS OR MAGISTRATES FOR Y2K ACTIONS.

Any District Court of the United States in which a Y2K action is pending may appoint

a special master or a magistrate to hear the matter and to make findings of fact and conclusions of law in accordance with Rule 53 of the Federal Rules of Civil Procedure.

SEC. 16. Y2K ACTIONS AS CLASS ACTIONS.

(a) MINIMUM INJURY REQUIREMENT.—A Y2K action involving a claim that a product or service is defective may be maintained as a class action in Federal or State court as to that claim only if—

(1) it satisfies all other prerequisites established by applicable Federal or State law, including applicable rules of civil procedure; and

(2) the court finds that the defect in a product or service as alleged would be a material defect for the majority of the members of the class.

(b) NOTIFICATION.—In any Y2K action that is maintained as a class action, the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(1) a concise and clear description of the nature of the action;

(2) the jurisdiction where the case is pending; and

(3) the fee arrangements with class counsel, including the hourly fee being charged, or, if it is a contingency fee, the percentage of the final award which will be paid, including as estimate of the total amount that would be paid if the requested damages were to be granted.

(c) FORUM FOR Y2K CLASS ACTIONS.—

(1) JURISDICTION.—Except as provided in paragraph (2), a Y2K action may be brought as a class action in a United States District Court or removed to a United States District Court if the amount in controversy is greater than the sum or value of $1,000,000 (exclusive of interest and costs), computed on the basis of all claims to be determined in the action.

(2) EXCEPTION.—A Y2K action may not be brought or removed as a class action under this section if—

(A) a substantial majority of the members of the proposed plaintiff class are citizens of a single State;

(B) the primary defendants are citizens of that State; and

(C) the claims asserted will be governed primarily by the law of that State, or

the primary defendants are States, State officials, or other governmental entities against whom the United States District Court may be foreclosed from ordering relief.

(D) This section shall become effective seven days after the date of enactment.

LOTT AMENDMENT NO. 296

Mr. LOTT proposed an amendment to the motion to recommit proposed by him to the bill, S. 557, supra; as follows:

At the end of the instructions, add the following:

with an amendment as follows:

Strike all after the word ''TITLE'' and add the following:

II—SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement 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.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' ' debt held by the public', 'social security surplus' '' after ''outlays', ''; and

(3) by inserting after section 253 the following:

"SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' 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.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

'''( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on May 3, 2010.

LOTT AMENDMENT NO. 297

Mr. LOTT proposed an amendment to amendment No. 296 proposed by Mr. LOTT to the bill, S. 96, supra; as follows:

In the amendment strike all after the word ''II'' and add the following:

SOCIAL SECURITY SURPLUS PRESERVATION AND DEBT REDUCTION ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Social Security Surplus Preservation and Debt Reduction Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the $69,246,000,000 unified budget surplus achieved in fiscal year 1998 was entirely due to surpluses generated by the social security trust funds and the cumulative unified budget surpluses projected for subsequent fiscal years are primarily due to surpluses generated by the social security trust funds;

(2) Congress and the President should balance the budget excluding the surpluses generated by the social security trust funds;

(3) according to the Congressional Budget Office, balancing the budget excluding the

surpluses generated by the social security trust funds will reduce the debt held by the public by a total of $1,723,000,000,000 by the end of fiscal year 2009; and

(4) social security surpluses should be used for social security reform or to reduce the debt held by the public and should not be spent on other programs.

SEC. 203. PROTECTION OF THE SOCIAL SECURITY TRUST FUNDS.

(a) PROTECTION BY CONGRESS.—

(1) REAFFIRMATION OF SUPPORT.—Congress reaffirms its support for the provisions of section 13301 of the Budget Enforcement 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.

(2) PROTECTION OF SOCIAL SECURITY BENEFITS.—If there are sufficient balances in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, the Secretary of Treasury shall give priority to the payment of social security benefits required to be paid by law.

(b) POINTS OF ORDER.—Section 301 of the Congressional Budget Act of 1974 is amended by adding at the end the following:

''(j) SOCIAL SECURITY POINT OF ORDER.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that violates section 13301 of the Budget Enforcement Act of 1990.

''(k) DEBT HELD BY THE PUBLIC POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report that would—

''(1) increase the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(2) provide additional borrowing authority that would result in the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 being exceeded.

''(l) SOCIAL SECURITY SURPLUS PROTECTION POINT OF ORDER.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget, an amendment thereto, or a conference report thereon that sets forth a deficit in any fiscal year.

''(2) EXCEPTION.—Paragraph (1) shall not apply if—

''(A) the limit on the debt held by the public in section 253A(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is suspended; or

''(B) the deficit for a fiscal year results solely from the enactment of—

''(i) social security reform legislation, as defined in section 253A(e)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; or

''(ii) provisions of legislation that are designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) SUPERMAJORITY WAIVER AND APPEAL.—Subsections (c)(1) and (d)(2) of section 904 of the Congressional Budget Act of 1974 are amended by striking ''305(b)(2),'' and inserting ''301(k), 301(l), 305(b)(2), 318,''.

(d) CONFORMING AMENDMENT.—Section 318 of the Congressional Budget Act of 1974, as added by this Act, is amended by adding at the end the following:

''(c) EXCEPTION FOR DEFENSE SPENDING.—Subsection (b) shall not apply against an emergency designation for a provision making discretionary appropriations in the defense category.''.

SEC. 204. DEDICATION OF SOCIAL SECURITY SURPLUSES TO REDUCTION IN THE DEBT HELD BY THE PUBLIC.

(a) AMENDMENTS TO THE CONGRESSIONAL BUDGET ACT OF 1974.—The Congressional Budget Act of 1974 is amended—

(1) in section 3, by adding at the end the following:

''(11)(A) The term 'debt held by the public' means the outstanding face amount of all debt obligations issued by the United States Government that are held by outside investors, including individuals, corporations, State or local governments, foreign governments, and the Federal Reserve System.

''(B) For the purpose of this paragraph, the term 'face amount', for any month, of any debt obligation issued on a discount basis that is not redeemable before maturity at the option of the holder of the obligation is an amount equal to the sum of—

''(i) the original issue price of the obligation; plus

''(ii) the portion of the discount on the obligation attributable to periods before the beginning of such month.

''(12) The term 'social security surplus' means the amount for a fiscal year that receipts exceed outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.'';

(2) in section 301(a) by—

(A) redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectfully; and

(B) inserting after paragraph (5) the following:

''(6) the debt held by the public; and''; and

(3) in section 310(a) by—

(A) striking ''or'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) inserting the following new paragraph;

''(4) specify the amounts by which the statutory limit on the debt held by the public is to be changed and direct the committee having jurisdiction to recommend such change; or''.

(b) AMENDMENTS TO THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in section 250, by striking subsection (b) and inserting the following:

''(b) GENERAL STATEMENT OF PURPOSE.—This part provides for the enforcement of—

''(1) a balanced budget excluding the receipts and disbursements of the social security trust funds; and

''(2) a limit on the debt held by the public to ensure that social security surpluses are used for social security reform or to reduce debt held by the public and are not spent on other programs.'';

(2) in section 250(c)(1), by inserting '' ' debt held by the public', 'social security surplus' '' after ''outlays', ''; and

(3) by inserting after section 253 the following:

''SEC. 253A. DEBT HELD BY THE PUBLIC LIMIT.

''(a) LIMIT.—The debt held by the public shall not exceed—

''(1) for the period beginning May 1, 2000 through April 30, 2001, $3,628,000,000,000;

''(2) for the period beginning May 1, 2001 through April 30, 2002, $3,512,000,000,000;

''(3) for the period beginning May 1, 2002 through April 30, 2004, $3,383,000,000,000;

''(4) for the period beginning May 1, 2004 through April 30, 2006, $3,100,000,000,000;

''(5) for the period beginning May 1, 2006 through April 30, 2008, $2,775,000,000,000; and,

''(6) for the period beginning May 1, 2008 through April 30, 2010, $2,404,000,000,000.

''(b) ADJUSTMENTS FOR ACTUAL SOCIAL SECURITY SURPLUS LEVELS.—

''(1) ESTIMATED LEVELS.—The estimated level of social security surpluses for the purposes of this section is—

''(A) for fiscal year 1999, $127,000,000,000;

''(B) for fiscal year 2000, $137,000,000,000;

''(C) for fiscal year 2001, $145,000,000,000;

''(D) for fiscal year 2002, $153,000,000,000;

''(E) for fiscal year 2003, $162,000,000,000;

''(F) for fiscal year 2004, $171,000,000,000;

''(G) for fiscal year 2005, $184,000,000,000;

''(H) for fiscal year 2006, $193,000,000,000;

''(I) for fiscal year 2007, $204,000,000,000;

''(J) for fiscal year 2008, $212,000,000,000; and

''(K) for fiscal year 2009, $218,000,000,000.

''(2) ADJUSTMENT TO THE LIMIT FOR ACTUAL SOCIAL SECURITY SURPLUSES.—After October 1 and no later than December 31 of each year, the Secretary shall make the following calculations and adjustments:

''(A) CALCULATION.—After the Secretary determines the actual level for the social security surplus for the current year, the Secretary shall take the estimated level of the social security surplus for that year specified in paragraph (1) and subtract that actual level.

''(B) ADJUSTMENT.—

''(i) 2000 THROUGH 2004.—With respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that begins on May 1st of the following calendar year; and

''(II) each subsequent limit.

''(ii) 2004 THROUGH 2010.—With respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amount calculated under subparagraph (A) to—

''(I) the limit set forth in subsection (a) for the period of years that includes May 1st of the following calendar year; and

''(II) each subsequent limit.

''(c) ADJUSTMENT TO THE LIMIT FOR EMERGENCIES.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If legislation is enacted into law that contains a provision that is designated as an emergency requirement pursuant to section 251(b)(2)(A) or 252(e), OMB shall estimate the amount the debt held by the public will change as a result of the provision's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 251(a)(7) or section 252(d), as the case may be.

''(2) ADJUSTMENT.—After January 1 and no later than May 1 of each calendar year beginning with calendar year 2000—

''(A) with respect to the periods described in subsections (a)(1), (a)(2), and (a)(3), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that begins on May 1 of that calendar year; and

''(ii) each subsequent limit; and

''(B) with respect to the periods described in subsections (a)(4), (a)(5), and (a)(6), the Secretary shall add the amounts calculated under paragraph (1)(A) for the current year included in the report referenced in paragraph (1)(C) to—

''(i) the limit set forth in subsection (a) for the period of years that includes May 1 of that calendar year; and

''(ii) each subsequent limit.

''(3) EXCEPTION.—The Secretary shall not make the adjustments pursuant to this section if the adjustments for the current year are less than the on-budget surplus for the year before the current year.

''(d) ADJUSTMENT TO THE LIMIT FOR LOW ECONOMIC GROWTH AND WAR.—

''(1) SUSPENSION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) LOW ECONOMIC GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, the limit on the debt held by the public established in this section is suspended.

''(B) WAR.—If a declaration of war is in effect, the limit on the debt held by the public established in this section is suspended.

''(2) RESTORATION OF STATUTORY LIMIT ON DEBT HELD BY THE PUBLIC.—

''(A) RESTORATION OF LIMIT.—The statutory limit on debt held by the public shall be restored on May 1 following the quarter in which the level of real Gross Domestic Product in the final report from the Department of Commerce is equal to or is higher than the level of real Gross Domestic Product in the quarter preceding the first two quarters that caused the suspension of the pursuant to paragraph (1).

''(B) ADJUSTMENT.—

''(i) CALCULATION.—The Secretary shall take level of the debt held by the public on October 1 of the year preceding the date referenced in subparagraph (A) and subtract the limit in subsection (a) for the period of years that includes the date referenced in subparagraph (A).

''(ii) ADJUSTMENT.—The Secretary shall add the amount calculated under clause (i) to—

''(I) the limit in subsection (a) for the period of fiscal years that includes the date referenced in subparagraph (A); and

''(II) each subsequent limit.

''(e) ADJUSTMENT TO THE LIMIT FOR SOCIAL SECURITY REFORM PROVISIONS THAT AFFECT ON-BUDGET LEVELS.—

''(1) ESTIMATE OF LEGISLATION.—

''(A) CALCULATION.—If social security reform legislation is enacted, OMB shall estimate the amount the debt held by the public will change as a result of the legislation's effect on the level of total outlays and receipts excluding the impact on outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

''(B) BASELINE LEVELS.—OMB shall calculate the changes in subparagraph (A) relative to baseline levels for each fiscal year through fiscal year 2010 using current estimates.

''(C) ESTIMATE.—OMB shall include the estimate required by this paragraph in the report required under section 252(d) for social security reform legislation.

''(2) ADJUSTMENT TO LIMIT ON THE DEBT HELD BY THE PUBLIC.—If social security reform legislation is enacted, the Secretary shall adjust the limit on the debt held by the public for each period of fiscal years by the amounts determined under paragraph (1)(A) for the relevant fiscal years included in the report referenced in paragraph (1)(C).

''(e) DEFINITIONS.—In this section:

''(1) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.

''(2) SOCIAL SECURITY REFORM LEGISLATION.—The term 'social security reform legislation' 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.'

This paragraph shall apply only to the first bill or joint resolution enacted into law as described in this paragraph.

''(3) SOCIAL SECURITY REFORM PROVISIONS.—The term 'social security reform provisions' means a provision or provisions identified in social security reform legislation stating the following:

''''( ) SOCIAL SECURITY REFORM PROVISIONS.—For the purposes of the Social Security Surplus Preservation and Debt Reduction Act, _____ of this Act constitutes or constitute social security reform provisions.', with a list of specific provisions in that bill or joint resolution specified in the blank space.''.

SEC. 205. PRESIDENT'S BUDGET.

Section 1105(f) of title 31, United States Code, is amended by striking ''in a manner consistent'' and inserting ''in compliance''.

SEC. 206. SUNSET.

This title and the amendments made by this title shall expire on April 30, 2010.

This section shall become effective 1 day after enactment.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCAIN. 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 28, for purposes of conducting a closed full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on damage to the national security from Chinese espionage at DOE nuclear weapons laboratories.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, April 28, at 2:30 p.m., Hearing Room (SD–406), to receive testimony from, George T. Frampton, Jr., nominated by the President to be a Member of the Council on Environmental Quality.

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

COMMITTEE ON FINANCE

Mr. MCCAIN. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 28, 1999 beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Governmental Affairs Committee Subcommittee on International Security, Proliferation, and Federal Services be permitted to meet on Wednesday, April 28, 1999, at 2:30 p.m. for a hearing on ''The Future of the ABM Treaty.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, April 28, at 9:30 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, April 28, 1999 at 9:30 a.m. to conduct an Oversight Hearing on Bureau of Indian Affairs Capacity and Mission. The Hearing will be held in Room 485, Russell Senate Building.

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

COMMITTEE ON THE JUDICIARY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 28, 1999 at 9:30 a.m. in room 226 of the Senate Dirksen Office Building to hold a hearing on: ''S.J. Res. 14, Proposing an Amendment to the Constitution of the United States, authorizing Congress to Prohibit the Physical Desecration of the Flag of the United States.''

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 28, 1999 at 9:30 a.m. to receive testimony on the operations of the Architect of the Capitol.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to

meet during the session of the Senate on Wednesday, April 28, 1999 at 2 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

Mr. McCAIN. Mr. President, I ask unanimous consent that the Subcommittee on Forests and 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 28, for purposes of conducting a Subcommittee on Forests and Public Lands Management hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 415, a bill to amend the Arizona Statehood and Enabling Act in order to protect the permanent trust funds of the State of Arizona from erosion due to inflation and modify the basis on which distributions are made from the funds, and S. 607, a bill to reauthorize and amend the National Geological Mapping Act of 1992; and S. 416, a bill to direct the Secretary of Agriculture to convey to the city of Sisters, Oregon, a certain parcel of land for use in connection with a sewage treatment facility.

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

ADDITIONAL STATEMENTS

KOSOVO

• Mr. GRASSLEY. Mr. President, I rise today to bring your attention to a newspaper column that I believe provides thoughtful commentary on current events taking place in Kosovo and in the United States. The following, written by Mr. A.M. Rosenthal, appeared in the New York Times on April 9, 1999.

I ask that it be printed in the RECORD.

The material follows:

Do Americans understand that while we have been bombing the Serbs, the following took place:

Libya was exonerated from responsibility in the destruction of Pan AM 103.

Saddam Hussein's closedown of the U.N. search for Iraq's nuclear, chemical and biological weapons went into its eighth month. Richard Butler, the chief arms inspector, was barred Wednesday by the Russians from even entering the U.N. Security Council chamber where his inspection commission was the agenda, marked for death.

China's Prime Minister was visiting America getting a great press—plus a step nearer to a trade agreement that will fatten China's economy and armed forces. On the day Zhu Rongji arrived in Washington representing the Communist politburo, President Clinton criticized not China's expanding arrests of political and religious dissidents, but American critics of China.

So: do Americans understand that while we fight one dictatorship, fumbling around trying to heighten the war and somehow end it at the same time, three other dictatorships more dangerous to American interests are walking away with America's pants?

The Libya deal was possible because the Administration signed off on it. This sweetheart gift to Col. Muammar el-Qaddafi ends the effective sanctions imposed on Libya for harboring two Libyans accused of murdering 270 people in the bombing of Pan AM 103 on Dec. 21, 1988.

American intelligence agents are not allowed to ask the suspects now held in the Netherlands if perchance Qaddafi knew what his boys were up to or Syria and Iran were involved—as Western intelligence agencies had long believed. And during the trial itself, Libya's Government is not to be undermined, hear?

For Libya, a no-loser. Even if the men are found guilty, the sanctions will remain ended. Italy, Russia, France and other countries have already lined up fat oil and gas deals with Libya. U.S. companies will follow. The deal is disgusting, an insult to the dead and their families, and to all, who fly in U.S. planes.

Do Americans understand that the U.S. delegation to the U.N. did not stand up and holler at the barring of Mr. Butler? Let's hope it will when he tries again today.

Do they understand that the President denounced U.S. critics of China on the very day that Jeff Gerth and James Risen of The Times were writing that even more Chinese nuclear espionage took place than the reporters had already disclosed? Another chapter in Chinese espionage was written in 1995, reported to Samuel Berger, now the national security adviser, in April 1996, who told the President in July 1997, who ordered tightened security—in February 1998.

And do Americans understand that the Administration disgraced itself in the war on Serbia?

Slobodan Milosevic, not America, is responsible for driving cold, hungry, terrified Albanian Kosovars from their homes. But Washington's disgrace is that President Clinton and his top people did not know and did not expect that Mr. Milosevic would use the bombing as an opportunity to expel them by the hundreds of thousands. American leadership still does not seem able to plan more than a couple of days ahead.

So we need no longer worry about America's credibility; we have none.

For a democracy, credibility comes not just from smart weapons but smart leaders, from respect for the intelligence of the public, domestic and foreign, from a measure of honesty. In a democracy, pretense in war or peace is transparent, embarrassing and finally self-destructive.

We need not and should not support Kosovar secession. But we helped Mr. Milosevic in his fight with the Kosovars by not foreseeing his mass expulsion plans, and not having our own plans that would treat the Serbian nation as something more than a bombing target.

''When at war, support the troops.'' To me, that means making sure they have the strength they need, the affection, respect—and doable mission.

What is does not mean is keeping our mouths shut about misconduct of a war by an American Government—or about its failure to protect American interests in other crises that may inconveniently present themselves. That's not supporting American armed forces, but walking away from them.•

UNITARIAN UNIVERSALIST CHURCH OF SAN DIEGO

• Mrs. BOXER. Mr. President, today I want to recognize the First Unitarian Universalist Church of San Diego as it celebrates 125 years of religious freedom. The First Unitarian Universalist Church of San Diego enjoys a rich history in San Diego. Founded in 1873, the Church has continued to grow into a diverse community of over 3,000 members with differing beliefs yet shared values.

The First Unitarian Universalist Church of San Diego is an important part of the spiritual lives of thousands of San Diegans. In 1890, founder Lydia Horton helped to pioneer women's rights through the Church. Today, it continues that tradition of activism by working for environmental protection, gay and lesbian rights, and women's equality. In the local community, the Church is fighting discrimination and illiteracy, building schools in underserved neighborhoods, and teaching San Diego's children the value of community involvement.

The Church encourages members of its congregation to develop their own religious wisdoms, truthful to themselves and respectful of others.

For thriving 125 years in San Diego, I salute the First Unitarian Universalist Church of San Diego and wish them many successful years ahead.•

RECOGNIZING THE WORLD CLASS SCHOLARS PROGRAM, ABERDEEN, WA

• Mr. GORTON. Mr. President, a constant theme heard in the economic news of our country is the dramatic success and sustained growth of our nation's economy. My own state of Washington has been particularly fortunate in that regard, even give the much-talked about ''Asian flu.'' Not all of Washington's communities, however, have been so lucky. Among those is Aberdeen, in Grays Harbor County. Unemployment in Aberdeen is double the state average; over 17 percent of the county depends on public assistance as a primary source of income; and 27 percent of the adult population has not completed high school. To combat these issues, the Aberdeen School District and Grays Harbor Community College came together in 1993 to create the World Class Scholars program which I am pleased to present with one of my Innovation in Education Awards.

Recognizing that students were struggling to finish their education and would therefore be unqualified for many of the well paying technology-based jobs in Washington state, local educators created a new path to reach these workers of tomorrow—the World Class Scholars Program. The school district and community college agreed that students in the scholars program would automatically be accepted into

the local community college, receive scholarship assistance and college credit for college-level work completed in high school. In return, students must follow through on a pledge made in the 7th grade to graduate with a ''B'' average. Students in the program also agree to demonstrate leadership and other interpersonal skills, volunteer at school or in the community, and become technologically proficient. This is exactly the kind of jump-start this community needed to encourage students to complete their education and to ensure that recent graduates have the tools necessary to compete for today's high-paying jobs.

Each year, the number of students and volunteers involved in the World Class Scholars program continues to grow. But, perhaps of great mention, the number of other school districts participating throughout the county in collaboration with Grays Harbor Community College has also grown. In two years, the first class of high school students will graduate and the community's pledge to provide them with continued education will be honored. Clearly, Aberdeen and surrounding school districts have needs that are different, perhaps unique, from other localities throughout Washington state. They have met this problem head on and are well on the way to making their community a better place to live. The response of the Grays Harbor community perfectly demonstrates that local educators really do know best.

In presenting my Innovation in Education Awards, I fall back on this common-sense idea, that it is parents and educators the who look our children in the eye every day that know best how to educate them. For too long, the federal government has been telling local schools that Washington, DC bureaucrats know best. Educators across Washington state and throughout the country, like those involved in the World Class Scholars program, deserve more decision-making authority they deserve and I pledge to work hard to return that power to them.●

REMARKS BY DR. HENRY BUCHWALD

● Mr. HOLLINGS. Mr. President, I offer for the RECORD the text of a lecture delivered at the Central Surgical Association by Dr. Henry Buchwald, Professor of Surgery at the University of Minnesota. Dr. Buchwald, a past president of the association, is a highly regarded surgeon, and as we address Medicare reform and related matters in the months ahead, I believe we would do well to consider his words. At this time, I ask that excerpts of Dr. Henry Buchwald's presidential address be printed in the RECORD.

The material follows.

PRESIDENTIAL ADDRESS: A CLASH OF CULTURES—PERSONAL AUTONOMY VERSUS CORPORATE BONDAGE

(By Henry Buchwald, MD)

PERSONAL AUTONOMY

A constellation of principles embody the personality of the surgeon. At its core are the tradition and the ethos of personal autonomy. One of the distinguished past presidents of the Central Surgical Association, Donald Silver, who has been a role model for me, entitled his 1992 presidential address, ''Responsibilities and Rights.'' He allowed very few intrinsic rights to surgeons, but first among the limited prerogatives he granted was autonomy.

As surgeons, we tend to be individualists and to espouse individual responsibility. To us, maturity means being responsible for our actions. We keep our commitments. We view fiscal independence as essential. We take pride in earning a living and, should we have a family, in providing for its needs. To give the gift of an education to our children has been integral to our aspirations.

The years of medical school, residency, and the post-postgraduate education of clinical practice finally give birth to a surgeon. This individual has acquired a base of knowledge and the insight to apply facts and rational suppositions to the care of patients. This individual has obtained operating room skills secured by observation, trial and error, repetition, and respect for tissues and tissue planes and has learned the art of being gentle with a firm and steady hand. The surgeon has been sobered by death, by bad results, by the frustration of the inadequacies of even the most modern medical advances, and by the vagaries of human nature that obstruct the best of intentions and efforts. The surgeon has acknowledged fallibility and his or her power to do harm. The surgeon has become comfortable in a profession in which decisions are singular and responsibility is particular. The mature surgeon has achieved personal autonomy.

Within our company of surgeons we take just pride in our accomplishments. We are a distinct discipline with a unique body of knowledge. We are, for the most part, successful. We save lives, we increase life expectancy, we enhance the quality of existence. In addition, we have provided society with numerous competent surgical practitioners and built dynasties of surgical educators and researchers—individuals who bridge the present with the future of our profession.

Unfortunately, this golden age for surgery and the personal autonomy of the individual surgeon are threatened with imminent destruction by a force that will, if not countered and checked, lead us into corporate bondage. I will term this force administocracy.

CORPORATE BONDAGE

Ideally, the role of health care administration is to facilitate the work of physicians and health care personnel. But the chief administrators in our health care institutions and universities are no longer facilitators. They now seek to control. They have been redefining medical practice, clinics, academic departments, and universities on a corporate model, a model that subverts the essential nature of an intellectual society, a model totally alien to the definition of a university as a community.

Administrocracy, the term I have coined to epitomize this force, is the rule of centralized administration, based on the top-down control of money, resources, and opportunities. Its primary beneficiaries are the administrative hierarchy. Administocracy has established itself as a new ruling class, an order clearly separated from the toilers in the vineyard of medicine. Administocracy is governance not by facilitation but by intimidation. Administocracy has gained or is gaining control of our medical schools, our teaching and community hospitals, and our current means of providing health care. I will outline administocracy's practices, codified into its own perverted Ten Commandments.

I: Thou shalt have no other system. The glory of our nation's democracy, the longest surviving democracy in the history of the world, is its ability to tolerate differences—to take new initiatives and then to retrench, to be liberal and to be conservative—and, concurrently, to be responsible to the will of the governed and to the precepts of fundamental code of principles and individual rights. An autocracy, on the other hand, denies flexibility and governance alternatives. An autocracy's overriding objective and only goal, regardless of any protestations of working for the common good, is its own perpetuation. By definition, such a system denies the will of the governed and refuses recognition of individual rights.

Administocracy is, of course, an autocracy. Once in power, administocracy's first order of business is to replicate itself. For example, in 1993 the academic administocracy at the University of Minnesota cut 435 civil service positions, while simultaneously adding 45 more executives and administrators.[1] The Office of the Senior Vice President for Health Sciences at Minnesota, a unit that did not even exist some years ago, now has 25 members.

The growth of medical administocracy is the result of genuine problems in the distribution of health care, including cost problems not adequately addressed by the medical profession itself. Our failure, or inability, to take action on these issues has allowed outsiders and opportunists within our own profession to hijack the delivery of health care. Among practicing physicians, a general ennui and a lack of resistance have been the reactions to the administocracies that are becoming our overlords. Perhaps one reason for this seeming complacency is that, individually, physicians feel powerless when faced with the well-organized, implacable machine of administocracy—an entity that knows its purpose and will use any means to attain its goals. Another reason is well expressed by Thurber's paraphrase of Lincoln: ''You can fool too many of the people too much of the time.''[2]

II: Thou shalt make new images. In his classic novel *1984*, Orwell beautifully illustrated the power of language and its willful distortion by governments. His use of ostensibly neutral words for disguising uncomforting realities set the standards for the current proliferation of Orwell's ''Newspeak.''[3] The medical and academic administocracies of today have devised their own Orwellian glossary of deception, often borrowing and redefining phrases from corporate industry and the military.

CEO, for chief executive officer, obviously comes from the corporate world. In academia and in hospital administration, it means a titular despot who controls the destiny and income of faculty and staff.

Reporting to and chain of command come from the military. These designations of caste and of obedience have not only been fully accepted by members of our profession but actually embraced and fostered by certain of our colleagues.

Executive management group means a cluster of deans.

Managed care is a euphemism for reducing patient services and physicians' fees to redistribute income to the ever-increasing number of administrators.

Utilization review stands for a bureaucratic sleight of hand to justify a predetermined reduction in patient services and health care personnel.

Market and consumer mean patient.

Market share means the number of patients you can hold hostage in a provider network.

Health care team means that the physician is only as essential to patient care as the multitude of people who stare into computers on nursing stations.

Vendor means you, the doctor.

II: Thou shalt take what is in vain: reengineer. Reengineering is the golden calf of administrocracy and takes in vain much of what we hold sacred. Reengineering would substitute dicta for scientific inquiry, the ''clean sheet'' for methodology, and assumptions for acquired knowledge. Reengineering has never been critically tested, certainly not in academia and hospital administration. No randomized clinical trials of reengineering have ever been conducted.

The definitions of reengineering are all quite similar. Michael Hammer and James Champy, two of the principal writers and consultants in the field, define it as follows: ''the fundamental rethinking and radical redesign of business processes, management systems, and structures of the business to achieve dramatic improvements in critical, contemporary measures of performance such as cost, quality service, and speed.''[4]

The stages of reengineering are usually listed by its author advocates as preparing for change, planning for change, designing for change, implementing change, and evaluating change. Obviously, ''change'' is the key message, often spoken of as ''swift and radical change.'' Initiates to reengineering are instructed that it is essential to start this swift and radical change with the proverbial ''blank sheet of paper.'' Besides the logical fallacy of changing that which is blank, the sheet of paper is not blank; it contains our heritage. To start with a blank sheet means to erase the past. This concept of eliminating what we have painstakingly learned denies the most fundamental precept that we, as teachers, have passed on to generations of our students; namely, know the past and build on it. That way offers progress. Paul's First Epistle to the Thessalonians (5:21) states ''Prove all things; hold fast that which is good.''

If we do not learn from experience, from accumulated data and analyses, we will continually repeat history, and often bad history. Reengineering is a denial of the methodology of learned skills to deal with the business at hand, a denial of accumulated knowledge, a denial of the wisdom based on that knowledge. It is an abrogation of the scientific method.

In too much of the corporate-industrial world, reengineering has been the death blow to the company as family, a place to work with pride until retirement. In its place, reengineering has imposed the lean and mean corporate model of harsh downsizing—an organization devoid of workers' loyalty; characterized by a disregard for the customer in favor of the stockholder, plagued with a heavy load of debt, and ripe for a merger, conglomerate integration, and, eventually, extinction.

But enlightened industry has been abandoning reengineering, and the gurus of this nonsense have found it profitable to shift their expensive consultative services to academia and health care. Many of our associates have bitten hard into this apple of poisoned knowledge: Harvard, Tufts, Columbia, Cornell, Stanford, the University of California-San Francisco, Michigan, Henry Ford, and Minnesota are just some of the great institutions that have, to one degree or another, adopted reengineering. Physician-administrators, with little or no experience in the business world, are pushing hard to sell reengineering as a panacea for success and good fortune in the health sciences and in health care. They are huckstering a placebo.

The former provost of the University of Minnesota Academic Health Center and current president of Johns Hopkins, Dr. William R. Brody, brought the aforementioned James Champy to a University of Minnesota ''leadership retreat'' in July of 1995. At that meeting Mr. Champy, was quoted as saying: ''We live in debate . . . but you may have to exercise powers and say sometimes., 'The debate is over. This is the way we are going to be.' . . . visions are not built by groups . . . people in organizations want to be told what to do . . . There is a thirst for leadership, for top-down direction.''[1]

Champy gave this advice pro bono. Eventually, however, his consulting firm, CSC Index, was paid $2.2 million by the University of Minnesota to put his philosophy into practice.[1]

Ever since the Brody mindset took hold of the university's administocracy, I have listened to speech after speech emphasizing that ''everything is on the table'' (freely translated to mean—tell us what you have so that we can take it away from you), and that the ultimate goal of reengineering was the ''reinvention of the academic health center.'' I was also present when straightforward questions about a prospective hospital merger were met with evasion and statements such as ''The negotiations are as yet too delicate to be openly discussed'' and ''I am not at liberty to provide these details.'' Only when the secret discussions had been concluded and the final decisions had already been made were faculty members informed of the swift and radical changes that would forever affect their lives and that these changes were ''non-negotiable.''

IV: Thou shalt keep horizontal integration holy. In the application of reengineering to academia and health care, the basic work unit is achieved by horizontal integration across disciplines. The medical community until recently has been discipline oriented. The change to horizontal integration represents a major paradigm shift. This change means that a patient would proceed not from one physician to other disciplinary specialists, as needed, but would be referred to a disease- or system-complex of physicians. This unit has been designated as a disease-based cluster, also called in various institutions a center, an institute, a service-line unit, and an interdisciplinary service program. The disease-based cluster is an imposition on patient care of management by a standing committee.

Contrary to the promises of the administocrats, life within the horizontally integrated unit is far from utopian. Because the income allocated to the unit by the administocrats is distributed by formula to the members of the disease-based cluster, the fewer members in the cluster, the more money for those who are retained. That formula encourages the urge to lighten ship. In this cluster, the members of the group have yielded the control of their practice and of their personal income to the group mentality. The surgeon is an employee of this group of primarily nonsurgeons, a fully salaried employee with few, if any, financial incentives.

Further, each cluster decides on the optimal time management for its employees. Economic unit pressure will limit the amount of time allocated for teaching and for research. If you want to teach, you will be told that extensive teaching is a luxury that the unit cannot afford for its surgeons. You will be told to limit your time with medical students and to limit the operating room time you offer residents, because this use of time does not serve the market-driven goals of your new workplace. Time spent in laboratory research by members of a clinical unit, especially the unit's surgeons, will be restricted or disallowed, because it would most assuredly decrease the unit's ability to compete in the clinical marketplace. Although the surgeon is the main stoker of the unit's economic furnace, decisions for the individual surgeon's distribution of time will no longer be at his or her discretion, but rather at the discretion of the economic will of the group. And, because the surgeon must spend an extensive amount of time in the operating room, the director of this disease-based cluster will, more than likely, not be a surgeon.

Where are the positive incentives for surgeons in the horizontally integrated unit? We have seen that the incentive is not in money, in teaching, or in research. Is it in the practice of our craft? Even that pleasure may not be allowed. Disease management in the cluster will be by what has been termed clinical pathways. This means surgery by the numbers; every surgeon will do the same procedure for a specific problem, in exactly the same manner, with a prescribed set of instructions for the use of nasogastric tubes, drains, antibiotics, alimentation, and so on. This assembly-line concept of surgery represents the ultimate destruction of the autonomy of the surgeon.

What will be left? The negative incentives of job security and the threat of punishment for expressions of individuality. Criteria for employment will be obedience to the group and a proper sense of beholdenness.

The emergence of horizontal integration in reengineered institutions is being vigorously proselytized by its advocates. Indeed, several plenary sessions at the 1997 meeting of the American College of Surgeons gave podium time to the leading proponents of horizontal integration, but none to its opponents. A more balanced analysis of this ''brave new world'' is needed. In the words of Aldous Huxley: ''Thought must be divided against itself before it can come to any knowledge of itself.''[5]

V: Dishonor thy father and thy mother. The professional fathers and mothers of practicing doctors of medicine are the departments of the medical school. For use as surgeons, our professional parent is the department of surgery. Most of us have a strong allegiance to the departments that trained us and to those we now represent. We cite the teachings of our department as a justification for what we do and what we believe. We extol the achievements of the heroes of our department, and we have been known to contest between departments with fierce team loyalties. We tell departmental anecdotes into our dotage.

Historically, the strongest medical schools have had the most powerful departments. Feudalism may not have been an intellectual success in the Middle Ages, but it has been

the appropriate medical school governance system for our golden age of surgery. The independent department of surgery has, as a rule, been financially sound. It is able, therefore, to provide its faculty, in addition to a clinical practice, research opportunities, as well as the time to teach and to travel. The clinical atmosphere is exciting, allowing faculty to interact with questioning residents, and, through grand rounds and mortality and morbidity conferences, offering the best second opinions available anywhere. Independent departments gave birth to independent individuals, who had the imagination, innovative spirit, incentive, and drive to make surgery in the United States the best and the most envied in the world.

Reengineering would have us deny our departments, abandon them as mere relics. We are being told to dishonor our parental heritage and to deprive future generations of its nurturing. Horizontal integration is the death knell of the strong department of surgery as we know it. Independent departments that give rise to individualists are anathema to an administocracy, which would replace departmental parenting with the cloning of conformists.

The proponents of radical change are proposing that departments, for now, be maintained only for teaching students and lower levels of residents, and that their income will somehow be supplied by the dean of the medical school, to whom they will be indebted. The department chairs who will head these units will no longer be selected for scholarship, clinical acumen, and research accomplishments, but for administrative experience and political aspirations. As the lowest tier of the administocracy, they will not uphold or defend the department. In the future this system will eliminate clinical departments altogether, including their independent research, and delegate the teaching of the basic's of surgery to other than practicing surgeons.

VI: Thou shalt kill tenure. Tenure had its origins in the high Middle Ages and into the Reformation when royal edicts protected the person of the scholar and guaranteed safe passage.[6] As the university tradition developed on the continent and at Cambridge and Oxford, tenure became more of a fortification against the internal threat of dismissal at the pleasure of the clerical and political appointees who constituted the administration of these universities.[6]

In the 1990s, once again, tenure has become a highly charged controversy emerging from the academic cloister into the everyday world. Tenure is under attack in institutions of higher learning throughout the United States. This foundation of academic freedom, which includes the tenets of due process and freedom of expression, is being challenged as unwieldy and as an impediment to progress in today's fast-moving world and economy. It is seen as a barrier to effective top-down university administration. A lifelong commitment of appointment for faculty is being considered an unreasonable limit to a university's competitiveness. Tenure-track appointments per se are becoming more and more difficult to obtain, and the possibility of abolishing tenure is a current reality.

In the field of medicine we have traditionally not been strong advocates of the tenure system. Most surgeons, in and out of academia, have usually thought of tenure as the subterfuge of the weak and unaccomplished, the refuge of idlers and ne'er-do-wells. For my part, however, I am a strong proponent of tenure on principle and from experience. I have seen the University of Minnesota administocracy attempt to kill tenure. I have seen an outside consultant lawyer, hired by the Board of Regents, write a new tenure policy, subsequently put forth by the Board of Regents, that would have seriously restricted many aspects of academic freedom, denied due process, and allowed the disciplining of faculty for not having ''a proper attitude of industry and cooperation.'' I have seen the provost of the Academic Health Center become the leading opponent of tenure at the University of Minnesota and promise the state legislature to destroy tenure in exchange for increased funding for his personal vision of reengineering.

That threat to tenure has gone hand in hand with, and has served as the primary impetus for, unionization efforts by faculty, a turning to collective bargaining, the terminal polarization of a university into ''them'' and ''us.'' The union movement has been successful in some institutions and almost successful in others. We must recognize that the alternative before us is not between tenure or no tenure, but between tenure or membership in a trade union.

Centuries of reflection, turmoil, and hard-earned victories for freedom of expression within institutions of higher learning are embodied in tenure. That 1000-year-old legacy should not be swept aside by the know-nothing approach of ''reinventing the university.'' In the final analysis, tenure is the only protection that allows university faculty open criticism of the administocracy. Make no mistake about it, without tenure the outspoken individualists in the academic departments of surgery will be among the first to be fired for insubordination, for not having a proper attitude. They will be fired without due process and without the least concern for their productivity, hard work, loyalty, and demonstrable accomplishments. If not for tenure, many of our predecessors would not have survived to found and to sustain the Central Surgical Association. If not for tenure, many of us in this room would not be signing our names as professor of surgery.

VII: Thou shalt not commit to more than one career option. Once it was considered laudable in academia to pursue more than one career option—to be a researcher, a teacher, a consultant, as well as a practicing clinician. In the system of administocracy, such pursuits are adulterous, and they are prohibited. William Kelley, the apostle of linear career tracks, has made the laboratory doctors the highest order in the academic departmental hierarchy.[7] They follow a standard tenure track, spend little time with patients, and obtain their income from grants and from the efforts of their clinical-tract colleagues. Clinicians are confined, in turn, to patient activities, can have no laboratories, and may do only clinical research. Their primary job is to make the money needed by a two-track department. If these clinical doctors cannot keep up with the overall monetary demands, a third and fluid group of physicians, fresh out of residency, may be hired to see patients on a strict salary basis and to generate a sufficient overage of income to maintain the lifestyles of the nonclinicians.

Where does the double-threat, triple-threat, or even quadruple-threat academic surgeon of yesterday and today fit into such a system? He or she does not fit. Where is there allowance for the person who has honed his or her clinical judgment and operating room technique to achieve superb clinical outcomes and is also known as an eminent researcher, an outstanding teacher, and, possibly, an administrator-educator in the field of surgery? We may not find such renaissance individuals in the university of the first century of the third millennium. Those who exist today—many of them in this room—are the equivalents of the dinosaur. Honored today for their stature, their breed is destined for extinction.

VIII: Thou shalt steal. If the goal of administocracy is power, the means to achieve that goal is the control of money. For most of us, our incomes have been primarily derived from patient care on a fee-for-service basis. In the academic centers we ourselves allocated a percentage of our income to research, to resident education, to travel, and to departmental needs, as well as to paying a tithe to the dean. Currently, we are being forced to acquiesce to a seizure of our income at its source for redistribution outside of our control, consent, and often, knowledge. The imposition of layer upon layer of administrators and managers siphons off money to pay for their income, for the maintenance of their staff, and for the fulfillment of their, not our, aspirations. What finally trickles down to surgeons is a small fraction of the income we generate. In my opinion, this is theft.

The proliferation of health care provider organizations has given rise to a boom in building construction and occupancy to provide for the newly created health care managers. CEOs of managed care empires now take home millions of dollars annually. This is not capitalism but the embodiment of the Communist Manifesto: ''From each according to his abilities; to each according to his needs.''[8] Apparently, administocrats have the greatest needs. We have seen the advent of a plethora of executives, echelons of supervisors, authorizers of services, accountants, marketing and sales personnel, secretaries, telephone operators, and so on—all to do what we were able to do with a relatively minimal support staff. What feeds these engines of power? Fewer available patient services, less compensation for services, and an unparalleled redistribution of what we, the surgeons, earn. Whereas surgeons have a long and honorable history of providing care free of charge to the needy, the new system, through gatekeepers, restricts care for the needy and, through capitation, provides income to the greedy.

IX. Thou shalt bear false witness. The administocracy rewards or punishes faculty members in promotion and tenure proceedings, bestows awards and recognition, and grants institutional honors. The threat and implementation of both false-positive and false-negative witnessing are standard procedures in academic advancement and in the closure of academic careers. In certain institutions this method of control has extended to the misuse of the legal arm of central administration and the subversion of the internal judicial system of the university. Administocrats and their attorneys have made up rules as they go, with no basis for them in institutional regulations, the ''Calvin-ball''[9] approach to adjudication. For those who insist on believing that not all individuals in power can be corrupt and that decency at some level must still exist, I cite the words of 17th century aphorist, Jean de La Bruyère: ''Even the best-intentioned of great men need a few scoundrels around them; there are some things that you cannot ask an honest man to do.''[10]

X: Thou shalt covet. Finally, we come to coveting (Exodus 20:17): ''Thou shalt not covet thy neighbor's house, . . . nor anything that is thy neighbor's.''

The administocracy does indeed covet your ''house,'' because space is power. The personal space that you occupy outisde of the hospital and clinic, your office and your laboratory, is controlled by the administocracy. Allocation decisions are made not to facilitate your work and not as an incentive for productivity, but as a threat to achieve conformity and to guarantee compliance with their policies. When income is limited and proscribed, when the surgeon has become a 100% employee, then space and the use of that space become powerful inducements for faculty recruitment and retention. Space become a means to form a faculty to fit the new corporate mold. More than ever, space becomes a weapon to enforce compliance and to deny personal autonomy.

If money and space have been removed from the surgeon's control, how about the control of an individual's research? Here, too, administocracy has moved in. The formerly automatic forwarding of a properly prepared grant application has recently been subjected to additional internal institutional review and the threat of an institutional refusal to forward certain grant applications. This newly assumed institutional power has been termed a violation of academic freedom by a regional president of the American Association of University Professors.[1] Ongoing grants have been challenged by administocrats, with attempts at mandating personnel changes on a faculty research team. Faculty peer committees to supervise proper contract relations with industry have been disbanded and replaced by an administrator or a group subservient to the administocracy. Autonomy of research has been replaced by research at the pleasure of the administocracy.

There is, unfortunately, no limit to coveting. According to Horace: ''The covetous man is ever in want.''[11]

RESOLUTION

Although I coined the term administocracy, all else in this version of the Ten Commandments, as perverted by this new corporate bondage, is based on what has happened, is happening, and will happen. For many of us, certain, if not all, of the forces and events outlined are already part of our personal histories. Those fortunate enough to have been spared thus far will not be so favored in the future. I hope no one in this audience suffers from ''mural dyslexia,''[12] the inability to read the handwriting on the wall.

My intent in this narrative has been to express, in words and by examples, the manifestations of a calamitous reality that is altering the basic fabric of our professional lives, as well as the quality of medical care. We cannot elect simply to observe this transformation. The structures we stand on are disintegrating. If we continue to be complacent, if we do not oppose the powerful economic elements arrayed against us, if we take little interest in understanding the nature of our enemies, then surgery, as a discipline, and we, as surgeons and as independent practitioners, free to act within the boundaries of our conscience, will lose our culture, as well as our personal autonomy.

I have tried in these remarks to outline a brief differential diagnosis of this malady of encroaching administoracy, in order that we may formulate practical deterrents. I ask you to consider, each for your own situations, a workable, achievable alternative to administocracy, the forging of an ethical governance for academia, income distribution, and administration by facilitation. All of us need to take an active role in this process of evolution and innovation, to take it now, and to commit to it in the years to come.

Further, to maintain the individuality we prize, we have to realize that, individually, we are easy pickings. We must work together, as a community of surgeons, in our academic, cultural, and political organizations to defend our values. Ironic as it may be, we will need to give up some of our precious autonomy to safeguard that very autonomy. In his Republic, Plato expressed the concept of banding together as fundamental to preserving individualty: '' . . . a state comes into existence because no individual is self-sufficient. . . .''[13]

A satisfactory resolution of this clash of cultures will not be achieved quickly or easily. This contest will not be decided by the sprinters. Victory will belong to the marathoners. Fortunately, surgeons are trained for the long haul.

CLOSURE

I would like to close with one final quotation, four questions of self-examination from the Talmud, which express my personal aspirations: ''Have I lived honorably on a daily basis? Have I raised the next generation? Have I set aside time for study? Have I lived hopefully?[14]

REFERENCES

1. Robson B. Destroying the university to save the university. Minneapolis: City Pages; April 9, 1997.
2. Thurber J. Fables for our time. New York: Harper & Brothers; 1940.
3. Orwell G. 1984. San Diego: Harcourt Brace Jovanovich; 1982.
4. Hammer M, Champy J. Reengineering the corporation: a manifesto for business revolution. New York: Harper Business; 1993.
5. Huxley A. Do what you will. Garden City (NY): Doubleday, Doran & Company; 1929.
6. Metzger WP. Academic tenure in America: a historical essay. In: Keast WR, Macy JW Jr, editors. Faculty tenure. San Francisco: Jossey-Boss Publishers; 1973. p 93–159.
7. Kelley WN, Stross JK. Faculty tracts and academic success. Ann Intern Med 1992; 116:654–9.
8. Marx K. The German ideology. New York: International Publishers; 1947.
9. Watterson B. Attack of the deranged mutant killer monster snow goons. Kansas City: Andrews and McMeel; 1992.
10. La Bruyere J. Characters. New York: Fertig; 1991.
11. Horace. Epistles book I. II, To Tollius, line 56; 65–8 BC.
12. Pappelbaum S. Overview of the health care market place: imperative for change. Presented at the American College of Surgeons Annual meeting, Chicago, Ill, Oct 15, 1997.
13. Plato. Chapter VI. The rudiments of social organization. In: Conford FM, editor. The republic of Plato. New York: Oxford University Press; 1951.
14. The Babylonian Talmud. Tractate Shabbat; 31a. 1898–1981.

RECOGNITION OF ACHIEVEMENT

• Mr. ASHCROFT. Mr. President, I rise today to extend appreciation to my spring 1999 class of interns: Lionel Thompson, Ryan Carney, Stephanie Harris, Kelly Owens, Daniel Lawson, Lacey Muhlfeld, Pete Johnson, Brian Kim, and J.Y. Brown. Each of these young people has served the people of Missouri diligently in my office. They have been invaluable members of my Operations Team over the past several months, and their efforts have not gone unnoticed.

Since I was elected in 1994, my staff and I have made an oath of service, commitment, and dedication. We dedicate ourselves to quality service. America's future will be determined by the character and productivity of our people. In this respect, we seek to lead by our example. We strive to lead with humility and honesty, and to work with energy and spirit. Our standard of productivity is accuracy, courtesy, efficiency, integrity, validity, and timeliness.

My spring interns have not only achieved this standard, but set a new standard on the tasks they were given. They exemplified a competitive level of work while maintaining a cooperative spirit. It is with much appreciation that I recognize Lionel, Ryan, Stephanie, Kelly, Daniel, Lacey, Pete, Brian, and J.Y. for their contribution to me and my staff in our effort to fulfill our office pledge and to serve all people by whose consent we govern.•

WORKERS' MEMORIAL DAY 1999

• Mr. FEINGOLD. Mr. President, I rise today to honor the men and women in our labor force that put their health and safety on the line every day at work. Today, we observe the passage of the landmark Occupational Safety and Health Act, signed into law 29 years ago, and the tenth anniversary of Workers' Memorial Day.

Mr. President, today is a chance for all of us to celebrate, and to mourn—to recognize the strides we've made on worker safety, and to mourn those who have lost their lives while they were simply doing their job.

Although the workplace death rate has been cut in half since 1970, 60,000 workers still die every year from job hazards, and six million more are injured. In Wisconsin our workplace accidents rate of 11.4 workplace accidents per 100 workers is higher than the national average. This is not a statistic anyone should be proud of, but it does help us maintain our focus as we work toward stronger laws, stricter enforcement, and safer workplaces.

We need to work together to protect the workers that have built our communities and helped them thrive. Unfortunately we still hear stories of workers like Vernon Langholff, who in 1993 fell 100 feet to his death when a corroded fire escape collapsed beneath him while he was cleaning dust from a grain bin. Just this year a company in Jefferson County was convicted in a state court for the recklessness that caused Langholff's death. In 1996 the company was fined $450,000 for its deliberate indifference to worker safety—because they delayed spending the $15,000 it would have taken to fix the

fire escape and prevent Langholff's death. Stories like this remind us that an unsafe workplace can mean disaster for everyone involved—it can bring untold tragedy to a family, it can bring serious, long-term financial and legal repercussions for an employer.

The consequences of delaying the repair of a fire escape or ignoring safety procedures can often be tragic, and they are always preventable. To prevent more tragedies on the job, we've got to make sure workers can join unions without employer interference or intimidation, we must help protect whistleblowers who call attention to dangerous working conditions, and above all we've got to fight back against attempts in Congress to weaken OSHA laws.

I do not understand the yearly assault on worker safety in Congress. Again this year, the Safety Advancement for Employees Act, or SAFE Act has been introduced. This legislation takes away a worker's right to an on-site inspection to investigate a hazard, or permitting OSHA to issue warnings instead of citations. This bill isn't OSHA re-form, it's OSHA de-form. This bill would more appropriately be named the ''UNSAFE'' act.

Mr. President, I will work with my colleagues to fight back any attempt to weaken the protection of Wisconsin's workers. It's time to move the workplace forward to the 21st Century, not back to the dark ages.

I am proud to stand with this country's workers in the fight for the dignity, respect and safe workplace they deserve. I urge my colleagues to join me in this important and worthy battle.

I yield back the remainder of my time.●

NATIONAL ASSOCIATION OF LETTER CARRIERS

● Mr. SHELBY. Mr. President, I would like to bring to your attention the National Association of Letter Carriers Food Drive Day. On Saturday, May 8, letter carriers from around the country will collect nonperishable food items placed near their customers' mail boxes. The food will then be given to local food pantries for distribution to those in need. The National Association of Letter Carriers in Alabama collected more than 500,000 items last year alone, and I would like to encourage my colleagues to support the letter carriers' food drives in their States, districts, and hometowns in order to make this worthy event a success.●

THE VILLA TRAGARA

● Mr. LEAHY. Mr. President, I was delighted to see that the Villa Tragara in Waterbury Center, Vermont has been awarded the ''Emblem of Excellence'' in Italian Cuisine.

I am not the least bit surprised. My wife and I enjoy going to this restaurant more than any other. The owners, Tony and Patricia DiRuocco are special friends of ours and have brought the highest of culinary excellence to our state of Vermont. I count among my most enjoyable experiences meals in their superb restaurant and I wanted the rest of the country to have notice of this great honor.

I ask that the article from our local newspaper, The Times Argus, be printed in the RECORD.

The article follows:

[The Times Argus, April 8, 1999]

VILLA TRAGARA HONORED BY ITALIAN ACADEMY, GOVERNMENT

WATERBURY CENTER—The Villa Tragara Ristorante of Waterbury Center has been awarded ''Insegna Del Ristorante Italiano'' meaning ''The Emblem of Excellence'' in Italian Cuisine.

The award has been presented by the prestigious Italian Academy of Cuisine, located in Rome.

Villa Tragara chef/owner Antonino DiRuocco, born in Capri, Italy, and his partner and wife, Patricia, are scheduled to fly to Rome for festivities that include presentation of the award April 10–12.

Festivities include a trip to the Vatican, the Italian Senate and the ''Quirinale,'' home of the Italian president.

DiRuocco will be presented his award April 12 by Signor Oscar Luigi Scalfaro, Italy's president.

Restaurants throughout the world are judged on authenticity of the culinary art, creativity and presentation. A separate award is presented for wines and spirits.

Villa Tragara will be one of 80 restaurants worldwide to receive the award.●

TRIBUTE TO MS. RUBY B. MCMILLEN

● Mr. WARNER. Mr. President, I rise today to pay tribute to Ms. Ruby B. McMillen, a native of Virginia's Albemarle County, who is retiring from the Defense Logistics Agency, Fort Belvoir, Virginia, this month after a distinguished civilian career spanning more than thirty-six years. Ms. McMillen, who currently directs the Agency's business management office, has devoted her professional life to supporting the logistics needs of military men and women assigned around the world in defense of our freedom. Her accomplishments are many and her reputation for innovative, visionary leadership is unparalleled. Her contributions to the National Defense will be missed, so as she transitions to new opportunities, I want to say thanks to her on behalf of a grateful nation.

Ms. McMillen's career is noteworthy for many reasons, but her remarkable rise through the civil service ranks speaks to the real value of the work she has done for our warfighters over the years. Starting as a GS–3 clerk in Richmond's Defense General Supply Center, she soon transitioned into professional and leadership positions, but never lost her appreciation of the unique challenges faced by junior-level employees. With each assignment came additional responsibilities and a reputation for cutting through business-as-usual obstacles. Over the years her abilities developed, her contributions grew, and she rose to the top of her career field. For all the challenges she successfully met, Ms. McMillen's enduring contribution will be all those employees to whom she served as an active mentor. The next generation of DLA's professional logisticians has countless members who would not be making tremendous contributions to the Agency if not for her help, encouragement, and motivation along the way.

Mr. President, I am proud and honored to ask my colleagues to join me in congratulating Ms. Ruby McMillen on her retirement from the Federal Civil Service.●

TRIBUTE TO THE AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS

● Mr. SCHUMER. Mr. President, I rise to have printed in the RECORD, the remarks made by Benjamin Meed, President of the Warsaw Ghetto Resistance Organization, on the 56th anniversary of the Warsaw Ghetto Uprising. Mr. Meed made these remarks to the Congregation Emanu-El in New York City.

The material follows:

REMARKS OF BENJAMIN MEED

Governor Pataki, Senator Schumer, Mayor Giuliani, Comptroller Hevesi, Members of the U.S. Congress, Ambassador Sisso of Israel and Members of the Israeli Consulate, State and City Officials, Members of the New York Legislature, Boro President, Distinguished Guests, fellow survivors, and dear friends.

Today, Jews gather to pay tribute to the memory of our Six Million brothers and sisters murdered only because they were Jewish; We gather to honor the fighters of the Warsaw Ghetto; to grieve; and to continue asking the questions: Why did it happen? How could the civilized world allow it to happen? Why were we so abandoned? Six million times, why?

This year's national Days of Remembrance theme is dedicated to the voyage of the *SS St. Louis*. It is a story of refuge denied; it is a tale of international abandonment and betrayal. Why were they refused entry into this country? How can we ever understand why this was allowed to happen? Today, it is inconceivable to us just how that ship in those days was turned away.

Today 54 years ago the American soldiers came across Nazi Germany slave labor camps and liberated Buchenwald and saved many of us who are here present today. Our gratitude will remain with us forever. We will always remain grateful to these soldiers for their kindness and generosity, and we will always remember those young soldiers who sacrificed their lives to bring us liberty.

Today, wherever Jews live—from Antwerp to Melbourne, from Jerusalem to Buenos Aires, from New York to Budapest—we come together to remember to say Kadish collectively.

Remembering the Holocaust is now a part of the Jewish calendar. We are together in our dedication to Memory and our aspiration for peace and brotherhood. Yom Hashoah, the Days of Remembrance, time to collectively bear witness as a community.

And what lessons did we derive from these horrible experiences? The most important lesson is obvious—it can happen again the impossible is possible again. Ethnic cleansing, genocide, is happening as I speak. It can happen to any one or any group of people. The slaughter in Kosovo and in other places must be brought to an end.

Should there be another Holocaust, it may be on a cosmic scale. How can we prevent it? All of us must remain vigilant—always aware, always on guard against those who are determined to destroy innocent human life for no other reason than birthright.

It is vital that we remember, it is our commitment to those who perished, and to each other; a commitment taken up by your children and, hopefully, by the generation to come. What we remember is gruesome and painful. But remember we must. Over the years, we have tried to make certain that what happened to us was communicated and continues to be told, and retold, until it becomes an inseparable part of the world's conscience.

And yet, some fifty years after the Holocaust, we continue to be repulsed by revelations about the enormity of the crimes against our people. And we are shocked to learn of the behavior of those who could have helped us, or at least, not hurt us, but who, instead, actually helped those whose goal was to wipe us out. Sadly, many of those who claimed they were neutral were actually involved with the German Nazis. They were anything but not neutral.

The world has now learned that the Holocaust was not only the greatest murder of humanity, the greatest crime against humanity, but also the greatest robbery in the history of mankind. Driven from our homes, stripped of family heirlooms—indeed of all our possessions—the German Nazis and their collaborators took anything that was or could be of value for recycling. They stole from the living and even defiled the Jewish dead, tearing out gold fillings and cutting off fingers to recover wedding bands from our loved ones who they had murdered.

But the German Nazis did not—could not—do it alone. The same people who now offer reasonable sounding justifications for their conduct during the Holocaust were, in those darkest of times, more than eager to profit from the German war against the Jews.

None of the so-called ''neutral'' nations has fully assumed responsibility for its conduct during the Holocaust. The bankers, brokers, and business people who helped Nazi Germany now offer some money to survivors, but they say little about their collaboration. They utter not a word about how they sent fleeing Jews back to the German Nazis' machinery of destruction, nor about how they supported the Nazis in other ways—no admission of guilt; no regret; no expression of moral responsibility.

We must guard against dangerous, unintended consequences arising from all that is going on now. Hopefully, family properties and other valuables will be returned to their rightful owners. But the blinding glitter of gold—the unrealistic expectations created by all the international publicity—has diverted attention from the evil which was the Holocaust.

For five decades, we survivors vowed that what happened to our loved ones would be remembered and that our experiences would serve as a warning to future generations. We must continue to make sure that the images of gold bars wrapped in yellow Stars of David do not overshadow the impressions of a mother protecting her daughter with her coat, upon which a Star of David is sewn, or of a young boy desperately clutching his father's hand at Auschwitz/Birkenau before entering the gas chambers.

The search for lost and stolen Jewish-owned assets has generated enormous publicity and excitement, but it also has created serious concerns. Gold, bank accounts, insurance policies and other assets have become the focal point of the Holocaust. That somehow minimizes Germany's murderous role.

Great care must be taken to find a balance. The various investigations must continue to uncover the hidden or little publicized truths about the so-called neutral countries that collaborated, and to recover what rightfully belongs to the victims, survivors and their families.

The focus should never be shifted from the moral and financial responsibility of Germany for the slaughter of our people—acts for which there is no statute of limitations, acts for which Germany remains eternally responsible. Our books should not and cannot be closed.

Let us Remember.●

ORDERS FOR THURSDAY, APRIL 29, 1999

Mr. MCCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, April 29. I further ask that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask unanimous consent that immediately following the prayer, there be 1 hour for debate only, equally divided between Senator MCCAIN and Senator HOLLINGS, relative to the cloture motion on the McCain amendment to S. 96. I further ask that following that debate, the Senate proceed to a vote on the motion to invoke cloture.

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

PROGRAM

Mr. MCCAIN. Mr. President, for the information of all Senators, the Senate will convene at 9:30 a.m. and immediately begin 1 hour of debate relating to the cloture motion to the McCain amendment to the Y2K legislation. At approximately 10:30 a.m., following that debate, the Senate will proceed to a cloture vote on the pending McCain amendment to S. 96. As a reminder, under rule XXII, all second-degree amendments to the McCain amendment must be filed 1 hour prior to the vote.

ORDER FOR FILING SECOND-DEGREE AMENDMENTS

Mr. MCCAIN. Mr. President, I ask unanimous consent that Members have until 10 a.m. on Thursday in order to file second-degree amendments to the substitute amendment.

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

Mr. MCCAIN. Mr. President, following the cloture vote, the Senate may continue debate on the Y2K bill, the lockbox issue or any other legislative or executive items cleared for action. As a further reminder, a cloture motion was filed today to the pending amendment to the Social Security lockbox legislation. That vote will take place on Friday at a time to be determined by the two leaders. For the remainder of the week, it is possible that the Senate may begin debate on the situation in Kosovo.

ORDER FOR ADJOURNMENT

Mr. MCCAIN. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment as a further mark of respect to the memory of deceased Senator Roman Hruska, following the remarks of Senator GRAHAM.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. GRAHAM. 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. GRAHAM. Thank you, Mr. President.

JUDICIAL EXPANSION AND THE Y2K ACT

Mr. GRAHAM. Mr. President, over the last several years—according to our colleague from North Carolina, over the last 40 years—we have heard multiple warnings about the Y2K computer problem. We have heard how this problem will overwhelm our Nation's transportation networks, financial institutions, business sectors, and State and local communities.

I bring to the attention of the Senate this afternoon another institution that could be overwhelmed by the rush to prepare for the new millennium, and that institution is one of our direct responsibilities—the Federal courts.

Just over a month ago, the Judicial Conference of the United States—the principal policymaking body for the Federal courts, chaired by the Chief Justice of the U.S. Supreme Court—asked Congress to create nearly 70 new permanent and temporary judgeships: 11 on the appellate level and 58 in Federal district courts.

This was an unusually large request by the Judicial Conference. It was also an urgent request.

The Judicial Conference has made biennial pleas for help from Congress. Every 2 years, the Conference has recommended additional judgeships to be created in order to maintain currency with the capacity of the judicial system of the Federal Government of the United States with the caseload that system was being asked to accommodate.

I am saddened to have to state and to indicate to my colleagues and the American people that Congress has not created so much as one new Federal judgeship since December of 1990—almost 9 years ago.

Since December of 1990, appellate filings have increased by more than 30 percent. District court filings have grown by more than 20 percent. But this increase is not equally distributed across the Nation.

In my home State of Florida, we have seen a worse—a much worse—situation. The Middle and Southern Districts of Florida have seen case filings increase by over 60 percent in the last 9 years without one additional Federal judge being added to the Middle or Southern Districts.

What has been the consequence of this failure of Congress to respond to the legitimate request of the Federal judiciary for additional resources to mediate these additional case demands? This has resulted in over 1,100 criminal defendants having cases currently pending in the Middle District of Florida. On the civil side, more than 5,900 cases have yet to receive final disposition.

The reasons for this need are many. But one stands out in the context of the legislation we are now debating, the legislation to turn responsibility for Y2K litigation to the Federal courts; and that is, the increasing willingness of Congress to federalize what were formerly, and I believe properly, State civil and criminal legal issues.

In other forums we have addressed the federalization of criminal statutes, and thus I will not dwell on that subject today. But just suffice it to say this one fact: It has been now some 135 years since the end of the Civil War. Of all of the Federal criminal statutes enacted since the end of the Civil War, 30 percent of them have been enacted since 1980, or in the last 19 years. So we are in an era in which there has been a rush to create new Federal criminal statutes.

While we can and should debate the merits of this trend, what cannot be debated is the fact that this has dramatically increased the burdens on the Federal courts and their ability to dispense justice. This trend is no less prevalent on the civil side as it is on the criminal side.

In the last Congress, we considered major legal overhauls that would have preempted State tort and property laws.

In 1998, Chief Justice Rehnquist stated:

> [S]hould Congress consider expanding the jurisdiction of the federal judiciary, it should do so cautiously and only after it has considered all the alternatives and the incremental impact the increase will have on both the need for additional judicial resources and the traditional role of the federal judiciary.

Unfortunately, the legislation we are considering today runs counter to that sage advice. The very nature of the Y2K problem means that multiple plaintiffs will have similar claims against common defendants—a situation ripe for a profusion of class action lawsuits. By giving the Federal judiciary original jurisdiction over Y2K class actions, Congress will sentence Federal courts to overburdened caseloads far beyond the crisis that we currently face.

I want to make it clear that I recognize the seriousness of the Y2K problem and the need to address some of the related legal issues. Senators BENNETT and DODD deserve tremendous credit for their committee's assessment of how the U.S. Government is preparing for the Y2K problem.

I commend Senator MCCAIN for his forward-thinking focus on the legal ramifications of the millennium bug. But I have serious reservations about making Federal courts a clearinghouse for Y2K lawsuits of any kind. Proponents of this measure have argued that it is necessary to federalize the Y2K litigation in order to establish national uniformity in this area of the law.

This view runs counter to basic tenets of federalism. According to the National Governors' Association, 39 States currently have legislation enacted or pending that could resolve this issue at the State level. As such, the burden of proof falls on the proponents of this legislation to show why the Federal Government, contrary to two centuries of tradition of State responsibility for civil litigation, is in the best position to deal with this issue. Such an action of federalization amounts to a theft of what has traditionally been the State responsibility for these types of cases. As such, I will oppose cloture on this legislation.

Mr. President, thus far, I know of no plan whatsoever to address the massive new workload that legislative action such as the federalization of Y2K cases could impose on the Federal judiciary, particularly the U.S. district courts.

I urge my colleagues to consider not only the potential legal cases that will be generated by the Y2K challenge, but also to thoughtfully consider where those cases should best be heard. I believe the presumption should be that those cases should be heard where most of our civil litigation is heard, which is in State courts. I do not believe that the proponents of this change have effectively advocated for the necessity of changing that basic tradition in American jurisprudence.

We must be vigilant, as Members of Congress, to avoid legislative action that will increase the workload on our Federal courts without a commensurate increase in judicial resources. If we fail to do so, the end result will be justice delayed and justice denied.

I thank the Chair.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, April 29, 1999.

Thereupon, the Senate, at 6:04 p.m., adjourned until Thursday, April 29, 1999, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 28, 1999*

The House met at 10 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We give thanks, O almighty God, for all those who find in their daily work the place to be of service and support to other people. On this day we are grateful for all those who see in public service the opportunity to do the works of justice and who use the abilities and gifts they have received in ways that contribute to the public good. O God, as You have called us to be Your witnesses in our responsibilities, so let us see how a cup of water to the thirsty, food for the hungry, shelter for the homeless can be ways that we help heal those who are hurting and be of benefit to all. In Your name we pray. 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.

Mr. COYNE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COYNE. Mr. 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. 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 348, nays 46, not voting 39, as follows:

[Roll No. 98]

YEAS—348

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Conyers
Cook
Cooksey
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hunter
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Sununu
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vento
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu

NAYS—46

Bonior
Borski
Brown (CA)
Brown (OH)
Clay
Clyburn
Costello
DeFazio
Filner
Ford
Gephardt
Gibbons
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hinchey
Hulshof
Hutchinson
Kennedy
Kucinich
LoBiondo
McDermott
McGovern
McNulty
Meek (FL)
Miller, George
Moran (KS)
Oberstar
Olver
Pallone
Peterson (MN)
Pickett
Ramstad
Rothman
Sabo
Schaffer
Stenholm
Stupak
Sweeney
Talent
Thompson (CA)
Thompson (MS)
Visclosky
Waters
Weller

NOT VOTING—39

Aderholt
Archer
Barton
Burton
Chenoweth
Coburn
Cox
Crane
DeGette
Deutsch
Dixon
Edwards
Engel
English
Fattah
Ganske
Gordon
Hoyer
Hyde
Kingston
Klink
Markey
Martinez
McKinney
Meeks (NY)
Moran (VA)
Norwood
Owens
Rangel
Salmon
Sandlin
Slaughter
Tauzin
Taylor (MS)
Velázquez
Whitfield
Wynn
Young (AK)
Young (FL)

□ 1024

Mr. DINGELL changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TAYLOR of Mississippi. Today, April 28, I missed the vote on the Journal, the initial vote of the House. Although my pager was charged and turned on, it failed to function and I did not receive the announcement of the vote. My pager has been turned in for repair.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. BURR of North Carolina). Will the gentleman from South Dakota (Mr. THUNE) come forward and lead the House in the Pledge of Allegiance.

Mr. THUNE 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 had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 92. Concurrent resolution expressing the sense of Congress with respect to the tragic shooting at Columbine High School in Littleton, Colorado.

The message also announced that pursuant to the provisions of Senate Resolution 105 (adopted April 13, 1989), as amended by Senate Resolution 149 (adopted October 5, 1993), as amended by Public Law 105–275, and further amended by Senate Resolution 75 (adopted March 25, 1999), the Chair, on behalf of the Majority Leader, announces the appointment of the following Senators to serve as members of the Senate National Security Working Group—

The Senator from Mississippi (Mr. COCHRAN), Majority Administrative Cochairman;

The Senator from Alaska (Mr. STEVENS), Majority Cochairman;

The Senator from Arizona (Mr. KYL), Majority Cochairman;

The Senator from North Carolina (Mr. HELMS);

The Senator from Indiana (Mr. LUGAR);

The Senator from Virginia (Mr. WARNER);

The Senator from Oklahoma (Mr. INHOFE); and

The Senator from Wyoming (Mr. ENZI).

The message also announced that pursuant to Public Law 101–509, the Chair, on behalf of the Democratic Leader, announces the appointment of Elizabeth Scott of South Dakota to the Advisory Committee on the Records of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain 1-minute speeches at the end of legislative business.

PROVIDING FOR CONSIDERATION OF H.R. 1569, H. CON. RES. 82, H. J. RES. 44, AND S. CON. RES. 21, MEASURES REGARDING U.S. MILITARY ACTION AGAINST YUGOSLAVIA

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 151 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 151

Resolved, That upon the adoption of this resolution it shall be in order to debate the deployment of United States Armed Forces in and around the territory of the Federal Republic of Yugoslavia for one hour equally divided and controlled among the chairmen and ranking minority members of the Committees on International Relations and Armed Services.

SEC. 2. After debate pursuant to the first section of this resolution, it shall be in order without intervention of the question of consideration to consider in the House the bill (H.R. 1569) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit.

SEC. 3. After disposition of H.R. 1569, it shall be in order without intervention of any point of order or the question of consideration to consider in the House the concurrent resolution (H. Con. Res. 82) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia. The concurrent resolution shall be considered as read for amendment. The concurrent resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

SEC. 4. After disposition of H. Con. Res. 82, it shall be in order without intervention of any point of order or the question of consideration to consider in the House the joint resolution (H.J. Res. 44) declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit.

SEC. 5. After disposition of H.J. Res. 44, it shall be in order on the same legislative day without intervention of the question of consideration to consider in the House the concurrent resolution (S. Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro), if called up by Representative Gejdenson of Connecticut or his designee. The concurrent resolution shall be considered as read for amendment. The concurrent resolution shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The previous question shall be considered as ordered on the concurrent resolution to final adoption without intervening motion.

SEC. 6. The provisions of sections 6 and 7 of the War Powers Resolution (50 U.S.C. 1545–46) shall not apply during the remainder of the One Hundred Sixth Congress to a measure introduced pursuant to section 5 of the War Powers Resolution (50 U.S.C. 1544) with respect to Federal Republic of Yugoslavia.

□ 1030

The SPEAKER pro tempore (Mr. BURR of North Carolina). The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Dayton, Ohio (Mr. HALL) pending which I yield myself such time as I may consume. All time yielded will be for the purpose of debate only.

Mr. Speaker, H. Res. 151 provides for the consideration of four separate measures relating to the deployment of U.S. Armed Forces in the Republic of Yugoslavia, each under a closed amendment process with 1 hour of debate. The first measure made in order by the rule is H.R. 1569 which prohibits the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the U.S. Armed Forces in Yugoslavia unless that deployment is authorized by law. Debate time on H.R. 1569 will be controlled by the chairman and ranking minority member of the Committee on Armed Services.

The next two resolutions made in order by the rule were introduced by my friend from Campbell, California (Mr. CAMPBELL) and reported unfavorably yesterday by the Committee on International Relations. Both resolutions, H. Con. Res. 82 and H.J. Res. 44, have a unique procedural status under the War Powers Resolution of 1973. Without this rule, both Campbell resolutions will become the pending business of the House today as a result of having been reported by the Committee on International Relations. Motions to proceed to consideration of the resolutions would be privileged, and the resolutions would not be subject to general debate but would be subject to an open but clearly unfocused amendment process.

As a result, this rule structures the consideration of these measures in accordance with the War Powers Resolution while providing for a full, fair and focused debate on the broader issues surrounding the introduction of U.S. Armed Forces in Yugoslavia.

Debate time on both of these resolutions will be controlled by the chairman and ranking minority member of the Committee on International Relations.

The fourth resolution, Mr. Speaker, that we make in order with this rule is S. Con. Res. 21, authorizing the President to conduct military air operations and missile strikes against Yugoslavia. This resolution may only be called up by the gentleman from Connecticut (Mr. GEJDENSON) or his designee. Debate time on S. Con. Res. 21 will be

controlled by the chairman and ranking minority member of the Committee on International Relations.

Prior to consideration of these four measures, the rule provides for 1 hour of debate on measures relating to the Federal Republic of Yugoslavia, equally divided and controlled among the chairmen and ranking minority members of the Committee on International Relations and the Committee on Armed Services.

Finally, the rule provides that provisions of sections 6 and 7 of the War Powers Resolution shall not apply during the remainder of the 106th Congress to a measure introduced pursuant to section 5 of the War Powers Resolution with respect to the Federal Republic of Yugoslavia.

Now, Mr. Speaker, when Americans are engaged in armed conflict, the House of Representatives is invariably faced with important and very difficult questions. That is the responsibility handed to us by our Nation's forefathers when they crafted democracy's most enduring and enlightened document, our Constitution. Today is such a day. President Clinton has directed our Armed Forces to join our NATO allies in a battle against the forces of Yugoslavian dictator Slobodan Milosevic. It is a fight to preserve civilized society in a corner of Europe that has been wracked by atrocities, violence and Civil War on a scale unseen in Europe since the Second World War.

The United States is not the world's policeman. The American people know too well that we cannot intervene in every civil war. We cannot stop every act of brutality. We cannot keep the peace and protect democracy all on our own. But that is not what is going on today in the Balkans.

The North Atlantic Treaty Organization, a cornerstone of the world's civilized and democratic nations, is engaged in military action in Yugoslavia. When the President, the Commander in Chief, made the decision a month ago that it was in our national interest to lead NATO in this effort, America became a full participant in that undertaking. Our pilots are risking their lives every single day.

Whether or not in hindsight that was the right decision is a question for presidential historians. This really is not about whether we agreed with the President at the time either. Today the overriding question is: What policy best protects and advances our national interests?

Article 2, Section 2 of the Constitution clearly and unequivocally establishes that the President is the Commander in Chief. The deployment and direction of the armed forces is his job. In fact, since my first day of service in this legislative body, it has been my view that the direction of our foreign policy and national security is the President's first and foremost responsibility. Everything else comes after that.

Although I have had some doubts about the President's original policy in Kosovo, I believe that the facts on the ground have overtaken those concerns. Now we must win. We must achieve the goals that the President set out to achieve when he committed our forces to battle. The price of failure is simply too great. American prestige and power, two of the most positive forces of good in the world today, must not be abandoned on the field of battle.

Mr. Speaker, vacillation and hesitancy in the face of this challenge to the leadership of the United States and NATO, a challenge undertaken by a gang of thugs in Belgrade and their brutal underlings in Kosovo will severely undermine our Nation's ability to stand up and defend clear American interests across the globe. If that happens, we lose. The American people lose. Freedom loses.

Mr. Speaker, as the House undertakes this important debate, I will focus on doing what is best for our national interests and for the American service men and women doing their jobs with bravery and commitment. First and foremost I believe that means opposing micromanagement of our foreign and military policy. We know we cannot engage in combat by committee. One of the most serious objections to the conduct of the Kosovo campaign thus far has been the fact that too many people, in particular too many political leaders, have been involved in this effort. I do not support adding to that problem. The President is constitutionally charged with leading and winning this campaign. He must do it, and we must stand behind him so that he can.

I urge support of this rule which provides for, as I said, a full, fair and very focused debate on the broader issues surrounding the introduction of U.S. armed forces in Yugoslavia.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules, for yielding me the time. As my colleague from California has explained, this rule provides for the consideration of four different measures dealing with U.S. troops in Yugoslavia. The rule provides for 1 hour of general debate, equally divided and controlled by the chairmen and ranking minority members of the Committee on International Relations and Armed Services. For each measure, this rule provides an additional hour of debate.

Under the rule, none of the measures may be amended on the House floor. Furthermore, the rule prohibits consideration of any other measure with respect to Yugoslavia brought up under the War Powers Act for the remainder of the 106th Congress.

The purpose of considering these four resolutions is to give Congress a role in the decisions affecting U.S. military actions against Yugoslavian President Milosevic and his reign of terror directed against the Albanians in the Yugoslavian province of Kosovo.

The rule was approved by the Committee on Rules late last night on a straight partisan vote with Democrats against it, and I strongly oppose the rule, and I ask for its defeat.

The first measure called up under the rule H.R. 1569 prohibits the use of funds for deploying ground troops in Yugoslavia without additional congressional authorization. This measure raises numerous legal and military questions. In a worst case scenario, this resolution would result in the Federal courts defining what operations are legal in Yugoslavia. The measure was only introduced yesterday, and it had no hearings and no committee consideration. If passed by the Congress, it would certainly face a presidential veto.

The second measure, House Concurrent Resolution 82, calls for the immediate withdrawal of U.S. troops in Yugoslavia. On a bipartisan vote of 30 to 19 the Committee on International Relations recommended against passing the bill. The committee report said that this resolution would have severe consequences for U.S. national security and severe repercussions with the North Atlantic Alliance. It stands little chance of passage on the House floor. Enactment of this measure would undermine the President, our military forces and destroy any hope that our air campaign against the Serbs would have a positive outcome.

The third measure, H.J. Resolution 44, declares war against Yugoslavia. The Committee on International Relations unanimously recommended against this resolution. The legislation is intended to clear up the legal question of whether or not the U.S. is at war. Unfortunately, this resolution does more harm than good at this point. In fact, the report of the Committee on International Relations warned it could actually strengthen Milosevic politically. This measure also does not stand any chance of surviving a presidential veto.

Lastly, the rule makes in order S. Con. Resolution 21 authorizing the President to conduct military air operations and missile strikes against Yugoslavia. This bill passed the Senate with bipartisan backing.

Considering a declaration of war is one of the most solemn duties of Congress under this Constitution. Only 11 times before in our Nation's history has Congress ever formally declared war. This rule mocks the dignity of

that responsibility. What we have here is a grab bag of conflicting, contradicting and confusing resolutions about the war in Yugoslavia which stand little chance of enactment, and proceeding in this fashion is an embarrassment to the United States, to our President, to the men and women in our Armed Forces and to Congress.

Mr. Speaker, what would it say if none of these resolutions pass, or some of them pass, or if they all pass but are vetoed? The only signal that can possibly result from this rule is that our Nation is confused and hesitant. That certainly is not the message we want to send to our NATO allies, nor is it the signal we want to send to our troops.

□ 1045

It is not the signal we want to send to the American people. Indeed, Congress does have a role in going to war, but finding that role at the end of the 10th century in an era of modern warfare is difficult, and this rule does not find it.

Under the War Powers Act, both H. Con. Resolution 82 and H.J. Resolution 44 would be amendable on the House floor, but this rule prohibits amendments to all four resolutions.

Furthermore, the rule prohibits any further resolutions about Yugoslavia to be brought up in the 106th Congress under the expedited procedures of the War Powers Act. This is a terribly restrictive clause, that nullifies a key part of the War Powers Act. It reduces the ability of each House Member to participate in the decisions about this war.

At a hearing before the Committee on Rules yesterday, the gentleman from California (Mr. CAMPBELL), the author of two of these resolutions before us today, urged the committee to remove this provision. The expedited procedures are everything, the gentleman said.

I appreciate the Republican Committee on Rules majority granting a full five hours of debate time to these measures. Still, the cause of democracy is not served by this restrictive rule. Under the War Powers Act, the House is required to consider H. Con. Resolution 82 and H.J. Resolution 44, so I have no issue with their consideration under the House rules. However, bundling these four measures together makes the House look weak and indecisive.

I agree with the backers of these bills that Congress should not, cannot, be left out of the loop on vital decisions of war, but this rule is a clumsy, ineffective way to participate. The only way to get our voice heard is through careful, deliberate and bipartisan measures.

The American people are hurting for leadership from Congress. They want us to work together. Painful experience with controversial issues in the recent past should have taught the House that bipartisanship is the only way to reach the American people.

This rule will not increase the role of Congress in the decision to make war. It will only further undermine our ability to be taken seriously. I urge the defeat of this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to my very good friend, the gentleman from Newport News, Virginia (Mr. BATEMAN), one of the great champions of our Nation's national security.

Mr. BATEMAN. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, this is certainly I suspect the most sorrowful day in my now 17 years in this body. It is a solemn day.

We are here because of the circumstances of what I think has been a very, very poor implementation of a national security policy, founded on good intentions, but run amuck in the execution and the failure to appreciate all of the consequences that would ensue from the way we sought the objectives, all of which we would endorse, but we are indeed here.

I am speaking in debate time on the rule; not so much in objection to its technical terms, but for the fact that it does not leave an alternative that I feel is logical and supportable given the incredible mess in which we find ourselves. But the one thing we cannot deny is the fact that we are in the mess.

I have urged for weeks that the president, our Commander in Chief, come to the Congress and lay out in whatever terms he chose in support of a resolution framed by the White House, to ask for the authorization of the actions and of the objectives that he was pursuing, with great intention and expectation on my part that I would have voted for them.

He has not chosen to do that. Yet I think very clearly it is incumbent upon the Congress as part of its obligation to the people who wear our uniform in the military that we let them know that the Congress has authorized what they are doing or what they may be asked to do and that we state the objectives pursuant to which they do it. None of the resolutions before us today do that.

I cannot possibly vote for either of the Campbell resolutions. I cannot vote for an alternative that says it is all right to continue, bomb, bomb, bomb, without restriction or reservation, but, my goodness gracious, we cannot possibly contemplate the use of ground forces, even though I think that is a bad idea. But it is an even worse idea, when no one is proposing to do it anyway, to announce to your potential enemy, your real enemy, you are not going to do it.

The reverse of that is what we do basically in the Senate joint resolution passed, you may recall, the day before the bombing began. It did not seem to me to be a good idea then. I do not think it has improved since.

There are things we need to say and we need to do. I think this rule ought to make in order something that, when in effect, enunciates on behalf of the Congress the kind of policies incorporated in the statement of the gentleman who chairs the Committee on Rules, which was a very eloquent statement of why we are involved, what the stakes are, and what we as a Nation ought to be doing together to see that our objectives prevail. I wish the rule and debate was going to make that possible.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST), a very important member of the Committee on Rules and Chairman of the Democratic Caucus.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. FROST).

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from Texas (Mr. FROST) is recognized for 4 minutes.

Mr. FROST. Mr. Speaker, this is a fatally flawed rule which should be defeated for a variety of reasons, and I want to touch on those as briefly as possible.

First, it denies the opportunity for any Member of this House during the next 18 months to bring up anything else under the War Powers Act, no matter what happens. We tried to eliminate that in the Committee on Rules, but the majority insisted on that provision.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I simply would like to say to my friend that it does not prevent a Member from having an opportunity to offer a resolution. It simply moves under standard procedures without going through the expedited process.

Mr. FROST. Mr. Speaker, reclaiming my time, as the gentleman from California (Mr. CAMPBELL) said yesterday, giving the preferred position, the status of a privileged resolution to go to the floor, is everything, so you have denied everything by precluding this to come as privileged resolution for the next 18 months.

Secondly, only 5 hours of debate time were permitted. When we did the Persian Gulf resolution, we debated that virtually all night, as you remember.

Third, and most importantly, this rule puts in a preferred position the Goodling resolution, which is enormously and dangerously flawed.

I want to read from the Goodling resolution: ''None of the funds appropriated or otherwise available to the

Department of Defense may be obligated or expended for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless such deployment is specifically authorized by law enacted after the enactment of this act.'' Then it talks about a limited exception to rescue our personnel.

I asked the gentleman from Pennsylvania (Mr. GOODLING) in the committee a series of questions. I first asked the gentleman from Pennsylvania (Mr. GOODLING), does this preclude the use of Apache helicopters to go in and destroy tanks, with the Apaches being operated by our Army? The gentleman first said yes, it precludes it, and then he changed his mind and said no, it does not preclude it.

Then I asked the gentleman from Pennsylvania (Mr. GOODLING) another question. I said, for sake of argument, let us say we have Special Forces in Kosovo right now acting as forward observers to direct our bombing attacks and who are also working with the refugees trying to rescue refugees. Would this require the immediate removal of our Special Forces in Kosovo if they are there for those purposes? The gentleman's answer was yes.

Then I asked the gentleman from Pennsylvania (Mr. GOODLING), how could this be? How could we have these conflicting provisions? He then said in the Committee on Rules, well, he did not draft this. I said, this has your name on it. He said yes, but I did not draft it, and I cannot fully explain it.

I find this to be a very unfortunate situation. We have a resolution that was drafted by some members of the other party, handed to the gentleman from Pennsylvania (Mr. GOODLING), which he cannot fully defend, which will create a situation where our commander on the ground, General Clark, will have to think, do I have to go to a Federal Court, do I have to seek a ruling from a Federal judge, before I make any decision in the next few days?

This will hamstring our troops in the field and hamstring our President. This rule sets up in a preferred position a resolution that should not be passed by this House, and this rule should be rejected.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to my friend from Surfside Beach, Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I rise reluctantly to oppose the rule, and I do this hesitantly, because it is difficult to write fair rules and I generally support the rules. But today I have to oppose this rule, mainly because we are going to be debating war, a declaration of war, and a full hour is not adequate to debate an issue of that magnitude. I know there was an attempt to provide for a lot of debate today, but, for instance, on the one issue of declaration of war, only one hour was given; that is just not enough.

The other reason is that it does preclude a House Resolution coming up again under an expedited procedure. This is not right. This is undermining the whole purpose of the War Power Resolution of 1973, and we should not be doing this.

This is taking more authority away from the Congress and giving more authority to the President and to the administration and for us not to have a say. The whole issue of war should be decided here in this Congress, and we are here today because we have been negligent on assuming our responsibilities.

I saw this coming, and on February 9 of this year, I introduced a bill that would have prevented this whole problem by making certain that our President could not spend one penny on waging war in Kosovo. That is what we should have done. We have not, and now we are in this mess.

But we do not need to be once again taking more responsibility from the Congress and giving it to the President. We have a policy problem, we do not have a resolution problem. We have a foreign policy that endorses intervention any time, anyplace, assuming that our Presidents know when to insert troops around the world. That is our basic problem. Until we in the Congress take it upon ourselves to assume our responsibility with the issue of war, this problem will continue.

So I applaud the gentleman from California (Mr. CAMPBELL) for bringing these resolutions to the floor, but, unfortunately, I cannot support this rule today as written.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LANTOS), a very distinguished member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, some of us stood in this chamber 8 years ago when President Bush called on the Congress to support his military plans in the Persian Gulf. I was one of those Democrats who strongly supported the President at that time. But I recall, Mr. Speaker, that we were given 16 hours of debate, 16 hours of debate, on one single resolution. Every Member of this body had full opportunity to speak his mind. We now have four conflicting, contradictory, mutually exclusive resolutions, with each of them given one hour of debate.

With all due respect, I think this is an outrage. This will be one of the most significant issues this Congress will debate in this session or for many sessions to come, and I strongly call on my colleagues to defeat this rule. This is a rule which is giving us 30 minutes on each side to decide on war or peace, which is an absurdity, and it is not worthy of this body.

This past weekend, Mr. Speaker, my distinguished Republican colleague, the gentleman from Nebraska (Mr. BEREUTER) and I represented this body at the NATO summit.

□ 1100

Nineteen countries devoted 2 full days to discussing the plans for the future. It is unconscionable that the Congress of the United States should be denied the opportunity to seriously discuss issues of war and peace. The President has just asked for the call-up of some 33,000 reservists. We have a major military engagement, and this body and the country are entitled to a full airing of all of the issues involved in this.

I trust that my colleagues will see fit to turn down this rule. It is poorly crafted. It is a gag rule. It allows not a single amendment, and it gives over 200 Republicans and over 200 Democrats 30 minutes to discuss each of these issues. This is simply unacceptable, and I earnestly call on the majority to rethink this restrictive, un-American rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Knoxville, Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in support of this rule because it is a fair rule and it allows all views to be heard and will allow far more than 30 minutes that the previous speaker mentioned. We will be debating this for many hours to come today, and on into tonight.

However, I rise in strong opposition to this war in the Balkans. First of all, as our colleague, the gentleman from California (Mr. CAMPBELL) has pointed out, it is an unconstitutional war because Congress has not and, I assume, will not declare war against Yugoslavia. Secondly, we have made the situation in Kosovo many times worse by our bombings and we cannot hide behind NATO because NATO would never have gone in there if the U.S. had not wanted it done. Ninety percent of the bombings have been paid for and done by the U.S. In fact, if the President is going to send in ground troops, as many people think, let the European members of NATO send them in. We have carried almost the entire financial and air war burden thus far and we should not have to carry the ground war burden too.

If we get further into this mess by sending in ground troops, there are estimates that ultimately we will spend $40 to $50 billion in air and ground war costs and resettlement and reconstruction costs, money that will have to come from Social Security and many other valuable programs.

Pat Holt, a foreign affairs expert writing in the Christian Science Monitor wrote a few days ago, ''The first few days of bombing have led to more atrocities and to more refugees. It will be increasing the instability which the bombing was supposed to prevent.''

Richard Cohen, the very liberal columnist for The Washington Post wrote, ''I believe, though, that the NATO bombings have escalated and accelerated the process. For some Kosovars, NATO has made things worse.''

Philip Gourevitch, writing in the April 12 New Yorker Magazine said, ''Yet so far the air war against Yugoslavia has accomplished exactly what the American-led alliance flew into combat to prevent: Our bombs unified the Serbs in Yugoslavia, as never before, behind the defiance of Milosevic; they spurred to a frenzy the 'cleansing' of Kosovo's ethnic Albanians by Milosevic's forces'', and on and on.

A.M. Rosenthal writing in The New York Times a few days ago asked this question: ''Would we again bomb, bomb, bomb the capital of the Serbs, who thought of themselves as far more our friends than his,'' meaning Milosevic. ''So far this has produced three major results: humiliating Serbs forever, turning friendship into enmity, and persuading many to rally around a man they detest and fear.''

All we have done, Mr. Speaker, is turn friends into enemies and waste billions and billions of dollars. We have gone into an area where there is absolutely no threat to our national security and no vital U.S. interest, and we should negotiate a settlement and get out of there as soon as we possibly can.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the former chairman and now ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I rise today to object to the part of the rule that turns off the action-forcing elements of the War Powers Act.

Today, the gentleman from California (Mr. CAMPBELL) is using the War Powers Act to force the House to debate and vote on two resolutions. The first is the concurrent resolution to withdraw the troops from Yugoslavia, and the second is a joint resolution to declare war on Yugoslavia.

But after today, Mr. Speaker, no other Member will have that right. If this rule is adopted, no matter whatever else may happen in Yugoslavia, no matter how much the situation there may change, no other Member will be able to bring this issue for a vote.

In the Committee on Rules last night, the gentleman from California (Mr. CAMPBELL) himself complained about this rule and he said, and I agreed, that ''the War Powers Act is there so that any Member of the House can request the House to take action against the war.''

Mr. Speaker, this resolution prevents the average Member from exercising their war powers rights for the remainder of this Congress. This Congress has just started. The war has just started. A great deal may happen over the next 20 months, and nothing, nothing should be taken off the table.

My colleagues might compare this to the rule in 1991 on Somalia. On that rule, the House turned off the War Powers Act only with respect to concurrent resolutions of withdrawal and only for a period of 2 weeks. We turned it off for only a period of 2 weeks. That rule retained Members' ability to introduce privileged resolutions declaring war, and it also reinstated the war powers for the second session of that Congress which was scheduled to start in 2 weeks.

Mr. Speaker, there is no comparison. We did it for 2 weeks, for a limited number of resolutions. My Republican colleagues today are doing it for 20 months, 20 months, for all resolutions. This is a very dangerous situation, to tie Congress's hands in the matter of war, and I strongly urge my colleagues to oppose this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from Dallas (Mr. SESSIONS), a very able member of the Committee on Rules.

Mr. SESSIONS. Mr. Speaker, I rise in support of the rule today, and I want to extend my appreciation to the gentleman from California (Mr. CAMPBELL) for his forthright and honest War Powers Resolution Act that he is bringing up.

The purpose of the War Powers Resolution is to ensure that the collective judgment of both the Congress and the President will apply to the introduction of United States armed forces into hostilities or into situations where imminent involvement in the hostilities is clearly indicated by the circumstances, and to the continued use of such forces and hostilities or in such circumstances.

What we are talking about today is a rule that would allow us the opportunity to bring forth the debate and the discussion about foreign policy and the use of troops in a foreign country. Mr. Speaker, what we are talking about is the use of ground forces that would be engaged in war, the debate about the probability and possibility that U.S. lives would be lost overseas. We intend to utilize this time to discuss not only our foreign policy, but what we intend to engage in and be involved in overseas.

I am opposed to us being in Kosovo. I am opposed to the war being escalated and us not seeking a peaceful resolution. This is why a debate is so important. Obviously, the other side does not want to have this debate. Obviously, the President feels like that he does not even need to fall within the confines of this law. The bottom line is that what we are discussing is that which democracy brings about, which the laws of this country have brought about, and I believe that it is important for us to do this.

Previous Presidents have submitted 72 prior reports on the War Powers Resolution. President Ford, 4; President Carter, 1; President Reagan, 14; President Bush, 7; and President Clinton, 46 times has asked for these types of powers. It is time that we openly engage in the debate.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, among the duties of a Member of Congress, there is nothing more serious than the issues of war and peace; committing the wealth and the might of our Nation, putting the members of our armed forces in harm's way. Before we went to war with Iraq, we debated around the clock. Every Member of this body who so wished was allowed to come to the floor and debate and discuss the issues of conscience and war and peace.

Today promises a pathetic, pale and perverted version of that grand debate. Four contradictory resolutions, 1 hour each. Vote on a declaration of war, 13 seconds per Member of Congress, if it is equally apportioned. Vote on immediate withdrawal, 13 seconds per Member.

Is the press of business on this body so heavy that we cannot allocate more time, or are the leaders on the other side afraid of a full and fair debate? Yesterday, the House adjourned at 4:30 in the afternoon. Tonight, after exhausting ourselves in this debate, we will leave at 7 p.m. What is more important to the other side, fund-raisers, or issues of war and peace fully and fairly debated?

Fair debate? No amendments will be allowed from the floor of the House of Representatives. And, we are only having this debate today because of the War Powers Act and its expedited procedures. They have to have a debate, although they are trying to pervert it in different ways, but after today, no further votes will be allowed.

This is an outrageous abdication of our duties as Members of Congress. Vote ''no'' on this rule.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Atlanta, Georgia (Mr. LINDER), my very good friend and a very able and hard-working member of the Committee on Rules and chairman of the Subcommittee on Rules and Organization of the House.

Mr. LINDER. Mr. Speaker, this is the right time to have this debate. I too wish it would be longer, but this body needs to be heard on this issue.

I served in the Air Force during the Vietnam War. At that point we had one nation trying to overtake another nation, and this country thought it was worth the effort to stop it. After 10 years and 58,000 American lives, this body stopped the Vietnam War on a rider on an appropriation bill.

We now have a dispute in the Balkans, and it is not one nation against

another. There are two bad actors in this. Last year, 2,000 people died in this area. Not nearly as many deaths as those that died in Sierra Leone in January of this year alone, but of the 2,000 that died, nearly a third were Serbs and two-thirds were Kosovars.

There are two bad actors in this war. I do not know why we are there. If we are there, why are we not in the Sierra Leone or the Sudan where in 10 years, 2 million people were exterminated in ethnic cleansing? I do not understand our end game, if there is one, and I do not know what victory is. But this body ought to say no. This body ought to say enough of the adventurism. We are the only institution that can declare war, and this administration has admitted that it is at war. This body ought to be heard.

I think the gentleman from California (Mr. CAMPBELL) is doing exactly the right thing to raise precisely the right issue, and I hope that this body will pass this rule. I too hope that we will strike section 6; I supported the gentleman from Massachusetts last night in his effort to do so. I think that is a mistake. But after we strike that, I hope we will pass this rule and be heard on this issue. It is exactly the right thing to do.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I only have a minute, so let me get right to the point. I oppose this closed rule, I oppose the declaration of war and the use of U.S. ground forces, and I oppose the motion to withdraw from our efforts to liberate Kosovo.

Mr. Speaker, when one says what one is against, one ought to stand up and say what one is for. I support the current air campaign, which is already weakening Milosevic's military capability, and I support arming the KLA so that we have a ground operation composed of individuals who actually know the terrain.

So, Mr. Speaker, I urge my colleagues to oppose this closed rule, oppose both Campbell resolutions, and support the continuation of the air campaign, coupled with the creation of a more effective KLA ground force.

□ 1115

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, I am deeply distressed by the tragedy taking place in Yugoslavia. I urgently call on all parties to this conflict, including the United Nations and the Russians, to seek a negotiated settlement to this crisis.

Mr. Speaker, I do not relish breaking with my President, particularly when matters of war and peace are being debated. But in my opinion on this issue, this administration is headed in the wrong direction.

The Clinton administration would have us believe that there are only two alternatives in this crisis, either do nothing or bomb. That premise is false. In following it, President Clinton has taken us on the slippery slope towards war.

Our bombing started in Kosovo and has now thoroughly saturated Serbia and Kosovo. It triggered a dramatic increase in the refugee crisis and violence against the Kosovar Albanians. We have killed many innocent civilians, both Serb and Albanian. In addition, the Yugoslav democracy movement has been a casualty, as has been the peaceful Albanian Kosovar resistence to Milosevic's tribal fanaticism.

Another unfortunate casualty in this episode has been U.S. respect for international law. The administration sidestepped the United Nations and flouted international law.

Mr. Speaker, my gut check on this issue is personal. I am a mother. The question I have asked myself is am I willing to sacrifice the life of my son to follow this administration's policies in Kosovo. It is very clear that the administration has backed itself into a corner, and now wants to take all of us there with it.

As for the Rambouillet agreement, I do not hear the administration even mentioning it anymore. For a peace agreement worth bombing for, it has had an amazingly short shelf life. So from Rambouillet implementation to Milosevic's removal to the return of the Kosovars to Kosovo, the goalposts keep shifting. How can we know if we have won if we do not know what we are fighting for?

The objective first touted was autonomy for the Kosovars, and now we find ourselves allied with the KLA. So while our rhetoric remains the territorial integrity of Yugoslavia, our actions promote a secessionist movement along ethnic lines in the heart of Europe.

Smart bombs are only smart when they back up smart policy. This is the wrong policy for too many reasons.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, limiting debate and blocking all amendments on this question of life and death is all too typical of this House Republican leadership. They would convert the War Powers Act to the ''In War, Powerless Act.'' Through its previous inaction, this House has largely abrogated its responsibility to approve this Nation's involvement in foreign conflicts. Today's action will only prolong that irresponsibility.

As a few of us indicated in letters to the President in August and in October of last year, and again on February 19 of this year, authored by the gentleman from California (Mr. CAMPBELL), there should have been no military action in the Balkans, not bombing, not troops, not any military action until this Congress had given it approval.

The Constitution prescribes that no president should commit the lives of our youth and the billions of our taxpayers' dollars in nonemergency situations like this without involvement of the American people, through their representatives in this House.

While NATO raids Belgrade, the same Republican leadership proposes to raid the United States' Treasury. They are determined to divert billions of dollars to purposes that have little or nothing to do with Kosovo. They are using Kosovo as an excuse to subvert the budget limits or caps that helped bring us a balanced budget, and which only months ago they swore to uphold.

Yet now that this conflict is underway, it would be folly not to consider the facts on the ground. Milosevic is a war criminal, who is committing genocide. No doubt he and his thugs are watching these proceedings as they unfold today in Washington. We ought not to send the wrong message to him or to the other petty tyrants from Iraq to North Korea who may be watching these proceedings.

What is wrong, further, with this rule, however, is that it denies us the opportunity to invoke the War Powers Act in the future, as we may well need to do. This rule is outrageous. It ought to be rejected firmly.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I strongly support the war powers resolution. It provides for congressional action in committing and maintaining our men and women in harm's way. I oppose this rule because it compromises the ability of Congress to exercise its responsibility under the war powers resolution.

I believe it is appropriate for this body to consider Senate Concurrent Resolution 21. It supports the President's decision to join NATO in air strikes. I will support that resolution, considering the atrocities being committed by Mr. Milosevic.

For many reasons, I have serious concerns about ground troops. If the President believes it is necessary to use ground troops, I believe he must come to Congress in compliance with the war powers resolution. H.R. 1569 by the gentleman from Pennsylvania (Mr. GOODLING) goes well beyond the war powers resolution. It compromises the safety of our military operation. I will oppose H.R. 1569.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, if this rule passes and permits the consideration of Senate Concurrent Resolution

21, then Congress will have, in effect, declared war and permitted both bombing and ground troops, all in one.

Let me explain how. The Senate passed Senate Concurrent Resolution 21, which authorizes bombing. In Dellums versus Bush, the court case against the Iraq war, Judge Green wrote in his opinion that Congress has the sole power to authorize the use of U.S. forces overseas, where the lives of our men and women would be put in danger.

The President, at the very least, in order to be in accordance with the Constitution, needs a resolution passed by both Houses that authorizes him to use force. He does not need a declaration of war to proceed with the war.

Therefore, if the House joins the Senate in Senate Concurrent Resolution 21, it meets the constitutional test of both Houses, and the President is authorized to send ground troops and to prosecute the war.

Some say we must win the war. I believe we must win the peace. Some people believe that only military action can bring about peace. I believe that only diplomatic initiatives and constant negotiations can bring about peace. Some believe we need to teach the Federal Republic of Yugoslavia a lesson by bombing their Nation to rubble. I believe that violence is not redemptive but it breeds more violence, and places the hope of resolution far beyond the horizon of peace.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I oppose this rule for four reasons.

First of all, it limits the debate to 30 minutes on each side on something as momentous as this. Contrast that with the Persian Gulf debate. We debated all day, late into the night, all of the next day before we finally came to a vote.

Second, it makes in order four measures. One, offered by the gentleman from Pennsylvania (Mr. GOODLING) is a flawed product. It needs to be amended and changed considerably. It has already been amended since it was reported. It will be unamendable when it comes to the floor.

What is missing among these four is something truly bipartisan. When we had the Persian Gulf debate we had a bipartisan resolution, Michels-Solarz-McCurdy. I joined and voted for it. But we do not have an option like this, or even the opportunity for crafting one here.

Finally, it crowns these four choices, four bad choices, three bad choices, with an exceptional, unprecedented declaration overriding statutory law and saying if there are any more measures like this to come up this year, they will not be entitled to the expedited procedure that the War Powers Act, a black letter law, provides them.

This is no way to deal with something as important as war. This rule should be voted down.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want us to debate in this House the nuances of this campaign in a very serious manner. I also want to be able to say, in response to the question that is put often by the mothers and fathers of American forces, that we in Congress gave our best and most deliberative consideration.

The proposed rule has removed the right of all Members to introduce resolutions pursuant to the war powers resolution and thus gain expedited procedures to ensure a floor vote on such an authorization.

Without resort to the war powers expedited procedures denied for the remainder of the 106th Congress by this rule, the decision on whether to move forward with an authorization vote will lay entirely and solely with the Republican leadership. That is unwarranted and unfair.

This rule and the underlying bill send an overwhelmingly negative message to our troops and to our allies. I think we deserve better.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. SHERMAN), a very distinguished member of the Committee on International Relations.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

I note with regret that the President, who once pledged to the world that no American ground troops would be deployed, now refuses to pledge to seek congressional approval before such a massive deployment.

Mr. Speaker, I rise to oppose this rule because the last paragraph of it nullifies the War Powers Act until the end of this century, and the War Powers Act is a tool we may need to influence policy.

There are those who argue against any congressional involvement in the grave decision that lies ahead. They say that our enemies will tremble in fear if one man, without congressional approval, can deploy 100,000 American soldiers.

Well, Mr. Speaker, I tremble in fear and the Founders of this Republic would tremble in fear if they thought that one man, without congressional approval, could send 100,000 of our men and women into battle.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, in 1968 to 1970 I was a physician in the Vietnam War and dealt with the casualties from that war. That war was started on this floor by a voice vote.

If we think about the fact that we committed 500,000 people, 50,000 of whom are dead and on a memorial not very far from this building, on the basis of a voice vote, it seems to me that the United States Congress can spend more than 1 hour deciding whether or not we are going to go into this issue.

Mr. Speaker, yesterday we had a debate for a few minutes and got out of here at 4 o'clock. Last week we came back here. One day we gave a gold medal to Rosa Parks. That is all we did that day. What have we got on our calendar that prevents us from spending the time to give the Members of this House the opportunity to speak about something, where we are potentially sending our young men and women to die?

I think this rule should be defeated.

□ 1130

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I thank the acting chairman of the Committee on Rules for yielding this time to me. I was asked to speak on the strategy of why these issues have come forward. I have told the acting chairman of the Committee on Rules that if I spoke I would speak on the rule as well, so it is with his permission that I say I object strongly to section 6. I went to the Committee on Rules last night and said that we should not cut off the opportunity of other Members to make use of the War Powers Resolution.

I am an average Member of the Congress. I am not a senior Member, I am not in any leadership position, I am not a chairman, yet I have the rights simply granted me under the War Powers Resolution, which are remarkably important. I do not know of any other statute that provides that right. It is a right that a Member of Congress can come to the floor and require other Members of Congress to vote on the record, up or down, when the question is war. That is what we will be doing today, whether under this rule or otherwise.

The purpose is to fulfill the constitutional obligation. Are we at war? Yes, we are at war. There are only the worst possible arguments to say that we are not at war. We have a President who has designated combat pay for our soldiers. We have the Secretary of Defense who has said we are in hostilities. We have the Secretary of State who has said we are in conflict and her designee who said we are in armed conflict. We have the Deputy Secretary of State who has said that Serbia would be within its rights to consider a bombing of Kosovo to be an act of war. We have all the reasons common sense gives to suggest that this is indeed war.

Second, we are on the verge of ground troops. I do not think anybody

today should be mistaken about that. In our Committee on International Relations I asked the Secretary of State whether she thought that the approval of Congress was needed to prosecute the war, and she said no, she did not think so. And the ranking member of the Democrats in the Committee on International Relations yesterday stated that that even included ground troops.

Let me emphasize that. It was the position of the ranking member of the Democratic Party in the Committee on International Relations that even for ground troops there was no need for Congress to give authority.

Well, I am sorry, that is contrary to the Constitution. The Framers were quite clear that war was too important to be commenced by the action of one single individual. Those are the words of Alexander Hamilton and also of representatives at the Constitutional Convention.

Are ground troops imminent? All one can do is look at the newspapers from this weekend and see the headlines that were prepared. In particular I refer to the Washington Post: ''Clinton Joins Allies on Ground Troops'', and the Wall Street Journal: ''Clinton Edges Closer to Backing the Use of Ground Troops''. The quotations from the articles under those headlines, which I will be distributing to my colleagues on the floor or make available, are quite clear that ground troops are very seriously being considered.

If ground troops are introduced and Congress has not acted, we all know what will happen. The argument will be, how can we do anything that might possibly undercut American troops while they are on the ground in operation? So the moment is now. The moment was earlier, actually, before the bombing started, but no one can be surprised if the ground war starts.

So those are the two premises. Number one, we are at war; and, number two, it is distinctly possible that the bombing will move into ground war. And, therefore, we must vote. My own view is that we should vote to withdraw the troops. My own view could be in error. I understand people of good will feel differently, but my view is that this is a civil war, and that if our purpose is to help the Albanian Kosovars, we have not succeeded. Milosevic has done the harm. He is the tyrant, he is the one at fault, but it is a fact that the Albanian Kosovars are worse off after our bombing has commenced than they were before. That is simply a fact. I wish it were not so.

And if ground troops go in, and they must, even if Milosevic signs the Rambouillet Agreement this afternoon, what Albanian Kosovar will go back into Kosovo without the protection of ground troops? Thus, ground troops are the option, slugging their way through Kosovo, either because the Serbian army is resisting or taking up positions in Kosovo because the Rambouillet Agreement still requires that placement of ground troops.

And as to those options, I put to all of my colleagues that we have the question of lives and the question of money. Lives will be saved if we do not commence a ground war. I am speaking of NATO lives, American lives, Serbian lives and Kosovar lives.

And, lastly, regarding money, we are bombing bridges that we will be asked to rebuild tomorrow. Please mark my words. My colleagues know that. We all know we are going to be asked to appropriate taxpayers' money to rebuild the very buildings that today we destroy. We can, for the same amount of money or less, help the Albanian refugees right now immensely better where they are, in Albania and Macedonia.

As for Milosevic, he should be denounced to the International War Crimes Tribunal. If he leaves his country, he will be subject to arrest, as has happened to Augusto Pinochet as he has tried to go around the world. And the time will come when there will be a change in government in Yugoslavia. But by putting in ground troops to force that change, it will cost innocent lives, and it will cost more economically than helping the Albanian refugees where they are now.

So the options today are to declare war, which is what it is, to be honest under our Constitution, and thereby empower the President to carry on war, which is our constitutional right. After we declare war, then the President can conduct it. That is his constitutional right.

I am very wary of the Congress telling the President, well, it is war, but now we want to overview every step of the war. No—if it is war, we declare it and then the President conducts it. But if it is something the American people do not wish to become engaged in, this is the moment to say no, this is the moment to remove the troops, and this is the moment to help the Albanian Kosovars where they are. Mr. Speaker, the choices are obvious.

I want to conclude by offering my thanks to the Speaker of the House particularly for his graciousness and consideration, and to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), for the same and allowing these two resolutions to come forward.

Shall we be at war? Then vote to declare war. That is what the Constitution says. If we say no, then vote to withdraw troops, bring them home, and start the humanitarian assistance for those refugees where they are. I suggest the second is the better option.

Mr. DREIER. Mr. Speaker, I would like to inquire how much time is remaining on each side.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The gentleman from California (Mr. DREIER) has 5 minutes remaining, and the gentleman from Ohio (Mr. HALL) has 1½ minutes remaining.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to just advise my colleagues that I am going to close on this myself, and I will do so informing the House that I intend to offer an amendment to the rule which will strike section 6 in the rule itself.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. FROST. Since we are amending the rule on the floor, would the gentleman also consider amending the rule to extend general debate time?

Mr. DREIER. Reclaiming my time, Mr. Speaker, I would say to the gentleman that I do not intend to offer an amendment to do that. With this hour we have a total of 6 hours that have been included for the debate.

We all know this is a very important, a very serious, a very grave issue, and I think 6 hours of debate is an appropriate amount of time for this. So it is my intention, following the concern that was raised by my friend from Dallas and many others, to offer an amendment to the rule which will strike section 6.

Mr. FROST. If the gentleman will continue to yield just briefly, those of us on this side raised several concerns, not just about section 6 but also about the debate time. I think it is unfortunate that the gentleman would not agree to amend the rule to also extend the debate time.

Mr. DREIER. Mr. Speaker, I thank my colleague for accepting the fact that I am going to offer an amendment to strike section 6.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Speaker, let me state at the outset that I appreciate the chairman of the committee for announcing his amendment to strike section 6. I thought that was among the worst things about this rule. After the eloquent statement by the other gentleman from California, which I do not agree with at this point in time, to say to the House and to the country that the House will have one opportunity and one opportunity only to address the War Powers Act and only one Member will get that opportunity, I think would have set a very bad precedent.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I just want to clarify again that that is not what section 6 said. What would happen, if section 6 were to have been included, it would have meant that it

would have gone through the leadership structure and the only change that would have been made is we would not have proceeded with the expedited process. So it would have not have been a one-time-only thing.

Mr. BENTSEN. Reclaiming my time, Mr. Speaker, again, I commend the gentleman for agreeing to make that change. Perhaps that sets a precedent for more fair rules going forward in the remainder of the 106th Congress.

I think it is also a mistake that we are spending such little time to debate this issue. This is a very critical issue for the Nation, and I am afraid that this underscores the way this House is going to operate on issues that should be addressed in a bipartisan manner. I would encourage my colleagues to oppose this rule even as amended.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to this rule, which will govern our debate over the situation in Kosovo today.

Under the terms of this rule, we will be debating four measures, each for only one hour. This means that each side will only receive but 30 minutes to make known their concerns, just slightly more than is allowed for a bill on the suspension calendar. These measures are of precious importance to our troops, and to our national security, and we should have ample time to debate them.

Furthermore, the timing for the debate on these bills is poor. Like many other conflicts, the factual circumstances are fluid, and require our flexibility if we are to be effective. We should not be pigeonholing our position and threatening the safety of our troops.

Neither NATO nor the United States believes that a state of war exists in the current conflict in the Balkan region. The President has not requested that Congress issue a declaration of war. I believe that a declaration of war would be entirely counterproductive as a matter of policy and is unnecessary as a matter of law. Yet we stand to debate this measure today.

On only five occasions in the United States history and never since the end of World War II has the Congress declared war, reflecting the extraordinary nature of, and implications attendant on, such a declaration. Yet it seems Congress is willing to do that today. While we are not at war with either the Federal Republic of Yugoslavia or its people, Slobodan Milosevic should not doubt the determination of NATO to see the stability of Europe reasserted. Yet, with this debate today, we show Milosevic weakness. With resolve NATO can attain a durable peace that prevents further repression and provides for democratic self-government for the Kosovar people. Yet, with our votes today, we send mixed signals to our trusted allies.

As it stands, I must question the genuineness of at least three of the measures we will be debating today. That is especially true because we will see Committee leadership bringing a resolution to the floor that they will be voting against. Those at home watching this debate on television will undoubtedly see through this charade, and know that what transpires here today will be less about the importance of our mission in Kosovo, less about ending human suffering, and more about partisan politics and taking shots at the White House.

What we should be debating here today, and acknowledging, is the suffering that is taking place in the Balkans. We should be doing something to help the refugees who have been cast out of their homes, and their homeland, by a tyrant. We should be debating how we can bring stability to this region, and appropriating funds to help thousands of innocent children eat. We should be passing resolutions of support for our brave troops.

Instead we stand here today, using the floor of the House of Representatives, to play tired, partisan politics. I urge my colleagues to vote against this rule, and to bring to the floor meaningful debate that can help save lives in Kosovo.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time, and would simply say that there is nothing more powerful than when this body speaks with one voice, and the only way to get our voice heard is, I think, through careful, deliberate and bipartisan measures.

I believe that the American people want us to work together. They believe, I think, that we are hurting for leadership here in the Congress, particularly on issues like this. It is not that the issues that we are debating are not important. They are important, each and every one of them, and the vote we will take on them, but the way we are packaging this makes it look like we are frivolous.

This rule will not increase the role of Congress in the decisions to make war, it will only further undermine our ability to be taken seriously. The rule, in my opinion, is not the way to go.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time, and I rise in strong support of this rule.

I am going to move that we strike section 6, but before I do that, let me make a couple of comments about this rule and the procedure around which it was considered.

For starters, we had a request that came from the minority that we extend by an hour the debate. We agreed to that. We are allowing the gentleman from Connecticut (Mr. GEJDENSON), under this rule, to call up or not call up a freestanding bill, which I believe, if it is not unprecedented, it certainly is unusual. We have also agreed to the requests that have been made by Members on both sides of the aisle to address this section 6 question.

I should say that the section 6 which was included in the bill was not an idea of Republicans. As has been pointed out by some, in 1993 when the resolution on Somalia was considered, it was a proposal that the majority, the Democratic majority at that time, offered. We were simply following along the line with that. But from discussions that have been held, we are going to move to strike section 6.

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DREIER: Strike Section 6.

Mr. DREIER. Mr. Speaker, I know we are rapidly approaching a vote. I think we have very clearly explained it.

Mr. Speaker, I move the previous question on both the amendment I just offered and the resolution itself.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. 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 213, nays 210, not voting 11, as follows:

[Roll No. 99]

YEAS—213

Armey	DeLay	Hill (MT)
Bachus	DeMint	Hilleary
Baker	Diaz-Balart	Hobson
Ballenger	Dickey	Hoekstra
Barrett (NE)	Doolittle	Horn
Bartlett	Dreier	Hostettler
Barton	Duncan	Houghton
Bass	Dunn	Hulshof
Bateman	Ehlers	Hunter
Bereuter	Ehrlich	Hutchinson
Biggert	Emerson	Hyde
Bilbray	English	Isakson
Bilirakis	Everett	Istook
Bliley	Ewing	Jenkins
Blunt	Fletcher	Johnson (CT)
Boehlert	Foley	Johnson, Sam
Boehner	Forbes	Jones (NC)
Bonilla	Fossella	Kasich
Bono	Fowler	Kelly
Brady (TX)	Franks (NJ)	King (NY)
Bryant	Frelinghuysen	Kingston
Burr	Gallegly	Knollenberg
Burton	Ganske	Kolbe
Buyer	Gekas	Kuykendall
Calvert	Gibbons	LaHood
Camp	Gilchrest	Largent
Campbell	Gillmor	Latham
Canady	Gilman	LaTourette
Cannon	Goodlatte	Lazio
Castle	Goodling	Leach
Chabot	Goss	Lewis (KY)
Chambliss	Graham	Linder
Chenoweth	Granger	LoBiondo
Coble	Green (WI)	Lucas (OK)
Collins	Greenwood	Manzullo
Combest	Gutknecht	McCollum
Cook	Hansen	McCrery
Cox	Hastert	McHugh
Crane	Hastings (WA)	McInnis
Cubin	Hayes	McIntosh
Cunningham	Hayworth	McKeon
Davis (VA)	Hefley	Metcalf
Deal	Herger	Mica

Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—210

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—11

Aderholt
Archer
Barr
Callahan
Coburn
Cooksey
Engel
Moran (VA)
Slaughter
Tauzin
Wynn

□ 1220

Ms. BERKLEY, Mr. LUCAS of Kentucky, Mr. CARDIN, Mrs. JONES of Ohio and Mr. MEEKS of New York changed their vote from ''yea'' to ''nay.''

Mr. HORN changed his vote from ''nay'' to ''yea.''

So the resolution, as amended, 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. CALLAHAN. Mr. Speaker, during rollcall vote No. 99, on April 28, 1999, I was unavoidably detained. Had I been present, I would have voted ''yea.''

DEPLOYMENT OF UNITED STATES ARMED FORCES IN AND AROUND THE FEDERAL REPUBLIC OF YUGOSLAVIA

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to House Resolution 151, it is now in order to debate the deployment of United States armed forces in and around the territory of the Federal Republic of Yugoslavia.

The gentleman from California (Mr. CAMPBELL), the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from California (Mr. HUNTER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 15 minutes.

The Chair recognizes the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, it is a pleasure and an honor to begin this debate today, and I believe that it is an important one. There is no way for me in 1 minute to lay out all of the factors to take into consideration here, but let me just make two observations at the beginning of this debate.

We have a duty and a responsibility as a Congress to be heard on the issues before us. As a Nation, we must face the fact that this is not over and may not be over for some time and that we will be dealing with the consequences of American actions in the Balkans for the next decade at least. Our relationships with NATO, United States' relationships with Russia, NATO's relationships with Russia, the problem of the refugees, the pressure for a greater Albania with claims to Macedonia and Greece, all of these things we will have to deal with as a consequence of American actions, and they will be influenced by the decisions and the votes that we take today.

We cannot and should not avoid this discussion on the merits. That is our responsibility as elected representatives from the districts that we have come here to serve.

The SPEAKER pro tempore. Without objection, the gentleman from Florida (Mr. HASTINGS) will control the time of the gentleman from Connecticut (Mr. GEJDENSON).

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, we are here with one single primary purpose, and that purpose is to stop the murder in Kosovo. Mr. Milosevic continues to kill innocent civilians and tries to chase the rest away.

This country has led the world, sometimes single-handedly, in military actions in Korea and Vietnam, in Panama, in Lebanon, in Grenada and in Kuwait. In Nicaragua, we armed people to fight themselves because we were worried about the economic and political system that would end up in Nicaragua. We fought to stop communism. Some people say we fought in Kuwait to protect our oil reserves.

Here, Mr. Speaker, it is much simpler. We have a brutal dictator who is murdering innocent people and chasing the rest off the land. How do we stop this murder? That is our goal.

We cannot use the argument that as a country, we failed to act elsewhere. Yes, there have been other tragedies in recent years, and to my regret we either did not have the assets or the inclination to respond. In Rwanda, in Cambodia, in countless other places the world should have responded.

One advantage we possess here is that we have NATO; we have NATO united, that has been trained and operational together for decades. And this is not the United States as the Lone Ranger. How many times have we bemoaned the fact that America alone is left with this responsibility? This is the United States and it is other NATO partners together on a goal to stop murder.

Do not blame NATO for the acceleration or the deaths in Kosovo. I have said it before: As the American troops headed towards the concentration camps, the Nazis increased their production rate. They killed more people. We cannot use that as an argument for not going after them. Milosevic would have been happy to kill these people at a lower percentage, try to chase them out more slowly if he was not threatened.

We are going to have an amendment here that lets the Congress decide tactics. How many years did we hear

about Lyndon Johnson picking targets in the White House? Now we are going to have 535 Members of Congress determine the tactics in the battlefield. Whatever my colleagues' debate is on war powers, I think most people understand that is bad policy.

I look around this Chamber, as I did yesterday in committee, and I have seen virtually every Member here at a Holocaust memorial. I have seen them come for a day of remembrance about the Armenian genocide. I have heard speeches by my colleagues here condemning our inaction in Rwanda. And now what are we going to do here in Kosovo?

We will make a decision whether we simply repeat history so we can have one more day with the Speaker's approval in the Rotunda, bemoaning the death and destruction of the Kosovar Albanians, or we will try to take an action united with our other NATO partners that will put this murder to an end. The Constitution gives us the prerogative to take action. It does not demand that we vote on the first three proposals in the affirmative. We, the independent Congress, can make the choice of what statement we want to make here today.

Do not let process get in the way of policy. We can follow process. We can reject both proposals of the gentleman from California (Mr. CAMPBELL), we can reject the proposal of the gentleman from Pennsylvania (Mr. GOODLING), and we can vote for a proposal that authorizes, as the Senate language does, the present action be consistent with the Constitution and war powers.

□ 1230

At the end of this debate, at the end of this conflict, I do not want to come here in this chamber to remember one more group of victims and to bemoan the inaction of our generation. We fought again in other places to fight theoretical battles about communism and what have you. Here we are talking about simple murder. Let us join together to put an end to Mr. Milosevic's attacks on the Kosovar Albanians.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I rise in strong support today of H.R. 1569. Given the current ongoing military operations and the fact that the American men and women of our Armed Forces have their lives on the line, I do not think that now is the time to have a constitutional showdown on the War Powers Act.

We had an opportunity to repeal the War Powers Act in 1995 and the administration, despite the urging of several former presidents, failed to support the effort to end this legal obstacle. I believe that the War Powers Act is indeed unconstitutional, but today the debate is on Kosovo and the policy of our pursuing military operations against Yugoslavia.

I continue to be extremely concerned about the current military operations in the Balkans and the obvious lack of long-term goals and objectives. We were initially told that our military objectives were to deter Serbian attacks against the people of Kosovo and to reduce their ability to pursue offensive operations in Kosovo. Two weeks ago we were told that our objective was to remove all Serbian troops from Kosovo, a political moving target. After five weeks of bombing targets, which have been limited by politicians, Serbian forces have created a humanitarian crisis where over 1 million refugees have not retreated from Kosovo, and, in fact, have dug in along the Kosovo border.

In 1995, the President said that we would send troops to keep peace in Bosnia for a year. We are four years later and we still have 6,000 American soldiers serving in Bosnia, with no end in sight.

Where are we headed in Kosovo? We still do not have a clear, well-defined mission or strategy for what we are pursuing in the Balkans. There may be conceivably some point in time at which I would very reluctantly support the use of overwhelming force, including ground troops, to ensure that the United States is victorious in this military engagement. Dictators around the world must know that when America becomes involved, we intend to win.

The President must show leadership and define our mission and the end game strategy, clarify our objectives and provide the resources required to ensure victory. We must know when we have achieved success and how we measure our progress.

Our military is already overextended and underfunded, and we are fighting a war without a clearly defined objective. Mr. Speaker, we cannot win that. We need leadership. We need to support H.R. 1569.

Without a significant change, another long term, open ended commitment in the Balkans will continue to degrade military readiness and our ability to deal with other national security challenges around the world.

It is clear that the President has failed to plan for the possible contingencies and the unintended consequences of military action in the Balkans, he has failed to demonstrate clear and decisive leadership in leading this military campaign to a successful conclusion, he has failed to provide the necessary resources to adequately support our brave men and women serving in the military. I am gravely concerned about the incremental and gradual escalation of this conflict without the clear understanding of where we are headed.

I urge my colleagues to join me in supporting this bill to ensure that we in Congress are engaged in this before the President commits us further to war in the Balkans.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, last week I attended the Organization for Security and Cooperation meeting in Copenhagen, Denmark, and there, to a person, including the Russians, we prepared the position of the organization for security and cooperation in Europe, outlining the exact same requirements as set forth by the NATO alliance.

This bill, if it were to pass, sends an overwhelmingly negative message to our troops and to our allies. Regardless of how one feels about the need for the Congressional role in authorizing ground forces, this bill represents precisely the wrong way to seek such a role. By denying funding for the full range of actions we may need to take against Slobodan Milosevic, we are tying one hand behind the backs of our military.

This bill would prohibit funding for ground elements unless Congress specifically authorizes a deployment. ''Ground elements'' is a pretty broad term. What happens if the President has to act quickly but the Congress is out of session? The legislation would require him to delay until he had specific Congressional authorization. That delay could cost lives.

I do not think that it is responsible for us to go forward in this manner.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, there have clearly been set two goals among a group of us. We have been striving to make sure this Congress follows procedure, that is, if we go to war, that we do it properly. It is pretty difficult to achieve this, especially when a president is willing to go to war and then we have to do this as a second thought. I am pleased that, at least today, we are trying to catch up on this. The second issue is whether it is wise to go to war.

Certainly, under these circumstances, I think it is very unwise for the American people to go to war at this time. The Serbs have done nothing to us, and we should not be over there perpetuating a war.

Our problem has been that we are trying to accommodate at least a half century of a policy which is interventionism at will by our presidents. We have become the policemen of the world. As long as we endorse that policy, we will have a difficulty with the subject we are dealing with today.

Today we are trying to deal legally with a half a war. A half a war is something like a touch of pregnancy. You can't have a half a war. If we do not declare war and if we do not fight a war because it is in our national interest and for national security reasons, we'll

inevitably will not fight to win the war. That has always been our problem, whether it was Korea, Vietnam, or even the Persian Gulf war.

To me, it is so important that you fight war for national security reasons only, you declare a war and you fight to win the war. We are not about to do that today. We are not going to declare war against Serbia. Serbia has done nothing to America. They have been close allies of ours, especially in World War II. We are not going to do that. Are we going to demand the troops be removed? Probably not.

So what are we going to do? We are going to perpetuate this confusion. But what we should do is vote down a declaration of war, vote to get the troops out of Yugoslavia, and vote to stop the bombing. The sooner we do that, the better. That is in America's interests.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the Goodling-Fowler bill sends the wrong message at the wrong time to a person who has been more responsible than anyone else for the grievous wrongs committed in the Balkans.

If any issue should be above politics and should be above partisanship, it should be these life and death issues. But the majority in this House, too many of them, talk the nonpartisan talk, but have difficulty walking a bipartisan walk on this issue. No one should ask blind loyalty on this kind of a matter, but neither should there be masked politics.

The President has not rushed to use ground troops, and he should not. But the opposition often is not sure whether to criticize the President for being too weak, or too strong; for using too little, or too much force.

I found the public at home is ahead of many officials. Fifty-nine Members, or I think it may be 57, of the 927th Air Refueling Wing at Selfridge Air Base have been called to duty. We met some of these men and women a few weeks ago. Their reaction was symbolized by what was said yesterday by Chief Master Sergeant William Shaw: ''If called up, I will go where I am asked to go, and with pride.''

How many more entanglements do we want of Macedonia, Greece and Turkey before we act? How many more mass murders do we have to see? How broad does the genocide have to become?

I suggest that we vote down Goodling-Fowler, vote down the Campbell motions, and support the resolution that was passed by the Senate. It is the right thing to do at this right time.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), our Top Gun from San Diego and a gentleman who won the Navy Cross carrying out America's foreign policy in Vietnam.

Mr. CUNNINGHAM. Mr. Speaker, in my opinion, this is the most inept foreign policy in the history of the United States. The Pentagon told the President not to bomb, that it would only exacerbate the problems. We have forced over 1 million refugees. 2,012 were killed in Kosovo prior to the bombing. NATO has killed more Albanians than the Serbs did in an entire year, and yet we have exacerbated those problems.

''So, what do you do, Duke?'' First you halt the bombing, then you have your POW's returned and you have Milosevic take his forces out of there. Use Russian troops. Right now they are the antagonists. Make them part of the solution. Use the Russians, use the Greeks, use the Scandinavians, use the Italians, to come in there as peacekeepers and separate these people.

The President has to look Izetbegovic in the face, he has got to look the President of Albania in the face, and say we want 100 percent of the Iranians, the Iraqis and the Afghanistanis, with the KLA and Mujahedeen and Hamas, out of there, because Albania has been in expansionism since the 1850's, tried to take Montenegro, Macedonia and Greece. You have got to get them out of there or they are going to be a problem. The Albanians have got to stop their expansionism. Cantonization possibly of Kosovo, but you have got to take Kosovo off the table.

One of the President's big faults, he did not recognize what Kosovo means to the Serbs. It is their Jerusalem. Yes, maybe you can Cantonize it, like you do in the Scandinavian countries, but it will have to be part of Serbia. It is not just Milosevic. The Serbia people and their nationalism will not give up Kosovo. Until they realize that, there is going to be a problem.

You need to take a look at 95 percent of the aid goes to the federation. You have got Croatians, about 70 percent are out of work; the Serbs, the same, and you have got to stabilize that part of the country.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, in five conflicts since the Constitution was ratified we have declared war, first including the War of 1812, last including World War II. In the period since then we have had bombardments and blockades and occupations and conflicts of all kinds, civil wars, and war has become sort of a subjective concept.

There are so many variations on it, that if you read the UN charter you will not find the word ''war'' anywhere included. The charter refers to hostilities, to armed attacks, to breaches or threats to the peace, to acts of aggression.

The War Powers Resolution was written with that reality in mind, written in the aftermath of Vietnam and Korea, two wars that were never declared wars, and its authors recognized that there were some lesser included alternatives under the rubric of war.

The War Powers Act gives us, the Congress, an explicit alternative to declaring war, total outright war. Within 60 days of a deployment, when we are notified by the President, we can enact a specific authorization of such use of the Armed Forces. That was laid out for us when we passed the War Powers Resolution.

The Campbell resolutions I disagree with and believe frame the choice falsely. They imply that we can only declare total war or withdraw totally.

S. Con. Res. 21 takes a different course, and I think a legitimate one. It concurs in the air and missile campaign that is now being waged, and, by not going any further, reserving judgment on the introduction of ground forces if the air forces do not accomplish their objectives.

Fowler-Goodling, on the other hand, is deficient in several major effects. It does not approve a sanction or concur in an ongoing campaign. It dodges the issue. Then in the most emphatic, flattest possible way, it lays down a prohibition against ground war, barring any expenditure whatever on ground elements in Yugoslavia.

□ 1245

Now, ground elements include personnel and materiel, it includes weapons and equipment. Secretary Cohen has just written us a letter saying this could be interpreted as retrenchment. This could actually undercut the intended effect of the ground war. But worse still, in trying to keep us out of the quagmire of a ground war, and I understand their concerns, Goodling-Fowler runs the risk of putting us into a legal quagmire. If we pass it, we better call up the reserve JAG officers, because the lawyers are going to be busy making tactical interpretations of its effects.

It would prohibit any expenditure on ground elements. That would prevent prepositioning of equipment in the theater, weapons in the theater as a contingency, either to be used by a ground force in a ground war, or by an implementation force if there is a settlement. It would bar special forces operations in Yugoslavia. It would bar on-the-ground military intelligence operations anywhere in Yugoslavia. It would bar forward observers. This is not the way to go.

We have a good alternative in S. Con. Res. 21. It is limited in its effect, and it is the proper application in these circumstances.

Mr. CAMPBELL. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I want to commend the gentleman from California (Mr. CAMPBELL) for bringing these resolutions to the floor at this time so that we can properly consider our role in the Balkans.

The NATO military air operation now taking place over Serbia is a response, belatedly in my opinion, to more than a year of the most callous brutal acts of repression of innocent men, women and children in Kosovo whose only crime is being Albanian. The architect of these policies is Slobodan Milosevic, a ruthless dictator, who has accumulated an abominable record in the former Yugoslavia, and who should be indicted by the War Crimes Tribunal at the Hague.

The cost of Milosevic's aggression has been the uprooting of hundreds of thousands of people, thousands of whom are now refugees in neighboring countries. Last fall it appeared that tens of thousands of the displaced Kosovars were in danger of freezing to death during the winter months.

As we all know too well, the Serbs never withdrew their police and military, and the violence gradually escalated until in January we had the massacre by Serb police of a small village that killed 45 unarmed civilians. At that point we told the Serbs that they had to agree to a plan put forward by our government and other members of the contact group of the international community that would have restored substantial self-rule to the Albanians in Kosovo; and, if Serbia did not agree, they were advised that NATO would escalate its military action.

The Serbs have used NATO bombing as a pretext, a pretext to escalate the ethnic cleansing that they had prepared for Kosovo when the spring weather permitted conditions for their military operations.

The major issue confronting our Nation and the Kosovo crisis has been, and continues to be, the humanitarian situation facing the refugees in Kosovo, and now in Albania, Macedonia, Montenegro, as well as some other countries in that region.

A second priority of our policy should be to support those frontline States in order to create stability and a bulwark against a possible spread of the conflict which could be an objective of Mr. Milosevic.

We need to recognize that the issues we are facing are complex, and the resolutions of these problems are not readily achievable. We are nevertheless embarked upon a course of action that must succeed. Accordingly, I urge my colleagues to be supportive of these efforts, even as we continue to probe into questions of policies that underline them.

I urge my colleagues to carefully consider these very important issues that we are about to address, and their impact upon the peace in the Balkans.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Cleveland, Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, some say we must win, but we must win the peace. We cannot win peace through war. The failure of the bombing campaign is proof. We can win peace through negotiation, through diplomacy. We must pursue peace as vigorously as we would pursue war.

We will decide today whether to escalate an undeclared war. Better to push diplomatic initiatives, as the gentleman from Pennsylvania (Mr. WELDON) is attempting. We will decide today whether to send ground troops. Better to put peacekeepers on the ground in Moscow, in Belgrade, to obtain a negotiated agreement. Today we will decide whether to continue bombing; bombing which has not worked, bombing which has been counterproductive, bombing which has destroyed villages in order to save the villages, bombing which is killing innocent civilians, both Kosovar Albanians and Serbians; bombing which is leaving little bomblets across the terrain in Kosovo, injuring young Albanian children, unexploded bombs being played with by children. There are more amputations now in Kosovo than have ever occurred probably anywhere because of these unexploded bombs that children are finding and playing with and are blowing up.

I think, Mr. Speaker, this is a metaphor for the war. This entire war is an unexploded bomb which is ready to maim and kill children. The sad fact is that today, if we pass Senate Con. Res. 21, we will be authorizing not just continuing the bombing, but sending ground troops, and we will have given a license to expand an undeclared war. The cruelest irony is that Congress will take money from the Social Security surplus, money that our senior citizens need to assure their Social Security, they will take that money and use it to send the grandchildren to fight.

We must continue to give peace a chance, declare a cease fire, halt the bombing, help the refugees, pursue peace, not war.

Mr. HUNTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. BURTON).

Mr. CAMPBELL. Mr. Speaker, I yield 1 additional minute to the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Indiana (Mr. BURTON) is recognized for 3½ minutes.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlemen for yielding me this time.

First of all, let me just say to my colleague from Florida (Mr. HASTINGS) if we were in recess, the President could call us back for an emergency session within 24 hours to get an authorization for the money, so I think that it really is a red herring, although I have respect for my colleague.

Mr. Speaker, is this war in our national interests? Does it involve the security of the United States? I think anybody who is familiar with this operation realizes that it is not. The Persian Gulf, on the other hand, did involve our national security, because 50 percent of our oil reserves came from that part of the world, and it also involved one country invading another.

Should we be involved for humanitarian reasons? Look at the Sudan. Two million people, 2 million people, died in the Sudan. We did not do a darn thing about it. In Ethiopia, there have been 10,000 deaths in just the last couple of months. In Tibet, nearly 1.2 million people have died, and we have not done anything. In Sri Lanka, 56,000 people have lost their lives; 200,000 in Indonesia, and I could go on and on. In Croatia, in the former Yugoslavia, 10,000 Serbs were killed and 200,000 were driven out in ethnic cleansing in 1995, and we did not do a darn thing about it. That was a humanitarian crisis right next door. Why did we not do something about that?

Should we be involved? At the NATO Summit here in Washington just last week, a resolution was passed to involve NATO in peacekeeping and humanitarian missions, like this one, anywhere in Europe. Are we going to be the world's policeman? We are already paying two-thirds of the costs and flying 90% of the missions. Can we afford it? My colleague from Cleveland just noted that we are going to have to take money out of the Social Security trust fund and other areas in order to pay for this war, if it is prolonged.

Was this war properly planned like the Persian Gulf War? No. We all know that. It is piecemeal, and this President does not know where we are going. We have a man who knows nothing about the military directing this, even though the people at the Pentagon have told him that the bombing is only going to exacerbate the situation.

Is this a prelude to more? I think it is. Putting in ground troops over there is going to bring back what to us? A lot of body bags, a lot of problems, a lot of costs that we simply do not need. We do not need to be there. We should support H.R. 1569, bring our troops home, and let the people in Europe deal with a European problem.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise in support of Senate Con. Res. 21, which has been offered by the gentleman from Connecticut (Mr. GEJDENSON) to authorize military air operations against the Federal Republic of Yugoslavia.

I am not a hawk, not by any stretch of the imagination, and I have been a

peace activist for years. I do not support a full-scale war with Serbia. We are not in a full-scale war, and I hope it can be averted. I believe, however, we should do everything possible to avoid taking any actions that would create a full-scale war.

However, I vowed that I would never again remain silent in the face of genocide, and the Albanians in Kosovo are clearly facing genocide.

The United States did not act quickly enough to stop the Holocaust during World War II. Throughout the 1930s, persecution against the Jews in Nazi Germany continued to escalate, yet the world community did nothing. Even after the United States entered the war, we did not take any action to shut down the gas chambers. As a result of this genocide, 6 million Jews were murdered.

Between April and June 1994, the Tutsi people of Rwanda were systematically slaughtered. Throughout the months of April and May of that year, the U.S. Government failed to support any action to stop this genocide. The United Nations finally authorized the peacekeeping force, but it was too late to save the lives of 1 million Rwandan people who were slaughtered.

Kosovo is not the only place where genocide is happening today. The Government of Sudan is conducting a genocidal war against the people of southern Sudan. More than 1.5 million people have been killed since 1983 as a result of aerial bombings, massacres and attacks on civilian villages. The survivors of these attacks are routinely murdered or taken to northern Sudan and sold into slavery.

We cannot allow genocide to be ignored. I know there are limits to what the United States can do to stop genocide. Although war is not always the answer to oppression, we know that silence can never be the answer.

We must take action to stop genocide in Kosovo. That is why I support the President's efforts and the efforts of our troops to stop those deplorable crimes.

The SPEAKER pro tempore. The Chair will advise that the gentleman from California (Mr. CAMPBELL) has 8 minutes remaining; the gentleman from Florida (Mr. HASTINGS) has 7½ minutes remaining; the gentleman from California (Mr. HUNTER) has 8½ minutes remaining; and the gentleman from Mississippi (Mr. TAYLOR) has 9 minutes remaining.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentleman from northern California (Mr. STARK).

□ 1300

Mr. STARK. I thank the gentleman for yielding time to me, and I applaud the efforts of the gentleman from California (Mr. CAMPBELL) for his resolution that forced this debate today. Without his efforts, we would continue to have U.S. military might, troops and weapons of war with no congressional deliberation whatsoever.

I support his resolution, House Resolution 82, because the administration policy is not defined, it is not clear, it is not viable with its use of force. Indeed, it is hardly existent.

Members have heard people talk about why we are not in other parts of the world, and excuse it blithely. I cannot. We cannot ignore all these other conflicts, but that does not give us an excuse, when we had no policy then, to begin killing people when we have no policy now.

This resolution is of the highest priority because we must exercise our obligation under the War Powers Act to debate the use of military force, particularly so in light of the absence of any comprehensive policy on the part of our administration.

Unfortunately, we are not allowed enough debate. We are going to talk about spending $13 billion, approving the committal of ground troops, which we all know is beginning while the debate goes on, and I support this resolution authorizing House Resolution 82 of the gentleman from California (Mr. CAMPBELL) because the use of force is not working and will not work here.

NATO has made matters worse, not better. The administration chose force as the most probable outcome by our expectations and deliberations in Rambouillet. The administration left no room for further negotiation or diplomatic efforts. They chose war. I do not.

Our children, by the way, learn firsthand from our adult behavior. The Colorado deaths are no coincidence. They are the natural consequence of what our children see the national leaders in their adult role models perform.

When the President held a press conference at the school to talk about conflict resolution, as he was talking, NATO-based troops were dropping bombs and explaining away civilian deaths as collateral damage.

These civilians died because of our inability to resolve this crisis. The Campbell resolution provides that the troops should be withdrawn. I support this as a first step, not a last step, to bring peace in Kosovo.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today to express my concern with several of the resolutions that we will consider here today, because I believe that several are too extreme, and others would tie the hands of U.S. military commanders like General Clark.

These legislative proposals would undermine the flexibility of our military leaders to ensure the safety and security of American forces in the Balkans. We can debate whether or not we should be in Kosovo at all, but the fact remains we are there. We must now listen to our military leaders and not prohibit them from carrying out their mission effectively and safely.

In war or conflict, or whatever it is that Members want to call this, we never want to be in a situation in which we are fighting a limited war and our enemy is fighting an unlimited war. We do not want our enemy to know what we will not do or they will exploit that weakness to their advantage.

If we, by our votes today, tell Milosevic that we will force a long, protracted process to allow ground troops, then he can exploit this situation to his benefit and to the detriment of our men and women in uniform.

As a Vietnam veteran, I remember being in a war in which the military was not provided the tools that it needed. I remember only too well being in Vietnam and being exploited by the commentary that was occurring in this country and sometimes in this body.

For example, when we decided not to mine Haiphong, we allowed the Soviets to continually supply surface-to-air missiles to the North Vietnamese, which placed our service personnel in greater danger.

In 1992 in Somalia, Lieutenant General Montgomery, the then theater commander, requested Bradley Fighting vehicles and AC–130s, but the Secretary of Defense turned him down. We saw what happened to our Rangers there when the hands of the military commanders were tied. In that instance, it was the administration, not the Congress, affecting the battle, but I simply use this as an example to simply demonstrate what can happen when we tie the hands of our military leaders.

We must not allow such a horrible event to happen again.

Please understand my position. I am not here to support the use of ground troops. I believe that we must continue the air war until our military commanders tell us otherwise. I am here simply to support the military to allow them to decide what they need and to provide them with those resources.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), another distinguished veteran.

Mr. BUYER. Mr. Speaker, I would like to compliment the gentleman from Texas (Mr. REYES) for his comment. I compliment him on his words here in the well.

If the gentleman swings by my office, he will see hanging in my office as he leaves, and I look at it almost every day, the father who lost his son who bled to death in Somalia cut the Ranger patch off his son's uniform and sent it to me. It is on the wall in my office. It is a constant reminder about the pain.

If America is going to send our sons and daughters into a theater war, then they need to thoroughly understand what they are fighting for, what are the vital national security interests, what is at stake. I compliment the gentleman's words.

We are hearing some rhetoric on the floor about genocide, ethnic cleansing. Mr. Speaker, since when has that been a cause for U.S. intervention throughout the world?

I will not stand for the United States to have a racist foreign policy. Since when do we have a preference of ethnicity? Are we Europhiles, that we somehow want to go on the ground in Europe, but will not do so in Africa or Asia or Indonesia or in other countries?

Let us be very wise, prudent, and cautious about the words we use here today and about our foreign policies. Let us be the advisers and counsel to the President to make proper judgments. The reason American is confused is that the political rhetoric does not match NATO's political objectives, which does not match the military use of force.

If we say that Milosevic is a Hitler and Stalin and he has no right to lead that country, it appears as though that is our political objective, and therefore the use of military force is to overthrow Milosevic. That is not true. NATO's political objective is Kosovo and Kosovo only. So we should restrict our rhetoric, be careful for our words.

Then the ultimate question is, through the use of air power, does that accomplish the political objectives? That is why, when I returned, I said we have to return for the ground function. That does not mean I support troops on the ground.

Mr. Speaker, what I advise my counsel, I will vote this way today. I do not agree with the War Powers Act. I will vote no on House Joint Resolution 44, I will vote no on H. Con. Res. 82, I will vote yes for the Fowler amendment, because I want the President to define the end state, what does he want it to look like, how does he define success, before we go on the ground.

With regard to Senate Concurrent Resolution 21, let us be up front, this is a political vote. This is a cover vote for some Democrats here who do not have the stomach. We have had over 10,500 sorties that have already been flown. Now we are going to come in and have a vote to authorize? The question is moot.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 21, the resolution offered by the gentleman from Connecticut (Mr. GEJDENSON), and in opposition to the three other resolutions.

Now is not the time to run from the atrocities being committed by the sole remaining tyrant of Europe, or to limit our military options. Quite frankly, I am proud to support the NATO mission in Kosovo. It speaks to our values and principles as a Nation, and to our role as a leader of the NATO alliance.

I am proud of our young men and women in U.S. and NATO uniform who are being asked once again to restore the peace and stability in Europe. Twice in the first half of the 20th century young American soldiers were sent to Europe to restore that peace at a cost of 525,000 lives and over 900,000 casualties.

After the Second World War this Nation stood up and declared, never again. Never again can we afford to disengage from the continent of Europe and hope everything will just be all right. Never again will we stand idly by while innocent men and women are forcibly removed from their homes and wiped out by military forces under a policy of genocide.

Elie Wiesel, the Nazi concentration camp survivor, reminded us last week that the only miserable consolation that they had in those concentration camps had during the Second World War was the belief that if the western democracies knew what was taking place, they would do everything in their power to try to stop it.

History later showed that the Western leaders did know, but did not take action. This time, he said, the democracies do know. We are acting. We are intervening. And this time we are on the right side of history.

Mr. Speaker, today we face very serious votes. It is a rendezvous with history. This can be NATO's finest hour, or it may be the beginning of the end of the U.S. involvement in maintaining the peace and stability on the European continent. Let us hope that this is our and NATO's finest hour. I encourage my colleagues to support Senate Concurrent Resolution 21.

Mr. CAMPBELL. Mr. Speaker, I yield 3 minutes to our distinguished colleague, the gentleman from the State of Georgia (Mr. NORWOOD), a Vietnam veteran.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I will tell the Members, it is easy to be proud to send our troops into Kosovo if Members have never been there. They have to understand what we are asking our troops to do, and we need to clearly understand why we are asking the sons and daughters of American mothers to die for these humanitarian causes. There are other ways, if we act.

Mr. Speaker, I believe this debate will determine the course of American policy and military policy, foreign policy, for the next century. I urge my colleagues to totally ignore the partisan ramifications of our decisions and instead base our votes on the constitutionally defined security interests of this Republic.

Today we hear the argument that to withdraw from an unconstitutional war undermines the morale of our armed forces and steels the resolve of those with whom we contend. If we accept that argument, we will have granted absolutely war powers, not just to this administration but every administration in the 21st century. That rationale demands that we keep quiet, we go along with every military adventure of every president, for the same reasons.

Instead, I ask Members, I plead with them, to listen to the words of John Quincy Adams in 1821: ''(America) knows well that by once enlisting under other banners than her own . . . she would involve herself, beyond the power of extrication, in all the wars of interest and intrigue, of individual avarice . . . She might become the dictator of the world;'' or the police power, in my words; ''she would no longer be the ruler of her own spirit.''

If we refuse to do our constitutional duty in this body, in this House, the horrible warnings of President Adams may become reality. Serbs are fighting Albanians, Albanians are fighting Serbs. People in the Balkans have fought and have committed atrocities against one another for at least 500 years. Now we allow our Nation to be dragged into a quagmire for which there will be no exit.

I believe that within the next few days the President will be delivering a new speech if we send troops into the Balkans. He will lament the death of Americans in combat in the Balkans. He will call on the Nation to ensure that their ultimate sacrifice will not be in vain. Have we heard this before?

In the process, he will commit my great-grandchildren to policing the Balkans, not because we are threatened, not because we are under attack, not because freedom of this country is not secure, but simply to enforce a new world police order in Europe.

Mr. Speaker, let me allow the President not to make that speech. Do not help him make that speech. Vote to end this nastiness today.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from California (Mr. SHERMAN), a member of the Committee on International Relations.

Mr. SHERMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to make some general comments about our position in Kosovo, and then focus on the resolutions that are before us today.

Some think that this is a stark choice, that we must either ignore the refugees of Kosovo and ignore the fact that America's credibility and NATO's credibility is on the line, or we must, instead, commit ground forces and

incur hundreds, perhaps thousands, of American casualties.

I think we do need to focus on other options. One of those is to train, though not necessarily arm, a force of Albanians perhaps independent of the KLA. Then when Milosevic reviews the situation, he will see that he is up not only against the most powerful air armada ever assembled, not only against a ragtag band of lightly armed KLA guerrillas, but also will soon be up against a force of heavily armed Albanians with tanks and heavy artillery willing to take casualties.

We need to enlist the Russians in negotiating a settlement. I would suggest that that settlement would provide that 20 percent or so of Kosovo would be patrolled by a Russian peacekeeping force, and that some 80 percent would be patrolled by a NATO peacekeeping force.

□ 1315

The ultimate resolution of Kosovo could be decided later.

I see that my good friend and ranking member, the gentleman from Connecticut (Mr. GEJDENSON), has returned to the Chamber, and I discussed with him earlier the meaning of his own resolution, which I know he intends, or is at least allowed by the rule, to introduce later today. I would like to have a colloquy with the gentleman, because it has been argued that the legal effect of his resolution, as interpreted by a court, his resolution is an authorization by Congress to send a large ground force into Kosovo or as waiving any of Congress' rights with regard to such a deployment.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. SHERMAN. I yield to the gentlewoman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, our intent with the resolution is simply to authorize the present campaign as it is presently being undertaken.

Mr. SHERMAN. And should any court interpret it as a congressional authorization to use any other kind of force?

Mr. GEJDENSON. I think my statement was clear, and I agree with that.

Mr. SHERMAN. Mr. Speaker, I will look forward to further clarification.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BATEMAN), a member of the committee.

Mr. BATEMAN. Mr. Speaker, I thank my friend from California for yielding me this time. We are in a very, very difficult situation today, confronting one of the most dismal range of policy choices the House has ever had to make.

We are forced to do that, in part because notwithstanding my imploring him to do that, and others much more important than I imploring him to do that, our President and Commander-in-Chief has chosen not to come to this Congress or send to this Congress the best articulation that he could come up with as to what our objectives are in the Balkans and what authority he would ask in order to pursue those objectives. He has not done it. It, therefore, should be our charge to do it for the Nation.

We are not doing that by any of the four propositions before us today. No one declares any objective, no one clearly authorizes in any intelligent way the utilization of military force. The Fowler-Goodling-Kasich solution says ''thou shalt not use ground forces''. Inferentially, it is status quo. We can continue to use air power, but it really does not say that or authorize that. It is left dangling.

The same can be said of the resolution of the gentleman from Connecticut (Mr. GEJDENSON), which he has just made abundantly clear by his unusual response in the colloquy that was just suggested, which leaves the resolutions of my dear friend, the gentleman from California (Mr. CAMPBELL), which say forget any objectives, forget any policy, just withdraw; or if we do not do that, declare war.

None of these choices make any sense, and I think it is a very sad day that we in the House are faced or not faced with some alternative that does make sense and does authorize that which ought to be authorized in proper discretion, and for what purposes it should be authorized, and who should be paying the bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, may we have a review of the time remaining.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Mississippi (Mr. TAYLOR) has 7 minutes remaining; the gentleman from California (Mr. HUNTER) has 4 minutes remaining; the gentleman from California (Mr. CAMPBELL) has 3 minutes remaining; and the gentleman from Connecticut (Mr. GEJDENSON) has 3 minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

We should not be deploying ground troops of the United States armed forces in Yugoslavia until Congress has authorized such a deployment. That is what we did in Desert Storm, that is what the War Powers Act contemplates, and that is what we should do. I do not know today how I would vote on such an authorization.

I believe that we should be very cautious about getting ourselves into a ground war in the Balkans, and we should recall the lessons of the Gulf of Tonkin Resolution and not pass a Gulf of the Adriatic Resolution that provides an open-ended and unconditional authorization for the use of ground forces. But we should also keep a ground troops option open in case the air campaign proves unsuccessful, the ethnic cleansing continues, and all our NATO allies agree that ground forces could achieve our military and political objectives.

I will vote for the resolution offered by the gentleman from Connecticut (Mr. GEJDENSON) to authorize the present air campaign in Yugoslavia. It is underway, it has had some success, and we should support it.

I will oppose the removal of our military forces from their positions in connection with the present air campaign, because I believe the President and NATO need to be given a chance to try to stop the bloodshed and ethnic cleansing.

I will also oppose the proposed declaration of war the gentleman from California offers us, because I believe that such a step would needlessly inflame an already tense political situation in Europe and our relations with Russia. But while I will oppose the gentleman's resolutions, I want to compliment him on bringing this debate to the House floor. It is the most important power that Congress has and it is critical that all our voices be heard.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. COOK).

Mr. COOK. Mr. Speaker, I thank the gentleman from California for yielding me this time. I want to commend the leadership for allowing the two Campbell resolutions to be debated and voted on today.

We are in a precarious situation, maybe the most precarious in a generation. We are debating whether American blood will again be shed in a European war started in the Balkans. I believe we have three options: We can continue the current policy, which is ill-conceived, meandering and appears to have no comprehensive plan or exit strategy; second, we can declare war on Yugoslavia and follow General Colin Powell's advice that if we are going to act, we should use overwhelming force and win quickly.

While I oppose this strategy, I do think it is more responsible than the first option. The Constitution gives Congress the power to declare war. Our Founding Fathers lived in a world where kings dragged their populations into wars with no thought of the cost to citizens. They wisely wanted to ensure that America was governed differently. If we believe we should continue this war, then we should have the guts to formally declare war. I want to thank the gentleman from California (Mr. CAMPBELL) for recognizing this obligation and for having the courage to stand up for his convictions.

The third option, which I will support, is a 60-day pullout of our troops.

This is the most logical and sensible option at this point, and can restart the negotiations that can allow refugees to return to their homes. The current military action has not stopped the flow of refugees or helped Kosovo become autonomous. It has only further destabilized the area and made things worse.

This is not a criticism of our men and women who are fighting in Kosovo. They are doing their job and they are doing it very well, but they are fighting with their hands tied behind their backs and suffering from the effects of years of neglect of our military infrastructure.

Air strikes do not win wars, and I do not believe the blood of American troops will end centuries of hatred and mistrust in the Balkans. I therefore will vote in favor of H. Con. Res. 82 requiring a 60-day pullout.

Mr. GEJDENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, let me begin by commending the gentleman from California for forcing this Congress to do what it should have done long ago, and that is to exercise our constitutional responsibility to decide where and when young Americans will be called upon to place their lives at risk to defend this country.

I would like to remind my colleagues that despite much of the rhetoric against the President of the United States, it was the United States Senate on March 23 that voted to authorize air strikes against the former Yugoslavia. I must admit that the President, following up on that, has put me in a very strange situation. After all, just in December I voted to impeach President Clinton, but the majority of the United States Senate decided otherwise.

The question now is, do I face the reality that young Americans are at war, or do I do what is politically expedient and ignore that?

When I was a young State Senator, I once questioned a former Congressman by the name of Charles Griffin, who served during the Vietnam War. I remember asking him how he could serve for those years while Americans were coming home every day and, in effect, pretending there was not a war going on? I want to apologize to Congressman Griffin because basically I am seeing the same thing today. But in deference to now deceased Congressman Griffin, I certainly will not do what I accused him of doing.

I am going to vote to declare war. Americans are at war. I find myself at a horrible reluctance to do this, but the bottom line is Slobodan Milosevic has initiated four wars. As we speak, he is killing innocent men and women. And, yes, American credibility is at risk.

The question we have to ask ourselves is what are the unintended consequences of this Congress failing to act? Do we signal to North Korea, who it is anticipated will drop 600,000 rounds on the American positions the very first day of that war, that as a Nation we say one thing and do another when it becomes slightly politically inconvenient for the 535 Members of Congress?

I say this with great reluctance, because I know that in voting for war I share the responsibility for the lives of those young Americans who may die. But to do nothing is much worse. We are in this situation. We cannot choose to ignore it. And I think that the best course of action for this Nation is to use the overwhelming military might that we have at our disposal to end this war quickly, swiftly and with a decisive American victory.

Mr. HUNTER. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) has 4 minutes remaining,

Mr. HUNTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I think we have had an excellent debate, and it shows a great division. And there is great division because we have several legitimate interests, and it is a matter of balancing which of these interests outweighs the other. One interest is a humanitarian interest; another interest, of course, is our NATO alliance and their military objectives; another interest that many people have expressed here very eloquently is our concern for the safety of our men and women in uniform. Let me just review my own position and the history of this Congress in the last 15 years or so.

In Lebanon, in Libya, in Grenada, and of course in the Middle East, a number of us voted to give the President of the United States, President Ronald Reagan and President George Bush, great discretion and to attribute to them great presidential prerogative with respect to initiating conflict. And that accrued to our benefit, because the Presidents were able to strike swiftly and to move American force projection very quickly without asking for permission from Congress. We were able to achieve goals we could not have otherwise achieved.

So one principle I followed was that the Commander in Chief must be able to act quickly, using a full range of military options short of total war. And my feeling is that total war is what we have conducted in the past in World War I and II, the last war ending when we reduced Tokyo and parts of Germany to rubble. I do not want to reduce Belgrade to rubble.

I do not want to stand by and do nothing. So I agree with the gentleman from Virginia (Mr. BATEMAN) that the range of options is a range of options that does not serve this Congress well.

□ 1330

The second principle that I felt we were following over the last 15 years was that the Commander in Chief must be able to act with full military leadership authority when leading joint operations with our allies.

Somebody commented once that if we were not in the NATO alliance, it would be like that church full of townspeople without Gary Cooper, all of them with different ideas but all of them too timid to execute anything. And I think that is probably true.

So I am going to vote to be consistent with my votes that I exercised with respect to the presidencies of Ronald Reagan and George Bush. And I want to say to all my Republican colleagues who voted with me on those votes and voted not to force the President to seek a vote before he could go in with military force, that I think those principles which accrue to the benefit of the United States and save lives will long outlive this presidency in which many of us have a lack of confidence.

Now let me turn to my Democrat friends and simply say this: We have cut our military under President Clinton, almost in half. So to carry out this foreign policy that we are engaged in right now, whether it is in Kosovo or on the Korean Peninsula or in the Middle East, we now have 10 Army divisions instead of 18, we now have only 13 fighter air wings instead of 23, we are down almost 40 percent in Navy vessels, we are short $3½ billion in basic ammunition for the U.S. Army, we are short in almost all of our smart standoff weapons that save lives, and we are going to have votes in the very near future to increase that ammunition, spare parts and equipment that will ultimately save lives of our military people, whether they are operating in this theater or some other theater.

We need Democrats to vote in a strong defense. If we do not have them, we are going to go ahead with half empty ammo pouches in these wars, with our coffers of spare parts that are only half full, and we are going to repeat years like the one we just had in which 55 American military aircraft crashed in peacetime missions because of lack of training, lack of spare parts, and old equipment.

So I am going to join and try to be consistent with the votes I have made in the past. I hope all my colleagues will vote for a strong national defense regardless of their vote on this issue.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair will advise that the gentleman from Mississippi (Mr. TAYLOR) has 5 minutes remaining and the gentleman from California (Mr. CAMPBELL) has 1 minute remaining. All other time has expired.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan (Mr. BONIOR).

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his generosity in yielding me the time.

Mr. Speaker, in less than 30 days, 1.6 million Kosovars have been forced from their homes at gunpoint and torn from their loved ones. They have been stripped of everything, even their identities, all because of their ethnic heritage.

Now, some say the suffering Kosovars are not America's responsibility, that the gang rapes, the burned villages, the mass graves, they are not our problem. Well, to that I say we represent history's greatest democracy. We are a superpower at the peak of our prosperity and our strength.

What is America supposed to do? Are we supposed to look the other way? Hitler said in the 1930s, ''Who remembers the Armenians?'' before he unleashed his thugs to exterminate a people.

We stand here because so many of us have come to this well and said never again, never again would we stand by idly while genocide is committed. We stand against Slobodan Milosevic not just to stop a tyrant bent on ethnic cleansing but also against the very idea that such a barbaric campaign will be tolerated at the end of the 20th century. We simply cannot and will not let the worst of history repeat itself.

The NATO air campaign is taking its toll on Milosevic and his military power. Not only are his bunkers and his barracks cracking under the allied attack, but so is his domestic support. Just this week, Yugoslavia's Deputy Prime Minister publicly called on Milosevic to tell the truth to his people: that the world is against him, that he is alone, and that he cannot defeat NATO.

Now, my colleagues, is the time for this Congress to come together, united behind NATO. Now is the time for this Congress to be unyielding in our resolve. And now is the time for us to send Milosevic an unmistakable message: Ethnic cleansing will not stand, and we will persevere.

There are some in this Congress who seek to entangle us in legalisms, to micromanage military strategy, and to force us into false choices. Let us reject these traps. Let us reject the Goodling amendment.

Many of us believe that we should have a congressional vote before sending ground troops, but this amendment ties the hands of our military commanders and could leave the bordering nations, millions of refugees, and thousands of our own soldiers dangerously exposed.

Let us reject the Campbell proposal and reject the idea that we can pull out now and wash our hands of this humanitarian responsibility. Let us support the resolution offered by my friend the gentleman from Connecticut Mr. GEJDENSON. This is the same bipartisan language the Senate adopted to support the NATO air campaign.

It will show our resolve to turn back this genocidal tide. It will show our support for our troops. It will show our support for NATO. And it will show Milosevic our resolve that his brutality will not endure.

Ms. MCCARTHY of Missouri. Mr. Speaker, the most solemn responsibility a Member of Congress has is the consideration of a declaration of war. The four measures before us today which concern our military actions in Kosovo also concern our nation's standing in the world and the very future of the North Atlantic Treaty Organization (NATO).

I support our brave men and women in uniform and all of the allied troops who are part of the NATO operations in Kosovo. Many of those who are flying missions in Kosovo are from Whiteman Air Force Base in my home state of Missouri. I thank them and the other men and women who are there serving our country, the Alliance, and the people of Kosovo. I pray for their safe return from a successful mission.

At the historic 50th anniversary of NATO summit, the leaders of the Alliance convened and reached consensus that Slobodan Milosovic's violence against the ethnic Albanians is abhorrent and must stop. As the leader of the free world, the United States is compelled to join in action to prevent the horrendous acts of genocide and ethnic cleansing that are taking place in Kosovo. In addition, we share a humanitarian obligation to assist the more than 550,000 refugees who have been forcibly evicted from their homes, and in many cases separated from their families. Until stability returns to this region, the United States and its NATO allies must provide an example to the world of generosity, compassion and commitment to those who are suffering at Mr. Milosovic's hand. The rebuilding process of both physical structures and people's lives must begin as soon as peace and stability is achieved.

Mr. CAMPBELL has introduced two resolutions which we will vote on today—H. Con. Res. 82 and H.J. Res. 44. I am opposed to both of these measures. The gentleman from California assumes only two choices exist for Congress: to declare war or to abandon our allies. These resolutions are partisan in nature and are merely intended to place the President in the politically untenable position of having to make an extreme choice, knowing that either alternative would undermine his ability to effectively act as Commander in Chief. The situation in Kosovo does not present a simple dichotomy of choices. We have entered into this conflict as part of the NATO Alliance, and for the U.S. to pull out now or to declare war as an individual country would directly contradict the agreements reached at the summit concluded just three days ago here in Washington.

The resolution introduced by Mrs. FOWLER, Mr. GOODLING, and others, H.R. 1569, would prohibit the Department of Defense from using funds for ''ground elements'' without the authorization of Congress. I agree with the premise that Congress must protect the checks and balances laid out by the framers of the Constitution. During the ''Gulf of Tonkin'' crises 35 years ago a misinformed Congress conceded its foreign policy powers to the President. The resulting unchecked escalation of forces in Vietnam should never be repeated. While Congress has the responsibility to be vigilant, the President has assured us in writing that he will not commit ground troops without authorization from the Congress, making H.R. 1569 unnecessary. Further, passage would tie the hands of NATO leaders and seriously jeopardize NATO's chances of successfully completing its mission. This measure would also jeopardize our own leadership role in this most critical alliance, and would send the wrong message to Mr. Milosovic, thus undermining much of our efforts to date. For these reasons, I oppose this measure.

S. Con. Res. 21, passed in the Senate April 20, authorizes the President of the United States to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro). I support this resolution. It is consistent with the goals and objectives of the United States and is key to NATO's ongoing military strategy.

Fifty years ago, at the end of World War II, President Harry Truman, whose hometown is in the Congressional District I am proud to represent, had a vision to reunite and rebuild Europe to avoid world war in the future. The successful result is NATO. Our country is the foundation and security that NATO requires to succeed in its mission of peace in Europe. For our armed services to succeed in their current mission we must support them with our actions. Let us learn from history and support the young American men and women who carry our flag into jeopardy. Let us support our President, Secretaries of State and Defense, our Joint Chiefs of Staff, our battlefield commanders, and the NATO allies we lead that we are unified in our resolve to end this inhumanity. We proclaim to the world, those who support us and those who would not, that we act in defense of American's core values; life, liberty, the pursuit of happiness and, of course, justice for all.

Mr. COSTELLO. Mr. Speaker, I rise today to vote in favor of legislation to put the Congress' voice where it should be—at the forefront of the national policy which guides our armed forces in the face of conflict. Under the Constitution, the Congress has the power to declare war and commit our troops to battle. As a Member of Congress who is opposed to putting American ground troops in Kosovo, I believe the Congress should have the opportunity to debate whether it is in our national security interests and vote to give the President the ability to put troops on the ground in Yugoslavia. I do not believe it is right for the President to act unilaterally to put our young men and women in uniform into ground battle in Kosovo without the explicit authority of the U.S. Congress.

President Bush acted correctly in seeking the authority of Congress to commit ground troops before we acted to expel Iraq from Kuwait in 1991. While the President is working with our NATO allies to persuade the Serbs to end their brutal actions in Kosovo through air

attacks and diplomatic initiatives, I believe he has an obligation to first seek the authority of the nation's legislative body before sending tens and possibly hundreds of thousands of our armed forces personnel to battle.

Many of my colleagues favor sending ground troops into Kosovo; others join me in opposing the use of ground troops. Either way, I believe there should be a full debate on the issue and a vote on giving the President the authority to commit our nation to what is the equivalent of a declaration of war on Yugoslavia, albeit under the aegis of NATO. I urge my colleagues to join in supporting legislation that restores the voice of the Congress in the debate on Kosovo.

Mr. EWING. Mr. Speaker, I rise today not to put myself forward as an expert in national defense matters or in matters of military deployment. I do not serve on the Armed Services Committee or on the Appropriations Committee which handles military matters. Nor am I a member of the International Relations Committee. My experience in the military was as an enlisted person where I rose to the rank of Specialist 4.

I feel very strongly that we should not be in Kosovo militarily. Yes, we should help with humanitarian needs and could indeed do much more for those who are suffering as a result of the civil war by the use of only a small amount of the money which we are spending on the bombing.

In the current situation in Kosovo we are footing a major part of the bill and already talking about how we will use our resources to rebuild this area that is being bombed. Do we forget that we very properly asked for our allies to contribute in the gulf war, which in fact alleviated a major burden on American tax payers by the money that was paid by those who also had an interest in that military activity?

The Vietnam experience is one that I hope I will never forget. I believe that there are some very important lessons to be learned from that experience. I felt a feeling of betrayal by the leadership of this country as a result of the Vietnam war. We were told of the dire consequences if we did not fight to a victory in that conflict. We threw hundreds of thousands of young men and women into that fray, and in the end we had to acknowledge our mistake and withdraw. That has left a lasting scar on our country. Not our withdrawal, not our admission of a mistake, but the conflict and the controversy surrounding the war. And we are today, as we have through the years since Vietnam ended, paying a terrible price for our mistake and we are still reaping the bitter fruit of those decisions.

The war in Southeast Asia is very similar to the Balkans, a civil war. And I ask the question: ''Is Southeast Asia worse now because we withdrew?'' And I believe the answer is a resounding ''no.''

The civil strife has to be settled by those who are most affected—those who live there. This is a civil war in the Balkans and it will be impossible for us militarily from the outside to impose a successful solution on the problems faced by the people of this area.

I, would ask the question—what kind of a country would we have today, had England and France been successful in intervention in our own civil war on the sides of the Confederate States?

While I oppose the military action in Kosovo and am adamantly opposed to sending any ground troops, I am also concerned greatly by the cost of this operation. It is my opinion that the current administration will have easily spent a hundred billion dollars in soirees around the world from Bosnia to Iraq to Kosovo. This money will come from only one source, the American tax payer, and most likely from the surplus of Social Security money.

I, believe that the current expenditure of funds is unwise and will be of a major detriment to our efforts to save Social Security and Medicare. We have worked long and hard to improve the financial condition of this country over the last four years. Kosovo holds the key to totally reversing the successes we have had and returning us to a situation of using funds from Social Security to pay our bills. It was wrong when it was done during Vietnam and it is wrong today.

I, believe that it is also the greatest error when leaders of our country fail to recognize that they have made a mistake in judgement, and continue to push ahead with all of their vigor and might, often with the use of our fighting men and women and the expenditure of our funds, to prove that they are in fact right.

In the end I believe that we will see the error of our involvement militarily in Kosovo. I do not subscribe to this theory that we can't back out because we have military involvement now. I know of no endeavor anywhere that was won by pursuing a failed policy and failing to admit mistakes when they are so very obvious. I do not buy the theory that we must continue to pursue military action there simply because we are there.

All that we need to do is provide for the safe removal of our military, with hope that military bombs can be replaced by talk and negotiation which will help the troubled people of this area reach an agreement as to their future.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the H. Con. Res. 82, H.J. Res. 44, and H.R. 1569 and in support of S. Con. Res. 21.

All of us are concerned whether the United States through the North Atlantic Treaty Organization (NATO) is taking the prudent position with regard to airstrikes against the Federal Republic of Yugoslavia. All of us are just as concerned and even repulsed by the actions of the Milosevic Government to ethnically cleanse Kosovo of non-Serbs creating the worst human tragedy Europe has witnessed since WWII. The conflict involves a part of the world where ethnic violence has been commonplace since the fourteenth century and the scene of intense fighting in this century's two world wars.

At the same time, how can the free and democratic nations of the world, in particular the nations comprising NATO, which won the cold war against communist aggression, sit idly by and allow a dictator to use his military and police apparatus against innocent civilians and noncombatants, causing death and destruction of property and wreaking havoc on his neighboring sovereign states?

We must weigh the costs of engagement and non-engagement in the affairs of one nation which will impact the stability of others with consequences for the U.S. To do nothing and withdraw would send a message, I believe, to Yugoslavian President Milosevic that ethnic cleansing is an acceptable practice at the end of the millennium. It would send that same message to other would be dictators that barbaric treatment of your own citizens is an immoral but acceptable sovereign practice. But perhaps more important, allowing Milosevic to drive those citizens he does not want into other countries will only destabilize Albania and Macedonia. What right does a dictator have to shed his unwanted citizens whom he has not killed to another sovereign state?

Finally, if the U.S. decides to cut and run, where does that leave NATO? NATO, under U.S. leadership helped rebuild European democracies and create political stability after World War II, which has been of great benefit to the U.S. Stability in Western Europe through NATO led to the end of the Cold War and to the collapse of the Soviet Union, while at the same time preserving a strong market for U.S. goods and services. After fifty years of success is it time to abandon the partnership of NATO? I think not.

The Campbell resolutions calling for a declaration of war or removal of all U.S. military personnel are premature and misguided. First, we are involved in an air campaign jointly with our NATO allies in an effort to stop Milosevic's brutal campaign of aggression against the ethnic Albanians in Kosovo. For the U.S. to unilaterally declare war outside of NATO undermines the alliance and its efforts. Second, to call for the complete withdrawal of U.S. forces from the NATO exercise would only serve to enhance Milosevic's position, which I oppose, and weaken NATO's. And, it would completely undermine NATO and the U.S. leadership position in the alliance.

The Goodling legislation, H.R. 1569, would prohibit the use of any funds of the Department of Defense for the deployment of ground elements, including personnel and material to the FRY. This is both premature and sends the wrong message. I have stated publicly that I oppose the introduction of ground troops into the FRY at this juncture, but I also support our efforts as part of NATO to end the ethnic cleansing in Kosovo and bring stability to the region. It is premature for the Congress to prospectively limit the U.S.'s options because there is currently no plan to send ground troops in a military situation at this time. If at any time such a plan is developed, the Congress can move immediately to prohibit such activity.

I am also concerned about the limited exceptions in the Goodling bill, which would hamper the ability of U.S. and NATO commanders to gather intelligence necessary to prosecute the airstrike operation. Further, it would not allow U.S. and NATO commanders to pre-position tanks and military equipment, or allow for pre-emptive strikes based on intelligence reports. These exceptions would eliminate on-the-ground intelligence gathering and the use of special forces, which would impair NATO's decision making ability and its ability to obtain critical military information. Worst of all, this bill sends the wrong message to Milosevic at a critical time that the U.S. is not

serious about pursuing a peaceful settlement which includes the repatriation of Kosovar refugees.

Finally, we should adopt the same resolution adopted by the Senate to endorse the U.S. participation in the NATO air operation. Regardless of the outcome of the Goodling resolution, we should unequivocally state our support for NATO. To do otherwise at this point would greatly weaken the NATO alliance, serving only to threaten the lives of the men and women pursuing our military objectives, and weakening the international standing of the United States.

Mr. LIPINSKI. Mr. Speaker, I want to first express how proud and honored I am of our brave men and women in the armed services. I salute them and offer them my unequivocal support for the wonderful job they are doing.

Mr. Speaker, I was opposed to this operation from the beginning. Putting American troops in the middle of an ethnically charged civil war carrying 6 hundred years of cultural baggage is pure folly. Neither the Albanians nor the Serbs are interested in any sort of serious compromise. As I said 2 months ago and I say today, I do not believe that we should risk the lives of our American men and women in an ethnic conflict thousands of miles away where there are no American interests at stake.

This is an issue that should have been handled by the European nations, but it wasn't. We should not send American men and women thousands of miles from home to do what European men and women should be doing for themselves.

But now that we are embroiled in this foreign policy failure, now is not the time to disengage because to do so would be a blow to U.S. prestige and a license for Milosevic to continue his heinous actions.

With this in mind, today we will debate and vote on four separate bills dealing with Kosovo, and I would like to take this opportunity to outline my thoughts on each of them.

First, I support H.R. 1569. The bill would prohibit the Department of Defense from using appropriated funds for the deployment of ground elements of American troops in Yugoslavia unless authorized by Congress.

Our nation's first President, George Washington, said over 200 years ago: "The Constitution vests the power of declaring war in Congress; therefore no expedition of importance can be undertaken until after they have been deliberated upon the subject, and authorized such a measure."

George Washington's statement is as true today as it was 200 years ago. As duly elected Members of Congress and as representatives of the American people, it is our duty, and yes, it is our responsibility to exercise our constitutional right to authorize military deployments of this nature. As Stuart Taylor Jr. of the National Journal writes: "Compliance with the Constitution should not be optional." Congress should not relax our role as an equal partner with the Administration in this decision-making process.

We must not allow "compliance with the Constitution" to devolve into an option. We must assert our constitutional prerogatives, which is why I support H.R. 1569.

Second, I oppose H. Con. Res. 82 and H.J. Res. 44, H. Con. Res. 82 would direct the President to remove American troops from their positions and cease military operations against Yugoslavia within 30 days of passage, and H.J. Res. 44 would declare war on Yugoslavia. While I certainly respect the gentleman from California's (Mr. CAMPBELL) keen intellect, I do not agree with the goals of either of his bills. H. Con. Res. 82 would send a harmful message to our American troops already there. It would undermine their efforts and our support for American men and women in the armed services. H.J. Res. 44 would just go too far.

The final bill to be considered on this floor today will be S. Con. Res. 21. This resolution would authorize the President to continue to conduct military air operations and missile strikes in cooperation with NATO against Yugoslavia. I oppose this resolution, but this does not mean that I want to stop the bombings.

Specifically, I do not support the current policy behind the bombings. The five week long bombing campaign against Yugoslavia has been an abject failure. NATO's Supreme Allied Commander, General Wesley Clark, admitted as much at a news briefing yesterday. The bombs have so far failed to stop the ethnic cleansing, failed to stop the buildup of Serb troops, and failed to break Slobodan Milosevic's resolve.

I would support the bombing if it were effective. I would support it if military professionals could carry out their mission unfettered by political persons with little or no military experience. There is no place for armchair generals here, only military professionals.

Perhaps it was doomed to fail from the start. There were questions that should have been answered for a military campaign of this nature such as what are the rules of engagement? How will we handle the massive exodus of Albanian refugees? What is the exit strategy? What are the goals? What will we do if air strikes prove to be ineffective?

Perhaps a political determination was made over the objections of the Pentagon—a decision to gamble and hope that Milosevic would cave in after a few days of air strikes. Unfortunately, the gamble failed, and no contingencies were planned. And now, the Administration's reactionary foreign policy has resulted in another situation.

Mr. Speaker, I am certain we will continue to debate this matter in the months to come, and so I conclude my statement with one final thought for my colleagues and for the Administration. It is fatal to enter any war without the will to win. We must recognize the fact that it's not tidy, and it's not clean, but if we're going to fight, we must fight to win.

Mrs. CAPPS. Mr. Speaker, I want to say first that I stand in wholehearted support of the brave men and women who are currently risking their lives in this mission. I pray for their safe return. We should all be very proud of their dedication to their country.

The ongoing situation in Kosovo represents a grave humanitarian crisis. The government of Slobodan Milosevic has been engaging in the systematic slaughter and oppression of the ethnic Albanians in Kosovo. I have no quarrel with the Serbian people. The blame for the killing and persecution lies with Milosevic and he must be stopped. The United States cannot stand by as innocent men, women, and children are driven from their homes and villages, while countless others are brutally slaughtered. The history of 20th century Europe presents us with a moral imperative, and we have no choice but to act, and act now.

This conflict is occurring in a politically volatile region in an area of crucial importance to this country. This conflict could spread rapidly in the Balkans, affecting our NATO allies, and that has serious national security implications for America. If this conflict erupts into a major European war, U.S. involvement will be massive and much costlier than our participation in the NATO effort now underway.

Today, I plan to vote against two Resolutions being offered by my colleague, Congressman TOM CAMPBELL. While I have great respect for his views, I don't feel that these Resolutions encompass our best policy options in Kosovo.

H. Con. Res. 82 calls for the complete withdrawal of U.S. troops from current operations in Yugoslavia. The approval of this resolution would send a devastating message about America's commitment to NATO and to stopping the mindless slaughter of innocent civilians. It would allow Slobodan Milosevic to continue his policy of ethnic cleansing with impunity. In addition, any unilateral statement by Congress against the U.S. commitment to NATO would be especially ill-timed in light of NATO's reaffirmed commitment this past weekend to resolving the situation in Kosovo. Finally, I fear that this resolution would undermine the morale of our brave troops in the field.

H.J. Res. 44 calls on the U.S. Government to issue a formal declaration of war against Yugoslavia. We have not declared war since World War II, and such a declaration is out of proportion to the current situation. The U.S. and NATO are seeking to stop the slaughter of innocent people and to stabilize the region for the long term, not the conquest of Yugoslavia. In addition, a unilateral declaration by the U.S. would shatter the delicate coalition of 19 NATO nations who have worked closely together to try to stop the violence that Milosevic and his forces are committing. Yesterday, this resolution was unanimously defeated in the International Relations Committee.

I also plan to vote against H.R. 1569, a bill that would cut off funding for operations in Kosovo if the President deploys "ground elements" without authorization. I have repeatedly voiced my hope that a ground invasion will never be necessary, but there are a myriad of circumstances that could necessitate the use of some ground forces. I do not believe Congress should tie the hands of the military commanders and risk putting our troops in any unnecessary risk.

Mr. Speaker, I will vote in favor of the resolution offered by Mr. GEJDENSON in support of continuing air strikes against Yugoslavia. This resolution is identical to the bipartisan measure which has already passed the Senate. I do this with reluctance and a heavy heart because I firmly believe that military action should always be our last resort. However, Milosevic's brutal actions and blatant refusal to negotiate have left no other options. I sincerely hope that NATO's air campaign will bring about a successful conclusion to this

conflict, avoiding bloodshed of innocents on all sides of this conflict, and so we can get our troops out of harm's ways as quickly as possible.

I support this Gejdenson resolution, first and foremost, because I am convinced that it represents the right policy. I also support it because Congress has a unique responsibility—both constitutionally and morally—to speak out on matters of military conflict. Whether one supports or opposes our mission in Kosovo, it would be unconscionable for Congress to be silent on this issue. Doing so would effectively disenfranchise the millions of Americans who want to voice their views on this topic through their elected representatives.

Finally, Mr. Speaker, I want to express my heartfelt thanks and gratitude to the American people for their generosity to the refugees of Kosovo. Once again, they have responded to a humanitarian crisis with compassion and generosity, donating food, clothes, and money and countless hours of their time. This past weekend I visited Direct Relief International in my district and met with representatives from DRI, Missions Without Borders, and New Horizons Outreach. They showed me the tons of supplies they have gathered and are sending to the refugees. We all owe groups like this, and the thousands of volunteers and donors across this great land who support them, our debt of gratitude.

Mr. NUSSLE. Mr. Speaker, I wish to share my thoughts about the current situation in the Federal Republic of Yugoslavia, and more specifically, my deep concern about the role of the United States military in the ongoing conflict.

There are no easy answers to the questions posed by the country's civil war and the reprehensible actions of Slobodan Milosovic. Thousands of Kosovars have been killed and driven out of their homes and out of their homeland. We see their suffering every night on the evening news. And we keep asking, ''What can we do?''

Without second guessing the decisions of the President and his national security team, I think it is important that we look at the status of this military action realistically. After more than a month of NATO bombing of Yugoslavia, the suffering of the Kosovars has not been eased. More refugees are being forced out of Kosovo every day, destabilizing other countries in the region. We are now learning that NATO bombing is killing innocent civilians.

The Constitution requires that Congress act on matters of war. Accordingly, Congress has two options to address the current situation—one, declare war; or two, withdraw our troops.

Declaring war on Yugoslavia is not an option. Yugoslavia has not attacked the United States, and the President has never made the case that it is in the vital interest of the U.S. to declare war.

Instead, today I voted to withdraw U.S. troops from Yugoslavia because we are not at war, and yet there is no mistake that the President is indeed waging war with our troops. In fact, ninety percent of the NATO missions are flown by U.S. pilots. Until the President explains to Americans why this military action is necessary, why we are bombing a sovereign nation, and how success is determined in this mission, I do not believe U.S. troops should be participating in this military action.

This current situation in Kosovo highlights an even larger and looming problem with our national defense policy. I am concerned that the President has stretched our national defense to the breaking point. We have too many deployments by too few troops who are under-trained and ill-equipped to put out fires in every corner of the world. Since 1991, U.S. troops have been deployed 33 times—compare that to only 10 deployments during the 40 years of the Cold War.

Mr. Speaker, the United States needs a consistent foreign policy and understanding of our role in the world. That need is more evident today than every before. I am pleased that the U.S. Congress today is fulfilling its role in helping determine that policy, and would hope that the President would do the same.

Mr. CALVERT. Mr. Speaker, I rise today to participate in this historic debate on the tragic situation in the Balkan region. We find ourselves in a disturbing conflict, and I believe the public is concerned about our long term strategy.

The President and the Secretary of Defense have recently begun a call to duty of more than 33,000 reservists and National Guardsmen. Each one of us here represents men and women that could be called to fight in the Balkans. I am confident that these men and women will represent our country well. This conflict in the Balkans has been generally viewed by my constituents as a mostly international issue taking place in areas that are unknown and unfamiliar to many of us. However, the recent call up of reservists and National Guardsmen has hit my district square in the heart, since it could involve the potential deployment of the National Guard and Air Force Reserve components stationed at March Air Reserve Base.

I am very proud of the efforts by our military personnel. Although this is the longest and largest such campaign in which no American lives have been lost, chances are this may not continue. The credit for this extraordinary accomplishment should be placed on the shoulders of our American and allied troops. These brave men and women deserve our praise. Let me take this opportunity to extend enormous gratitude from myself and everyone living within the 43rd District of California for the job and effort of our troops.

As proud as I am of our troops, I am concerned that the President has not done enough to involve Congress in the decision-making process throughout the Balkans crisis. Still today, Congress has not been advised on the exit strategy once hostilities have ceased. Yet, at the same time, this President is asking Congress for additional funds for this campaign. Mr. Speaker, I hope the President will begin to involve Congress.

I have every confidence that our men and women will do their jobs. I do not have confidence that they will have the material support that they deserve over the long haul. That is why we desperately need to pass a large defense supplemental bill to make up for previous years of inadequate defense requests from this administration.

I have voted today to reserve the decision to start any ground war to Congress, where it belongs. I have also voted against the extremes of media withdrawal and declaring war. Authorizing the air war merely recognizes reality—a reality which Congress must monitor daily so that the will and interests of the American people are reflected in our foreign policy.

Ms. BALDWIN. Mr. Speaker, since the beginning of this crisis, my central concern has been the human rights situation in Kosovo. I believe that we cannot simply look the other way during this disaster. I believe that our policy must be directed toward saving as many Kosovars as possible from death, rape, torture or other atrocities. To that end, on March 24, I issued a statement supporting NATO's targeted air strikes against military targets. I supported targeted air strikes in order to diminish President Slobodan Milosevic's ability to wage war on more than a million of his own citizens. I believed it to be the best of many bad options available to NATO after rejection of the peace plan by Milosevic and more than a year of failed diplomatic efforts.

Since the air strikes began, we have seen the focus of our bombing shift from strictly military infrastructure targets to include the civilian infrastructure. My support for the air strikes waned when this shift began occurring, because our military actions were no longer connected to my central goal of addressing the human rights crisis. In fact, I believe that bombing the Yugoslavian civilian infrastructure will worsen rather than improve the humanitarian situation.

I believe that Congress and the President must share in the responsibility of deciding whether or not to introduce U.S. troops into hostilities. The War Powers Resolution is unambiguous on that issue. The U.S. House of Representatives has not yet taken such a vote. I believe that we should.

Votes on war and peace are the most serious votes that a member of Congress ever has to cast. In the end, votes of this magnitude must be guided by conscience, not politics or party loyalty. For that reason I am today casting votes in favor of H.R. 1569, prohibiting the use of funds to deploy ground troops without Congressional authorization; in favor of H. Con. Res. 82, invoking the war powers resolution and withdrawing our troops in the absence of Congressional authorization for their continuing presence; against H.J. Res. 44, declaring war on Yugoslavia; and against S. Con. Res. 21, authorizing continued military air operations against Yugoslavia.

What most concerns me about today's votes is that we are not addressing our most important goals. I would like to be voting on a resolution devoting as much time, energy, money and human resources to assisting the refugees as we are to prosecuting this military action. While we fight allegedly on their behalf, refugees remain in unsafe and squalid conditions. There is much more we could be doing to assist those whose lives we are fighting for. I would also like to be voting on a resolution that says unequivocally to our troops—especially those who are being held prisoner—I support and honor you in your work, regardless of whether my vote is in the majority or minority today.

In the final analysis, our mission must be a moral one to relieve the suffering of hundreds

of thousands of displaced families and to seek lasting peace in the region.

Mr. GALLEGLY. Mr. Speaker, I rise to express my deep concerns for the current situation in Kosovo and the military policies being pursued by the Clinton Administration.

Let met say at the outset that I fully support our military men and women. They are the finest in the world. Further, in no way do I wish to send a message to Yugoslav President Slobodan Milosevic that I consider him to be anything other than a barbarian and a thug. His policies in Kosovo of ''ethnic cleansing'' and mass deportation of the Albanian majority are nothing short of deplorable which serve to reinforce his pathologic quest for ultimate power and authority. There can be no doubt that as Secretary of Defense Cohen has stated, ''Mr. Milosevic and his minions are engaging in rape, pillage, and murder on a scale that we have not seen since the end of World War II'' * * * ''Milosevic is an ex-communist thug who has been appallingly brutal to the Kosovo Albanians.''

Kosovo is much more than a civil war. It is in effect an extension of what we have already experienced in Slovenia, Bosnia and Croatia. Serb forces, including elements of the Yugoslav Army, Serb special police and paramilitary units have attacked towns and villages throughout Kosovo in a clear pattern similar to what we saw in Bosnia. The world has a right to be outraged and to demand that Mr. Milosevic end his brutal campaign of hatred and expulsion.

Like many, I do believe that the nations of Europe had the right to decide that the situation in Kosovo was no longer tolerable and had to be stopped before a broader war in the Balkans ensued. NATO's reason for taking action in Kosovo is honorable. Ethnic cleansing must be condemned. Clearly, the United States does have a national interest in a peaceful resolution of this conflict. Peace and stability in southern Europe is important. If the current situation persists, Montenegro could be next and perhaps Bosnia could flare up again. The current situation also places our friends and allies in Greece and Turkey in a tenuous situation which could rekindle old animosities. But does the United States have such a strategic national interest in the Balkans that we should commit U.S. military forces to the region? I do not believe so. Is it in the best interest of the European nations of NATO to act to resolve this conflict? Yet it is. And, as a member of NATO, should the U.S. participate in some way? Yes, we could. But do we need to be in the forefront of the military operation, providing the bulk of the airstrike forces and potentially the ground forces? I do not believe so. If the European nations of NATO wish to intervene militarily, I believe the U.S., as a NATO ally, can assist with communications, intelligence, logistics, and medical support. And if that is not enough for the NATO alliance to act in a case such as this to enforce their own responsibilities to preserve stability in Europe, then I question the real resolve of the alliance and wonder what kind of an alliance we have if it cannot function without the U.S. in the lead.

That is why I voted today to remove our air forces from the operations over Yugoslavia and will oppose the commitment of United States ground combat forces to Kosovo should the President decide to do so. Last March, I voted against authorizing American ground forces to be used as a peacekeeping force in Kosovo. I did so because NATO didn't have a clearly defined mission or strategy to win the conflict. We also didn't have an exit strategy. I said then that I hoped I would be proven wrong. That hasn't been the case.

When feasible, the United States and NATO should take well thought-out steps to stop aggression or in this case the brutal extermination or deportation of an ethnic population. Our actions, if we are to take them, must be swift and taken with overwhelming force. But we have done the opposite in Yugoslavia. If we are to be intellectually honest, we have to admit that an air war cannot stop ethnic cleansing in Kosovo. Air wars alone have never succeeded. If we are to be intellectually honest, we have to admit that the air war is in all likelihood a prelude to a ground war. If we are to be intellectually honest, we have to admit that incrementally increasing our war effort is a losing strategy. Even General Clark, the NATO supreme commander has stated that ''air power alone will not be sufficient to stop the ethnic cleansing''.

Instead of stopping the ethnic cleansing in Kosovo, our strategy seemingly has hastened it. The administration was caught off guard by that. Milosevic has achieved most of his objectives. He has extended his control over Kosovo, and he has successfully expelled a large portion of the ethnic Albanian population. Now he is suggesting to Russian negotiators that he is ready to talk peace. Perhaps this option should be seriously reconsidered, instead of being summarily dismissed, as the Administration has done.

If we resort now to a ground war, we risk far more casualties and an open-ended commitment to Kosovo that could quickly become a long-time quagmire. When we put our troops in Bosnia, the President promised they would be home in a few months. That was four years ago, and 3,000 troops are still there. He's not saying how long our troops would be in Kosovo. And because our mission and exit strategy remain unclear to me, I fear that we would have to send an invasion force into Kosovo at least as large as the one we used in the Persian Gulf and that those forces would be required to remain in Kosovo for a very long time.

Furthermore, we are also asking our military men and women to do a job without supplying them with the necessary tools. Today, there are 265,000 American troops in 135 countries—including 50,000 in Korea and several thousand more in the Persian Gulf. At the same time, since the end of the Gulf War, our military has shrunk by 40 percent. Since 1990, the Air Force has shrunk from 36 active and reserve fighter wings to 20. The Navy is sending warships to sea hundreds of sailors short of a full crew. The Marines and Army are running out of ammunition. If we needed to, we would be hard-pressed to respond elsewhere in the world. Already, we have had to divert planes from their patrol over Iraq to fly Kosovo missions.

As we commit American troops to more hotspots around the world, coupled with the defense cutbacks this Administration has made over this decade, it means our tissue-thin military resources have become even thinner.

My prayers go to the outstanding men and women in U.S. uniforms involved in this confrontation and those facing danger throughout the world. I have the greatest confidence in their commitment, to their honor and in their willingness to fight for freedom. Had we given them the tools, the strategy, and the commitment to win, I know they would prevail in Kosovo. But we haven't. So they should no longer be engaged and certainly should not be committed to a ground war.

Mr. PACKARD. Mr. Speaker, I rise today to voice my strong opposition to American participation in Operation Allied Force.

This Administration's policy in the Balkans has been completely misguided from the outset. While I feel great sympathy for the innocent people on both sides of this conflict, I firmly believe that American military intervention is not the answer. The divisions that plague Yugoslavia are centuries-old grievances that no external force may ever be able to control.

Mr. Speaker, too many questions remain unanswered regarding our participation in this mission. The Administration's effort to counter Serbian aggression lacks a coherent design, a fixed timetable for engagement, a well-defined exit strategy, and a clear final objective. Administration officials continue to argue that American military intervention is absolutely necessary to end Slobodan Milosevic's brutal ethnic cleansing campaign. But if the purpose in striking Yugoslavia was to end humanitarian abuses, then NATO has surely failed. All indications are that Milosevic has actually accelerated his ethnic cleansing program since air strikes began, and NATO's own military commander today acknowledged that Operation Allied Force has failed to reduce the size of the Serbian force in Kosovo or its operations against Albanians.

Mr. Speaker, this President is now preparing to fully engage our Armed Forces in a conflict that pre-dates Columbus' first trip to the Americas. Despite his continued claims that he has no intention of deploying American ground troops to this bloody conflict, every move this President now makes points to this ever-growing possibility. Just yesterday, the President ordered over 33,000 U.S. reserves back into active duty, the biggest call-up since the Persian Gulf War. In addition, the President has put into effect an order that prevents Air Force pilots and other critical personnel from retiring or leaving the Air Force before the Kosovo air war ends.

Mr. Speaker, I cannot in good conscience support risking American lives to fight a war that seems to have more to do with ensuring this president's legacy than protecting our national security interests abroad.

Mr. BONILLA. Mr. Speaker, today we debate two concepts—responsibility and planning. Understanding our responsibilities and how we plan to carry them out is the key to determining what America's interest in Kosovo is.

Our responsibility as Americans are limited and crystal clear. We must oppose any threat to our national security. Our interests in the

Balkans are limited. We have no direct national interest in the region's politics. Our interests are solely limited to preventing any other outside power from increasing its threat to America by dominating the region. Preventing any conflict in that region from emboldening tyrants elsewhere or becoming a threat to our ties with key allies. Unfortunately, our current policy threatens to do just that.

When we commit American power we have a responsibility to plan. We must have a plan of action that will lead to the achievement of objectives that is consistent with U.S. interests. There must be linkage between our political objectives and military plans if we are to succeed in achieving our goals.

Unfortunately, our mission in Kosovo falls short in both respects. The Balkans are not an area of vital national interest. We have no security interest that remotely justifies the massive commitment of military resources and U.S. credibility that the administration has made. It is both dangerous and irresponsible to place our forces and credibility at risk.

It was very clear to me during any recent visit to the region that there is a clear disconnect between our political objectives and our military actions. A human tragedy is unfolding in the region. Having personally visited the refugee camps I understand the devastation faced by the Albanian people. I also know that our first humanitarian responsibility is to do no additional harm. The administration's actions have fueled this too. To this day it remains unclear what the administration's long term political objectives for the region are. We cannot succeed without objectives.

My colleagues, I fear that our policy du jour places American lives, strategic alliances and credibility at risk. The lack of policy direction makes success unachievable and threatens to only compound the current humanitarian crisis. This is a political problem which requires a political, not military, solution. Let's escalate our diplomatic efforts to seek a solution to this humanitarian crisis. We still have diplomatic cards to play. Let's not compound the errors of our current policy by military escalation. Let's focus our efforts on achieving a diplomatic triumph.

Going to war is the most profound question we will ever vote on as representatives. We must never risk American lives except to protect our vital national interests.

My colleagues, I ask each and every one of you to look at the facts. The president has failed to outline a plan with achievable objectives. Escalation only promises more political failure despite military successes. Let's stop this ruinous spiral and seek a diplomatic solution. Please join me in voting against the Administration's war policy.

Mr. KOLBE. Mr. Speaker, these four important votes concerning NATO Operation Allied Force in Kosovo cause me tremendous difficulty. We hold this debate today because the mission, the means and the mentality behind this operation are unclear. There are no good options before us, only some less bad than others.

People speak of winning, people speak of losing. People speak of sins of omission and sins of commission. But, we have no agreed definitions for those terms so we stutter and speak similar words with disparate meanings. Look at the history of the Balkans and you can understand one thing—no one's hands are clean and everything is colored in shades of gray. We must look to the President of the United States to lead and give us common definitions and meaning for our involvement, to define the political objectives we seek to achieve, and to determine how we can best achieve them.

On March 11, over a month ago, we debated our interests in Kosovo. At that time I had not heard from the President an unambiguous statement of our interests and goals in Kosovo. Today, we cover some of the same ground and yet still do not have an articulation of the central strategic national interest involved. That suggests at best an unfortunate lack of communication, consultation and evolution, at worst, a complete muddle on the part of the administration.

Given this environment, it is proper that we pass legislation that puts a check on escalation to ground forces.

As one who seeks to maintain our leadership in international trade issues, I understand the arguments of maintaining international stability, NATO credibility, of assisting in the humanitarian relief, and on standing firm against the kind of atrocities that have been taking place in Kosovo. For those reasons I am willing to give the President and NATO leaders the benefit of the doubt on their air campaign strategy. In any event, it is the reality of where we are today, the level at which we are now engaged. That is why I support S. Con. Res. 21 which authorizes the President to conduct military air operations and missile strikes against Yugoslavia.

Following those same arguments, I also stand opposed to the immediate removal of our military forces under section 5(c) of the War Powers Resolution as H. Con. Res. 82 would have us do. But, those arguments do not convince me that the situation warrants the United States of America declaring war on the Federal Republic of Serbia; so, I oppose H.J. Res. 44. I trust the President shares this letter view since he himself has not asked Congress for a declaration of war.

Let me also mention that none of the above in any way diminishes the importance of passing an emergency appropriation bill to pay for the cost of what has already been done. The number of missiles and munitions already expended in Operation Allied Force is extraordinary. This action in addition to Desert Fox, Afghanistan and other operations has exceeded all forecasts and expectations. Therefore, we need to replenish the stocks and give the military the resources they need to maintain their equipment through this campaign. But none of us should be under any illusion; if this air war continues, this will not be the last supplemental appropriation bill we will see on this floor.

Mr. RODRIGUEZ. Mr. Speaker, sixty years ago Nazi Germany prepared for the invasion of Poland that thrust the world into darkness, despair and death. We put our heads in the sand. It wasn't our problem.

It became our problem, and before it was over more than 50 million people lost their lives. At the heart of Hitler's madness was the conscious decision to kill every Jew in Europe. He almost succeeded.

Sixty years ago we did not have NATO and the United States was not the pre-eminent world leader. But once again we have a European leader whose rise to power is premised on the forced dislocation, rape, torture, and murder of an internal ethnic and religious minority. This time it is the ethnic Albanians, who are for the most part Muslim.

How should we respond to this challenge? We could hide in the sand. Or we could take action in the name of humanity. That is what we have done. We have acted properly by using our military to end the atrocities. We must now complete the job. We must fight to win. Ending our participation would be a horrible disaster—for the United States, for Europe, and for the ethnic Albanians we seek to help. It is not in our character to duck and run. Rather, we should take a stand for democracy, for hope, and for a secure Europe.

We have spent considerable effort trying to reach a peaceful settlement. The ethnic Albanians accepted a compromise. The Serbs rejected it. This is not a new problem and this bombing campaign is not a knee jerk response. President Bush, as he was leaving office, threatened military action against the Milosovic regime, and President Clinton and other world leaders have repeated that threat numerous times.

Sometimes you need to back up a threat with action. And that is precisely what President Clinton has done. He has not acted alone, but with the unanimous consent and widespread participation of our NATO allies. I am proud that we have taken a stand against inhumanity and for basic human rights. We waited to take action in Bosnia, at the cost of many lives, and once we did, we were able to end the daily horrors. As President Clinton observed, if a united force had moved to stop Hitler early, we might have spared the world its darkest hour.

Our military must remain fully ready to respond to traditional threats to our national security. But we must not be afraid or unwilling to take action to stop or prevent genocide where we can make a difference. We cannot solve every world problem, but we also cannot therefore refuse ever to act. A European genocide, as we should have learned, can destabilize the entire world.

Mrs. MINK of Hawaii. Mr. Speaker, I believe that this House needs to search clearly for a rational, sustainable policy regarding Yugoslavia. In this process, we need to hear all the voices instead of only those with which we agree. I am inserting an article by Vesna Perio-Zimonjic that provides a valuable insight on the long-term potential ecological damage our bombs could cause:

AFTER BOMBS, ECOLOGICAL DISASTER AND HUNGER

(By Vesna Perio-Zimonjic)

[From IPS Terraviva, Apr. 22, 1999]

BELGRADE.—Apart from the razing of Yugoslav industrial sites and infrastructure, NATO air attacks are causing an ecological disaster that could endanger the Balkans as a whole, Serbian officials and ecological experts warned. Important rivers, lakes and agricultural land are now contaminated with chemicals and depleted uranium, while the country's fertiliser plants have been destroyed at the height of the seeding season. The result, experts say, might be widespread

hunger. According to NATO spokesmen, however, the destruction of refineries and chemical industries is just aimed at crippling Belgrade's ability to wage war against ethnic Albanians in the Serbian province of Kosovo, some 374 km from the capital. For days on last week, huge black clouds were hanging over the Yugoslav capital, coming from the industrial town of Pancevo, 20 km to the northeast, where a huge oil refinery, petrochemical complex and fertiliser factory had been hit by NATO planes. For two days, residents of both Pancevo and Belgrade were counselled to use watered handkerchiefs or towels over their faces in case they had burning eyes or sore throat when they came out in the street. Luckily, people thought, the wind quickly swept the clouds and the rain washed residues away. But Yugoslav Development, Science and Environment Minister Jagos Zelenovic told journalists that the damage coming from Pancevo's industrial complex was far from over, causing a cross-border environmental hazard. ''The spreading of harmful, dangerous, inflammable and explosive materials used in this complex has polluted the atmosphere, ground water, rivers, lakes and water supply of the wider region,'' Zelenovic said. ''The effects of this pollution not only go across borders, but these are long-term substances and carcinogens,'' he said.

Local civil defence authorities in Pancevo evacuated two residential districts after April 18—the fiercest NATO attack so far—that led to the release of chlorine, hydrochloric acid and even phosgene in the atmosphere, when petrochemical facilities and a fertiliser factory were destroyed. Residents of two small neighbourhoods close to the complexes had to be taken by buses to nearby schools and a sports centre, where they remain until now. Dragoljub Bjelovic, of the Serbian Ministry of Ecology, told journalists that ''ecological catastrophe'' could hit the entire Balkan Region. ''The whole region is in danger, specially after the fertiliser factory was hit, as highly toxic substances went into the air but also, with rain, into the ground,'' he said. ''All rivers and underwater streams in this part of Serbia and the Balkan region are connected, so the toxins can spread into quite a big zone,'' he added. According to Bjelovic, a 20 km-long oil spill from the Pancevo refinery is travelling down the Danube river, towards the two huge Djerdap dams and hydro-electric plants on the Yugoslav-Rumanian border. Both dams were built decades ago by Yugoslavia and Rumania, as the Danube marks the border between the two countries in that zone. From Rumania on, the Danube goes through Bulgaria and into the Black Sea. ''Everything that goes into Danube now, will saturate the Black Sea in a short while,'' Bjelovic said. Miralem Dzindo, general manager of the 'Azotara' fertiliser plant in Pancevo, told journalists that besides the threat of bombs and ecological disaster, there is an additional hazard Serbs have to worry about. ''There is no way to produce necessary fertilisers now, as all facilities were burned to ground on April 18,'' he said. ''The seeding of land is in full swing at this time of year and we won't be able to deliver the necessary substances for our fields . . . The rockets that hit the plant also hit the land and we might face hunger as a result.''

Evacuation of residents is also being considered by civil defence authorities in the town of Ohrenovac, 20 km southwest from Belgrade, where a huge chemical complex is located in the neighbourhood of Baric. It is no secret that the Baric complex produces hydrochloric acid for civilian use and even the dangerous and extremely toxic hydrofluoric acid, used as a component for different household detergents. Baric is situated on the Sava river, which meets the Danube in Belgrade. ''If we let all these chemicals into the river—to prevent them from evaporating into the atmosphere in case Baric was hit by NATO—that would be a real catastrophe,'' a plant official told IPS. ''Under normal circumstances, it would take three months to properly shut down the factors, with all necessary precautionary measures. If we're hit now, God knows what could happen,'' he added. The threat is not a mere speculation: a small office building at the Baric complex was already hit twice in NATO air raids last Sunday. Reports about NATO using depleted uranium (DU) weapons have also been printed by the Serbian press, based on a document issued by the New York-based International Action Centre (IAC)—founded by former U.S. Attorney General Ramsey Clark—said that US A–10 ''Warthog'' jets, introduced recently into NATO attacks, carry anti-tank weapons ''that could present a danger to the people and environment of the entire Balkans.'' According to IAC, ''the A–10s were the anti-tank weapon of choice in the 1991 war against Iraq. It carries a GAU–8/A Avenger 30 millimetre seven-barrel cannon capable of firing 4,200 rounds per minute. During that war it fired 30 mm rounds reinforced with DU, a radioactive weapon.'' ''There is solid scientific evidence that the DU residue left in Iraq is responsible for a large increase in stillbirths, children born with defects, and childhood leukemia and other cancers in the area of southern Iraq near Basra, where most of these shells were fired,'' the group says. Many U.S. veterans groups also say that DU residues contributed to the condition called ''Gulf War Syndrome'' that has affected close to 100,000 service people in the U.S. and Britain with chronic sickness,'' IAC added. John Catalinotto, a spokesman for IAC's depleted Uranium Education Project, said the use of DU weapons in Yugoslavia ''adds a new dimension to the crime NATO is perpetrating against the Yugoslav people—including those in Kosovo.'' ''DU is used in alloy form in shells to make them penetrate better. As the shell hits the target, it burns and releases uranium oxide into the air. The poisonous and radioactive uranium is most dangerous when inhaled into the body, where it will release radiation during the entire life of the person who inhaled it,'' Catalinotto said.

Mr. CASTLE. Mr. Speaker, today the House considers legislation regarding U.S. policy toward the crisis in Yugoslavia. Under our Constitution, Congress has an important responsibility to be involved in the conduct of foreign policy, and this is no exception. Today, I will vote for H.R. 1569 and S. Con. Res. 21 and against H. Con. Res. 82 and H. Con. Res. 44.

There are four issues that the House of Representatives must decide today: whether the United States should declare war on Yugoslavia; whether the United States should withdraw its forces from the NATO led strikes; whether Congress must pass legislation to approve any ground troops that may be deployed by the President; and whether the President has the support of the Congress to continue to participate in the NATO led air campaign. These are not easy or simple decisions.

H. Con. Res. 82 would require the President to remove U.S. military forces currently participating in Operation Allied Force. The other proposal, H. Con. Res. 44, would declare a state of war between the United States and the Federal Republic of Yugoslavia. I intend to oppose both of these proposals.

Passage of either bill would have severe consequences for United States foreign policy. Withdrawing U.S. troops participating in Operation Allied Force would hand Yugoslav President Slobodan Milosevic a victory and a signal that he was free to continue the policies of ethnic cleansing and genocide. In addition, withdrawing troops would destroy hopes for a positive outcome of current air strikes against Serbia. Finally, the withdraw of U.S. troops may break apart the NATO alliance. Withdrawal of troops could cause Milosevic to question our resolve to achieve the objective of a multi-ethnic, democratic Kovoso in which all can live in peace and security.

Conversely, declaring war would have equally devastating consequences. The situation in Kosovo, though extremely serious, has not developed to the point that the United States as a sovereign country should declare war. Declaring war carries legal consequences that include the nationalization of factories for wartime production, as well as foreign policy consequences such as the military involvement from other countries such as Russia. The United States has only voted to declare war 11 times in its history, and none since World War II. The United States should continue its participation in the NATO led effort, but at this time, there is no compelling reason why we, as a sovereign nation, should independently declare war on Yugoslavia.

I do intend to support H.R. 1569, which would prohibit the use of funds appropriated to the Defense Department for deploying U.S. ground forces in Yugoslavia unless the deployment is authorized by law. This prohibition does not apply to ground missions that deal specifically with rescuing U.S. military personnel or personnel of another NATO country participating in the mission.

Normally, I do not advocate limiting the President's options in his conduct of U.S. foreign policy, and I do have some concerns about this legislation. For example, requiring Congressional approval of ground troops by law could be misinterpreted by both Milosevic and our Allies as a potential step back from the solidarity expressed at the NATO summit. In addition, there could be practical problems in carrying out the intent of this legislation because there are some U.S. ground troops already in the region as part of peacekeeping forces. However, the question of enaging U.S. ground troops in combat in Kosovo is so serious that Congress must take an active role in making that decision. Unfortunately, in initiating the air campaign, the Administration left the impression that it would be over in a matter of days and that Milosevic would immediately capitulate. Initiating the use of ground

troops is an even more serious decision and there must be full consultation with Congress if that decision has to be made.

While the potential use of ground forces cannot be completely ruled out, the best scenario would be that a NATO ground force—predominantly made up of European-NATO forces—would escort refuges back to Kosovo after the Yugoslav forces voluntarily withdraw or they are forced to withdraw as a result of the NATO air campaign. The ramifications of the use of ground forces must be fully studied and debated by Congress and conveyed to the American people. Regardless of what steps are necessary and what measures are passed by the House of Representatives today, I would urge the president to make sure he prepares the American people for any role he may ask of our military personnel.

Finally, I also intend to support S. Con. Res. 21 which authorizes the president to conduct military air operations and missile strikes against Yugoslavia. The United States must continue to work to insure that our NATO allies do their part and that our burden does not grow disproportionately. At the same time, we cannot escape the fact that we are the world's only real superpower and thus the only nation that has certain military, logistical and humanitarian capabilities. Each day brings more grim statistics regarding the treatment of ethnic Albanians in Kosovo. Since February of 1998, Milosevic has used force to kill more than 2,000 ethnic Albanians and has displaced at least 400,000. Since NATO's air campaign began, Milosevic has escalated his violence against ethnic Albanians and they have been killed and tortured and driven from their homes and families. The United States, as a member of NATO, has a responsibility to step in to try to stop the killing of innocent civilians.

In our Constitution, the Founding Fathers envisioned full consultation by the President with Congress whenever the U.S. would send troops into a conflict. It is never easy to ask American men and women to leave their family and friends to risk their lives to protect the peace of another country. When the President decides to send U.S. troops into harm's way, he should seek the full backing of Congress and the American public. I am pleased that we have been given this chance to debate the situation in Kosovo today.

Mr. SMITH of Texas. Mr. Speaker, in Kosovo, the United States is bearing most of the burden in a region of the world where there are no American security interests at stake.

Our pilots and planes account for at least 80 percent of the air strikes against Yugoslavia. And our taxpayers are picking up the bill for most of the costs of the war. Yet our NATO allies in Europe have almost twice as many men and women in uniform as we do.

The U.S. cannot always be the supercop patrolling the world. Our NATO allies should do more, and America less.

Unlike Iraq, which attacked other countries and where our national security was at risk because of Iraq's control of our oil supply, Kosovo has no similar claims to American intervention.

America may have a humanitarian responsibility to help bring stability to the region, but we have no obligation to carry the heaviest load. Our NATO allies have more reason to intervene and are capable of doing so. They should shoulder more of the burden.

After five weeks of bombing, we now know that our stated goals in Kosovo have turned to ashes. Our hostile actions against Yugoslavia, we were told by the Administration, would stop the exodus of refugees and bring the surrender of Yugoslavia within days. The Administration has failed in its mission. Our actions likely have made the situation worse.

A realistic solution is to seek a negotiated settlement that protects the rights of Kosovars to remain safely in their homeland. There is much we can do to encourage this without declaring war: provide logistical support to our allies, seize Yugoslavia's assets in foreign banks, and encourage Russia, Yugoslavia's historical ally, to medicate a peace agreement.

For Congress to declare war and give the President a blank check would continue America's level of involvement and even escalate it. In fact, the President announced yesterday he is calling up 32,000 reservists. That's not the direction we should be going.

Based upon numerous conversations with many constituents, I sense a growing unease with putting the lives of Americans at risk, especially when our objections are not being achieved.

Our allies should take responsibility for a greater share of the war effort and the U.S. should do more to bring about a negotiated settlement.

Mr. THORNBERRY. Mr. Speaker, it would be difficult, and probably inappropriate, for me to publicly express the despair I feel over our policy in the Balkans. With noble motives, we have waded into complex, ancient hatreds, and we have only aggravated the situation. In a place and situation where the United States has no vital national security interests, we have become deeply involved. We have staked the credibility of the United States and NATO on achieving an acceptable solution where none may exist.

I did not believe that the U.S. should participate in a peacekeeping force and voted accordingly on March 11. I did not support U.S. involvement in the air campaign which is now underway. It is very tempting to vote to require that our forces be withdrawn immediately from this conflict.

Yet, whatever differences we may have with past decisions, we are where we are. Where we are today is that we are left with no good options. That is particularly true with the provisions upon which we are forced to vote today.

I believe it would be better not to have these votes today. I do not want the outcome of a vote to be seen as authorizing an escalation in the conflict without clear objectives and the will to carry it through until those objectives are achieved. But neither do I want any vote to be seen as undercutting the efforts of the brave men and women conducting the current air offensive. Nor do I wish for any vote to give comfort to Mr. Milosevic.

Two of the votes today are on resolutions submitted pursuant to the War Powers Act. As I noted during debate related to Bosnia a year ago, I believe that the War Powers Act is unconstitutional.

Section 5(c) of the War Powers Act attempts to give Congress authority to force the President to remove U.S. forces by passing a concurrent resolution. The Supreme Court's 1983 Chada decision struck down a similar provision, and most scholars and observers believe that section 5(c) is also unconstitutional because it would require the President to remove troops by a concurrent resolution, which require the signature of the President.

I believe that the War Powers Act is unconstitutional on broader grounds as well, as I detailed in the debate last year. I will vote against both War Powers Resolutions because I believe that the Act is unconstitutional and because I do not believe it is prudent for Congress to declare war against Yugoslavia or to force the immediate withdrawal of all U.S. forces from an ongoing NATO military operation.

Congress certainly has the constitutional authority to restrict funding for a military operation. While I have real concern about any measure which takes a military option off of the table, I believe that the Administration should get Congressional approval before using ground troops in this conflict. Therefore, I will vote for the provision requiring prior authorization for use of ground forces, although I do so with some hesitation.

Mr. Speaker, I continue to harbor some hopes that a negotiated solution to this conflict can be found through the efforts of Russia and others. Certainly, we should carefully consider the consequences of any U.S. action upon a number of factors, including: U.S. credibility and the effectiveness of our deterrent now and into the future; the reaction of other significant powers, especially Russia; the best interests of the refugees and of the people still in Kosovo; long-term stability in the Balkan region; the effects on the NATO alliance; and the consequences for the military position of the United States around the world.

Today, the United States finds itself in a quagmire which may be only a taste of what's to come. I hope that an honorable solution can be achieved, but I am not sure that any of the measures we consider today will move us any closer to that goal. I also hope that our nation can come to a clear understanding and establish guidelines for the proper role of the United States and of NATO in a complex world and especially for the circumstances under which we are willing to risk the lives of the men and women who defend our nation and our freedoms.

Mr. CAMPBELL. Mr. Speaker, to close debate, I yield the remainder of my time to the gentleman from Southern California (Mr. ROHRABACHER).

The SPEAKER pro tempore. The gentleman from California (Mr. ROHRABACHER) is recognized for 1 minute.

Mr. ROHRABACHER. Mr. Speaker, what we have to understand in debating this is there is a false dichotomy that is being presented. And the American people can understand that. The option is not doing nothing or sending in our U.S. troops to do the fighting. That is not the option.

The American people need no longer bear the burden for maintaining stability throughout the world, especially in Europe's backyard. Our forces right

now are flying 9 out of 10 combat missions, and we Americans are paying two-thirds of the cost.

We have done our part in this conflict already. If the Balkans are so important, let the Europeans step forward and finish the job. Let them deploy their troops if they think it is so important.

This operation has been confused since its inception. The Kosovars were willing to fight for their own freedom, for their own stability, for the protection of their families. Helping them do this would have cost us a pittance compared to the tens of billions of dollars this will drain from our coffers.

There goes Social Security reform. There goes our surplus. No, America need not bear this burden itself. People are willing to fight for themselves. Other people can pick up the cost and meet the responsibilities.

We can be the arsenal of democracy, yes, and help others. But we cannot be the policemen of the world or it will break our banks and put us in jeopardy in other places in the world

The SPEAKER pro tempore. Under the rule, all time for general debate has expired.

MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA LIMITATION ACT OF 1999

Mr. HUNTER. Mr. Speaker, pursuant to House Resolution 151, I call up the bill (H.R. 1569) to prohibit the use of funds appropriated to the Department of Defense from being used for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless that deployment is specifically authorized by law, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1569 is as follows:

H.R. 1569

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 ''Military Operations in the Federal Republic of Yugoslavia Limitation Act of 1999''.

SEC. 2. PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES GROUND FORCES TO THE FEDERAL REPUBLIC OF YUGOSLAVIA WITHOUT SPECIFIC AUTHORIZATION BY LAW.

(a) IN GENERAL.—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of ground elements of the United States Armed Forces in the Federal Republic of Yugoslavia unless such deployment is specifically authorized by a law enacted after the enactment of this Act.

(b) RULE OF CONSTRUCTION.—The prohibition in subsection (a) shall not apply with respect to the initiation of missions specifically limited to rescuing United States military personnel or United States citizens in the Federal Republic of Yugoslavia or rescuing military personnel of another member nation of the North Atlantic Treaty Organization in the Federal Republic of Yugoslavia as a result of operations as a member of an air crew.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 151, the gentleman from California (Mr. HUNTER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this is a difficult time for most of us. And I heard my colleague a minute ago say we want to stop ethnic cleansing.

The Pentagon told the President, and I know every one of them by their first names and I have fought in combat with most of them, told the President not to do this, that it would only cause more problems. And that is what we have done.

There was only a little over 2,000 people killed in Kosovo prior to the bombing. NATO and the United States have killed more Albanians than the Serbs had in the year prior. We would not have a million refuges in the outlying countries. We have forced that.

The Pentagon told the President that Milosevic would increase the ethnic cleansing. And when my colleague says that no more will we stand up, Tudjman murdered 10,000 Serbs in 1995, 750,000 refugees, where was he then? There are other ways.

Maybe some of us who have fought in combat and have held our friends in our arms do not want to get in and see this again. Do not let us put ground troops into this thing. And there is a peaceful way to resolve this and we can do that. I went through it just a minute ago.

Russia: Seventy percent of the Russians support the overthrow of Yeltsin. Let them be part of the solution. Let them come in with their peacekeepers and divide this. Serbs will agree to this. The Orthodox Catholic Church agrees with this. The 200,000 Serbian Americans agree with this.

We can get Milosevic's troops out of there and restore some sanity into Kosovo without killing a bunch more and having another Vietnam.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend from Mississippi for yielding me the time.

Mr. Speaker, I was one of those Democrats in 1991 that crossed party lines to support President Bush in the Persian Gulf War. In my estimation, President Bush was right then and President Clinton is right now. And I wish my friends on the other side of the aisle would give President Clinton the same flexibility that we wanted to give President Bush back in 1991.

This bill sends the wrong signal to Milosevic, the absolute wrong signal. I have met with Milosevic. I know what he is all about. I have seen him face to face. The man is a liar and a tyrant. And this will encourage him to hunker down. This will encourage him to hold out. This will encourage him to think that, somehow or the other, the Congress will step in and deny the President the right to win this war.

We hear from our friends on the other side of the aisle that the President, once he moves in, ought to be allowed to win, that our people should not be fighting these wars with their hands tied behind their backs. And I agree.

So why would we want to do this? Why would we want to make it difficult for the President to be the Commander in Chief? Why would we want to tie the hands of the President? Why would we want to hurt our men and women in the area? Because that is what this will do.

Instead of authorizing the way we did with President Bush, this is negative, this places negative restrictions. This is exactly the wrong signal that we should be sending.

I am co-chair of the Albanian Issues Caucus. I have dealt with Kosovo for years and years and years. We hope the bombing will work. But if it does not, in my estimation, all options should remain on the table, including the option of ground troops. If not, if those options do not remain on the table, we tell Milosevic just hunker down, wait us out and he will win, because we are announcing ahead of time what we will not do. This, in my estimation, aids and abets Milosevic. Ethnic cleansing should not be allowed. Ethnic cleansing and genocide should not be allowed on the Continent of Europe or anywhere in the world in 1999.

The previous speaker mentioned that the bombing somehow was responsible for the genocide. This ethnic cleansing was going on for the past 10 years by Milosevic and his people. Oh, it was slower. It was what I call slow ethnic cleansing. But make no mistake about it, my colleagues, it was going on and would continue to go on.

□ 1345

He has accelerated it now because I said on the floor of the House 3 years ago that Milosevic wanted to drive a million Albanians over the border and kill half a million Albanians. I am right about the million Albanians. I hope I am wrong about the half a million. But I think when we finally get into Kosovo, we are going to see mass graves and tens of thousands if not hundreds of thousands of people will have been ethnically cleansed.

I introduced a bill last week with the gentleman from South Carolina (Mr.

SANFORD) to arm and train the KLA. The KLA is the only counterbalance to the Serbs on the ground. In my estimation if we do not want American troops on the ground for years, we ought to be strengthening them and drop them antitank weaponry. The only solution in my estimation long-range for Kosovo will be independence, because it is clear that ethnic Albanians have no future in Serbia. This is ill-timed, it undermines the President, and it ought to be rejected.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time. I want to make sure that everybody understands what the legislation says and what the legislation does.

First of all, it basically very simply says that no DOD funds can be used to send ground forces into battle in Yugoslavia without the approval of the Congress. It does not interfere with our intelligence ability to support our air war, it does not interfere with our ability to rescue downed airmen of our forces or of NATO, it does not restrict ground forces all around Yugoslavia. It just basically says, ''You come to the Congress of the United States if you are going to use DOD funds to send ground forces into Yugoslavia.''

Why did I introduce that legislation? I introduced it primarily because I do not believe the President can conduct a war in Yugoslavia without the consent of Congress. Opposite of what Secretary Cohen and Secretary Albright said in their note, they said H.R. 1569 would unacceptably restrict the President's ability to carry out his responsibility as Commander in Chief. I do not believe he can carry that out with a ground war without the consent of Congress. That is exactly what this legislation says: ''You come to Congress.''

I think we have to be very, very careful when we talk about committing ground troops at this particular time. Where are the ground troops that we are going to commit? If you speak to a college group as I have the last 10 days to three different colleges, the first things I mention is the word ''draft.''

Why do I mention the word ''draft''? Where are we going to get the ground troops? We have 250,000 now spread all over the world. You have to have that draft. We make that decision, not the President of the United States.

So we have to become involved. If we do not become involved, then we are going to see something much worse than what we saw during Vietnam. Members are now getting, I am sure, all sorts of e-mails and letters from senior citizens. They are saying, ''You're taking my Social Security money.'' We are getting e-mails from college students because they are concerned about being drafted. We are getting e-mails from parents of teenagers who have this concern.

Congress just has to be involved. The President cannot carry on this responsibility without our involvement. So we take the time as Congress to make sure that, first of all, we have the troops, that they are well prepared, that they have the material, they have the armaments, they have the equipment, they have the machinery in order to protect them, a decision we have to make because we are going to be responsible for their safety.

I was very disappointed, apparently I did not know the gentleman as well as I thought I did, who spoke during the rule and made a statement that I did not know what was in my bill, that the leadership put it before me. The leadership did not even know I was introducing the legislation and I do not even know if they support the legislation.

What he asked me was, the last paragraph, and I made it clear to him that I introduced H.R. 1368. The last paragraph became part of H.R. 1569. So again, I call on everyone to make sure that we, the Congress of the United States, gets an opportunity to be involved if we are going to send troops on the ground into Yugoslavia.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have heard on two or three occasions this morning that the operation in Kosovo will come at the expense of the Social Security trust fund. I find it ironic that many of the people who made that statement just a few weeks ago were advocates of massive tax cuts for hundreds of billions of dollars which they assured the American people would not come at the expense of the Social Security trust fund. Either it is or it is not. And we do have to set priorities.

I do agree with the gentleman from California (Mr. HUNTER) that equipping our troops, that we have as a Nation already sent into this combat, is a higher priority than anything else at the moment.

Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. KING).

Mr. KING. I thank the gentleman for yielding time.

Mr. Speaker, I rise in opposition to the Goodling amendment. I do so despite the fact that I have serious differences with the President on the conduct of this war, specifically the command authority as far as selecting targets and the fact that he took ground troops off the table before the engagement began. But I oppose this amendment because it flies in the face of traditional Republican philosophy.

Mr. Speaker, throughout our history, certainly for the last 50 years, the position of the Republican Party has been to support the constitutional right of the Commander in Chief to deploy ground troops. That is why the overwhelming majority of Republicans oppose the War Powers Act. That is why the overwhelming number of Republicans opposed attempts by the Democrats to require President Bush to seek prior approval before troops went into Saudi Arabia.

It is also important to note, Mr. Speaker, the original commitment in Kosovo was made by President Bush on Christmas of 1992, when he said he would unilaterally send in American troops if Milosevic in any way moved on Kosovo. It is also significant to note that the Republican candidate for President in 1996 supports the action in Kosovo, as did President Reagan's former Secretary of State and Secretary of Defense.

Mr. Speaker, the powers of the President as Commander in Chief transcend whoever the President is at the moment. I ask that this House vote down this amendment to preserve the constitutional powers of the President as long defined by the Republican Party.

Mr. HUNTER. Mr. Speaker, I yield 4 minutes to the very distinguished gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, H.R. 1569, which is not an amendment, this is a freestanding bill, would make it clear that this body has a vital role in determining whether U.S. military forces should be dispatched to participate in a ground war in Yugoslavia.

Last month the Congress authorized the President to send peacekeeping troops into Kosovo in the context of Rambouillet and a permissive environment. Now, since that time, Rambouillet has collapsed and we have engaged in hostilities, changing the context for any such deployment.

Today our Nation is fighting an air war against Yugoslavia and dictator Slobodan Milosevic. The President commenced U.S. participation in hostilities without any congressional authorization. Today our airmen are in harm's way as a result.

Now, while the President and his national security team have stated that they do not intend to deploy ground forces to Yugoslavia, there is a real possibility that this conflict will escalate to involve them. Administration officials have clearly indicated that contingency planning is proceeding. Heavy armor and several thousand ground troops have been deployed to countries that neighbor Yugoslavia, and could become the nucleus of an invasion force. Meanwhile, questions about the air campaign's efficacy have led several NATO allies to push for ground forces.

The situation in Kosovo is a tragedy. My heart truly aches for the people there, just as it does for so many who are victims of war and hatred around this world. But it simply is not within our power to solve all of the world's problems. We should not compound the

tragedy in Kosovo by deploying American ground troops there and subjecting them to virtually certain casualties.

Simply put, I do not believe that our national security interests in Kosovo rise to a level that warrants the commitment of U.S. ground troops.

Moreover, I am deeply concerned that this administration has not articulated an exit strategy for U.S. forces.

I would also note that U.S. ground operations would severely undermine our ability to meet the requirements of the national military strategy which calls for being able to fight and win two major regional wars, in Korea and the Persian Gulf, not in the Balkans. Yesterday the administration authorized the call-up of 33,000 reservists. The Joint Chiefs have apparently formally determined that the air war against Yugoslavia has increased the level of risk associated with meeting these requirements from high to very high. Ground operations there will further erode our ability to meet vital national security commitments.

Now, let me clarify that the intent of this bill is to preclude the deployment of a large-scale invasion ground force unless and until Congress authorizes it. This bill does not tie the President's hands. It simply requires him to come to the Congress first. It will not impair search and rescue missions, the use of Apache helicopters or, hypothetically, small numbers of personnel for intelligence or targeting functions. These are not invasion forces. Also, because our NATO allies have limited search and rescue capabilities, we allow U.S. forces to perform that mission.

Whether one believes that the air operation in Yugoslavia is in the Nation's best interests or not, it is only appropriate that this body exercise its prerogatives with regard to the expansion of this conflict to a full-blown ground war. I urge support for this bill.

Mr. TAYLOR of Mississippi. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. I thank the gentleman from Mississippi for yielding me this time.

Mr. Speaker, I rise in very strong opposition to H.R. 1569. I believe that this restriction, which is in essence a limitation on spending, is premature. I think the President has conducted this air campaign in a very vigorous, forthright way. I think all of us recognize the problem with ethnic cleansing and what the Serbian forces have been doing in Kosovo. I think to put this restriction, and the language, by the way, I think is very poorly drafted.

I urge my colleagues to look at the second section which talks only about limited rescue opportunities, only in Yugoslavia. What if we need to use ground forces somewhere else? I just think this is premature. I would hope that if the President makes a decision that we are going to have to use ground forces, that in fact Congress would vote on it at that time, but not at this time. This is premature.

And so I urge our colleagues to reject this and to support the Senate resolution that was passed with bipartisan support, carefully worked out, that basically expresses our support for the ongoing air campaign. I have had an opportunity to go over to the Pentagon to see how the air war is doing. It is becoming very effective. And so I think there is a lot of hand wringing here that is premature. I think we ought to give the air war additional time to work. I think we are weakening Mr. Milosevic. I think there is still a prospect that we may achieve our objective.

To have this Congress divided and not have a bipartisan effort here to find common ground I think is extremely disappointing. I think, to the majority, there was a bipartisan effort in the other body, I think there needs to be a bipartisan effort here to support our troops and to support the air war in Yugoslavia.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Texas (Mr. DELAY), the Republican whip.

□ 1400

Mr. DELAY. Mr. Speaker, I rise today to state that no defense funds should be used for ground forces in Kosovo unless authorized by Congress.

The Secretary of Defense last year, just last year, opposed sending troops to Kosovo, and the Joint Chiefs of Staff warned that our military strength has already been compromised.

Since all the whereas clauses have been struck from this resolution, I will add my own whereas clauses:

Whereas fighter planes are being cannibalized for parts to repair other aircraft,

Whereas we are running out of cruise missiles,

Whereas the Navy is undermanned by 18,000 sailors and the Air Force will be 1,300 pilots short within a year,

Whereas to pursue bombing campaigns in Iraq and Serbia, the administration has played musical chairs with aircraft carriers and left the Pacific without a single carrier to defend our allies and our forces there,

Whereas this is the reality of a downsized force, cutting military budgets has direct consequences, and vulnerability and trouble spots are a very real problem today.

Despite these growing military deficiencies, the administration is considering sending ground forces for an open-ended, peacemaking mission that would further erode military readiness.

Bosnia has already cost the United States over $10 billion. The administration has projected that Kosovo will cost $5 billion just this year, but has already admitted that it is impossible to determine how long the NATO mission will take. Considering that two withdrawal deadlines have already been broken in Bosnia, and considering that the President thought this would only take a week or two and now has extended it to open endedness, it is clear that any deployment to Kosovo will similarly drag on and go enormously over budget.

So sending troops and carriers to the Balkans only makes a weakened military even weaker. If nothing else, Kosovo shows us that we have to rebuild our forces and not hollow them out even more. And before sending troops to Yugoslavia, Macedonia or Albania, the President is obligated by law to report to Congress on the cost, and the funding, the schedule and the exit strategy for deployment. He has not done this, and so today we should vote to forbid any deployment without congressional approval.

Mr. Speaker, the Republicans in support of Bush were actually consulted and listened to and advised, and President Bush came to Congress for those votes. This President has given us briefings and then gone and done what he wanted to do in the first place.

So, Mr. Speaker, I urge my colleagues to vote to bar defense funds from being spent on ground forces in Kosovo unless Congress actually allocates such funding.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I was in Brussels about a month ago as part of the North Atlantic Assembly, now NATO Parliamentary Group, and had a briefing with General Clark who is Supreme Allied Commander in Europe as well as the Commander of Operation Allied Force, and it was his opinion then and it is his opinion now that we are going to have to deal with Milosevic sooner or later; sooner being preferable, speaking militarily, to later. For one to think for a moment that a war in Europe will not engage directly the United States sooner or later is to turn a blind eye to history this century, No. 1.

No. 2, Mr. Speaker, I would like to remind everyone that this is a NATO operation. NATO has been the most successful military alliance this country has ever engaged in. Since NATO was formed, no country in Europe has fallen under the Iron Curtain, and this is a part of a much bigger operation than just the United States.

One other thing:

To send a signal to one's enemy that we are not going to do something or take something off the table is a mistake, whether it is this vote, or whether it is a time line, or whether it is any other signal that sends a conflicting message.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of this measure, and I commend the gentleman from Pennsylvania (Mr. GOODLING), a senior member of our committee, for bringing this measure before the House along with the gentlewoman from Florida (Mrs. FOWLER).

Those of us who believe that the Congress should have a say in both the actual assignment of U.S. armed forces to conflict overseas as well as the funding of such deployments should join in voting in favor of this measure. Regardless of where our Members stand on our present policy in Kosovo, I believe it is indisputable that the Congress does have a constitutional role where U.S. military personnel are sent abroad into hostilities; and although the President has indicated he has no plan to send our troops into Kosovo on the ground unless there is an agreement from the Yugoslav authorities permitting such a presence, none of us can rule out the possibility that if circumstances do change, if the humanitarian situation worsens, or if the conflict spreads, that the President could decide to send in ground troops.

I believe that it would now be prudent and timely for the administration to seek statutory authorization for the deployment of our armed forces in Yugoslavia. The President and his key officials have thus far, however, not requested the Congress for such an authorization. I think it is incumbent upon the administration to request such an authorization.

This bill, I believe, is a proper response to where we now find ourselves in the terms of asserting our congressional role under the Constitution, under the War Powers Resolution. Accordingly, Mr. Speaker, I urge our Members to vote in favor of H.R. 1569.

Mr. HUNTER. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, let me say that these resolutions always pose problems for me because I believe so strongly in the separation of the branches of our government. I think that 1569 certainly expresses my sentiments with respect to the sending of American land troops into Kosovo, and I am going to vote today in favor of this resolution, but I do it with some reservation. The President informed a group of us this morning that he will not, and I repeat, he will not send Americn land troops into Kosovo until he brings this message to the Congress to allow a full debate by the Congress.

I appreciate the President recognizing the concern of those of us in the legislative branch of government about this endeavor in Kosovo.

My vote today is with hesitation, with some reservation, but simply because of the word ''funds.'' The bill says it prohibits the use of ''funds'' by the President or by the Department of Defense for deploying forces. I think that a more clearer resolution would be an expression of Congress to not deploy U.S. ground forces in Yugoslavia until the deployment is authorized by law.

I have expressed so many times on this floor that I did not vote for Bill Clinton, but the American people did, and in that expression of the American people they gave him express authority to do what he is doing. However, we in the legislative branch have authority also to express our views. I intend to vote for this, and I am going to vote no on the other two House resolutions. But my favorable vote on this amendment is simply an extension of what I have personally already expressed to the President, what I have expressed to the people I represent in south Alabama; that I do not want to send the first American soldier into any part of Yugoslavia. But I think, in the expression of our views that we should not have use the word ''funds.'' We do not want to give an indication to our soldiers we do not want to pay them when we simply could have said that the Defense Department is not authorized to deploy ground troop into Yugoslavia.

I think we should be very careful. There is always the possibility that this endeavor is on the verge of some type of diplomatic settlement, and we want to be very certain that we do not tie the hands of the President by expressing opinions that could send a message to the enemy that conceivably could be construed by Milosovic that the President will not be able to carry out his threats of military action if a diplomatic resolve is not reached.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding this time to me.

Mr. Speaker, having the power to do something does not mean it is the right thing to do. I have very little doubt that we have the constitutional power to tell the President he may not consider the option of ground troops, but I have even less doubt that that is the wrong thing to do for us in these circumstances.

Decisions that are about life and death are not decisions that lend themselves to decision-making by a committee. As young Americans are put in the line of fire as we speak, the idea that 435 people, each with a separate point of view, each with a separate analysis, is somehow going to weigh into a process that is ongoing, communicate a message to a foreign enemy and make a right decision on behalf of those people in uniform, is to me preposterous.

As someone who speaks with some grave doubt about the initiation of this mission, I have no doubt about its morality, and I have no doubt about the impropriety of the resolution that is before us. We should each of us, Republican and Democrat, oppose it.

Mr. SKELTON. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I had a law school professor that in difficult discussions in class, he would say, ''Read it.'' I suggest, Mr. Speaker, that every Member read the bill that is before them. This is not a bill that prohibits the use of ground troops. This is a bill that prohibits the use of ground elements, a far broader, more difficult-to-define definition.

Look at this through the eyes of a sergeant stationed in Albania, working on helicopters as a mechanic; look at it through his eyes. Does this term, does this prohibition of ground elements, include helicopters because it is an air-to-ground weapon system? What is that sergeant going to think of what Congress is doing?

Even if not, what if a helicopter lands in Kosovo for whatever reason; does it then become a ground element if they engage in a firefight, therefore illegal under this bill? Are the rescue operations which are permitted under this bill limited to those who are in the Federal Republic of Yugoslavia as a result of their operations only? What if troops, Mr. Speaker, of the Federal Republic of Yugoslavia cross the border into Albania, or into Macedonia, and capture U.S. personnel? And that happened. Would a rescue operation then be prohibited if we saw them a hundred yards away and we could bring them back? That would be illegal under this bill.

Is hot pursuit of the Federal Republic of Yugoslavia troops prohibited by this? Do they have a safe haven? Remember the argument, the discussions, in the Korean War that there was a sanctuary north, north of the Yalu River?

□ 1415

This is creating a sanctuary for those troops who could cause harm to the sergeant and his men and women who serve under him.

We cannot allow this bill to pass. This is not a prohibition of ground troops; this is a prohibition of a much broader definition.

Mr. HUNTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. FOWLER) to address the statement the gentleman just made.

Mrs. FOWLER. Mr. Speaker, I want to clarify the statement made by my good friend from Missouri (Mr. SKELTON). As we all have dealt with the Legislative Counsel, and this is where the language came from, whenever we submit a bill to this body and it goes through that process, the legislative counsel informed us that the term ''ground elements'' has been used for

many, many years in this body to refer to our ground forces, just like we used the words ''aviation elements'' of the U.S. Army to refer to the aviation part of the Armed Forces of the U.S. Army.

This language is from the Legislative Counsel. They said this has been used for years and years and years in this body to refer to our ground forces. That is where it came from. That is clearly the intent of this bill, to refer to the ground forces, as opposed to the aviation elements of our U.S. Army. I want to clarify that for the record, that that is clearly the intent and meaning of this bill.

Mr. SKELTON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I had the privilege of practicing law some 20 years, of helping debate definitions in court, and I can read a proposed statute. ''Ground elements'' is all inclusive. It disallows preparation, it disallows hot pursuit, it disallows so many things other than just ground forces.

If we are talking about ground forces, why does the bill not say that? Why does it not limit it to ground troops or ground forces? It does not do that.

Mr. HUNTER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY), the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services.

Mr. HEFLEY. Mr. Speaker, as a member of the Committee on Armed Services, I rise in support of this resolution to prohibit the use of funds for the deployment of ground troops in Yugoslavia unless specifically approved by Congress.

Now, this does not prohibit ground troops from ever going into this area for combat, but if the people of America are going to be sent into war, it seems to me the representatives of the people of America should be in a position to approve that. In fact, Mr. Speaker, I believe we should actually remove our forces from that area that are already there.

In the last 6 years the manner in which this administration has circumvented Congress when it comes to deployment of the U.S. military forces around the world has been unprecedented, so it should come as no surprise that the House is here on the floor pleading to at least have a say in the process.

The President is the commander-in-chief, but Congress should not relax in its role as a consultative partner when it comes to the deployment of our servicemen and women.

So I agree with this measure wholeheartedly, but I want to talk about why I believe that we should not be there at all.

In any military exercise, there should be a clear, succinct mission and exit strategy, similar to our successful efforts in Desert Storm. The Kosovo plan, and I hesitate to even call it that much, does not have a clear mission, clear goals, a way to measure accomplishment standards, or an exit strategy.

For United States ground forces to enter that region, I also believe a more stable environment must be achieved by diplomatic means. This is not a desert. Our technological superiority will only give us so much of an advantage in the rugged terrain of Yugoslavia. It will not take only 4 days, as it did in the Gulf. The Serb army has entrenched itself over hundreds of years, and, unlike in Iraq, they appear to have complete loyalty to their leader, Mr. Milosevic. In other words, if we go into this hostile situation, we will lose American troops.

Look at the history. Hitler had many, many divisions in Yugoslavia during the Second World War, and look how much good that did him.

Mr. Speaker, I would hope that we would all support this measure.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I urge all Members, Republican and Democratic, to vote against this resolution, and I urge you to do it for three simple reasons: First, the language in this resolution is unnecessary.

I was at a meeting a few minutes ago in the White House. Many of the Members here were in the meeting as well. The President was asked, as I have asked him many times, if as a practical matter he would change the policy and ask for ground troops in this situation without a vote of the Congress. And his unequivocal answer then and every time that I have asked him this was that he would not. He would not as a practical matter ask for an introduction of ground troops without coming here, talking to us and allowing time for a vote.

As minority leader I believe strongly that if there is to be a change in the policy by NATO or the United States and we should be seeking ground troops, that it must be debated in the Congress and a vote must be taken in the Congress. I do not know how I would vote. I would want to hear what they have to say, why they want to do it, how it would be done and what the feasibility of it would be.

So I would say to all Members in both parties, on both sides of the aisle, you have my pledge that if there is a change in the policy, I will be asking the Speaker to put on the floor an authorization, and we will debate it and decide it and vote on it.

Second, I think this bill, if it passes, would be harmful to our effort. I say that because you have got to think about who is going to be listening to what we are saying.

Mr. Milosevic will be listening carefully to what we say here today. Over the weekend he got a message of unity and resolve by 19 NATO countries. He is probably having to think today, wow, maybe NATO really means this; maybe they really are going to stay with this air campaign; maybe they really do have their act together.

Do you really want to say to him today that we do not know what we are doing, we probably will not be for ground troops? Do you want to take that option off the table? I do not think so.

Third, and most important, is what the gentleman from Missouri (Mr. SKELTON) said: The language in this resolution is unclear, not as well put as it could be, and it leaves in question what can be done in the prosecution of the air war, which has been going on for 30 days.

There are lots of questions about people going across the border to do this, that and the other thing in cooperation with the air war that has nothing to do with the big ground force going over to try to reclaim all or part of Kosovo that I do not think you want to get into.

I appreciate tremendously and respect the sentiment of the gentlewoman and the gentleman that brought this resolution. I share their view. I do not think there ought to be a ground war, unless we vote on it and debate it. I totally share their view. But I, with all respect, believe this is not the way to do it. I believe that will happen if that is the decision of NATO.

I urge Members to vote against this so that we can send the right message to Mr. Milosevic and to the American public and to the world. I urge Members to vote no on this. Let us keep the right message out there and stand behind our troops, that are out there every day trying to do the right thing to get this done without a ground war.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I want to begin by thanking the gentleman from Pennsylvania and the gentlewoman from Florida for bringing this measure forward, and commending them for the care by which they have drawn their language and the willingness that they have to listen to people, to respond to people, and to amend the language to meet the concerns of so many people. Indeed, I would take exception to the previous speaker in that regard. I think they have done a very good job and the language is very clear and precise.

What is the problem here? The problem is we really want to reaffirm our partnership relationship with the administration along the lines of what the President has already, with so many of us, made as a commitment, and we want to reverse something of what has been the discouraging history of this.

The President first began working and talking with NATO on this and made a commitment to NATO. After first saying to NATO we would participate in an air war and we would participate in peacekeeping troops on the ground and having made an agreement with various allied nations in NATO, he then came to Congress and said, ''Will the Congress endorse or reject this? But, if you reject that, understand it hurts our relationship with NATO.'' Well, perhaps he should have talked to us before NATO.

Then later on he says, ''Well, we will threaten the air campaign.'' He agrees with NATO, and then comes to us to confirm or reject. Again, perhaps we should have been consulted first. Now when we begin the bombing, they have already made the commitment with NATO, and then he asks us to reject or accept.

With our troops committed to the field we are facing a fait accompli, where any measure, any statement we make, can be misconstrued as failure to support our troops in the field, misconstrued by Milosevic as a failure of will on the American people, misconstrued by NATO as an unwillingness of this Congress to support this President's ability to make agreements with NATO.

We want to change that cycle. We want to say, Mr. President, your relationship between the executive branch in this government and the Congress of the United States, the legislative branch of this government, comes before your relationship with allied nations; that in order to have a unified American government presence on any position we should take, Mr. President, we should come to agreement within this great government first. Then when we make an agreement with our NATO allies, there can be no doubt about it that we are in agreement.

If Mr. Milosevic should ever see American troops on the ground, he should have no doubt that that has been the product of a unified decision between the presidency and the Congress prior to those troops being present on that soil. In that case, he can have no doubt that we mean business.

But let us not put our young men and women, those brave young men and women that accept this responsibility and put their lives at risk, in the position where they are on the ground, under fire, and the President is consulting with the Congress of the United States after the fact of their being in harm's way.

Let us make this relationship very clear. If you put on the uniform of this great land, if you are willing to risk your life, if you allow your son or daughter to be at risk and take on the horrible, fearful worries that families accept, let the families of America know that these young brave people will not be made as people in a theater of open conflict without first the prior unified agreement between the legislative branch and the executive branch of this government.

Congress and the President together can make a commitment to those troops to define a mission and equip them to complete that mission at the highest possible degree of effectiveness with the lowest conceivable level of personal threat. We can do this if we do it together, Mr. President. We cannot do that for these brave young men and women if you act first and consult with us later. Let us straighten out the cycle.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I believe that if and when the President and our military commanders come to the conclusion that they need to introduce American ground forces into Kosovo, that they should come to the Congress and make the case before us. However, I do believe that the Goodling-Fowler bill, while well-intentioned, is the wrong way to go about this.

The bill before us prevents American troops in NATO from rescuing refugees just across the border into Kosovo, even if the tragedy and the massacre is occurring right before our soldiers' eyes.

□ 1430

It would prevent the prepositioning of supplies and ammunition in the event we and NATO need to intervene on the ground in the future, and it would prevent our military from providing necessary intelligence assistance to conduct our air campaign. But worst of all, it tells Slobodan Milosevic that he will have plenty of time to do what he wants to do and slaughter and mutilate and rape almost 1 million people in Kosovo, because the United States Congress and my Republican colleagues have decided they are going to tie the President's hands, even in the case of an emergency military intervention, should it be necessary; to require the President to come back to the Congress, convene the Congress, hold a debate in order to rescue people or to take emergency steps.

I think that that is wrong, and I urge my colleagues, let us not decide on the necessity of ground troops until the President and the military commanders of NATO ask us for them. But let us not prevent the President and NATO now from using our ground forces, if necessary, only in the case of an emergency. That would be a wrong message for Milosevic; that would endanger our military men and women, and it is a step we should not take. I urge a ''no'' vote on this bill.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KASICH), the chairman of our Committee on the Budget.

Mr. KASICH. Mr. Speaker, I guess some could debate the timing of this debate today, but let us not be confused. Our founders really did believe that one man should not have the authority to send our people to war. That is why the Constitution of the United States involves the Congress of the United States, because it is through the Congress of the United States that the people of this country are recognized, their opinions are recognized. So this idea that we are meddling is something our people do not understand if we take that position. The people deserve to be involved in terms of committing our men and women to an armed military conflict.

In addition, one could make the case that we could intervene in a civil war if, in fact, we could be successful. The fact is, the civil war in Kosovo has been raging on since 1389, since the 14th century. That is six centuries' worth of internal fighting, ethnic conflict, religious strife.

The fact is, our intervening in the middle of an ethnic religious civil war that has gone on for six centuries is not likely to be successful. We found this out when we intervened in Somalia. We furthermore found this out when we intervened in Lebanon, even under Ronald Reagan. Being in the middle of civil wars that are not resolvable is a mistake for a major power.

The question is when, then, should we intervene militarily? Well, on three grounds. One, when it is in the direct national interests of the United States. Number two, when there is an absolute achievable goal. And number three, when there is a credible exit strategy. None of these criteria can be met in terms of Kosovo. There is no direct national interest, there is not an achievable goal, and finally, there is no credible exit strategy.

If we continue down this road of open-ended military commitments, what we will do is diminish our power. Some people accuse those who are opposed to Kosovo of being isolationists. It is just the opposite. I am a robust internationalist, but what I do know is there must be a balance between military and diplomatic means when it comes to resolving these international problems. If the United States wants to be the policeman of the world, we will find that we will diminish ourselves over the long run and we will find when it is necessary to act against terrorism or to provide worldwide stability in some part of this world, we will be too spread out, we will be too thin, and we will not be able to be effective. That is the prescription for the eroding of a national power of a superpower status into the 21st century.

So, what do we do now? Well, the first thing we do not do is to step on

the accelerator. We should not introduce ground troops; we should not escalate the violence. Dropping bombs in a region of the world where fighting has been going on for six centuries and thinking that by more violence we will impose a solution on people in that region is, I believe, false. In fact, to put troops on the ground reinforces a failed policy that is frankly a sign of arrogance.

What should we do? Mediate. We ought to look for a third party that can help us to be able to restore stability, Democratic institutions, and build an economy in that region. We should not let ego or we should not let reputations stand in the way of reaching an agreement that will send the refugees home, stabilize the world, and be able to continue the superpower status of the United States by making good choices of when we should intervene and when we should not.

Mr. SKELTON. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, as kindly as I can, let me say that Neville Chamberlain rose up and said, let us mediate.

I believe we are doing the right thing with our allies, for the right reason, in the right way to minimize risks to our people. I rise in strong opposition to the two resolutions sponsored by the gentleman from California (Mr. CAMPBELL) and to this bill sponsored by the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Pennsylvania (Mr. GOODLING). Unlike the gentlewoman from Florida (Mrs. FOWLER), I do not believe that this resolution or this bill has the limited effect that she argues that it does. That perhaps is a legitimate and honest difference of opinion.

Mr. Speaker, we have seen an extraordinary event occur here in Washington last week. Not just 19 NATO nations, but 42 nations came to America and celebrated 50 years of commitment to keeping the peace. We are now confronting, in the midst of Europe, where NATO has pledged to keep the peace, the most egregious violation of human rights, the most egregious disruption of the security of the European region as we have seen since 1968.

The bill that is presently before us says that we shall not use elements. I agree with the gentleman from Missouri (Mr. SKELTON); I am not sure of what that definition is. But I do know and believe that our enemies will interpret that as a constriction on our maneuverability and ability to act. That is a dangerous policy. We should not be engaged in this conflict with that constriction on our troops. It is dangerous, in my opinion, for them. It gives to our enemy a false sense that he may act to the detriment of our people. We ought to reject this bill as not only premature, but as unwise policy.

Mr. Speaker, to my colleagues on the Republican side, let me say that we bombed in the Persian Gulf for 44 days. There was no vote on this floor. We deployed over half a million troops in harm's way. There was no vote on this floor. Why? Because President Bush and Secretary Baker talked to Speaker Foley and said, if you have such a vote, it will undermine our position. So Speaker Foley did not allow a vote until yes, President Bush, as he agreed, came to this floor for the authorization of troops to go in to Kuwait. Not to be deployed, to go into Kuwait.

Mr. Speaker, as the gentleman from Alabama (Mr. CALLAHAN) has said, and as our President said as late as this morning to an assembled group of Members of the House, Republicans and Democrats, Senators and House Members, the Speaker of the House and the minority leader, that he would not, without consulting the House, take this action. Let us be united with our President and with our fighting men and women in this important endeavor.

Mr. Speaker, I rise in opposition to H.R. 1569.

First, however, I am compelled to express my outrage that we are here today, in this House, engaging in debate about the most serious issues we are ever called upon to consider—the conduct of war and the making of peace—in such a desultory manner.

The Gulf War Resolution was the subject of 16 hours of debate—16 hours, Mr. Speaker. Today we are faced with four separate, conflicting, and mutually exclusive resolutions and we have been limited to 1 hour on each of them.

It is absolutely unconscionable and irresponsible to be considering legislation which requires the arbitrary withdrawal of our forces participating in the NATO action against Serbia, as does House Concurrent Resolution 82. Such a course would hand Milosevic victory, confirm the genocide he has perpetrated against the Kosovar Albanians, and destroy NATO.

As I have said before, Mr. Speaker, intervention to stop the aggression against civilians in Kosovo is both morally compelling and clearly in our country's national interest. Let us be very clear about what is happening in Kosovo. This is not a civil war.

It is a continuation of the conflict Milosevic instigated in Croatia in 1991 and in Bosnia-Herzegovina from 1991 to 1995. His aim all along has been the consolidation of his own political power within Serbia. Milosevic is a tyrant and a war criminal.

Former President George Bush recognized this fact in 1992 when he warned Milosevic that aggression by his forces against the civilian population of Kosovo would be met by an immediate military response by the United States. President Clinton reiterated that warning in early 1993.

Having made the commitment to our NATO allies, to the people of Kosovo and, indeed, to the world, that we will not stand by and watch ethnic cleansing and butchery in the heart of Europe, it is my firm belief that we must see this action through to the end.

Last week, in a speech before the National Fire and Emergency Services Caucus dinner which I cochair with my good friend CURT WELDON, Senator JOHN MCCAIN called for such a commitment, including the use of ground troops. Senator MCCAIN stated that he did not recommend this course lightly and was prepared to bear responsibility for the outcome. He said:

> I would rather face that sad burden than hide from my conscience because I sought an advantageous political position to seek shelter behind. Nor could I endure the dishonor of having known my country's interests demanded a course of action, but avoided taking it because the costs of defending them were substantial, as were its attendant political risks.

America must lead, Mr. Speaker; we must not equivocate. Such a course would encourage the enemies of peace, the bullies of the world, and would surely endanger our men and women in uniform. As we enter the 21st century, America stands as the beacon of democracy, freedom, and human rights. People around the world look to our country's strength in their struggle for democracy and basic human rights. We must not, Mr. Speaker, stand now in the shadow of weakness and isolationism.

Our cause is just. Let us act.

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise Members that the gentleman from Missouri (Mr. SKELTON) has 10 minutes remaining, and the gentleman from South Carolina (Mr. SPENCE) has 5 minutes remaining.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I would just like to remind my good friend, the gentleman from Maryland (Mr. HOYER) that it was 4 years ago that the President of the United States also promised a group of assembled Congressmen and Senators over at the White House that the Bosnian operation would last 1 year. Today we find ourselves 4 years and $10 billion into a quagmire, still engaged in a Balkan civil war.

It is all too clear that this administration does not understand what they are getting into. While the gentleman reminds us of lessons learned in 1938 with Chamberlain, I would recommend we also look at 1948. That was the year that Tito told the Soviet Union to get out of the Balkans three short years after the beginning of Soviet control. The Soviet Union got out, because they understood better than us the six century civil war that continues to rage on.

This administration does not understand the delicate dynamics of this Balkan civil war. We have a Secretary of State who had guaranteed on public television that this was going to be a short, clean war. We have a President, mirroring what LBJ did in the 1960s, actually selecting targets in this civil war. They do not understand what they are getting into, and before we accelerate, like the gentleman from Ohio

(Mr. KASICH) said, we better take a long, hard look at what we are doing.

This is constitutionally and practically correct, and as a member of the Committee on Armed Services, I support it wholeheartedly.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I emphatically oppose H.R. 1569. This bill is a slap in the face of the commander's ability to use a combined armed force in battle. Conflicts are not won by air, land or sea forces alone. It is a joint nature of a combined arms campaign that provides the flexibility and firepower for a commander to accomplish his or her mission, responding to a changing environment.

This bill is not well crafted or thought out. Passage of this bill would seriously degrade the operational commander's ability to respond to any and all contingencies. It would not allow us to pursue attacking enemy forces across international borders, thus giving Milosevic a safe area. It will not allow us to rapidly introduce ground troops even in a permissive environment. It will hamstring the operational commander's ability to adopt and adapt to the ever-changing situation in the Balkans.

This is not a preemptive strike against the use of ground troops as it is advertised. It is a preemptive strike on the flexibility to respond to emergency conditions. It is a preemptive strike on the safety of our troops. It is a preemptive strike which will make Mr. Milosevic very happy.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Speaker, it seems to me that there seems to be a consensus building along two lines: timing and trust. The gentleman from Missouri (Mr. GEPHARDT), the minority leader, took to the microphone and says that he agrees with the idea that this body, this Nation, should debate whether or not we send ground troops. It is a matter of timing. The gentleman from Maryland (Mr. HOYER) that just spoke said that the President has given us his word. That is a matter of trust. I do not have the confidence he does to trust this President without having an engagement in this debate now.

I want more rather than less debate on this issue. I want it sooner rather than later, because I see three big problems for ground troops. The coalition will not hang together; the political stomach is not there for a ground war. The dominance in the air that we have militarily will be lost, and the Russian instability that will come from a U.S.-led NATO invasion would start the Cold War all over again, potentially.

If anybody criticizes this bill on drafting, then they have to look this operation in the face and see if they can find any flaws with it. This bill is properly drafted. Now is the time to speak. More rather than less, sooner rather than later, before we get a lot of people killed for no good reason.

Mr. SKELTON. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I believe that Mr. Milosevic is wrong and that the War Crimes Tribunal will eventually have its course and way with him. I believe that whatever brought us into this situation, whether people agree or disagree with the events, we are not going to be able to undo the past.

I believe that we should and must try to reach a diplomatic solution to this situation which resolves the refugee situation, which resettles people, which leaves Mr. Milosevic subject to the War Crimes Tribunal and which gets us back on track, and I believe that we have to do something about making sure Mr. Milosevic has encouragement to come to the table, which is why the war strikes will continue.

With regard to ground troops, I ask the sponsors of this bill whether or not they might be willing to have a unanimous consent to change the word ''elements'' to ''troops'' and resolve whatever disagreement we have on that. I would hope to get an answer to that.

□ 1445

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I support the Goodling resolution. Some say we must listen to the President, some say we must listen to military leaders. I say we must listen to the now still voices of those Americans who made the ultimate sacrifice more than a generation ago in an undeclared war, in an unwinnable war, a bright, shining lie of a war where truth was the first casualty.

Now we are engaged in a great humanitarian mission, or so we are told. But humanitarians do not excuse the bombing of Albanians and Serbian civilians. Humanitarians do not bomb passenger trains. Humanitarians do not bomb refugees fleeing the battle. Humanitarians do not bomb residential areas. Humanitarians do not blow up water systems, electric systems, sewage systems, and create an ecological catastrophe in the name of peace. Humanitarians do not leave thousands of bomblets in the ground so refugee children can lose their lives after the battle.

No more bombing the villages to save the village, no more ground troops sacrificed to redeem our failure in the air. All we are saying is to give peace a chance. All we are saying is to give peace a chance through negotiation and mediation and through diplomacy. Give peace a chance.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I am voting against this bill today. Number one, I think it is poorly written. We have already had discussions about the phrase ''ground elements,'' but hey, I think we can get some lawyers to help us command.

I think it is also rushed. We have had ever-changing language. First there was no language to deal with our own downed pilots. Then we had no language to deal with U.S. citizens and pilots. Now we have language to deal with allied crew members. Be wary of an ever-changing bill.

Third, this is the wrong message to our allies. What if we have British or French troops kidnapped like our ground troops were kidnapped in Macedonia, and they come to us and ask us to help, and we say, are they a member of air crew, and they say, no, they are relief workers. We will say, we will file a bill next week and take care of that.

Very poor language. That is what happens when we rush things on through. This is a poorly-worded bill at the wrong time. Please vote no.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Speaker, this resolution has a noble purpose in that it attempts to assert the role of the Congress in any decision to commit American forces to a ground war in Kosovo. It does so, however, in the wrong way and at the wrong time. It prohibits deployment of ground elements unless Congress specifically authorizes deployment by law.

I represent one of the soldiers who is held captive today in Yugoslavia, Stephen Gonzalez, of Huntsville. If this resolution had been the law on March 31 when those three were captured, this resolution would have prevented our forces from pursuing the captors of those three American soldiers. Mr. Speaker, line 24, page 2 of the bill makes it very clear, the only exception is to recover someone who is a member of an air crew.

Mr. Speaker, this bill also approaches this issue not only in the wrong way, but at the wrong time. It prohibits deployment of ground elements in a way that sends a very bad signal to President Milosevic. The threat of the use of ground troops should be on the table, because it sends a message of NATO resolve to Milosevic, a message that he must hear.

Contrary to promoting the congressional interest in bringing a just, diplomatic settlement to the Yugoslavian conflict, this resolution makes diplomatic settlement more difficult and strengthens the hand of President Milosevic. It increases the likelihood of the campaign of ethnic cleansing and suffering being waged against innocent people for a prolonged period of time.

Mr. Speaker, the President said today that he will seek the support of

this Congress if he makes the decision to send ground troops into a major deployment in Kosovo. I believe that we need to take him at his word and we need to reject this resolution, which could do harm both to American troops and to our national interests.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I support this resolution. Europe should be providing the ground troops. We have been propping up Europe much too long.

But I am more concerned about what we are not doing here today. We should be arming the KLA so they can help protect their own citizens. We should be supporting independence, because they will never coexist and there will never be a lasting peace. We should be going after Milosevic for war crimes.

One thing for sure, now I know why the President of the United States has usurped the congressional power to declare war. Congress has no backbone for it. Today is a good debate. It will now separate the powers the way the Constitution determined it should be. Let us let Europe provide the ground troops.

Mr. SKELTON. Mr. Speaker, I yield 2½ minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, our problem is not with the idea of authorization. The President legally should seek our authorization before committing ground troops, and politically he would be well advised to get it.

Our problem is with the text of this resolution, because it creates a potential legal quagmire for troops that we have deployed. It uses the word ''ground elements,'' not exactly a word of art, but instead of using ''ground troops'' or ''ground forces,'' it says ''ground elements,'' so as to include not just personnel but materiel, not just troops but equipment and weapons, as well.

So the first casualty of this sweeping ban, this language in this resolution, is going to be foredeployed and prepositioned equipment. Why do we want to preposition? Because if we need M–1 tanks, if we need Bradleys in this theater, we will have to begin today prepositioning those tanks and Bradleys and the other heavy equipment, because we will not have time when the need arises.

That does not mean we may need them for a ground force that will be conducting a ground war. We may need them for a multinational implementation force.

If we have learned anything from Beirut to Mogadishu, it is that when we send in one of these peacekeeping forces, they had better be tough. They had better be imposing. They had better have the equipment, so that nobody dares take them on.

If we read this resolution, it says, don't you dare spend a dime on anything like that for deployment of prepositioning that might be introduced into this theater. Keep on reading and we can come up with all sorts of scenarios that this would potentially prohibit or bar.

Let us assume, for example, that our intelligence told us that Serb troops were massing just outside Macedonia or just outside Albania. This would prohibit us from taking a preemptive first strike.

Let us assume that we did know in advance if they crossed the border of one of these countries and we counterattacked, drove them out of the country, and wanted to pursue them. We would have to stop at the border.

Let us assume, and I hope we have, some on-the-ground military intelligence in Montenegro, in Kosovo. This would bar that, it would prohibit that. Let us assume we have some special forces operations covertly operating at night in one of those countries. This would bar that. It would deny us the kind of information we need to be intelligent.

Mr. Speaker, the authors of the resolution have tried to solve this problem by rewording Subsection B and making an exception for air crews that are shot down. But that limited exception shows us just how strict the language is.

When we go through this we understand, and it is complex for us to understand, and we can certainly conceive of many circumstances this would prohibit. This is going to create a legal quagmire for our troops in this theater. We should not do that to them.

We have the President's assurance he will come and seek our authority before he goes on a ground war, if he does. We should not impose these additional complications.

Mr. SPENCE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to simply point out that the right to start a war or declare a war is left to the American people. They get to do that through their elected representatives. The reason the Constitution gives that right to the American people is that we are going to ask them to sacrifice their sons and daughters and our Treasury on behalf of the war that they asked us to start.

This amendment was mentioned earlier, that it takes a lot of the options off the table. It takes only one option off the table, and that is the option of the President to start a war with ground troops without the permission of the American people.

Mr. Speaker, if we need to have a ground war, the President can come to Congress, where he should come, because this is what is known as the balance of power, when the legislative branch has some power and the executive branch does. When the Executive is wrong, and I think they are wrong, they should come to the Congress. I ask Members to support this amendment.

Mr. SKELTON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Missouri (Mr. SKELTON) is recognized for 2 minutes.

Mr. SKELTON. Mr. Speaker, I take this opportunity to close, and to mention briefly that the President sent a letter to the Speaker dated April 28, part of which reads as follows: ''However, were I to change my policy with regard to introduction of ground forces, I can assure you that I would fully consult with the Congress.'' That should put an end to that.

Let me tell the Members what this legislation does. If this is passed, this legislation would prohibit any preemptive attack by American forces based on an intelligence assessment of an impending attack by enemy forces.

It would prohibit American forces from pursuing attacking enemy forces following an enemy incursion across international borders. It would prohibit the rescue of any non-U.S. headquarters personnel. It would prohibit the rescue or support of any non-U.S. personnel from a nongovernmental agency. It would prohibit the rescue of any military personnel from Albania, Bulgaria, Macedonia, or Romania. It would also prohibit the rescue of peacekeeping forces in a peacekeeping role in a permissive environment.

Again, I say, read this. This bill, with the language thereof, has been a moving target. We cannot allow this to pass. If a bill should come up at a time that is proper, based upon what the President says, that is what we should debate at that time. This is out of time. This improper bill is poorly written. I certainly urge a no vote thereof.

AMENDMENT OFFERED BY MRS. FOWLER

Mrs. FOWLER. Mr. Speaker, I offer an amendment, and I ask unanimous consent that the amendment be considered and adopted.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mrs. FOWLER: On page 2, Line 12, strike ''elements'' and insert ''troops''.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

Mr. SKELTON. Mr. Speaker, reserving the right to object, I wish to point out that my friend, the gentlewoman from Florida (Mrs. FOWLER) a few moments ago stated that this was language inserted and written by the legislative counsel, and that they knew what they were doing.

□ 1500

The language in this bill, since it was first initiated, has been a moving target. We cannot allow it to go forward with the uncertainty of this language, the uncertainty of this bill, and I very, very sadly, because she is a friend, I very sadly have to object.

The SPEAKER pro tempore (Mr. GUTKNECHT). Objection is heard.

Mrs. FOWLER. Mr. Speaker, I am sorry, because this was at the request of several Members of the minority who wanted that word change. I was certainly willing to do that, but I still stand by my previous explanation of the intent of the bill.

The SPEAKER pro tempore. Objection is heard.

Mr. SPENCE. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) has 1 minute remaining.

Mr. SPENCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I apologize to the Members on my side for not being able to recognize them, but we do not have enough time. As a matter of fact, I am revising and extending my own remarks because I have not got the necessary time to deliver what I would like to deliver at this time.

I rise in support of H.R. 1569 to prohibit the use of Department of Defense funds for the deployment of U.S. ground forces in Yugoslavia absent a specific Congressional authorization. Since the initial 1995 deployment of U.S. forces to Bosnia, I have opposed the use of ground troops in the Balkans, and I continue to do so today.

First and foremost, my opposition is based on the recognition that our military forces have been reduced so dramatically over the past decade that an enlarged, open-ended commitment in the Balkans will unquestionably jeopardize our ability to protect U.S. interests in other critical regions of the world where the threat is serious and imminent. Prior to the beginning of Operation ''Allied Force,'' the Joint Chiefs of Staff had assessed the ability of U.S. armed forces to execute our own national military strategy as entailing ''moderate to high risk.'' This risk has grown worse over the past several months as we have poured scarce military resources and assets into the Balkans. Just today I read an article in Jane's Defense Weekly indicating that the Joint Chiefs are on the verge of changing their assessment of this risk from ''high'' to ''very high.'' As General Shelton, the chairman of the Joint Chiefs of staff, and every theater commander-in-chief have testified, ''risk'' in this context means longer wars and significantly higher casualties.

Based on planning efforts last fall, defeating the Serb army on the ground in Yugoslavia would require a NATO force of 200,000 ground troops or more. While NATO plans have not specified what percentage of such a force would be Americans, precedent tells me that such a NATO force would include tens of thousands of U.S. ground troops—at least several divisions' worth.

The implications of U.S. ground troops serving even as peacekeepers or as part of an international occupation force would have serious consequences for our broader global interest.

Administration policy-makers are currently discussing a possible NATO occupation force in Kosovo that would be roughly the same size as the force initially deployed to Bosnia. That force included 60,000 NATO troops, about 20,000 of which were American. This size American ground contingent would, directly or indirectly, one way or another, involve much of the active Army. Rotating such a large ground force through Kosovo, with no near-term prospect of withdrawal, combined with the ongoing deployments in Bosnia, would make it all but impossible for the Army to play its essential role in fighting and winning two major regional conflicts in places like Korea and the Persian Gulf—in other words, to be able to execute the national military strategy.

Tying down a large U.S. ground force in the Balkans will cause our friends—and our enemies—to legitimately question our ability to protect and promote our interests and to remain a force for stability in other critical regions of the world. How will Saddam Hussein gauge our ability to defend Kuwait if much of our Army is stuck in the Balkans? Will we be able to rapidly reinforce South Korea in the event of an attack by the North? Would we be able to effectively react to an escalating crisis or conflict in the Taiwan Strait? The answers to these questions are far from reassuring, and should concern us all.

In anticipation of the inevitable and oversimplified response that we surely cannot abandon our commitment to NATO, let me just say that I am not suggesting that the United States would walk away from its responsibilities or should not play a critical role in any NATO combined air and ground campaign if the alliance heads down this controversial path.

While I remain strongly opposed to the commitment of U.S. ground troops in the Balkans, we should not lose sight of the reality that the United States is leading the air war and would continue to do so in the event of a ground campaign. In addition, the United States is currently providing the vast majority of the operation's strategic lift, communications, logistics and intelligence support. Is this shirking our responsibilities to NATO? Can anyone honestly say we are failing to do our fair share? I do not think so.

We simply cannot afford to ignore our interests and the growing threats around the world by allowing ourselves to fall into the trap set by our allies, as happened in Bosnia, that NATO military operations cannot succeed and the alliance will fall apart unless U.S. ground troops are leading the way. If we continue to view the Balkans in isolation from the rest of what is becoming an increasingly dangerous world, we do so at our own peril.

Mr. Speaker, there's an old adage that says, ''When you're in a hole, stop digging.'' We've already dug ourselves a big hole in Bosnia and we ought to think twice before we dig that hole deeper in Kosovo. Unless some balance is restored between the nation's diplomatic and foreign policy commitments and the ability of U.S. armed forces to underwrite them, history is likely to look back on the post-Cold War world ''peace dividend'' as resulting in a more dangerous world in which America's credibility and resolve were put to the test with alarming frequency.

Mr. Speaker, I would just like to say simply, in closing, that I support this resolution. I have been opposed to ground troops in Bosnia under any conditions. As a matter of fact, we should not even be in the Balkans. The national security of this country is not at stake. Even for those who think that it is, it does not rise to the level of importance that other areas of this world do, and we are unprepared to defend against the many serious threats we have in other parts of the world today. This further lessens our ability to defend against these threats. And for that reason, I oppose sending ground troops into this area.

Mr. POMEROY. Mr. Speaker, I rise in opposition to H.R. 1569, a bill to prohibit the funding of ground elements in Yugoslavia without prior Congressional authorization.

Let me be clear. If at some point in the future our military commanders determine that ground troops are necessary to achieve our military objectives in Yugoslavia, I believe Congress ought to vote on their deployment. This bill, however, extends far beyond that simple objective and could seriously jeopardize the security of U.S. forces currently in the region.

This bill does not just prohibit the funding of ground troops prior to Congressional authorization, but rather prohibits the funding of all U.S. ground ''elements'' in Yugoslavia. This ill-defined language would create a legal quagmire for the U.S. forces already deployed in the Balkans. For example, would this bill prohibit the funding of Apache maintenance crews in Albania because the Apache is as an air-to-ground weapon that is deployed in Yugoslavia? It is an open question. There is no question, however, that this bill would legally prohibit U.S. forces in the region from launching a preemptive strike against forces in Yugoslavia even if they received intelligence that they were about to be attacked. If Yugoslavia were to attack beyond its borders, this bill would legally prohibit U.S. forces from carrying the battle into Yugoslavia even if our military commanders considered such action vital to the protection of American troops.

In the name of protecting U.S. troops, Mr. Speaker, this bill actually endangers the brave men and women who are already serving in the region. I support Congressional approval before ground troops are deployed in a hostile environment, but I cannot support legislation that ties the hands of our nation's military commanders. For this reason, I oppose H.R. 1569 and I urge my colleagues to do the same.

Mr. CONYERS. Mr. Speaker, the decision to go to war is one of the most important decisions that our country can make. As elected representatives, we have to consider our international and domestic obligations, as well as our individual and collective moral beliefs.

There is no question that Slobodan Milosevic has committed horrible atrocities in Kosovo and I do not believe the international community should stand by idly. The votes today though, require us to look at the international context of this conflict and some of

the consequences of our response thus far. I believe the evidence leads us to the view that Congress should have a say before any kind of ground troops are deployed and that is why I will support H.R. 1569.

The political process that gauges the appropriateness of humanitarian intervention needs to catch up with the military's ability and willingness to undertake those operations. In that respect, today's debate serves a useful purpose. Regardless of how you intend to vote on today's measures, an open and fair debate on real, credible options is democratically healthy and Constitutionally necessary. I opposed the rule earlier today because I do not think it rose to this standard. It imposed an absurdly small amount of time for debate and took the unprecedented step of precluding further House consideration of any resolutions under the War Powers Resolution dealing with Yugoslavia during the remainder of this Congress.

I also must observe that my colleagues on the other side of the aisle have taken an excessively captious approach to the president's strategy in Yugoslavia and the administration's foreign policy generally. Yet I believe this Congress has been derelict in its own duties, happy to sit back and criticize the president. First it avoided action for the first month of the war, limiting itself to a vote on peacekeeping troops after hostilities have ended and a symbolic vote to support the troops. Now the House is voting on a group of four resolutions, none of which present real, credible alternatives to bombing.

I think there are some very difficult questions that should inform a thorough debate on war in Yugoslavia, starting with how we define what we are trying to accomplish.

MILITARY OBJECTIVES AND AMERICAN INTERESTS

The military objectives in Kosovo have been variously described as (1) forcing Milosevic to make peace; (2) severely degrading his capacity to carry out military action in the future; (3) deterring an even bloodier offensive against civilians in Kosovo; and (4) allowing the return of refugees and ensuring their self-governance. What I'm wondering, is what thresholds have been established to determine when we have accomplished these goals? What role do we envision for Congress in determining when the mission objectives have been completed and what criteria will be used to make that determination? I am voting for H.R. 1569 because I believe it will preserve those Congressional prerogatives.

I also do not think we have adequate assurances from regional states such as Russia that they will refrain from participating in the war; we have boxed Mr. Yeltsin into a very tight corner domestically. I know that the Deputy Secretary of State has been working hard on that issue, but the public statements from Russia are nevertheless alarming. For example, earlier this week a high ranking Russian official noted that the NATO embargo on fuel does not apply to Russia, since it is not a member of NATO. And there is strong nationalist momentum in the Duma to supply the Serbs.

I also wonder if the removal of the current regime in Belgrade a prerequisite for a negotiated settlement to the conflict in the Balkans. I've seen what happened with our Iraq policy and I'm afraid we may be headed down the same kind of path, where compliance is unilaterally defined and goals are arbitrarily shifted.

VIGOROUS, MULTILATERAL DIPLOMACY

Regardless of how Congress votes today, I hope we will vigorously pursue diplomatic options. As Admiral Eugene Carroll (ret.) of the Center for Defense Information has suggested, we cannot have a solution to the Yugoslav conflict that is overly reliant on military force. The situation demands a political solution eventually, no matter how you feel about the ongoing bombing. There have been numerous attempts at diplomacy thus far.

United Nations Secretary General Kofi Annan's peace proposal on April 9 demanded: ''First, an end immediately to the campaign of intimidation and expulsion of the civilian population; two, to cease all activities of military and paramilitary forces in Kosovo and to withdraw these forces; three, to accept unconditionally the return of refugees and displaced persons to their homes; four, to accept the deployment of an international military force to ensure a secure environment for the return of refugees and unimpeded delivery of humanitarian aid; and finally, to permit the international community to verify compliance with these undertakings.'' In order to make this proposal work, Annan called for a cessation of hostilities as ''a prelude to a lasting political solution to the crisis, which can only be achieved through diplomacy.''

The European Union made a peace proposal placing Kosovo under international protectorship if Yugoslavian forces agreed to withdraw. And of course Russia has been to the bargaining table a number of times. These efforts have gotten scant attention and minimal diplomatic support. Much of this is a result of the deliberate marginalization of the UN.

THE ROLE OF THE UNITED NATIONS

It is inappropriate for NATO to be bombing without specific authorization from the United Nations Security Council. When the Security Council passed Security Council Resolution 1199 on September 23, it called on the Federal Republic of Yugoslavia to stop repression against civilians and withdraw forces from Kosovo. The Resolution specifically noted that should progress on this and other stated matter be inadequate that the Security Council would ''consider further action and additional measures to maintain or restore peace and stability in the region'' and remained seized of the matter.

Moreover, since Article 53 of the UN Charter specifically states that ''no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council'', I think it was inappropriate for NATO to proceed without specific Security Council authorization. Article 39 of the Charter clearly states that ''The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression.'' The fact of the matter is that the Security Council should have made any determination regarding the existence of any threat to the peace, breach of the peace, or act of aggression in Kosovo. It is also not clear that the Security Council ever made any determination under Article 42 as to whether force could be employed by NATO. I am aware of the Secretary General's public statements, but I think these issues remain unresolved.

The United States should address these issues before the UN Security Council along with the authority for and composition of a post-war peacekeeping force. The Secretary of Defense and the Secretary of State told the Speaker today in a letter that the Administration is ''willing to consider a U.S. contribution to an international security presence,'' but they insist that it must have ''NATO at its core.'' This kind of inflexibility is not justified.

One of the key stumbling blocks from the beginning has not been a restoration of autonomy for Kosovo or the withdrawal of troops, it has been whether the implementation force will be NATO-led or include more of our allies who have an interest in peace. I think the peacekeeping operation must have at its core an international institution broader than NATO, such as the United Nations or the Organization for Security and Cooperation in Europe. The fact of the matter is that NATO has a very limited mandate and limited membership.

THE FUTURE OF NATO

The North Atlantic Treaty clearly limits NATO to acts of self defense. Article Five states that ''The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack on them all. . . .'' NATO does not have any legal authority to engage in military action that is not self-defense such as humanitarian intervention; I'm saying this independent of whether this intervention is morally correct or not.

The escalation of the conflict has had devastating consequences for non-combatants. On April 6, the United Nations High Commissioner for Refugees (UNHCR) took the highly unusual step of asking NATO to take over relief coordination due to the extraordinary demands being placed on their resources. I do not think we have fully studied the propriety of a military alliance making decisions that greatly impact the care, maintenance and legal status of refugees—work that is ordinarily carried out by a non-political relief agency.

There has also been a great many civilian deaths, partly as a consequence of NATO's decision to target non-military facilities such as TV stations. It is also an unintended consequence of flying at high altitudes in the interest of minimizing the risks to pilots. This happened on April 12, when NATO planes struck a civilian train on a bridge over the Juzna Morava River. The pilot fired his missiles before he even saw the target. The next day, 16 patients in a hospital in Banica were wounded by flying glass during a bombing raid. On April 6, dozens of people were hurt or killed in an attack on Aleksinac when bombs went 1500 yards astray. When the Pentagon admitted that a bomb went astray, the *New York Times* reported the next day that in fact more than one missile was used. The *Washington Post* reported on April 13 that NATO had acknowledged bombing residential areas of Kosovo, Pristina and the Southern Serbian town of Aleksinac where at least 20 people were killed. For exactly these reasons, the head of the International Red Cross, Cornelio Sommaruga, called this week for an end to bombing civilian targets by NATO.

I know it is extremely difficult to avoid civilian casualties during war. I mention these incidents because I think we need to be cognizant

of the fact that the more frequently they occur, the more difficult it is going to be to build a political solution on the ground after the war.

EXIT STRATEGY AND WAR BY PROXY

I do not think that I have adequate assurances that neither the U.S. nor any third party country will arm (or has armed) the KLA as part its war-fighting or exit strategy. We are all already aware of the atrocities that have been committed by Milosevic's forces but I was appalled by some information I received just today about the KLA. According to Human Rights Watch, the KLA began its first major offensive, an attack on the town of Orahovac on July 18, 1998. ''At least forty-two people were killed in the fighting, and on estimate, another forty remain unaccounted for. Reports of mass graves and summary executions surfaced, but remain unconfirmed.'' The press release also notes that on August 27, 1998, ''twenty-two civilians were reportedly executed by KLA members in the village of Kle ka'' and on September 9, 1998, ''the bodies of thirty-five people, including both ethnic Serbs and Albanians, were found in an artificial lake near the village of Glodjane. The evidence strongly suggests that they were killed by the KLA.'' The Associated Press notes that the KLA publicly claimed responsibility for bombing government targets in 1996.

Some of my colleagues are in favor of arming the KLA. I think we need to be concerned about the KLA not just because they may be perpetrators of the same kind of violence that NATO is supposedly trying to stop but also because there is such strong potential for mission blowback.

HUMANITARIAN INTERVENTION AND INTERNATIONAL LAW

Let me repeat that I do not think we should have looked the other way. There is an obvious tension in international law between the obligation to respect the sovereignty of nations versus the duty to intervene to stop genocide and crimes against humanity. The UN Charter begins by stating its purpose is to ''save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.'' The Charter condemns violations of sovereignty and states that ''All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state. . . .'' At the same time, the Universal Declaration of Human Rights guarantees the rights of individuals against oppressive states, and the parties of the Genocide Convention are committed to prevent and punish the crime of genocide.

The answer is that both U.S. and international law need to be a part of determining when atrocities warrant humanitarian intervention. This combination ensures multilateralism, helps to share the costs of operations and takes into consideration the opinions of our allies, which in this case should include countries who are not NATO members and who could contribute to a peaceful resolution of this crisis.

When I learned that an F–117 had been shot down and that troops were being held in captivity, it brought home the horrors of war even sooner than I feared. Congressional oversight and involvement must stay in sync with this rapidly unfolding war. I urge my colleagues to vote for H.R. 1569 and to not abandon the path to peace.

Ms. SCHAKOWSKY. Mr. Speaker, I wish to share my remarks today on the current situation in Kosovo with my colleagues and the American public. The systematic campaign of brutality by Slobodan Milosevic has forced the United States and NATO to take forceful action. As the human tragedies mount—a growing number of refugees existing in desperate conditions, families being ripped apart, torture, rape and murder—the House considered important measures about how the United States should proceed.

I joined my colleagues on both sides of the aisle in supporting H.R. 1569 to assert the constitutional authority of Congress. We made it clear that the President cannot commit the United States military to a ground war without the explicit consent of Congress. The House today made it clear that the President must first receive the approval of Congress should the nature of the mission require a shift in military operations. At this time, the President and his military advisors have not signaled a change in the current strategy of air strikes, but if and when they do, I want the opportunity to vote on whether or not it is in fact necessary to deploy ground troops to end the genocide.

I cast a vote in favor of Resolution 21 explicitly authorizing the President to conduct military air operations and missile strikes in Yugoslavia. By doing so, I put myself firmly on record in support of the United States and our NATO allies in this moral struggle to rescue the victims of ethnic cleansing and to put an end to such atrocities. As an American who believes in freedom and a Jew who remembers the lessons of the Holocaust, I could do no less.

Even as we engage in these air strikes, the United States must place the highest priority on exploring and implementing all diplomatic options to end the conflict and to redouble our commitment to humanitarian relief.

Mr. EVERETT. Mr. Speaker, at the outset, let me say this Congress is unified in its support for our military when involved in operations around the world. The men and women in uniform have our full and unequivocal support. With that said, I have deep reservations about the foreign policy of this administration that is now being conducted by the military in Operation Allied Force.

Two weeks ago, Defense Secretary Bill Cohen and Joint Chiefs Chairman General Hugh Shelton testified before the House Armed Services Committee to try to explain the Clinton Administration's policy and objectives in Kosovo. Specifically, why this Balkan civil war is vital to America's national security interests and to define the end game. I regret to say they were not convincing. Moreover, it is very apparent that there is no end game—no exit strategy. I voted against sending our troops into this internal conflict, and unless a compelling case is made, I will continue to oppose sending in U.S. ground forces into Kosovo.

It is clear that the President chose to ignore the professional advice of the military leadership, and sided with his foreign policy team who made this into a humanitarian plea. Frankly, I think the air campaign may have precipitated the ethnic cleansing and suffering in Kosovo.

We have interjected ourselves into a centuries-old conflict, where both the Serbs and Albanians have each been the aggressor over Kosovo. By virtue of Operation Allied Force targeting Serbia assets, we are siding with the KLA (Kosovo Liberation Army) which has strong ties to organized crime, gun running, drug trafficking and international terrorist groups like Bin Laden. With the Administration's mishandling of the Balkan crisis, I can only think of the old saying that ''those who fail to remember the lessons of history, are destined to repeat its mistakes.''

To compound matters, this is the first time in NATO's history, a defensive coalition by charter, that military action has been conducted against a sovereign nation over internal strife. While there is consensus among the 19 member nations of NATO for the Air Campaign, there is no consensus about a ground campaign. It's evident that Milosevic has not been deterred by only an air campaign. An assessment has been made that more than 200,000 troops would be needed to invade Serbia, yet no ground plan even exists. President Clinton is leading our nation down the path of ''mission creep'' that will suck our military into a quagmire that resembles Vietnam—a situation that America has vowed never to repeat.

Mr. Speaker, we have an opportunity to prevent Operation Allied Force from becoming a full blown war if we act now. The European Union must step up to the plate and assert its responsibility for its own region. If the EU determines that the strife between the Serbs and Kosovar Albanians warrants military intervention, so be it; they can proved the forces.

Diplomacy is still an option. Russian efforts to broker a settlement in Kosovo were never allowed to succeed; these effort should be vigorously pursued. We must re-examine all of these options before we go down this path of no return; support the resolution HR 1569.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to this resolution. This resolution would prohibit funds to deploy ground elements without prior authorization. Mr. Speaker, this resolution goes far beyond the concerns of many who believe Congress should express its will before a ground invasion of Yugoslavia is contemplated.

I do believe that Congress should express the views of our constituents as we proceed with action in the Balkan region. I however do not want to limit the flexibility of our military in their efforts to make Slobodan Milosevic comply with international norms. Mr. Speaker, I find it ironic that this body is even considering this resolution in light of past precedent. When President Bush asked this body to authorize action in Kuwait, this body had sufficient time to debate the matter. Secondly, this body did not attempt to block our commanders' flexibility and ability to respond to emergency situations.

I believe that NATO's operations are making a difference in the region both militarily and in providing comfort to thousands and thousands of refugees. But it is important for us to remember that when conducting operations like this one that it is going to take time. I want to ensure that Milosevic pays a heavy price for his present policy of repression against the Kosovar Albanians, to alter his calculation

about continuing on this course, and to seriously diminish his military capacity to exert his will over Kosovo.

In addition, Mr. Speaker there are thousands and thousands of ethnic Albanians who have received the full brunt of the Yugoslavian army and police force in Kosovo. These people have lost their homes and possessions. They have lost countless loved ones to unspeakable atrocities. We may never know the full extent of the horrors committed by the Yugoslavian army. We are left with the words of refugees fleeing this country. Their eyes have witnessed and their words speak of men and boys who have been led off to die.

The 37,000 refugees in Montenegro, the 262,000 refugees in Albania, and the 120,000 in Macedonia; place the responsibility for the Kosovo tragedy squarely on the shoulders of Slobodan Milosevic. Mr. Speaker, we cannot deny the evidence of mass graves nor the humanitarian crisis ongoing in Montenegro, Macedonia, and Albania.

Mr. Speaker, we must be patient in this endeavor, for the stability of Europe is at risk. I believe that we must stay the course, for this is a battle that Milosevic cannot be allowed to win and that NATO must not lose.

There is a great deal at stake in this operation including the stability of Europe. We cannot lose sight of the fact that on two occasions we have sent young men and women to fight and die in order to restore the stability of Europe. Mr. Speaker, if Milosevic is allowed to succeed then we will be establishing a dangerous precedent for the next century. NATO must succeed in its endeavor to restore order to Kosovo and to establish a lasting peace based on fairness and justice.

Although I do not support the use of ground forces, I feel that this resolution goes too far. This sweeping resolution threatens to severely restrict the ability of our military commanders to conduct operations in the Balkans. There are situations, which could arise that require the deployment of ground troops. I cannot support H.R. 1569 because it imposes a risk to both our forces and those of our allies.

Mr. Speaker, this effort is in our national interest, our current policy best represents our interests. We must prevail in this struggle because the interests and the values, which embody our nation and those of our allies, are at stake.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to this resolution, which would prohibit funding for ground forces unless deployment is specifically authorized. The only narrow exception provided in this measure is for rescuing U.S. service personnel.

This resolution would undermine our ability to achieve NATO objectives in Kosovo and, more importantly, would send the wrong signal to President Milosevic about our resolve in the Balkans.

I encourage my colleagues to consider the ramifications of this resolution, which limits our country's military leaders. If we are to ensure a stable Europe and stop the atrocities, then we must destroy Milosevic's ability to wage his campaigns of ethnic cleansing.

I believe that the United States should continue to support the North Atlantic Treaty Organization's (NATO) efforts in the Balkans. NATO has been principally responsible for the relative stability and economic prosperity that Europe has enjoyed over the last fifty years. Our experience in two world wars clearly demonstrates that a stable Europe is in the national interest of the United States.

By putting unwise restrictions on our armed forces, this resolution could ultimately jeopardize our involvement in the 19-nation NATO operation.

In attempting to make a political statement, the Republican leadership hastily put this resolution together without involving the minority and has circumvented the committee process.

I urge my colleagues to oppose this resolution, which could do more to harm our national security interests and jeopardize our men and women in uniform involved with this operation.

Mr. BALLENGER. Mr. Speaker, I rise in support of H.R. 1569, a bill that would prohibit the appropriated funds of the Department of Defense from being used to deploy ground troops to Yugoslavia without the consent of Congress.

I still have grave concerns about NATO actions in Kosovo because I see no direct U.S. interests at stake, no clearly defined mission and no exit strategy. After five weeks of bombing, there is no evidence that our actions are either convincing Slobodan Milosevic to agree to a peace treaty or protecting the thousands of ethnic Albanians who are fleeing Kosovo. The recent deployment of Apache helicopters, tanks, artillery and armored personnel carriers to the Balkans, and the Monday's call up of 33,000 reservists, is clear evidence that President Clinton intends to introduce ground forces to Kosovo itself sometime in the near future. H.R. 1569 simply requires the President to consult Congress before he does so.

While I abhor the ethnic violence and the forced eviction of ethnic Albanians from Kosovo, I am still not convinced that this situation merits sending in U.S. ground troops. With that said Mr. Speaker, I urge the passage of this bill because it sends a clear and concise message to President Clinton—that Congress has a constitutional role to play and that the President must get the authorization of the Congress before he can commit ground troops to Yugoslavia.

Mr. Speaker, I urge passage of H.R. 1569.

Mr. STEARNS. Mr. Speaker, if you don't believe we should send troops into the Balkans—then there is a clear pattern of how you should vote today.

If you believe that the War Powers Resolution offers the best means for preventing the president from taking us to war—then you know the course to follow.

What we are discussing today is the war in the Balkans. This region is a tapestry of overlapping ethnic rivalries where medieval and modern history are intertwined. As with the Middle East, the situation is very complicated. But where the Middle East resembles a game of checkers, the Balkan region is more like three dimensional chess.

The central point is that the Balkans represent a process of history and memory which has created a multiplier effect for violence. It is not a phenomenon of ''modern hate,'' but a monstrous creation partially wrought by the collapse of the multinational Hapsburg and Ottoman empires. It is not a situation open to easy solutions. We are dealing with a primitive ferocity there.

Today, we must decide if the President can take the United States further into the Balkan conflict without the approval of Congress. After all, the Constitution invests Congress with the power to make war.

To my knowledge, no substantial war with the accompanying carnage has ever been fought solely on the basis of human rights. If they were, then surely we would be fighting around the globe in many countries. Yes, human rights are among the noblest of causes, but wars are fought over national interests.

If the President had started this campaign in the right way, by using the full measure of our airpower, this conflict might have been resolved by now. However, this gradual approach has not worked. In fact, this approach has been a common strategic flaw in most of this Administration's military excursions.

Who in America would willingly send their son or daughter to die in the Balkans based upon the President's explanation of the events? President Clinton has put our troops in precarious positions over and over again. We should say today that not one service man or woman should be placed in harm's way based upon the President's empty threats or hollow promises.

Vote yes to prevent ground troops from being sent into the Balkans. Vote for the Goodling/Fowler Bill. When you find yourself in a hole, it makes sense to stop digging. We need a better policy in the Balkans than we now have, we need to stop digging.

Mr. CAMP. Mr. Speaker, today, Congress is faced with one of its most important and difficult constitutional duties. Article I, Section 8 of the U.S. Constitution clearly states that Congress shall have the power to declare war and to raise and support armies. Today, our Armed Forces are engaged in a NATO-led bombing campaign designed to force Yugoslav President Slobodan Milosevic to the negotiating table. The choices we must make are what actions we must take, declaring war, continuing on our current course or removing our troops, and what are our international responsibilities in the region.

We face a stark reality and a difficult decision. The reality is that Yugoslav President Slobodan Milosevic and the Serbian military forces are engaged in ethnic cleansing—attempting to systematically exterminate the Kosovar citizens. Reports have confirmed this and the atrocities have intensified since the NATO bombing campaign began on March 24, 1999.

Since the bombing campaign began, hundreds of thousands of Kosovars have fled the fighting. The pictures and stories of their escape are both tragic and disturbing. The decision facing Congress today is how to put an end to Slobodan Milosevic's organized efforts to harm these innocent people, how to return the refugees to their homeland and how to restore stability to the region.

President Clinton has put our Armed Forces on an unfamiliar and unclear path. His stated goals are to end the ethnic cleansing and to restore stability to the region. As news reports have shown, the bombing campaign is having little impact on the Serbian military's infrastructure. More importantly, it is doing little to prevent his systematic extermination of the

Kosovar people. It can be argued that far from restoring peace and stability to the region, the bombing campaign is causing further disruption and intensifying Milosevic's ethnic cleansing efforts.

President Clinton has expressed concern about the introduction of ground troops into the region. I agree with his assessment. However, President Clinton recently authorized the mobilization of up to 33,000 reservists for deployment to the region—an act that could be interpreted as the first move toward the introduction of ground troops.

I question the efficacy of the bombing campaign and our current course of action. No military action can be won by limiting military options and creating a convoluted and confusing decisionmaking process. President Clinton's poll-driven policies ignore his military advisor's advice, endanger our servicemen and women and may involve the U.S. in a long-term military occupation with an ever increasing escalation reminiscent of Vietnam.

Our decision today is among the most important votes I've cast. Declaring war should be the last act of the Congress and the Administration after all diplomatic efforts have been exhausted and every avenue possible to resolve the conflict has been pursued. I don't believe we've exhausted these options at this time and that's why I will vote against declaring war.

The introduction of ground troops escalates our involvement to an unnecessary level at this time. I'm not prepared to put our servicemen and women in a hostile situation and will vote to remove our troops. The situation in Kosovo is the result of centuries of conflict and will not and cannot be quickly resolved using military force.

Any military victory will be offset by the fact that U.S. troops will remain a part of a long-term occupation force. As any neighboring nation should, the European nations have a responsibility to take a leadership role in working toward a permanent solution instead of temporary answers to this regional dispute.

Finally, the U.S. Constitution is clear that Congress has the ability to declare war and raise and provide funding for our nation's Armed Forces. That's why I will support the Fowler Resolution, which clarifies the role of Congress and which outlines that no U.S. ground troops will be deployed unless such deployment is authorized by law.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 2 of House Resolution 151, the bill is considered read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 180, not voting 5, as follows:

[Roll No. 100]

AYES—249

Abercrombie
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
Markey
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)

NOES—180

Ackerman
Allen
Andrews
Baird
Baldacci
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frost
Gejdenson
Gephardt
Gillmor
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
LaFalce
Lampson
Lantos
Larson
Levin
Lewis (CA)
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Scott
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wise
Wolf
Woolsey
Wu

NOT VOTING—5

Aderholt
Slaughter
Tauzin
Wynn
Young (FL)

□ 1521

Ms. LOFGREN and Mr. DEUTSCH changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1569.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF UNITED STATES ARMED FORCES FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 151, I call up the concurrent resolution (H. Con. Res. 82) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 82 is as follows:

H. CON. RES. 82

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. REMOVAL OF UNITED STATES ARMED FORCES FROM THE FEDERAL REPUBLIC OF YUGOSLAVIA.

Pursuant to section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)), the Congress hereby directs the President to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia within 30 days after the passage of this resolution or within such longer period as may be necessary to effectuate their safe withdrawal.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 151, the gentleman from New York (Mr. GILMAN) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 82.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by saying to the gentleman from California (Mr. CAMPBELL) that I fully respect and appreciate his diligent efforts to ensure that the Congress is appropriately involved in any decisions on war and peace, and we highly commend him for his efforts in that respect.

As I stated to Secretary Albright at our Committee on International Relations hearing last week, I believe that the administration had made a serious mistake in trying to prosecute a war against Yugoslavia without full involvement of the Congress.

The gentleman from California (Mr. CAMPBELL) is earnestly trying to rectify that situation, and I believe he should be commended for taking pains to ensure that the prerogatives of the Congress are respected.

At the same time, however, I cannot support this measure that the gentleman from California (Mr. CAMPBELL) introduced in April and which is before us today, House Concurrent Resolution 82. This is a concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove our armed forces from Yugoslavia.

□ 1530

With regard to the merits of the Campbell resolution, we all know that Operation Allied Force has not been as successful as we would have liked, but now is certainly not the time to suspend our military operations in Yugoslavia. Doing that would only compound the humanitarian tragedy that has been unfolding before our eyes. It would reward President Milosevic for his murderous strategy of depopulating Kosovo of its ethnic Albanian majority and remove all pressure on him to agree to any diplomatic settlement that would protect the rights of the people of Kosovo.

The NATO military air operation now taking place over Serbia is a response, belatedly in my opinion, to more than a year of the most callous and brutal acts of repression aimed at innocent men, women and children in Kosovo whose only crime has been that they are Albanians.

The architect of these policies is Slobodan Milosevic, a man who has already accumulated a horrendous record in the former Yugoslavia and who should be indicted by the War Crimes Tribunal at The Hague.

The cost of Milosevic's aggressive nationalism has been the uprooting of hundreds of thousands of people. While the Serbs have used NATO bombing as a pretext to escalate their hideous policy of ethnic cleansing, it is clear that they had prepared to embark on this course for Kosovo when the spring weather permitted better conditions for their military operations. There are alarming reports that in addition to the mass expulsions that we see on our television, there have been numerous atrocities and even mass killings perpetrated by the Serb forces, including civilian paramilitary groups notorious for their crimes that were committed in Bosnia and in Croatia.

In addition to these compelling humanitarian concerns that have led to our involvement, there is a threat to neighboring countries like Albania and Macedonia that could create a much wider conflict in Europe that could even result in the involvement of our NATO allies Greece and Turkey on opposite sides.

To prevent that kind of destabilization and escalation, our Nation has decided to act now. We have learned in two previous occasions this century that wars in Europe inevitably involve our own national interest, and that we pay a higher price by pretending that they do not and by delaying our involvement.

For these reasons, I strongly urge my colleagues in the House to oppose this resolution, H. Con. Res. 82, and indicate to the government of the Federal Republic of Yugoslavia that we will not cut and run when the going gets tough.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find considerable irony in the question of what is our national interest in Kosovo, for I thought we unequivocally answered that question with American blood and American tax dollars.

If we have no national interest in Kosovo, why did we lose so many lives in Europe in two World Wars? If we have no national interest in Kosovo, why did we spend billions of tax dollars on the reconstruction of Europe through the Marshall Plan in the aftermath of World War II? It seems that we have forgotten that the Balkans are an integral part of Europe, and that Kosovo, as President Bush first enunciated, is critical to the peace and stability in the Balkans.

Senator Dole got it right when he testified before the Committee on International Relations advocating our engagement and involvement in Kosovo. I am quoting Senator Dole: ''It is in America's interest to have a stable, democratic and prosperous Europe.''

As did Ambassador Jeane Kirkpatrick, who served so well as our U.N. Ambassador under President Reagan. She stated at that same hearing, and again I am quoting: ''I think that peace and security and the human rights of the people in the region and the future of NATO and a democratic, peaceful, prosperous Europe are all in the balance in Kosovo.''

We should be proud that it was the United States that helped nurture prosperity and democratic institutions in Europe in the latter part of this century, for that investment truly changed the course of history and has not just benefited Europe, but our Nation and our people.

The prosperity that we have enjoyed in this decade can be partially traced to the reality of a Europe increasingly democratic in terms of its political institutions, with economies based on free market principles. We are joined at the hip, let us be clear about that, but it is to our mutual advantage. An expanded European Union represents a future of unprecedented peace and prosperity for a continent that has been ravaged by war throughout recorded history, and the genocidal ethnic cleansing of Milosevic is perhaps the final challenge, hopefully, to achieving that vision.

So when we ask what our national interest is in Kosovo, it is not simply Kosovo, it is more, much more. It is about Europe and beyond Europe.

In the so-called Christmas warning of 1992, it was President Bush that warned Milosevic if he attacked Kosovo, that the U.S. would support a military intervention, if necessary. Early in his administration, President Clinton confirmed the Bush warning. It was the conclusion of both administrations that conflict in Kosovo would destabilize the entire region and potentially threaten all of Europe.

It would indeed be tragic at this point in time to have defeated fascism in the 1930s and the 1940s, to have prevailed over communism in the 1980s, only to lose the peace at the end of the century. We may do just that by a unilateral withdrawal at this point in time.

I submit that the action would be irresponsible. Dictators worldwide would cheer. Milosevic would have won. We will have crafted a much more frightening and troubled future. The Kosovar Albanians would be condemned to permanent exile or death and genocide.

Again, Senator Dole was particularly eloquent when he spoke to what was occurring in Kosovo and to the evils of genocide. Again, let me quote the Senator: ''Now I don't know how many people it takes before you call it genocide. And I'm reminded of the book, 'The Greatest Generation,' by Tom Brokaw, and I'm proud to be a part of that generation, and one of the things we failed to do in that generation was to nip genocide in the bud. It happened, we let it happen, and we stood back and we did nothing.''

Let us not sometime in the future reflect back on this day with the same regrets expressed so eloquently by Senator Dole. An earlier speaker, my friend from Ohio, on the floor stated, ''Let's give peace a chance.'' I respect him. I respect that sentiment. However, let me conclude by saying, let us not give genocide a chance. Let us not give genocide a chance.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DELAY), our distinguished whip.

Mr. DELAY. Mr. Speaker, this is a very difficult speech for me to give, because I normally, and I still do, support our military and the fine work that they are doing. But I cannot support a failed foreign policy. History teaches us that it is often easier to make war than peace. This administration is just learning that lesson right now.

But before we get deeper embroiled into this Balkan quagmire, I think that an assessment has to be made of the Kosovo policy so far. President Clinton has never explained to the American people why he was involving the U.S. military in a civil war in a sovereign nation, other than to say it is for humanitarian reasons, a new military/foreign policy precedent.

The President began this mission with very vague objectives and lots of unanswered questions. A month later, these questions are still unanswered. There are no clarified rules of engagement. There is no timetable. There is no legitimate definition of victory. There is no contingency plan for mission creep. There is no clear funding program. There is no agenda to bolster our overextended military. There is no explanation defining what vital national interests are at stake. There was no strategic plan for war when the President started this thing, and there still is no plan today.

Instead of sending in ground troops, we should pull out the forces we now have in the region. Many who argue we cannot pull out say we should stay to save face, if for no other reason. I would like to ask these people, was it worth to stay in Vietnam just to save face?

The root of this crisis is centuries old, and no occupation by foreigners can craft a peace where no desire for it exists. Unless you are willing to commit your sons and daughters into a war indefinitely, you should not vote to keep troops overseas simply because we do not know what else to do.

The President said that if we did nothing, there would be instability in the region, there would be a flood of refugees, Kosovars would die and the credibility of NATO would be undermined. Well, Clinton's bombing campaign has caused all of these problems to explode; in addition, has made the Russians jittery, and has harmed NATO's standing in the world.

In Lebanon, Ronald Reagan cut his losses and withdrew our troops. We should do the same thing before the body bags start coming home. After all, what good has been accomplished so far? Absolutely nothing. What long-term good will be accomplished by keeping our troops there? None, unless you are willing to occupy all of Yugoslavia.

Mr. Speaker, I do not think we should send ground troops to Kosovo, and I do not think we should be bombing in the Balkans, and I do not think that NATO should be destroyed by changing its mission into a humanitarian invasion force. I support the Campbell resolution.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume. Let me be really clear. This is not a civil war that has been raging. This is nothing more than state violence and state terrorism against a class of citizens who are unarmed, for the purpose of forming a pure enclave, a mini-state, if you will. I daresay the statement that this is a civil war does a disservice to what occurred before the ascendancy of Milosevic. There were 1.9 million Albanians and about 200,000 Serbs. As again Senator Dole testified before the House Committee on International Relations, they had been living peacefully together until Milosevic stirred things up.

Mr. Speaker, I yield 2 minutes to the gentleman from Philadelphia, Pennsylvania (Mr. HOEFFEL), a respected member of the Committee on International Relations.

Mr. HOEFFEL. I thank the gentleman for yielding me this time. Mr. Speaker, I oppose the unilateral withdrawal of American forces from Yugoslavia. This is a wrong idea at a wrong time. This effort represents a modern day isolationism that would be wrong for America, just as wrong as isolationism was at the First World War and the time of the Second World War.

A unilateral withdrawal of our troops would devastate NATO just at a time when it is showing great resolve and great unity. The role for NATO in the future is to keep the peace in Europe. No one else will be able to do that. This is not the time to destroy NATO's resolve.

A unilateral withdrawal would also reward Milosevic for his barbaric activity. It would allow him to win this conflict. He is engaging in genocide. Genocide is systematic barbarity and murder of innocent, defenseless civilians because of ethnic and religious differences. That is what is happening in Yugoslavia and Kosovo today. That is what we must stop. To withdraw our troops today would undercut everything this country stands for and would remove America as one of the leaders, perhaps the only great leader, in this world today. We should oppose this resolution.

□ 1545

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I stand in support of the resolution.

When American troops are deployed on the field of battle it is the duty of every American offer them our clear support and prayers for their safe return home. That is why I will vote for a supplemental appropriations bill that not only pays today's bills in Kosovo, but also begins to meet the national security emergency caused by 7 years of neglect of our military forces by this administration.

It is an emergency that we have troops fighting in Bosnia whose families are asked to survive on food stamps. It is an emergency the Air Force now has less cruise missiles than they have bombers to fire them. It is an emergency that as we call up 2,000 Air Force reservists for Kosovo, the Air Force still faces a shortage of over 2,000 pilots. And it is a grave emergency, that while we have gotten bogged down in a tiny country on the periphery of our vital interests, the Joints Chiefs of Staff have now confirmed that we face a ''very high risk'' of not being able to respond to our vital national interests in major theaters such as the Persian Gulf or the Korean Peninsula.

Support for our troops means more than a ''photo op'' for the Commander-in-Chief. It

means providing them all of the resources they need to safely and successfully complete their mission.

Support for our troops also means not putting them in harm's way without a clear goal, which can be achieved by military means, and which supports our vital national interests.

While all of our hearts and prayers go out to the innocent Kosovar civilians, it is painfully clear that 6 weeks of bombings have not prevented a single Kosovar from being raped, murdered or expelled from their home. Simply put, our military strategy of degrading and diminishing the Serbian military infrastructure can never achieve our stated political goal of peacefully reintegrating the Kosovar Albanians into Serbia.

Replacing Vietnam era "body counts" with high technology "bomb damage assessments" of empty Serbian barracks will not make this war a success.

If this tiny and troubled region truly were a threat to our vital interests, the only proper strategy would be full scale invasion of Kosovo, defeat of the Yugoslav Army, unconditional surrender of the war criminal, Slobodon Milosovic, and the occupation of Kosovo for the decades it will likely take to rebuild this region. This strategy, of full scale war, and the deployment of thousands of U.S. ground troops, surely must have the support of the American people as expressed through the approval of the Congress. For this reason, I support the resolution by the gentlewoman from Florida.

But if our security interests are not at stake, however deep the humanitarian crisis, we must consider more appropriate means of response than our current round of "therapeutic airstrikes."

When American service men and women know that what they are fighting for is important to their fellow Americans, and achievable through military means, they would do it for free.

We owe them an answer to these fundamental questions. Are we fighting for the independence of Kosovo? Not according to the President. Are we fighting to defeat Milosovic and bring him to justice as a war criminal? Not according to the Secretary of State. Are we fighting to defeat the Yugoslav army? Not according to the Secretary of Defense. So far it appears we are fighting because we can. We have replaced "power projection" with "sympathy projection." Blind support for this nonpolicy of wishful thinking must never become the measure of our support for American troops.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, there is a strange dichotomy at play in this event. Those from the left attempt to use a vehicle they neither support, understand or even loathe at times. They attempt to spin the White House language that we attempt to stop ethnic cleansing, when the issue has actually exacerbated the problem that the Pentagon predicted, and warned and told the President not to get involved in.

The actual killing and removal of over 1 million refugees would not have happened, not to the degree if NATO had not intervened.

The Jane Fondas, the Ramsey Clarks, the Strobe Talbotts of this world find themselves inept in attempting to conduct military operations or even foreign policy.

Take a look at NATO today: France, Socialist/Communist coalition; Italy, former Communist.

It is not somebody that we trust.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS), a member of the House Committee on International Relations.

Mr. MEEKS of New York. Mr. Speaker, during the past few days I have asked myself, because I was against the conflict in Kosovo, I asked myself why, and I kept coming up with the answer that I was upset with the administration because it did not do the right thing in regards to the genocide that took place in Rwanda, Uganda, Sierra Leone and the Sudan. And then I thought again, and I said, and came to the conclusion that 1, 2, 3 or even 4 wrongs do not equal a right. Therefore, I changed my opinion and said we should stay the course in Kosovo and correct our policy in Africa, for genocide is, indeed, genocide wherever we may find it.

I believe we should follow the lead of the administration and NATO in preserving humanity, for we cannot sit idly by as thousands of innocent people are raped, murdered, stripped of their identities and forced from their homelands like what occurred in Rwanda, Uganda, Sierra Leone and the Sudan.

We must not allow evil to take over, and ethnic cleansing is indeed an evil. We should not sit on the fence between right and wrong. We should be firmly on the side of the fence that is right.

Dr. Martin Luther King, Jr. once said war can never be a positive or absolute good, but it could serve as a negative good in the sense of preventing the growth of an evil force. I believe that Mr. Milosevic is an evil force that must be stopped.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MCCOLLUM).

Mr. MCCOLLUM. Mr. Speaker, there is a tragic war unfolding in the Balkans. The United States military has been playing a significant role in this war for several weeks. There is every indication that the war will expand and so will the United States' role. And yet, it is an undeclared war bearing an eerie resemblance to the beginning of the Vietnam War albeit that this one involves our NATO allies.

As a part of a NATO policy, the United States military began bombing in Yugoslavia in response to that government's refusal to go along with a plan for NATO "peacekeeping" forces to occupy the Yugoslav province of Kosovo in an effort to stop a civil war and "ethnic cleansing." It appears that President Clinton and other NATO leaders mistakenly thought that bombing specified military targets in Serbia and Kosovo would send a message to Yugoslav President Milosevic that would cause him to quickly embrace the NATO peace plan. It is obvious this was a gross miscalculation. Instead, Serbian forces immediately swept through Kosovo burning homes and driving out thousands and thousands of Kosovars who have become refugees in neighboring states. In the process, many human rights atrocities against the Kosovars in Kosovo have been reported.

The response of the United States and its allies has been to step up the bombing program. This has united the Serbian population behind President Milosevic, steeled their determination to prevail no matter what and alienated the general public in Russia who have a strong historical relationship with the Serbs. So far there is no sign that absent the introduction of ground forces, the intensified bombing campaign will cause President Milosevic and the Serbs to agree to the terms regarding Kosovo, demanded by NATO.

It is well known that the Yugoslav army has long prepared for a defensive struggle against any invading force by constructing underground facilities in rugged territory, by storing weapons and other supplies in these facilities and by training its military to engage in guerrilla tactics. While the extent of damage done by the bombing to date has been significant, it is probable that no amount of bombing will degrade the Yugoslav military sufficiently enough to prevent large numbers of casualties if U.S. ground troops are inserted or even if attack helicopters and other low flying aircraft are utilized to destroy Yugoslav ground forces because of the passion of the Serbian people to drive the Albanian Kosovars out of Kosovo and regain this territory which historically, several hundred years ago, was part of greater Serbia. It is unrealistic to expect the government of Yugoslavia to yield to NATO and its demands short of a total military defeat, and even then it appears likely that guerrilla warfare would continue to exist for a long, long time against any occupying force.

President Clinton has never asked Congress to declare war on Yugoslavia or Serbia. He has never even requested the type of resolution President Bush requested and was granted in advance of Desert Storm. Instead, he has made statements to the general public and conferred behind closed doors with congressional "leaders" putting forth a rationale for the bombings without a full explanation of what will likely be required to achieve the presumed NATO foreign policy objectives. At no time has he spelled out to the American public, let alone Congress, a consistent, coherent foreign policy that demonstrates a compelling United States national security interest in waging war against the forces of the government of Yugoslavia. Has the United States embraced a new NATO policy as described by British Prime Minister Tony Blair that NATO will not permit ever in the future human rights atrocities and "ethnic cleansing" or a dictatorship anywhere on the continent of Europe? If President Clinton embraces this policy, does this mean he is committing United States military forces to enforce such a policy not just in this instance in Yugoslavia, but at any point in

what the world defines as Europe? Does this mean that whatever force is necessary, including the use of ground troops of the United States military, will be engaged to ensure this policy? And if indeed this is a new policy of NATO to which the United States is in agreement, what is the national security interest rationale to support such a policy, and why specifically would we engage in such a policy with regard to Europe and nowhere else in the world? If it is not the United States policy, then the President needs to say so and come before Congress requesting some authority for engaging in the war that we're now undertaking together with a detailed rationale for it and an explanation of what we're prepared to do to win it. If it is a new policy, then that too must be explained together with a request for Congress to formally support the ongoing war as well as whatever treaty alterations within NATO need to be made and approved by the U.S. Senate.

I'm just as moved as anyone else by the atrocities being reported in Kosovo. There is no doubt in my mind that Albanian Kosovars have been brutally mistreated. No doubt, an appropriate response by the United States and its NATO allies to this action is justified. But I am deeply troubled by our engagement in an undeclared war that appears to be incrementally deepening with each passing day. It reminds me a great deal of how we got engaged in Vietnam and allowed that engagement to progress to a major war with a no-win policy that lost the support of the American public and cost thousands of American lives. If the United States is going to engage in war, the commitment must be made to let the military use the force necessary to win the war which means paying whatever price in lives of American soldiers is required to do this. And if America's national security interests are not great enough to justify such a price, then there should be no war.

To date, President Clinton has not demonstrated to my satisfaction that America's national security interest in the Kosovo matter is great enough to justify paying the price that I foresee will be necessary to win the undeclared war in which we are now engaged. For this reason, I am voting today for Mr. CAMPBELL's resolution to withdraw American forces from this war effort and for the Fowler/Goodling bill which would require a vote of Congress before the introduction of United States ground forces in Kosovo or Serbia. In doing so I keep an open mind to any presentation the President may make in the future to Congress seeking a declaration of war for this cause or a resolution similar to the one that was sought and given to President Bush. However, I will not be a party to sending American men and women in uniform to die in an ill conceived, ill planned and undeclared war.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I am a hawk. I believe in a military so strong that we never have to use it. When we use our military might, it should be with clear objectives after considering our national interests and the limits of our influence.

Mr. Speaker, imagine Serbia before we started bombing. The threat of ethnic cleansing clearly existed. About 2,000 innocent people have been killed, and more ominously, 40,000, a manned force, has been built up in Kosovo. Imagine again the White House seeing this threat, recalling the glory of the 1-day wars in Grenada and Panama and, without considering the ramifications, decided to go to war against Yugoslavia.

But Mr. Milosevic does not play by our rules. He does not turn on his anti-aircraft radar so that we can detect it and destroy it. He uses the bombings as a cover to really do ethnic cleansing and to suppress local domestic opposition.

The war drags on. The President and his advisers plead for patience, all the while hoping a cruel, cold winter without electricity and fuel oil will force guilty and innocent Serbs to their knees.

Mr. Speaker, I urge support of this.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY), another Member of the House Committee on International Relations.

Mr. CROWLEY. Mr. Speaker, I rise today in strong opposition to H. Con. Res. 82 which would direct the President to remove our armed forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia.

Mr. Speaker, a congressional vote to withdraw U.S. forces from the mission in Kosovo would severely undermine the entire NATO effort to stem President Milosevic's brutal campaign of ethnic cleansing against the Kosovar Albanian population.

Mr. Speaker, the withdrawal of U.S. troops right now would also undermine our other stated objectives in the conflict.

One of the reasons we decided to act in the first place was to prevent a wider conflict in the region from erupting. That was and still remains our goal. A withdrawal right now would greatly undermine that objective by putting the stability of the Balkans in grave jeopardy and, more broadly, the security of southern Europe.

We would also leave hundreds of thousands of refugees homeless and over 1.2 million displaced persons exposed to continued ethnic cleansing in Kosovo, a situation we will not tolerate. Just last weekend, leaders of the NATO alliance meeting here in Washington reaffirmed their commitment and resolve to maintain the air campaign against Yugoslavia until several key conditions were met. A vote now for unilateral U.S. withdrawal flies in the face of the NATO show of resolve.

Mr. Speaker, over the years many voices in this Chamber have called for greater burden-sharing by our allies. Our allies now are shouldering a great deal of the responsibility in this conflict. A unilateral troop withdrawal at this time would send the wrong signal to them that we are not willing to hold up our fair share of the burden. Mr. Milosevic must not doubt our resolve to achieve the objective of a multi-ethnic, democratic Kosovo in which all can live in peace and security. Mr. Milosevic alone has the power to end this conflict by immediately stopping the violence and bloodshed, withdrawing his military police and paramilitary forces from Kosovo and allowing all refugees to return under an international security presence.

Mr. Speaker, make no mistake. A vote withdrawing our troops is a vote against our troops and the vital mission they are currently undertaking. I strongly urge my colleagues to vote against this resolution.

Mr. GILMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I urge a yes vote on H. Con. Res. 82.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise in support of the resolution. Almost 7 weeks ago I voted to authorize the President to deploy American military forces as part of a peacekeeping force in Kosovo if the peace talks then underway produced a settlement.

Mr. Speaker, no peace agreement was reached, no vital U.S. interest in Kosovo was articulated, no mission defined, no exit strategy put forward. Without a vote of this House, the planes were launched and air strikes began. Never before have I been as concerned about the lack of definition and direction in our Nation's foreign policy. We are in where we should not be, and no one seems to know the way out.

It appears that the President hoped that the threat of air strikes would force a peace agreement. It did not. He hoped that the air strikes alone would detour Mr. Milosevic from continuing his attacks on Kosovo. They did not. He hopes that the American people are willing to risk the lives of their sons and daughters in Kosovo. They are not.

Mr. Speaker, hope is not a method. The President has yet to make a case for our involvement in Kosovo.

Mr. DELAHUNT. Mr. Speaker, I yield 2¾ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the Constitution is very clear. It is the United States Congress which has the power to determine issues of war and peace and to decide whether our young men and women are put in harm's way. It is the President who is the Commander in Chief of the military; it is the Congress which determines whether we use that military.

I have heard today that some people think that the U.S. participation in Kosovo now is unconstitutional. They are right. But the U.S. participation in Vietnam, Grenada, Panama and many other conflicts which took place without congressional authorization were also unconstitutional.

The time is now for this Congress to stop abrogating its constitutional responsibility to the White House and to start seriously addressing the issues of war and peace.

Frankly, I am extremely concerned about the process that has taken place today on an issue of such enormous consequence and at a time when Congress has an inactive schedule. It is an outrage that we only have a few hours to discuss the issues of war, the expenditure of billions, and the potential loss of life of American military personnel, and I hope we rectify this situation in the coming days and weeks. This should not be the last debate on this issue.

Mr. Speaker, my assessment of this situation at the present moment is that Mr. Milosevic is a war criminal and that ethnic cleansing, mass murder, rape and the forced evacuation of hundreds of thousands of innocent people from their homes is unacceptable and cannot be ignored. Sadly, because Mr. Milosevic has negotiated agreements which he has then ignored, I have supported the NATO bombings of military targets. I believe that the Serb military and police must be withdrawn from Kosovo, that the hundreds of thousands of people uprooted from their homes must be allowed to return, that Kosovo must be given some kind of self-rule and that an international peacekeeping force should be established to maintain order.

Mr. Speaker, I believe that we must strive as hard as we possibly can to find an alternative between doing nothing and allowing ethnic cleansing and mass murder to continue and the continuation of a war which will certainly result in terrible destruction, large numbers of casualties and the expenditure of great sums of money. I believe that the United States must be as active as we possibly can in finding a road to peace.

I believe that Germany and the United Nations have brought forth proposals which might be able to form the basis of a negotiated peace. I believe that Russia, a long-term ally of Serbia, should be asked to play a more active role in the process and to supply troops for an international peacekeeping force.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a member of our committee.

Mr. CHABOT. Mr. Speaker, I have believed from the outset that our involvement in this European conflict is wrong. It has become painfully apparent that the Clinton administration committed American air power without a clearly-defined mission and without a credible exit strategy.

Make no mistake about it. Slobodan Milosevic is a war criminal. His treatment of the ethnic Albanians in Kosovo has been deplorable, and his prosecution as a international war criminal could not come fast enough. But I do not believe that the commitment of American military forces to a potentially long, expensive and perhaps tragic effort can be the proper means to achieve that end.

Mr. Speaker, our military involvement in the Balkans is unwise. This administration's miscues have led to a disjointed strategy of gradual escalation that puts the lives of American men and women at risk.

Let us work for peace. Let us help the Kosovar refugees with humanitarian aid. But let us take our service men and women out of harm's way.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. COYNE).

Mr. COYNE. Mr. Speaker, I rise today to address the difficult issues that are before us relative to U.S. involvement in the ongoing NATO military action in Yugoslavia. The United States, in consultation with its NATO allies, has determined that the instability caused by the ethnic cleansing in Kosovo is a threat to the security of Europe.

□ 1600

Governments of NATO agreed unanimously on joint military action over a month ago, with the intention of forcing the government of Slobodan Milosevic to end its policy of ethnic cleansing and to allow safe restoration of the refugees to their homes. The one thing that I think Americans have learned is that it is wrong to stand idly by while such atrocities take place before our eyes. History has also taught us that it is better to head off a problem than to wait until the problem has spread. Today NATO remains committed to continuing its military operations until its three objectives, safe return and self-government of the refugees, withdrawal of the Yugoslavian troops from Kosovo and the insertion of peacekeeping troops to protect the ethnic Albanians in Kosovo are met. I support these objectives, and I support U.S. military action in order to achieve them.

How long this action will last, I do not know, but I do know two things: First, the power to end hostilities lies today with Slobodan Milosevic. All he has to do is stop the killing and pull his troops back.

Second, the chances that Mr. Milosevic will meet NATO's demand are dramatically reduced if Congress enacts legislation that requires the withdrawal of U.S. forces or ties the administration's hands regarding NATO's military options.

This is no time to go weak-kneed on our troops in Europe.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of our committee.

Mr. MANZULLO. Mr. Speaker, I have four questions to ask my colleagues and the American public: Is a ground war in Kosovo imminent? We are being pushed towards a ground war that is not in our national interests. Tony Blair, the Prime Minister of Britain, the Secretary General of NATO, Javier Solana, and our own President with his recent headlines, ''Clinton edges closer to backing the use of ground troops,'' and the President has called up 33,000 reservists.

The second question, what does a ground war mean? It means between 150,000 and 300,000 troops, with American forces making up 65 percent of the troops in rugged terrain that 25 German divisions in World War II could barely occupy, with expected casualties of between 7 and 12 percent, thousands of Americans wounded and killed.

Three, is it worth it? Every Member of Congress must ask himself or herself this question: Is it worth the life of my child, and, if you cannot answer that in the affirmative, then why should you force others' children to go to war, while the Clinton Administration refuses to allow the Kosovars to arm themselves and fight their own civil war.

The fourth question, why vote for the Campbell bill to halt U.S. combat mission in Yugoslavia? Because this is the only way to keep ground troops from savage guerrilla warfare, and this is the only way to stop thousands of U.S. soldiers from being killed in battle.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in opposition to the Campbell resolution. As I stand here today, it pains me deeply to know that right now there are over 500,000 innocent victims from Kosovo who are running for their lives. These men, women and children have been driven out of their homes and villages, have been subjected to organized assaults, brutal rapes, and even assassinations. Some are living in makeshift camps, sheltered only by blankets and plastic covering. Some even hide and wait in the forests. Many of their villages have been burned.

These victims have been terrorized and seen death in the worst extreme. They are experiencing hunger, sickness, cold temperatures and terror on many fronts. Some have seen their loved ones viciously executed. We cannot allow this horror to continue for

these innocent people, without trying to stop it.

Let me be clear: I strongly believe that any kind of physical confrontation is troublesome and undesirable. However, to simply stand by, after one has exhausted diplomatic solutions, is even more unbearable. We have been as reasonable as we can possibly be with the Milosevic regime, yet he continues these atrocities and continues to launch a well-executed ethnic cleansing campaign and continues to commit genocide upon the men and women and children of Kosovo.

I have been told that injustice anywhere is a threat to justice everywhere, and there can be no justice in America as long as there is injustice in Kosovo.

We have no alternative, we have no recourse, we have no choice, except to demonstrate that we believe in peace, and, not only do we believe in it, but we will work for it.

Therefore, I oppose the Campbell resolution, and urge that we vote against it.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I rise not to declare war, but to support our Constitution.

Right now President Clinton is prosecuting a war he was never authorized to start. President Clinton asked many nations to agree to attack Yugoslavia, but he failed to get permission from one crucial country, America. Our Constitution requires that Congress must declare war, not the President. It also states that Congress, not the President, defines and punishes offenses against the law of nations. And the NATO treaty, approved 50 years ago, says nothing about launching an attack.

It is not the American way to let one man drag us into a bloody quagmire. I took an oath to honor our Constitution, and I will not stand idle while the President, again, runs rough-shod over that Constitution.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER), the ranking member of the Subcommittee on Military Construction of the Committee on Appropriations.

Mr. OLVER. Mr. Speaker, I come to the floor with an overwhelming sense of sadness that we be debating constraints on America's ability to lead in this world on a most profound issue of human rights. We are a people and a Nation whose very creation was to protect life and liberty against imperial sovereignty.

In my view, whatever constrains the 19 nations that comprise NATO from successfully prosecuting this war and successfully degrading the military capacity of the Milosevic regime to conduct ethnic cleansing and successfully returning ethnic Albanian citizens of Kosova to the homes they've lived in for generations is bad policy. It is tough enough to achieve consensus among those 19 nations, from France, Britain, and Italy to Hungary, Luxemburg and Iceland. But a broad consensus exists, a remarkable agreement, that the consummate evil in Europe today is represented by the Milosevic regime's execution of his belief that it has every right to repress, to terrorize, to intimidate, to expel, and, if those fail, to massacre whoever is left, of nearly 2 million citizens of Kosovo, whose only crime is that their religion is Islam.

I believe that if NATO had said ''no'' when Milosevic attacked eastern Croatia in 1991, an attack that ended when the defenses of Vukovar were overrun and the people remaining in the hospital were taken from their beds and slaughtered, we would not have witnessed the agony of Bosnia, with 200,000 killed and 2 million—fully 50% of the population—displaced from their homes. That agony culminated at Srebrenica where 8,000 men and boys were separated out and slaughtered. And if NATO had said ''no'' when the Milosevic regime killed 200,000 Bosnians and sent 2 million more into exile and into displacement from their homes, then the agony of Kosovo would not have occurred.

I believe equally fervently that if NATO is not equally successful in its resolve on Kosovo, that the anti-Milosevic freely-elected government, and, in fact, the very republic status of Montenegro within the rump of federal Yugoslavia, is as good as dead, and that the Milosevic regime will then adopt the destabilization of Macedonia as its next expansionist project.

NATO must succeed in this effort, before all the Kosovar males between the ages of 15 and 50 are murdered by the Milosevic regime.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON).

Mr. SAM JOHNSON of Texas. Mr. Speaker, war is a serious undertaking. It should not be used for political reasons, ever. War is a last resort and only used to protect America, her citizens and our vital interests.

Despite the humanitarian atrocities in Kosovo, the loss of even one life for a cause that has yet to be articulated or defined for the people of the United States is one too many. The plight of the refugees is tragic, and America should help them. We are a country that can provide relief and direction, ease pain and suffering, and we should provide help.

Mr. Speaker, I fought in a war where politicians were afraid to win because of the political fallout. That fear caused me to spend nearly 7 years of my life as a prisoner of war. I would fight again tomorrow for America's vital interests, but the answer in Kosovo is not to waste American lives. The answer is stop the bombing and provide relief for the refugees.

Mr. Speaker, there is a wall among the trees near the Lincoln Memorial that is engraved with the names of many brave soldiers, many of whom were my friends. Families go there to grieve and remember their fathers, their mothers, their sons and daughters. Stop the bombing. We do not need another wall.

Mr. DELAHUNT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, there is no doubt in my mind that Congress has the duty and responsibility to decide the question whether the United States of America uses its military power against another country. No matter how this Congress feels about the evil actions of the leaders of Yugoslavia against its own people, words of revulsion and opposition do not justify bombing without a declaration of war.

If the majority of this Congress feels that the air bombardment is justified, then it must vote to declare war. An explanation of why we are bombing Yugoslavia is not enough. We need to explicitly state that we do so in an act of war. Without that declaration of war, we make a mockery of the Constitution and of the War Powers Act.

Just because we are not acting alone and because the countries of NATO are in full support of the air attack does not absolve us of our responsibility to abide by our Constitution. If we believe that the President is correct in sending our military forces to bomb Yugoslavia, then it follows that we must vote to declare war.

I voted to allow troops into Yugoslavia to enforce the peace agreement. I did not vote to allow military intervention to force an agreement. I do not support the use of military power to beat the Yugoslavian government into submission to our will.

I fervently believe we should be debating a resolution to urge the President to declare a moratorium on the bombing while an all-out effort is made to reach a settlement. There are various proposals on the table. We could discuss the Russian proposal, the UN proposal, the German proposal. The Kosovar people have fled from their homes. Dangers to them now of a moratorium are very small compared to what has already been heaped upon them, so why not declare a halt on the bombing and let Russia, Germany and the UN broker a settlement? I want an end to the bombing. I want the Constitution of the United States to prevail.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Colorado (Mr. TANCREDO), a member of our committee.

Mr. TANCREDO. Mr. Speaker, there are many murky things about the situation we now face in Kosovo. One, however, is not murky. What is not even remotely unclear is the fact that we are not there for the often heard cause of stopping ethnic cleansing. That is the one thing about which I am absolutely sure. That is not the reason we are there.

We can debate, and we will debate at length, the variety of reasons we may be there. It may have something to do with legacies and all the rest of that, but it has nothing to do with ethnic cleansing, else we would be in at least a dozen countries around this world where the situation is 10 times worse. Certainly we can start naming them now. At the top of the list is the Sudan.

□ 1615

There were 2,000 people dead when we went into Kosovo to begin with, a third of them Serbs. We have already ruined too many lives there in Kosovo, we have done too much damage; too many people are dead as a result of the actions we have taken. It is time to withdraw our forces. When we have dug ourselves a pit, the best thing to do now is stop digging and get out.

Mr. DELAHUNT. Mr. Speaker, I would remind my colleagues that as a result of the atrocities and the crimes against humanity committed by Slobodan Milosevic, there are over 300,000 men, women and children that are dead in the former Yugoslavia now.

Mr. Speaker, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH), my friend and colleague.

Mr. KUCINICH. Mr. Speaker, I believe we should withdraw our troops and resubmit this matter to the United Nations Security Council and make this tragedy the entire world's burden and not primarily that of the people of the United States of America.

It is understandable that this House should be conflicted here, because this mission is itself at conflict between the U.N. charter, which bans force, violating State sovereignty and the universal declaration of human rights, which guarantees the rights of individuals against oppressive States. NATO's action fails the test of humanitarian intervention, if only because of the damage NATO has inflicted on civilian populations. Humanitarian bombing is an Orwellian attack on logic.

If the United States continues as the chief sponsor of this war, we have, in effect, decided that the United Nations is no longer relevant. This places upon America the awesome responsibility of policing the entire world.

Mr. GILMAN. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Speaker, I rise in support for this resolution.

I share the concerns of many Third District residents regarding ethnic cleansing in Kosovo and current North Atlantic Treaty Organization (NATO) attacks on the Federal Republic of Yugoslavia (FRY). Having recently traveled to Tirana, Albania, and Skopje, Macedonia, I have witnessed firsthand the humanitarian crisis facing Europe—a crisis that has intensified since the beginning of the allied bombing campaign. There is no question that the situation is grim.

Slobodan Milosevic is a shrewd and experienced military commander who has used military power to expel Kosovar Albanians from their homes and to put extensive defenses in place in Kosovo, significantly enhancing his military position on the ground.

The President and the other 18 NATO leaders have, on the other hand, allowed political considerations to govern military decisions, resulting in NATO's failure to accomplish the goals established by the President at the outset of the air war. Ethnic cleansing has accelerated and the FRY military has now fortified its southern defenses, presenting a greater threat to a potential invasion force today than was present when NATO bombing began.

Because NATO air strikes have little chance of accomplishing their stated goals, and because the human and economic costs of launching a ground campaign far outweigh the potential benefits of such an action, I believe that the NATO air campaign must stop immediately. It is time for NATO to seek a negotiated settlement that will stop this expensive and counterproductive bombing campaign and allow the Kosovar Albanians to begin to rebuild their lives.

Mr. DELAHUNT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LANTOS), a most distinguished member of the House Committee on International Relations and a long-term Member of this body.

Mr. LANTOS. Mr. Speaker, the voices of appeasement and isolationism are reverberating in these halls. For 40 years NATO stood against the Soviet Union, the mighty superpower, and NATO apparently, in the view of some of our colleagues, cannot stand up to Slobodan Milosevic.

This past weekend at the NATO summit, 19 nations stood together determined and united to see to it that the ethnic cleansing comes to an end, that the persecution, mass rape, mass murder of the Kosovars comes to a halt. And it is painful indeed to listen to some of my colleagues who forget that for the whole period since the end of the Second World War, NATO provided a shield behind which Europe could be safe and free and secure and prosperous.

This is a historic moment. For the first time, Hitler's first victims, the Czechs, the Poles, the Danes, the Norweigans, the Dutch and the Belgians stand shoulder-to-shoulder with the newly democratic Germany and 11 other nations, including Canada and ourselves, in saying ''no'' to the perpetrators of genocide. This is not the time to cut and run.

It is important for all of us to realize that when the dust settles, this will prove to be NATO's finest hour. We are in it not for oil, not for glory, not for territory, but for the principles on which this country was founded, the principles that NATO has succeeded in taking root throughout western Europe and now throughout central Europe.

If anybody really believes that behind a new Iron Curtain in Yugoslavia there can be a dictatorship while the rest of Europe will be safe, stable and secure, it better wake up. We need to understand that if we allow Slobodan Milosevic to continue his evil deeds, he started the war against Slovenia, he lost it. He started the war against Croatia, he lost it. He started the war against Bosnia Herzegovina, he lost it. The last war he now starts, it is against the people of Kosovo. These people have done nothing, nothing to hurt the Yugoslav nation. They just want to live in peace and decency, and it is the responsibility of NATO to stand up as it has for half a century.

I strongly urge rejection of the resolution.

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding, especially with the advances knowledge that I intend to vote against his resolution.

I must warn my colleagues that we should be very cautious about what we do and what we say here and the messages that we send. Just last weekend, the NATO nations were here; they were unanimous in every respect in saying that they are going to stop the atrocities that have been taking place in Yugoslavia.

At this time and place in history, when we are involved, whether we like it or not, in Kosovo and debating whether or not we should send American land troops, I think that the message of passing a resolution soon as this would be a serious mistake on the part of this Congress.

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume.

To my colleagues on the other side, I just want to provide a statement made by the former Secretary of State, Mr. Kissinger, who testified and expressed his reservations about this policy. But now that we have initiated this policy, let me quote from Mr. Kissinger who made this statement this past Thursday:

''What we need to do now is maintain the principle that ethnic cleansing does not pay, and therefore, those refugees must be given the right to return. Secondly, if all of NATO is defeated by Serbia, and that is what occurs if you have unilateral withdrawal, what will this mean for the Gulf, for North Korea, and for any other area where rogue States are held in check by American and, in some cases, NATO military power? That is the issue now.''

Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Iowa (Mr. LEACH), the chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentleman for yielding me this time.

I am rising in support of this resolution, although I do it with great reluctance, because it is always difficult not to give the benefit of the doubt to the executive in foreign policy. But 7 weeks ago, I voted against authorizing U.S. intervention in Yugoslavia because I could discern no national interest in taking sides in a civil war, no approach that would lead to a diminution of violence, and no credible exit strategy.

I would like to stress, above all, one thing. Historical analogies are extremely difficult to derive. I personally believe there are a whole lot that apply in the Balkans, but many of them are contradictory. One that the majority side in support of the war falls back on is the Holocaust. I believe that there are Holocaustal analogies. But I also believe that Milosevic is a sui generis war criminal, one for whom Holocaustal acts are not unknown, but one where leadership is more analogous to, say, a Ho Chi Minh or possibly even a Pol Pot than to a Hitler.

I raise this because if we exclusively make Hitlerite analogies, we have no choice whatsoever than to follow a kind strategy that could lead in and of itself to greater losses of life to innocents than a negotiated settlement.

With each decision, it appears that this administration and NATO are moving into a circumstance where the problems are more difficult, not less; more likely to lead to outrageously violent results. Now is the time to stress negotiations, the time to recognize that we are not likely to have a great victory.

Senator Aiken once suggested in Vietnam in the late 1960s that we should declare victory and get out. That prescription does not fit the Balkans, but I would urge that we put in place a process of negotiations, and with that process recognize we have a greater chance for a successful resolution than any other possibility.

Little is more difficult than to apply perspective to the events of the day.

The Administration's Kosovo policy is open to question from two contrasting perspectives: should we militarily engage the government of Yugoslavia and, if so, what form should this engagement take? The first question involves fundamental Constitutional issues on war powers and the role of Congress in legitimizing military action and enhancing the participation of the American people in decisions related to war and peace. The second involves the unchallenged role of the President as commander-in-chief and doctrines of warfare.

Seven weeks ago, I voted against authorizing U.S. intervention in Yugoslavia because I could discern no national interest in taking sides in a civil war in the Balkans, no approach that would lead to a diminution of violence and no credible exit strategy.

The Administration, through its acts and statements, has broken with the military doctrine of the last several Administrations, particularly the Reaganite reliance on peace-time military preparedness and the Bush espousal of the Powell Doctrine, which calls for the establishment and enunciation of clear objectives with the use of overwhelming force to achieve these objectives.

In this context, I recently reviewed a 1984 speech of the former Secretary of Defense, Casper Weinberger. Weinberger suggested that six major tests should be applied when we are weighing the use of U.S. combat forces abroad:

(1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. . . .

(2) Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. . . .

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, ''No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it.'' . . .

(4) Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: ''Is this conflict in our national interest?'' ''Does our national interest require us to fight, to use force of arms?'' If the answers are ''Yes'', then we must win. If the answers are ''No'', then we should not be in combat.

(5) Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress. . . .

(6) Finally, the commitment of U.S. forces to combat should be a last resort.

Americans are obligated to assess whether U.S. policy in Kosovo today meet the above tests.

In terms of implementation the Grenada intervention—as minor an issue as it may have been—and the Gulf War, which involved far greater geo-economic stakes than the Kosovo conflict, stand in stark contrast with the new Clinton military doctrine, which can be described as:

(1) Reliance on aircraft and missiles to rain destruction from thousands of feet and in some cases hundreds of miles in such far-flung parts of the globe as East Africa, Afghanistan and now Serbia. From an American perspective this use of air power is star-wars like, but from the perspective of targeted populations such as in Belgrade the effect bears more resemblance to the bombings of World War II.

(2) The declared renunciation of the use of ground troops amounts to the articulation that the United States intends to engage in Kosovo with one hand tied behind its back.

(3) The determination that murderous potentates should be held in check through the destruction of significant civilian as well as military targets, including electric utilities, water systems, political headquarters, TV stations and residencies of heads of states.

(4) The use of a defensive alliance for intervention in a civil war.

(5) Placing the prestige and might of the United States on the line through the commitment of air power while multi-lateralizing the decision-making and control in the NATO structure, which functions by consensus.

The lessons of history have been widely invoked both to justify and to decry our military intervention in Kosovo. Unfortunately history does not provide easy answers, either with regard to the meaning of contemporary events or to what actions should be taken in response to them.

For instance, in the wake of World War I historians and political scientists rightly concluded the European system had been too inflexible in 1914. A misapplication of this lesson, however, led a generation later to Munich. Too much rigidity precipitated the First World War; too little backbone encouraged Hitler's aggression in the Second.

World War II involved a conflagration between nation states; it also involved a conflagration within—the Holocaust—and challenged civilized society not to allow a replication of such inhumanity to man.

The background of both World Wars bears on American decision-making today.

Clearly, the onslaught against the ethnic Albanians in Kosovo that Milosevic has unleashed has Holocaust parallels. On the other hand, the ethnic cleansing the Serbs have undertaken also has analogs with what Croats, Bosnians and, to a much lesser extent, Kosovars have attempted in the region. Milosevic's barbarity would appear to lie somewhere between Ho Chi Minh's assault on South Vietnamese Catholics and Pol Pot's attempt to exterminate intellectuals.

The problem with equating Milosevic exclusively with Hitler, instead of recognizing him as a sui generis war criminal, is that it makes a negotiated settlement morally untenable and renders it impossible for the U.S. to consider anything less than unconditional victory. This is particularly dangerous when it is self-evident that a negotiated settlement is preferable to all sides over a protracted conflict. Hence, it is key to understand that at this point Kosovo is more a civil war with holocaustal elements than vice-versa. But if the war continues, a complicating factor for maintaining NATO unity in the face of Serbian atrocities will in all likelihood be the West's ability to stomach Kosovar counter-measures and the implications of ratcheting up air power. The line between a terrorist and a nationalist freedom fighter is narrow, as is the line between using force to stand up to atrocity and applying force in such a way that greater violence is precipitated.

Yet another lesson of history regards the effectiveness of air power and strategic bombing. As John Kenneth Galbraith, who led a team that assessed the impact of allied air power in World War II, has noted, bombing in coordination with the use of ground troops has generally proved effective, but strategic bombing of cities often causes populaces to rally to domestic leadership, no matter how malevolent.

Here it must be noted that air power is different from what it was earlier in the century. Our arsenal now includes nuclear weapons of enormous destructive power as well as so-called smart bombs and missiles that can strike with surgical accuracy, which greatly enhances our ability to limit danger to our armed forces and collateral damage to civilian areas.

The development of smart weapons, however, may have caused political leaders to be too tempted to use them without recognizing that the use of force anywhere at any time has ramifications which are not easily predictable and which not infrequently are counter-productive.

For instance, our goal in using force against Milosevic may be to undermine his political support, but it would appear that, to date, we have ensconced his political strength while weakening the democracy movement, which was profoundly pro-American in Serbia and damaging the lives and livelihoods of ordinary Serbs.

Much of the world is not enamored of America's ability to rain destruction from afar. We simply have no idea how deep and how long the effects of our air strikes and the targets we have chosen will last. What we do know is that Serbs point to a 14th century defeat as a rallying cry for their actions today. What we do know is that the Armenians believe that in 1919 they suffered the first holocaust of the century and Turkish embassies to this day are susceptible to terrorist attacks because of the atrocities of the now defunct Ottoman Empire.

In the background of the predicament we are in is failed diplomacy. Where Theodore Roosevelt invoked a doctrine of ''speak softly, but carry a big stick,'' this Administration has propounded a policy of threatening vigorously while refusing to make timely military deployments that might have averted conflict. We have been backed into using air power, not out of considerations of national interest but to ensure that the credibility of U.S. political leadership was kept in tact. We told Milosevic we would use it if he did not agree to our preferred negotiating plan and he in effect called our hand.

In the background was a peace agreement which had the doubtful support of one side and no support from the more powerful party.

While the Rambouillet accord might have met standards of American sensibility, it clearly proved untenable for the activist parties in the region. This fact should give pause to NATO, America in particular.

In this regard I have become increasingly Frostian in my geopolitics. Good fences sometimes make good, or at least better, neighbors. It would appear that, despite the multi-heritage example of Sarajevo, the people of the Balkans will have to learn to live apart without war before they can live together in peace.

A century and three-quarters ago, an American President, James Monroe, asserted a doctrine that carries his name which established that the United States would object to further European colonization in this hemisphere and give succor to independence movements in Latin America. Implicit in the Monroe Doctrine was the assumption, growing from the concerns of our first President, George Washington, a military man, that the United States should not become entangled in the quarrels of Europe.

With the exception of two World Wars in this century and a commitment made in the context of the Cold War of a defensive alliance, historical U.S. foreign policy has been governed by the precept that we would give umbrella protection to independence movements in the Americas but refrain from military intervention in the internal affairs of nation states on the continent. Our country was formed by dissidents and opportunity seekers reacting to the repression and civil wars in Europe. It now appears that our fore fathers better understood the Balkans and like European problems than the State Department does today.

At this point we are being asked to support NATO action for the sake of the viability and credibility of the alliance, rather than for the purposes for which the alliance was formed. We appear to be putting the alliance ahead of our objectives and allowing our mutual strategy to test the alliance itself, which it is doing. One poll has found that 95 percent of Greeks object to the NATO bombing of Yugoslavia and there are significant percentages, albeit smaller, opposed in every country of the alliance, including the United States.

A decade or so ago, I participated in a forum at the Library of Congress with former Secretary of State Henry Kissinger at which I asked him about an observation he made in one of his autobiographical works. Kissinger had written that between the 1968 election and the inauguration, he had sat down with President-elect Nixon and the two of them had decided to get the United States out of Vietnam. I asked why they had not just gone ahead and done that immediately upon taking office and Kissinger responded, ''Congressman, we meant we would get out with honor.'' Asked if that meant further escalation of troop numbers and bombing, Kissinger responded, ''Absolutely.''

It is my sense that NATO is in a similar position today with regard to Belgrade. For the honor of NATO, it appears that we are about to escalate the war. The question is whether we are not better off seeking the earliest possible settlement.

History is a source of lessons and perspectives, but issues of the moment must also be approached in a manner which calculates their future implications.

NATO's strategic rationale appears to have broken down on the issue of numbers. There are 19 states versus one with that one being much smaller than most of the 19. But another way of looking at this strategic conundrum is that 19 countries are allied against the forces of nationalism and sub-nationalism in a part of the world where historical and ethnic tensions provide little basis for compromise.

Nationalism led to dramatic changes in the world's map in the 19th century and has been repeatedly underestimated as a force in the 20th century. The question is will NATO, despite its might, find itself in the same position in the Balkans as the United States did in Vietnam and as the Soviet Union did in Afghanistan?

Returning to history, the first great chronicle of the Western World relates to a land mass adjoining the Balkans, ancient Greece. Thucydides wrote that early in the Peloponnesian Wars which pitted the quasi-democratic and enormously uplifting culture of ancient Athens against the more militaristic Sparta, the Athenian Assembly voted to send a naval fleet to conquer the neutral island of Melos. Several days later the decision was reconsidered and a faster ship was sent to overtake the fleet and call off the invasion.

Later in the war, however, the Athenian Assembly again decided to invade Melos and sent out a force which killed all the men and enslaved the women on the island. Thucydides' chronicles were intended to show how the world's most civilized city-state at the time had lost its way, and indeed from that point on Athens never again recovered its prior status.

An aspect of the bombing today is what targets are left in Serbia after so much damage has already been inflicted. Clearly at this point, the Serbs have lost virtually everything except the war, while the West has won nothing, particularly a peace.

A case can be made that whatever mistakes have been made to date, it is morally questionable to stand by and do nothing and an even greater mistake to pull the rug out from under the executive branch. The reason I cannot support America's continuing military role is that each of the choices for NATO in the future gets more untenable. There is the prospect of sending in troops with losses potentially equivalent to or greater than Vietnam. There is also the prospect of ratcheting up the air war. One can always strike again at military sites, but it appears that on the civilian side, Yugoslavia has already been bombed back to the 18th century.

Military historians counsel two principles when devising strategic doctrine: put on the shoes of opponents and do not back them hopelessly into a corner. In the case of Kosovo, we clearly have not put on the shoes of the Serbs and we have done everything to back Milosevic into a corner. We have made a martyr out of a murderer and allowed a war criminal to stand up to NATO, which includes Serbia's ancient enemy, Turkey. Milosevic's martyrdom increases with each degree of the suffering of his people.

Every society has an historian or philosopher who points out that the road to Hell is paved with good intentions. Despite the good intentions of the West, our policies appear to be counterproductive. Ratcheting up the war could well signify a ratcheting-down of the moral high ground of NATO.

The prerequisite of policy must always be good intentions, but good intentions are insufficient grounds for action. Policy must match intentions with practical capacities to carry out defined objectives. Just War doctrines, after all, require that responses be proportional and effective. The only alternatives to a bombs only policy are the introduction of ground troops or the isolation of Serbia, the reliance on a humanitarian response to a humanitarian

crisis. In either case the legal and moral imperative to indict Serb leadership for war crimes is overwhelming.

In the late 1960s Senator Aiken suggested we simply declare victory and get out of Vietnam. This prescription does not fit today's dilemma in the Balkans, but our first obligation should be to put in place a process of negotiations with the understanding that an imperfectly negotiated settlement may be the closest thing to victory that is likely to be possible without the loss of an incalculable number of innocents.

Escalating the war, on the other hand, puts U.S. interests at risk, in the Balkans and in other parts of the world. The earlier we reconsider the better.

The vote on this resolution and the others we will take today are necessitated by law. That law, the War Powers Resolution, may be unconstitutional and today's votes may serve as a basis for the courts to rule to this effect. Nonetheless, the War Powers Resolution is at this moment the law of the land. Ironically, we are finding, compliance may be more difficult for the legislative than, as has generally been perceived, for the executive branch because it forces congressional accountability for or against executive actions.

More importantly, the timing as well as the fact of consideration of these resolutions is awkward for the national interest because legislative decision-making is required by dates certain—i.e., within a prescribed period from the time troops are deployed in hostile circumstances.

The public interest may not be well served by such a review of executive action in such a timeframe, but it would be less well served if Congress avoided its legal and constitutional responsibilities. Hence, what in effect is a legislative/executive confrontation is legally, at this time, unavoidable, and as an individual Member of Congress I have no option except to take a stand. This stand is one of dissent to what I consider to be a foreign policy that lacks intellectual rigor and misserves the national interest.

Mr. CAMPBELL. Mr. Speaker, may I inquire how much time is available on each side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from California (Mr. CAMPBELL) has 10½ minutes remaining, and the gentleman from Massachusetts (Mr. DELAHUNT) has 2 minutes remaining.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, last week in the Committee on International Relations we listened to Secretary of State Albright explain the administration's policy. I expressed my concerns to the Secretary about the difficulty of our objectives, especially given the limited means we are committing.

Looking back over time at our Nation's wars, and this is a war, we have been successful when we have had as an objective the destruction of a regime or when we have had clearly-defined territorial objectives such as expelling Iraq from Kuwait. In both of these scenarios, though, in order to accomplish our goals, we used rather massive force, including ground troops. But in Kosovo we are committing American resources and prestige and risking American lives, employing what must be called a very calibrated use of force in order to achieve a very complex objective: restructuring Kosovo's society.

Given that, my question to the Secretary was: What precedent for success in our history are we looking at? Are we practicing a theory here in Kosovo without an historical basis for success? The response from her: no cases were cited from the real world. Instead, we heard that the air war is working, when most observers do not believe it to be the case, and that we need to be patient. Well, patience is what we had in Vietnam.

Another thing that struck me while listening to the Secretary was that when there was a difficult question, when our strategy was being challenged, we'd hear that she'd rather be answering such difficult questions then answering why we're doing nothing. This response is backwards. The Secretary of State and the President she works for are responsible for the resources of the United States of America, and the lives of our servicemen. I'd rather have the Administration struggle with answering questions about the tragedy in Kosovo than struggle, and that is what it's doing, with explaining why we're committing America's treasure and risking American lives there. Yesterday, and throughout this crisis, I've heard too much struggling with our basic strategy.

So, faced with this decision today, I cannot sanction the current policy. Good intentions, and the tragedy in Kosovo is great, cannot mask flawed policy.

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I rise in support of the resolution that is before us today. It is not an easy vote for me, but it is one that I must cast. I do so because failure to support this resolution, by failing to vote for this resolution, we are in effect saying that what has happened over the last 30 days in the Balkans is okay; that the administration's failure to define what we are trying to accomplish or to change that definition practically on a day-to-day basis, that that activity is okay; that the administration's failure to define the military means that we should use to achieve that as-of-yet undefined objective is okay.

We started in the air. We then went to close-in air. Now we are bombing civilian infrastructure, and unfortunately, I think that we are going to be looking at the introduction of ground troops in the near future.

Mr. Speaker, absent some control of Congress, I am certain that this war will escalate to a point where we will no longer be dealing with $4 billion, $6 billion or $8 billion, but $10 billion, $20 billion, $30 billion, $40 billion or $50 billion.

Mr. Speaker, I urge adoption of the pending resolution.

□ 1630

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. CANADY).

Mr. CANADY of Florida. Mr. Speaker, I want to thank the gentleman for yielding time to me, and for his leadership on this important issue.

I do rise in support of the removal of the armed forces of the United States from the present hostilities against the Federal Republic of Yugoslavia. Our forces should be removed from these hostilities because the vital national interests of the United States are not at stake in the Balkans.

I also want to state my great concern about the commencement of this war without the authorization of the Congress. The President does not have the constitutional authority unilaterally to decide that the United States will wage war on a sovereign Nation which has not attacked or threatened the United States. Absent truly exigent circumstances, the armed forces of the United States should be sent into conflict only when duly authorized by this Congress.

I would like to quote what James Wilson said in the debate over ratification of our constitution. He said, ''This new system will not hurry us into war. It is calculated to guard against it. It will not be in the power of a single man or a single body of men to involve us in such distress, for the important power of declaring war is vested in the legislature at large.'' That power should be exercised as intended by the Constitution and not usurped by the President.

Mr. Speaker, I rise today in support of the removal of the Armed Forces of the United States from the present hostilities against the Federal Republic of Yugoslavia. Our forces should be removed from these hostilities because the vital national interests of the United States are not at stake in the Balkans. Although our interests are not threatened by Yugoslavia, we are waging war against Yugoslavia in a conflict that is but the prelude to a protracted, costly, and dangerous entanglement in the Balkans.

Events to date sadly demonstrate that the Administration has not adequately assessed the consequences of its present policy and the costs of the course on which it has embarked. From the start, the policy has been ill-conceived. Stating the obvious, to persist in folly is not wisdom. The longer we follow the misguided and dangerous course set by the Administration, the greater the risk of serious harm to the real interests of the United States.

I also want to state my great concern about the commencement of this war without authorization by the Congress. As Commander-in-Chief, the President does, in my view, have the inherent Constitutional authority to use military force to respond to attacks on United States territory and interests. The President

does not, however, have the Constitutional authority unilaterally to decide that the United States will wage war on a sovereign nation which has not attacked or threatened the United States. Absent truly exigent circumstances, the Armed Forces of the United States should be sent into conflict only when duly authorized by the Congress. Otherwise, the power to declare war vested by the Constitution in the Congress is rendered meaningless.

In the debate over ratification of the Constitution, James Wilson summed up the meaning of the pertinent Constitutional provisions. Wilson said: This [new] system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large; . . . from this circumstance we may draw a certain conclusion that nothing but our national interests can draw us into war.

The decision of a single man has taken the United States into this war against Yugoslavia. That decision was neither wise nor constitutional.

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, I rise in support of the resolution today. In March the House passed a resolution that authorized the deployment of peacekeeping troops in Kosovo.

In that resolution we asked some very reasonable things of the President. We asked him to clarify the national security interests in Kosovo, to state the goal of the mission, to estimate its costs, to develop an exit strategy, and to report on the mission's impact on our ability elsewhere in the world to respond to threats to our national security. To date we have not received a satisfactory response on any of these. Yet, they remain precisely the questions we are dealing with today.

The mission in Kosovo is draining valuable military resources and limiting our ability to deal with rogue states elsewhere in the world. Kosovo detracts from our ability to be a superpower. I support this resolution because Kosovo is no more in our national interest than was Rwanda, Algeria, Congo, East Timor, or a host of other places.

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. JOHNSON), our distinguished colleague who spent almost 7 years as a prisoner of war in Vietnam.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I opposed the President when he pushed NATO to attack the sovereign Nation of Yugoslavia, and I oppose the deployment of ground troops in that region. The atrocities that Slobodan Milosevic has committed are heinous, but the President's decision to use military force was hastily decided and has been poorly implemented.

This war brings back strong and painful memories of another war, Vietnam, in which I was called to fight in and where I spent nearly 7 years as a prisoner of war. We might have succeeded in Vietnam except that what we did there we are doing here, we are allowing the politicians instead of the seasoned military officers to fight the war.

The President has never established a defined military objective. No one can tell us why we are there, what are we fighting for, and what is our end objective. Simply put, there is no defined mission. We must end this devastation. It is up to this Congress to save lives, not take them.

Mr. Speaker, I opposed the President when he pushed NATO to attack the sovereign nation of Yugoslavia. I also oppose the deployment of any U.S. ground troops in this region.

The atrocities that Slobodan Milosevic has committed are heinous. But the President's decision to use military force was hastily decided and has been poorly implemented.

This war brings back strong and painful memories of another war—Vietnam, which I was called to fight in and where I spent nearly 7 years of my life as a prisoner of war. There was a reason for fighting in Vietnam. It was to prevent the spread of communism. We might have succeeded, except that we did there, what we are doing here. We are allowing politicians instead of seasoned military officers, to fight the war.

The President has never established a defined military objective in Kosovo. No one can tell us why we are there, what we are fighting for, and what our end objective is. Simply put, there is no defined mission. We must end this devastation and save lives, not take them.

When waging war, the President should ask several questions—are you willing to win at any cost? Is this in America's best interest? Is there a goal, and is there a plan to achieve that goal? To all of these questions, the answer is a resounding no.

And what about NATO? We have seen over and over again, the President and his aides scrambling to defend NATO and NATO's credibility. What about our fighting men and women, who will be the ones to give their lives? Are their lives worth the credibility of NATO?

When I was flying bombing missions over North Vietnam, the politicians were picking my targets. Twenty-five years later, here we go again, we're in the same situation.

When our allied commander must submit every target to 18 other countries for permission to bomb, the only result is chaos. And what will we say if American soldiers start coming home in flag-draped coffins?

I have listened to the reasons the President, his administration, and Members of both houses of Congress have given for supporting this war.

But I keep asking the same question. Is this war worth the death of one single U.S. soldier? The answer keeps coming up no.

Let me tell you something, as an Air Force veteran, I can tell you that air power alone cannot win a war. And history confirms it.

Our pilots face many difficulties in the former Yogoslavia—difficult terrain, constant bad weather, and a quickly disappearing arsenal of our own weapons.

Furthermore, we are pulling ships and planes from other spots around the globe to fight this war. We are even stripping our aircraft for spare parts to keep our combat planes in the air.

And, today, the President called up 33,000 reservists to help meet our current shortfalls.

War is a serious undertaking. It should not be used for political reasons—ever. War is a last resort and should only be used to protect America, her citizens and our vital interests.

Despite the humanitarian atrocities in Kosovo, the loss of even one life for a cause that has yet to be articulated or defined for the people of the United States, is one too many.

Everyone of you must ask yourselves this question—would you send your own son or your own daughter to die to resolve a centuries old civil war between two peoples in a sovereign nation? Would you send them to die when you yourself could not answer the question "why"?

The plight of the refugees is tragic and America should help them. We are a country that can provide relief and direction, ease pain and suffering. We should provide help to end the refugee crisis.

I fought in a war where politicians were afraid to win because of the political fallout. That fear caused me to spend nearly 7 years of my life in a prisoner of war camp. I would fight again tomorrow for America's vital interests, but the answer in Kosovo is not to waste American lives.

The answer is—stop the bombing and provide relief to the refugees.

Please think about your vote today.

You know, there is a wall among the trees near the Lincoln Memorial that is engraved with the names of brave soldiers. Many, of whom, were my friends. Families go there to grieve and remember their fathers, their mothers, their sons and daughters, sisters and brothers.

Stop the bombing today. America does not need another wall.

Mr. CAMPBELL. Mr. Speaker, I yield one-half minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in support. We are all repelled by the ethnic cleansing in Kosovo, at the crimes against humanity. That is why we should take this crisis to the U.N. Security Council, instead of taking international law into our own hands and bombing without a declaration of war.

We should take the opportunity to go to the Russians, our brothers and sisters struggling to hold onto a democracy, and ask them to help negotiate peace. This would be true internationalism in search of peace, and a fitting beginning to a new millennium.

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

Mr. DELAHUNT. Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member.

Mr. GEJDENSON. Mr. Speaker, I am frankly somewhat astounded by the debate today.

One, Members may differ with the President's goals. Do not continue to fabricate that there are no defined goals. The goals are simple: Stop Mr. Milosevic from murdering civilians. It is not much more complicated than that.

We have just passed a proposal to pull the President's ability to engage ground forces. Half of the members on this side of the aisle in the last several weeks criticized the President for not leaving ground forces on the table. Now they are trying to put that in statute. Then we come here.

This is not academic discussion. If we pass this proposal, Mr. Milosevic will see a bright green light to continue the work of his role models, Hitler and Stalin. We can dream about lots of other options. The option before us is whether NATO, all 19 countries, continue on this campaign, or we sit back and wring our hands about victims of crime.

Mr. Milosevic knows his role models in history, Hitler and Stalin, did it bigger and better, but Mr. Milosevic has the same goal. He is not going to stop in Kosovo.

I do not know if this military program works. I do not know what works. I know that while we risk our young every day, we have been incredibly blessed, lucky, and well-trained that we have no casualties.

Do not pass this proposal. Do not send a message to a murderer that America will sit by as children are being murdered and people are chased from their homes. This is no place for academic discussions. We are here on a matter of life and death. Join with me, reject this proposal.

Mr. CAMPBELL. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I appreciate the gentleman from California on his resolution, and I am proud to be a cosponsor.

Mr. Speaker, we can go back even further than the several hundred years that these ethnic conflicts in Yugoslavia go for guidance here. We can go back 2,500 years to Sun Tzu, who said 2,500 years ago that victorious warriors win first and then go to war, while defeated warriors go to war first and then seek to win.

George Bush in Desert Storm understood it: First you prepare for victory, you win first, and then you go to war. Winston Churchill understood that in World War II: You prepare first, you win first, and then you defeat your enemy.

The philosophy, though, of the Clinton administration, which we must assert our responsibility and rectify as leaders of this country, is that defeated warriors go to war first and then seek to win; or perhaps, as the Secretary of State might put it in her eloquence, let us mix it up and then see what happens.

That is a recipe for disaster, it is irresponsible, and I urge the adoption of this important constitutional resolution.

Mr. CAMPBELL. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, the moment we never had in Vietnam we now have. This is a remarkable moment for the history of our country and for the history of our Congress. We have the chance to say no. We have the chance to stop it before we get in too deep. We have a chance to say that we can do more good for those refugees who are at risk by helping them where they are now than by commencing a ground war.

Mr. Speaker, think about this, pause, reflect, I say to my colleagues. We do not have to do this war. We do not have to commit the United States to this war. How many of us wished we had some opportunity through some courage on the part of our colleagues who preceded us when Vietnam was the war!

Instead, we went in step-by-step, gradually, and then a number of us asked, how did we get here? Did no one have the courage to stand up and say, this is not a war in which we should be involved; this is a civil war in which we will be drawn deeper and deeper until, in that case, 58,000 Americans were dead?

This is the moment. We did not have it before. Seize this moment now.

As to the concern which motivated our entry into this war, I recognize the importance and the depth of feeling of compassion for those who have suffered so much in Kosovo and in Serbia. If we are concerned, we should show that concern by helping them where they are, in those refugee camps.

The alternative is a ground war, it is not simply bombing. The bombing will soon lead to a ground war. In that ground war, as United States and NATO troops go in, the Serbian forces will be resisting. It is the Albanian Kosovars who will be used as human shields, and what few are left who are not, will be driven out of Kosovo into the refugee camps so many of their brothers and sisters already populate. The choice really is a ground war or stopping the involvement now.

The President of the United States this day sent us a letter. He assures us that, indeed, he would ask for congressional support before introducing U.S. ground forces into Kosovo into a ''nonpermissive environment.'' That is not saying he will not introduce ground troops. He is saying he will not introduce them into a nonpermissive environment, without asking some members of Congress. He does not say he will ask for a vote.

By ''permissive environment,'' he might mean if we have bombed enough so that he believes it is no longer a nonpermissive environment, he will then put ground troops in. Secretary Albright and Secretary Cohen said on this same day, in their letter, that the President has authority to authorize the use of force in the national interest, without the approval of Congress.

So those are our choices: Shall we commence a ground war, at risk of the very people we are attempting to save, or shall we stop the war? This is our moment. Let us not let it pass.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to this concurrent resolution. This resolution would direct the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia. Adopting this resolution, Mr. Speaker, would certainly not be in America's best interest.

My opposition to this resolution is threefold. First, I understand that several of my colleagues oppose the use of United States Armed Forces in the Balkans. My colleagues refer to terms like mission creep and quagmire when discussing this region and our current involvement. I understand their reluctance for we all can remember Vietnam and the pain that our nation endured. In fact it was in part because of Korea and Vietnam that in 1973 Congress enacted the War Powers Resolution.

The War Powers Resolution is a remnant of the Vietnam War and of the cold war era. This resolution is not suited for the new-world situation in which U.S. involvement in hostilities may often be part of a multilateral effort. As examples of the post cold war era, we saw in the Persian Gulf War and now in Yugoslavia the need for greater flexibility. The time in which we now live the President must have the ability to make rapid decisions that may entail the use of force in new and varied ways.

Second, I object to this resolution because I am wary of beginning a constitutional struggle between the Office of the President and Congress when our troops are currently involved in an armed conflict. With military operations underway we cannot afford to send mixed signals about our commitment to the region. We cannot afford to risk that one American soldier, sailor, or airman would doubt that this nation fully supports their mission nor can we risk that Slobodan Milosevic or any future adversary doubts our resolve.

I am mindful that the Constitution, the lifeline of our Republic, grants Congress the power to declare war and to make all laws necessary for carrying into execution the powers vested by the Constitution in the Government. However, I am also mindful that the War Powers Resolution as well as H. Con. Res 82 take from the President authority that the President has exercised for nearly 200 years. This resolution would remove from the President's arsenal flexibility and decisiveness in times of crisis.

If this resolution were to pass today, it would certainly begin a constitutional struggle. The constitutionality of the War Powers Act has been debated since 1973. As a concurrent resolution does not require presentation to the President for his signature, then it is almost certain that this legislative veto will trigger a quagmire of its own. In *INS* v. *Chadha,*

the Supreme Court declared legislative vetoes to be unconstitutional.

American foreign policy cannot be micromanaged by this body nor dictated by the President, it instead requires a balance based on consultation and cooperation. If we are to establish NATO's goal for the Balkans, of a durable peace that prevents further repression and provides for democratic self-government for the Kosovar people, then this Body must work with the President.

Finally, I oppose this resolution because in my judgment America has an important interest in the stability of Europe. I would hope that if nothing else we would have learned that to ignore European instability is in fact a mistake. Within this century we have twice ignored instability in Europe, counting on their political savvy and experience to restore peace. And twice within this century we have sent young men and women to restore the peace that Europeans could not capture.

Kosovo shows us that the Europeans by themselves are incapable of restoring this peace. However, we are fortunate that NATO provides us with a vehicle to restore peace to the Balkans. After fifty years of investment in the North Atlantic Treaty Organization we are finally enjoying the rewards of our collective investment.

Our commitment to NATO and to Kosovo is the best means to achieve a lasting peace. I urge my colleagues to oppose this bill and let us proceed together with the President and our NATO allies with the business of providing stability and peace in Europe.

Mr. DOOLITTLE. Mr. Speaker, I support the resolution by Representative CAMPBELL to remove our troops from action in the Balkans. I'm opposed to applying American military force on behalf of Kosovo because our goals are unclear and the risks are too great without any fundamental strategic American interest.

Introduction of ground forces onto what we still recognize as Yugoslavian soil is a muddled policy. Are we joining a Kosovar war of liberation, or are we demanding the Yugoslavian national government delegate an arbitrary level of power to the provincial Kosovo government?

It is difficult to imagine Kosovars and the Serbs reconciling and co-existing peacefully and on equal terms after such massive intervention by the United States. Alternatively if Kosovo or a part of Kosovo were indeed to gain independence, we don't have any assurance that they wouldn't try to join a Greater Albania.

I am wary of the side we picked in this Yugoslavian civil war. I do feel the United States should be a friend to freedom movements throughout the world. But our support for the Kosovars doesn't seem to be rooted in any affinity of theirs for freedom or for the United States. The Kosovo Liberation Army (KLA) has links to very suspect groups, among them heroin smugglers and Middle East terrorists. Should we be strengthening a group that is supported by Osama bin Laden and other very dangerous people who hate America?

A strengthened radical Muslim presence in Europe would pose a serious threat to the interests of the United States and our allies. A predominately Muslim country is not always hostile to American interests. Turkey is a longtime and solid ally of the United States. Several other predominately Muslim countries have also been friends of the United States. And that is precisely because they have rejected radical anti-Western elements. The KLA hasn't done that to my satisfaction.

For these reasons, I urge adoption of the Campbell resolution.

Mr. SANDERS. Mr. Speaker, the Constitution is very clear. It is the United States Congress, which has the power to determine issues of war and peace and to decide whether our young men and women are asked to put their lives in harms way. It is the President who is the Commander and Chief of the military. It is the Congress who determines whether we use the military. I have heard today that some people think that the U.S. participation in Kosovo is unconstitutional. They are right—but the U.S. participation in Vietnam, Granada, Panama, and many other conflicts which took place without congressional authorization were also unconstitutional.

The time is now for this Congress, which represents the American people, to stop abrogating its Constitutional responsibility to the White House and start seriously addressing the issues of war and peace.

Frankly, I am extremely concerned about the process that has taken place today. On an issue of such enormous consequence, and at a time when Congress has a very inactive schedule, it is an outrage that we have only a few hours to discuss the issue of war, the expenditure of billions, and the potential loss of life of American military personnel—and I hope we rectify this situation in the coming days and weeks. This should not be the last debate on this issue.

Frankly, at a time when American pilots have been undertaking massive air attacks in Yugoslavia, when three members of the United States military are being held prisoner, and when we have spent billions of taxpayer dollars it is an outrage that the President of the United States has not come before the Congress to tell us and the nation what the goals of his policy are—and to ask this institution for support of those proposals.

It is an outrage that a terrible rule passed this afternoon on an almost totally partisan basis limiting the time of debate, limiting amendments and severely limiting the role that Congress should be playing in determining this country's course of action. We should not be acting in a partisan way on issues like this.

Mr. Speaker, my assessment of the situation at the present moment is that Mr. Milosevic is a war criminal, and that ethnic cleansing, mass murder, rape and the forced evacuation of hundreds of thousands of innocent people from their homes is unacceptable and cannot be ignored. Sadly, because Mr. Milosevic has negotiated agreements which he has then ignored, I have supported the NATO bombing of military targets—not civilian targets. I believe that the Serb military and police must be withdrawn from Kosovo, that the hundreds of thousands of people uprooted from their homes must be allowed to return, that Kosovo must be given some kind of self-rule, and that an international peace keeping force should be established to maintain order.

I believe that we must strive as hard as we possibly can to find an alternative between doing nothing, and allowing ethnic cleansing and mass murder to continue, and the continuation of a war which will certainly result in terrible destruction, large numbers of casualties, and the expenditure of great sums of money.

Mr. Speaker, I believe that the United States must be as active as we possibly can in finding a road to peace. I believe that Germany and the United Nations have brought forth proposals which might be able to form the basis of a negotiated peace. I believe that Russia, a long time ally of Serbia, should be asked to play a more active role in the process and to supply troops for an international peace keeping force.

And finally, I believe that Congress must not duck its constitutional responsibilities—about developing a short and long policy with regard to Kosovo. Let's not just blame the President. That's too easy. Let us have the courage to seriously confront this issue.

Mr. CANNON. Mr. Speaker, I am a hawk. I believe in a military so strong that we never have to use it. When we use our military might, it should be with clear objectives, after considering our national interests and the limits of our influence.

Mr. Speaker, imagine Serbia before we started bombing. The threat of ethnic cleansing clearly existed. About 2,000 innocent people had been killed and, more ominously, a 40,000-man force had been built up in Kosovo. Again, imagine the White House, seeing this threat, recalling the glory of the one-day wars in Granada and Panama, and without considering the ramifications, decides to wage war against Yugoslavia.

In the process, they demonize a man, Mr. Milosevic, who likely deserves the characterization, to give a face to the American people. But, Milosevic doesn't play by our rules. He doesn't turn on his anti-aircraft radar so we can detect and destroy it; He uses the bombing as cover to really carry out ethnic cleansing and suppress his domestic opposition.

The war drags on. The President and his advisors plead for patience all the while hoping that a cruel winter, without electricity and fuel-oil, will force guilty and innocent Serbians to their knees. And we continue to deplete what remains of our military capability.

We see the difficulty of integrating our moral sensibilities, the relations between nations, the use of military force and politics. The argument is made that our failure to support this sentimental adventure would undermine NATO and U.S. credibility. That is: Our enemies, petty dictators, and terrorists, will see our weakness and be tempted to exploit it. We have already made our weakness clear with indecisive leadership. Our enemies now see the limits of our strength which we have unwisely used. Their intelligence services have evaluated our actions. They will weigh their options. We must deter them from wrongful action by showing the strength our Constitutional system.

This body should constrain the fatuous thinking and unconsidered actions by the Executive Branch, requiring the President to unleash the dogs of war only in extremity and without artificial political constraints. When we make war it should be quick, efficient, brutal, and to be avoided at all costs by the

Milosevics of this world. This still leaves the President with wide latitude as he deals with new threats. In fact, eliminating this drain on our resources, will dramatically strengthen our ability to face our enemies.

The SPEAKER pro tempore (Mr. LATOURETTE). All time has expired.

Pursuant to section 3 of House Resolution 151, the concurrent resolution is considered as read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELAHUNT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 139, nays 290, not voting 4, as follows:

[Roll No. 101]

YEAS—139

Archer
Bachus
Baker
Baldwin
Barr
Bartlett
Barton
Bass
Biggert
Bilbray
Bilirakis
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Burton
Camp
Campbell
Canady
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Doolittle
Duncan
English
Everett
Ewing
Foley
Fowler
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Horn
Hostettler
Hulshof
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Kucinich
Kuykendall
LaHood
Largent
Latham
Leach
Lee
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Radanovich
Ramstad
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shimkus
Shuster
Simpson
Skeen
Smith (TX)
Souder
Stark
Stearns
Stump
Sununu
Sweeney
Tancredo
Terry
Thomas
Thune
Upton
Wamp
Weldon (FL)
Wilson
Young (AK)

NAYS—290

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntosh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Shaw
Shays
Sherman
Sherwood
Shows
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—4

Aderholt
Slaughter
Tauzin
Wynn

□ 1703

Messrs. KLINK, WALSH, CONDIT, and GARY MILLER of California changed their vote from ''yea'' to ''nay.''

So the concurrent resolution was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DECLARING STATE OF WAR BETWEEN UNITED STATES AND GOVERNMENT OF FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 151, I call up the joint resolution (H.J. Res. 44) declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of H.J. Res. 44 is as follows:

H.J. RES. 44

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)), and article 1, section 8 of the United States Constitution, a state of war is declared to exist between the United States and the Government of the Federal Republic of Yugoslavia.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to section 4 of House Resolution 151, the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. MEEKS) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 44.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when our Committee on International Relations considered this measure yesterday, I was sorely tempted to vote for this resolution. This is not because I am eager for a fight and a war with Yugoslavia, because I am not. But I am eager for our Nation and the NATO alliance to avoid a humiliating defeat in the Balkans, which is where we could end up if we continue down the path of halfway measures.

After the successful conclusion of Operation Desert Storm, many of us were relieved that our Nation finally appeared to have learned from the bitter experiences in Vietnam how not to fight a war. But everything we have seen to date in Operation Allied Force suggests that the lessons of Desert Storm may have been forgotten and that we are at risk of repeating in the

Balkans the very same mistakes we made in Vietnam.

We do have an interest in preventing ethnic cleansing, the forcible relocation of hundreds of thousands of refuges, and the destabilization of Albania, Macedonia, and the other countries in that region. I believe the President was right to try to stop President Milosevic from doing these things. And now that we are involved, I believe that we must do everything within our power to restore peace to the region. That is a coherent position.

But what is not coherent, however, is the in-between position that we have enough of a national interest to become involved in an armed conflict with President Milosevic but not enough of a national interest to do what is required to prevail in that conflict. That certainly is a prescription for defeat. And this is what brought us the agony of Vietnam. This is where we may end up in the Balkans if we forget the very first lesson of Vietnam, that we have no business getting into wars that we are not determined to win.

I oppose the Campbell joint resolution declaring war on Yugoslavia, because I do not think Congress should declare wars if we are not determined to prosecute them.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the resolution that is on the floor before us to declare the United States at war with the Federal Republic of Yugoslavia. In doing so, I want to make three points.

First of all, this is deadly serious business that we are talking about. This is not an academic discussion about when war should be declared, and what Congress's role is. As one who was a party to the suit that was sent to the Supreme Court under the leadership of Ron Dellums, I firmly believe in Congress's prerogative to declare war. So on that, the gentleman from California (Mr. CAMPBELL) and I agree. But on the timing of this resolution and the substance of it I disagree.

I think that there is a tremendous need for us to do something to stop what is happening in the former Yugoslavia. I was there myself last week. I held those babies in my arms. I spoke to 95-year-old women who had walked across the woods and the mountains to get to the camps.

We do not need any reiteration of all of the suffering, and we all stipulate that we all want to end the suffering there. So this vote is not about how serious we are about ending the suffering.

The other point I want to make is that the United States is the greatest democracy in the world. People look to us as they aspire to be stronger democracies, especially the emerging democracies throughout the world. When they see us play games with something as serious as the declaration of war, it sends a very strange message to them.

Now, I know playing games is not the intent of the gentleman, but that is what the appearance of this is. Again, this is not an academic discussion. It is a debate about as serious as it gets in this body. And we have to be very clear about what our goals are. We have to be very clear about the timing of our actions. And we have to be very clear about what it means to other countries when they see us engage in a debate at a time when the prospect for war, sending ground troops, is not a lively one.

When I was in the Balkan region last week, and at the end of last week, talking to the representatives of NATO who were here for the 50th anniversary, there was no will for sending in ground troops. So there is no urgency to this resolution today. The timing is very bad. The lesson that we send to other democracies is very poor.

I urge my colleagues, for the sake of the seriousness of the war and the example that we set as a democracy, to vote ''no'' on the Campbell resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SALMON) a member of our committee.

Mr. SALMON. Mr. Speaker, I would like to applaud the gentleman from California (Mr. CAMPBELL) for having the courage to stand up in a very tumultuous time and risk I think some very, very nasty accusations about playing games and trying to create this academic discussion in the face of a very, very tumultuous time.

I congratulate him, because he understands that our duty as Congressmen of the United States of America is to uphold the law of the land and the law of the land, as passed in 1973, under the War Powers Act requires this kind of action.

Many of us believe this very strongly. It is not just an academic discussion. It is the law of the land. And we take that very seriously.

□ 1715

I opposed this mission from the getgo for three very important reasons. Number one, I believed that there were no national security interests at risk, there was no clear objective, and finally, there was no clearly delineated exit strategy. While I do believe that the intentions are good, to stop the ethnic cleansing or to try to stop the ethnic cleansing, to try to stop war crimes from occurring in that region of the world, the road to hell is paved with good intentions.

When the President stood up the day before the bombing campaign began, he said one of the goals was to stop Milosevic's ability to prosecute atrocities against the ethnic Albanians, and another goal was that every ethnic Albanian be allowed to return to their home. What we have seen since the bombing began painfully shows us that the objectives have not been met. In fact they have been exacerbated. While there were 1.6 million ethnic Albanians in Kosovo before the bombing, now there are somewhere between 500,000 and 700,000. Anywhere from 100,000 to 500,000 are missing and may be dead. We have not achieved these goals by any stretch of the imagination.

I have to look at this from a father's perspective. I have a son who is 17. If I am not comfortable sending my son over there with such an ill-defined mission, how could I be comfortable sending other sons and other daughters of my constituents into harm's way?

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume. I rise to speak out against House Joint Resolution 44 to declare war on Yugoslavia. The U.S. and our NATO allies do not consider themselves at war with Yugoslavia or its people. NATO is acting to deter unlawful violence in Kosovo that endangers the stability of the Balkans and threatens wider conflict in Europe.

Yesterday, the Committee on International Relations reported this resolution with a negative recommendation by a unanimous vote. This was a right vote. Today, I hope my colleagues will follow suit and vote unanimously against this resolution.

Mr. Speaker, in my opinion a declaration of war is a very serious step. Congress has declared war in only five conflicts: the War of 1812; the war with Mexico in 1846; the war with Spain in 1898; and the first and Second World Wars. In the 20th century, without exception, presidential requests for a formal declaration of war by Congress have been on findings by the President that U.S. territory or sovereign rights had been attacked or threatened by foreign nations.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. I thank the distinguished gentleman for yielding me this time. Mr. Speaker, the votes today are extraordinarily difficult ones for each of us. The difficulty arises not because we are afraid to face up to these decisions, but because we must find a way to support freedom and democracy for the people of Kosovo and for the people of Serbia without writing a blank check for more fatal blunders on the part of the Clinton administration.

I do not agree with our bombing campaign, but the present ''bombing only''

policy appears to have been based on the tragic miscalculation by President Clinton that Milosevic would back down if we bombed Serbia for a week or maybe two. This seems to have been based on an even more fundamental miscalculation, that Milosevic cares more about Serbia than he does for Milosevic.

Former Governor George Allen of Virginia pointed out recently, and it was a very good and apt analogy when he said it was the equivalent of being in a football game and you say you are going to pass on every play. You have really given away your options. We did the same thing when we told Milosevic there would be no ground troops. That permitted him to anticipate and adjust to NATO moves. Another miscalculation.

Whatever happened to ''loose lips sink ships''? U.S. and NATO spokesmen—including the President, babble on and on. Such carelessness puts the lives of our servicemen at risk and it's wrong.

Mr. Speaker, let me just say a couple of things. I have had more than a dozen hearings on the Balkans in my subcommittee, the International Operations and Human Rights Committee and in the Helsinki Commission. I chair them both. We have looked again and again at the problems, first with Bosnia and Croatia and now with Kosovo and sought to understand and react prudently to mitigate the suffering. We've looked at the war crimes that have been committed by Slobodan Milosevic's military, police and hoods.

I find it incredible that the Clinton administration for the last 6 or more years has not sought to bring action against Slobodan Milosevic at the War Crimes Tribunal at the Hague. In public and private I have asked repeatedly, where is the dossier, the documents, the evidence, why are we not trying to bring this war criminal to trial. To my shock, I am informed that the administration has collected nothing on this tyrant. Thus, last year virtually every Member of this Chamber voted in favor of my resolution that petitioned, admonished, and encouraged the administration to begin the effort to bring Milosevic to justice.

Mr. Speaker, just let me also say that I do not believe voting for this declaration of war is the right thing to do. Our fight is not with the Serbian or Yugoslav people. It is with a cunning madman, and a very small number of very dedicated terrorists who surround him.

I ask for a ''no'' vote on the declaration of war.

Mr. Speaker, the votes today will be extraordinarily difficult ones for many Members of Congress. The difficulty arises not because we are afraid to face up to these decisions, but because we must find a way to support freedom and democracy for the people of Kosovo—and for the people of Serbia—without writing a blank check for more fatal blunders on the part of the Clinton Administration.

I don't agree with NATO's bombing campaign but the present ''bombing only'' policy appears to have been based on the tragic miscalculation, by President Clinton and his top advisors that Slobodan Milosevic would back down if we bombed Serbia for a week or so. This seems to have been based on an even more fundamental miscalculation—that Milosevic cares more about Serbia than he does about Milosevic.

Former Governor George Allen of Virginia has pointed out that to announce in advance that we would only use bombs and missiles and never use ground troops is the equivalent of announcing at the beginning of a football game that you intend to pass on every play. Even if we had no intention of using ground troops, it was yet another miscalculation to tell Milosevic about this plan. In war, you don't put your plan on CNN. In effect, we were telling him that we would punish the Serbian people for his regime's crimes, but that we would do nothing to prevent them. The campaign of murder, rape, and ethnic cleansing in Kosovo was already under way—there were over 150,000 displaced persons there even before Rambouillet, and as early as June of last year Physicians for Human Rights issued a report that found ''intensive, systematic destruction and ethnic cleansing''—but when we announced that we would bomb and do nothing else, Milosevic knew he could get away with intensifying this campaign, and that is exactly what he did.

So our options now are stark indeed:

We cannot turn the clock back to a time when it might have been possible to persuade the people of Kosovo to accept some kind of autonomy within Serbia. The mass rapes and mass murders, the beatings and tortures, the burning of villages and clearing of cities, have made this next to impossible. Nor can the Muslim population of Kosovo forget the Dayton agreement, in which the Clinton Administration brokered the dismemberment of Bosnia. Instead of arresting Milosevic on the spot and bringing him before the War Crimes Tribunal, our diplomats exchanged toasts and compliments with him and turned over half of Bosnia to his murderous cronies.

Speaking of the War Crimes Tribunal, I have tried for years, Mr. Speaker, to get this Administration to turn over all relevant evidence of Milosevic's responsibility for crimes against humanity. Last September, the House passed my resolution admonishing the Clinton Administration to work to bring Milosevic to justice at the Hague, sadly, nothing was done. This begs the question as to why the Clinton Administration has, in essence, given one of the most brutal dictators on the face of the earth defacto immunity from prosecution.

Mr. Speaker, we cannot simply continue the bombing forever, in the face of mounting collateral deaths and injuries of men, women, and children—Serbs, Montenegrins, and Kosovars alike—and mounting evidence that the campaign is not likely to succeed in bringing down the Milosevic regime or in bringing peace and freedom to Kosovo.

Nor can we simply consign the Kosovars to their fate. For the hundreds of thousands outside Kosovo, this would mean being refugees forever. For those still inside, it would mean more murders, more rapes, more tortures. For those of us who are lucky enough to live in safety and freedom, it would almost certainly mean in the last analysis that we stood by and watched yet another genocide.

So our only real choice is to come up with a plan—perhaps a new diplomatic initiative along the lines suggested by CURT WELDON of Pennsylvania.

Unfortunately, there is no sign that the Administration has such a plan or is trying very hard to come up with one. So Congress today must vote in a way that signals clear support for a just solution to the crisis in Kosovo, without inviting the Administration to blunder its way into further non-solutions.

Mr. Speaker, I will not vote for the declaration of war, because our fight is not with Yugoslavia—and our fight is most certainly not with the peoples whose governments might come in on the side of Yugoslavia in an all out war. Our fight is with Milosevic.

Mr. Speaker, I also will not vote for an absolute and inflexible legal requirement that all U.S. forces be removed from the zone of hostilities within 30 days, because this would be yet another gratuitous decision to tie our own hands in advance, without knowing what may happen in the next day or week or month. To announce in advance that we will withdraw our forces no matter what Milosevic does would be eerily reminiscent of President Clinton's decision to announce in advance that we would use only bombs and never ground troops. Its most likely effect would be to spur Milosevic on to further atrocities. It would also probably have the effect of depriving the humanitarian campaign on behalf of the refugees in Albania and Macedonia of the invaluable assistance of the U.S. military. I want to make clear that my criticisms of the Administration's military policy are not intended to reflect on the humanitarian campaign. All indications are that everyone involved—UNHCR, the non-governmental organizations, and government agencies emphatically including our armed forces—are doing the Lord's work and doing it as well as can be expected under the circumstances. My only suggestion is that we urgently need even more resources for this humanitarian campaign.

Mr. Speaker, I will vote for the Goodling bill, which will require Congressional authorization for the use of ground troops.

At the beginning of the decade, President Bush persuasively made his case—to Congress and the American people—for ground troops for the Persian Gulf War.

Mr. Clinton, it seems to me, has no less of a responsibility to explain why he might be willing to risk the lives of Americans in a ground action.

It's bad enough the President initiated the misguided bombing with its disastrous consequences to Kosovar Albanians without prior Congressional approval. Any potential, new, escalation must include clear authorization from the Congress.

Mr. MEEKS of New York. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I want to thank the gentleman from California (Mr. CAMPBELL) for bringing this

issue to a head. We have cast and will cast momentous votes for today.

I think it is important that we clarify the record. We voted for the Goodling-Fowler bill. I should point out that distributed to virtually every Member of this House by the gentlewoman from Florida (Mrs. FOWLER) was a statement in writing that should be part of the record, that says in part that this bill does not prevent the use of Apache helicopters and does not preclude the introduction of small numbers of personnel for intelligence or targeting functions.

I think that our adoption of that resolution, at least by this House, made sense. I know there are those who argue that Congress should not be involved in the momentous decision that lies ahead, but as I have said before, those who say that our enemies should tremble in fear because one man should be allowed to deploy 100,000 American soldiers, should be answered that Americans should tremble in fear if one man without congressional approval can deploy 100,000 men and women into battle.

I should point out that the President of the United States distributed to all Members of Congress today a letter stating, in part, that he would ask for congressional support before introducing U.S. ground forces into Kosovo, into a nonpermissive environment.

The gentleman from Connecticut (Mr. GEJDENSON) will be bringing up a matter later today. It has been interpreted by some as more than a mere authorization of the air campaign but it states, and I interpret it, as providing only support for the air campaign and not a legal authorization for more.

I would hope that any wise court would look at the record today. A letter from the President saying he will not put in ground troops, a vote by this House not to put in ground troops. Under those circumstances, a wise court should interpret the Gejdenson resolution as nothing more than what it states.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD), a member of our committee.

Mr. SANFORD. Mr. Speaker, I rise in support of the timing and consideration of this bill because ultimately I think that this is a constitutional question. It is one that the gentleman from California (Mr. CAMPBELL) has raised because he knows what our Founding Fathers knew, and that is that when body bags come back from some foreign deployment, they do not stop within the Beltway. They go across America. They go to Charleston, South Carolina; they go to Knoxville, Tennessee; they go to Los Angeles, California.

It is for this reason, and it came up yesterday in debate, that in contrast to the English system, the Framers did not want the wealth and blood of the Nation committed by the decision of a single individual, which was just pointed out by my colleague from California.

So, one, I rise in support of the timing of this because of the constitutional element. I will ultimately vote ''no'' because of the foreign policy element of this decision.

Now, all of us would like to solve every ill in this world, but both individually and collectively it is something we do not have the resources to do, so for foreign policy to be effective, it has got to be limited and it has got to be focused. Part of focus means consistency. If we stay in Kosovo, we are going to create a very inconsistent foreign policy.

In fact, I do not even want to be part of a government that would ever signal to people around the world that if you are of European ancestry, we care about your human rights, but if you happen to be unlucky enough to be born in Africa, well, then, good luck. Because in January 3,000 people were killed in Sierra Leone, and if we are going to stay in Kosovo, we owe it to them to go to Sierra Leone. 300,000 people were killed in Angola since 1992. 500,000 people were killed in Rwanda in the genocide there. 1.9 million people have been killed in the south of Sudan basically over the last 15 years. It is important for our foreign policy to be effective that we be consistent and that, I think, is what this bill is all about.

Mr. MEEKS of New York. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise today in strong opposition to this resolution because I believe that a declaration of war will only increase instability in the region and exacerbate the atrocities against ethnic Albanians. My support and prayers go out to the brave men and women of the United States Armed Forces who have been dispatched to Yugoslavia. We must take every measure to ensure their safe and expeditious return home.

While I will vote against this resolution, it is my belief that this debate and these votes should have been taken before a single bomb was dropped and before any U.S. troops were sent. Our inaction prior to military strikes abdicated our constitutional responsibility and, furthermore, prevented the voice of the people I represent, who are overwhelmingly against air strikes, from being heard. I agree that we have a moral imperative to bring an end to the horrific genocide and suffering in the Balkans. However, violent means have only and will only escalate the crisis.

As a person who strongly believes in the teachings and the work of Dr. Martin Luther King, Jr. I profoundly subscribe to the principles of nonviolence. If peace is our objective, then I implore us to consider the words of Dr. King, not only on his birthday but each and every day of the year. In his last book, ''The Trumpet of Conscience,'' he wrote about United States policy in North Vietnam. He said, ''They are talking about peace as a distant goal, as an end we seek. But one day we must come to see that peace is not merely a distant goal we seek, but that it is a means by which we arrive at that goal; destructive means cannot bring about constructive ends.''

I am convinced that our best hope for peace and stability is the negotiation of an immediate cease-fire, and a strong belief that the United States and NATO must reach out to Russia, the United Nations, China and others to develop an internationally negotiated political settlement. Our actions must set an example for our young people that violence should never be an option. I ask for a ''no'' vote.

I rise today in opposition to H.J. Res. 44, which would declare a state of war between the United States and the Federal Republic of Yugoslavia. I oppose this resolution because I believe that a declaration of war, like the NATO air strikes, will only increase instability in the region and exacerbate the atrocities against ethnic Albanians.

At this very volatile time, my support and prayers go out to the brave men and women of the United States Armed Forces who have been dispatched to Yugoslavia. We must take every measure possible to bring an end to this crisis to ensure their safe and expeditious return home.

While I will vote against the declaration of war, I would like to commend my colleague from California, Congressman CAMPBELL, for introducing this resolution into the House of Representatives and bringing forward Congressional action on the US involvement in Kosovo. It is my belief that these debates should have taken place six weeks ago, before a single bomb was dropped and before any US troops were sent into the hostile situation in the Balkans.

By failing to vote on the air strikes before their commencement, and instead debating authorization now, when we are already heavily involved, the Administration is conducting a war without Congressional consent as required by the Constitution. A vote to authorize the President to conduct military air strikes at this juncture is nothing more than a rubber stamp from Congress for an action that has already begun. I my opinion, our inaction prior to military strikes abdicated our Constitutional responsibility and furthermore, prevented the voice of the people I represent, who are overwhelmingly against the air strikes, from being heard.

There are those who rise today in support of the Administration's action in order to end the genocide of the ethnic Albanians. I agree, in the strongest terms possible, that we have a moral imperative to intervene and to bring an end to the horrific suffering. However, whether air strikes, ground forces, or a declaration of war—these violent means as a method to

bring peace and stability to the Balkans have only, and will only escalate the crisis.

As a person who strongly believes in the teachings and work of Dr. Martin Luther King Jr., not just on his birthday, but throughout the year, I profoundly subscribe to the principles of nonviolence. Our policies, and our actions, must set an example for our young people that violence should never be an option. If peace is our objective, and I am certain that this is a goal upon which all in this chamber can agree, then I implore us to consider the words of Dr. King. In his last book, The Trumpet of Conscience, A Christmas Sermon on Peace, Dr. King discusses bombing in North Vietnam, and the rhetoric of peace that was connected to those war making acts.

He wrote, "What is the problem? They are talking about peace as a distant goal, as an end we seek. But one day we must come to see that peace is not merely a distant goal we seek, but that it is a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. All of this is saying that, in the final analysis, means and ends must cohere because the end is pre-existent in the means and ultimately destructive means cannot bring about constructive ends."

The Administration's policy and the NATO campaign in Kosovo to date have produced only counterproductive and destructive results: a mass exodus of over half a million ethnic Albanians, significant civilian deaths, an escalation of Milosevic's campaign of racial hatred and terror, and greater instability in the region. The results are just the opposite of what we want to achieve. Our goal is to prevent innocent people from being killed. In the name of saving Kosovars, we are destroying Kosovo.

At this juncture, I am convinced that our best hope for peace and stability in the region is the negotiation of an immediate cease fire. It is my strong belief that the United States and NATO must reach out to the United Nations, Russia China, and others to work together to develop a new, internationally negotiated peace agreement and to secure Serbian compliance to its terms. In order to end the suffering in the Balkans and to achieve long term stability, support of a diplomatic political settlement is the only action we can employ.

As we today speak of a policy to end genocide in the Balkans, I am also greatly disturbed to think of the people in many countries in Africa and all over the world, who have also suffered unthinkable atrocities, beyond our worst nightmare. As a result of ethnic conflict in Africa, over 150,000 have been killed in Burundi; 800,000 in Rwanda; and 1.5 million in Sudan. More than 200,000 Kurds have died in Iraq and Turkey, and hundreds of thousands in Burma, and over 1 million in Cambodia.

It is my hope that our nation can develop a foreign policy framework to address suffering and killing all over the world, without the use of force, ground troops, air strikes and other violent means.

I urge a "no" vote on the declaration of war.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I join my colleagues who express grave doubts about the conduct of Operation Allied Force in Yugoslavia. I am deeply troubled that the administration has started our country down the path of only bad options.

The debate before us illustrates the inability of the War Powers Resolution to effectively deal with post-Cold War realities. In many respects, the War Powers Resolution is a tool of a bygone era.

Mr. Speaker, there are numerous Kosovo type operations in this country's future. These operations require significant military resources and challenge our country's ability to meet the primary objective of our national security strategy. This is nothing new. Congress has not formally declared war since World War II, and yet American troops have since fought and died around the world in numerous hostilities. The framework of the War Powers Resolution has not allowed Congress a voice in the commitment of troops in these engagements.

While the United States may be the world's superpower, we cannot be the world's police force. Our military is simply not prepared to do so. If anything, this fumbling foreign policy escapade should alert this body that we must reflect upon the failings of the current process by which we are forced to deal with these types of military operations. In the near future Congress should work to improve the process by which we consider and debate these critical issues to our national security.

Today, I would ask my colleagues to pay close attention to this debate and to keep in mind the state of our military. Congress's role is not limited simply to the declaration of war. It is imperative that we look closely at where we commit our troops and ensure that our military is prepared for such commitments.

I do not believe that Kosovo is the kind of conflict where we should be committing our troops. Therefore, I urge my colleagues to oppose the resolution to declare war.

Mr. MEEKS of New York. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

□ 1730

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong opposition to House Joint Resolution 44 which asks our colleagues for a declaration of war by the United States against the Government of the Republic of Yugoslavia. Although I have the greatest respect for the author of the resolution, the gentleman from California (Mr. CAMPBELL) and certainly a dear friend, I must respectfully oppose the resolution.

Mr. Speaker, America's Founding Fathers, in their wisdom, deliberately drafted the Constitution to provide flexibility in the use of U.S. armed forces abroad. The President, as Commander in Chief, clearly has the authority to send our forces into potentially hostile situations without a declaration of war. In fact, since 1798 in our conflict with France over the Dominican Republic, to our air strikes in Afghanistan and Sudan against Bin Laden in 1998, CRS, the Congressional Research Service, has documented over 270 instances where America's Presidents have sent U.S. armed forces abroad into hostile situations. Over two centuries, and only five of these instances has the Congress actually declared war.

Mr. Speaker, a declaration of war is neither necessary nor appropriate for our actions in Kosovo and Serbia. Our Nation and NATO are not at war with Yugoslavia. We are there to stop a sociopathic criminal from committing genocide against his Albanian citizens, actions which threatened to destabilize the Balkan nations, as well as Europe. A unilateral U.S. declaration of war would irresponsibly escalate the conflict, undermine our alliance with our NATO partners, and needlessly jeopardize our already tense relations with Russia.

As a Vietnam veteran, Mr. Speaker, I have seen the violence of conflict, and it is not pretty. However, there are certain times when America must act because no other country can provide the leadership that we can. Almost a quarter of a million innocent people died from Milosevic's handiwork in Bosnia which Europe could not stop alone.

Mr. Speaker, the call to action has come again, and America cannot stand idly by and let this madman continue with his genocidal campaign in Kosovo. The stakes are too high to play political games. I strongly urge our colleagues to defeat the resolution before us and support our armed forces in Kosovo and Serbia that are fighting to protect against these evil forces that Milosevic provides.

Mr. Speaker, are we willing to allow China and Russia perhaps to take the lead in providing the leadership in global issues that affect all human beings on this planet? I dare not say, Mr. Speaker. Let America become the leader of the world as it should be in this issue affecting the Balkan area.

Mr. Speaker, there have been only five instances in our nation's history that formal declarations of war were made by the Congress—the War of 1812 against England; the War of 1846 against Mexico; the War of 1898 against Spain; World War I and World War II. Mr. Speaker, there are ample precedents set not only by this President but by previous administrations as well, whereby acts of war have been always been part and parcel of U.S. foreign policies and security interests—I believe the Founding Fathers of this nation purposely placed the critical issues of war as a political and public policy matter rightfully as a matter to be decided by both the Administration and the Congress.

Mr. Speaker, the crisis in Yugoslavia is not an American issue—it is a serious matter

taken collectively with our Nation Allies. It is a matter that history has given all those European countries to seriously consider the alternative, if Milosevic is allowed to continue his policy of ethnic cleansing and atrocities by murdering and killing well over 300,000 human beings in that country, and the displacement of some 3.5 million persons now as refugees because of Milosevic's military activities in Yugoslavia.

Mr. Speaker, am I to believe now that the most powerful nation on this planet is telling the world that the crisis in Yugoslavia is not in our national interest? If so, then why did the Congress allow our President to intervene and for which he provided a negotiated settlement on the Bosnia matter? Our President did his best to negotiate a settlement with Milosevic, but Milosevic refused and the bombing of Milosevic's military resources and related facilities was the only option left—simply to prevent more reckless killings and atrocities committed by Milosevic and his military forces.

Mr. Speaker, this is not the time to tell the world and our NATO allies that we have now Americanized this conflict by officially declaring a war against Yugoslavia. Vote this resolution down.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Speaker, there is a tragic war in the Balkans. There is every indication that this war will expand, and so will the role of the United States. So far, there is no sign that absent the introduction of ground forces the intensified bombing campaign will cause President Milosevic and the Serbs to agree to the terms regarding Kosovo demanded by NATO. President Clinton has never asked Congress to declare war on Yugoslavia or Serbia. He has never even requested the type of resolution President Bush requested and was granted in advance of Desert Storm. At no time has he spelled out to the American public, let alone Congress, a consistent, coherent foreign policy that demonstrates a compelling United States' national security interest in waging war against the forces of the Government of Yugoslavia.

I am just as moved as anyone else by the atrocities reported in Kosovo, but I am deeply troubled by our continued engagement. If the United States is going to engage in war, the commitment must be made to let the military use whatever force is necessary, which means paying whatever price in lives of American soldiers is required, and if the American national security interests are not great enough to justify such a price, then there should be no war.

To date, President Clinton has not demonstrated to my satisfaction America's national security interest in the Kosovo matter is great enough to justify paying such a price. For this reason I voted for the resolution offered by the gentleman from California (Mr. CAMPBELL) to withdraw American forces, and it is for this reason that I will not be a party to sending American men and women in uniform to die in an ill-conceived, ill-planned war and I am strongly against this resolution declaring war.

Mr. MEEKS of New York. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LANTOS), a senior member of the Committee on International Relations.

Mr. LANTOS. Mr. Speaker, it is important to put this resolution by my good friend from California in proper perspective.

When yesterday a deeply divided Committee on International Relations debated and then voted on this matter, we voted unanimously to reject this proposal.

As a matter of fact, my good friend, the gentleman from California (Mr. CAMPBELL), himself voted against his own resolution.

So I think it is sort of important to realize that what we are dealing with here is an academic legalistic exercise, the purpose of which is to take this issue to the courts. No one seriously believes, fortunately, that the United States should declare war against Yugoslavia.

Now there are many reasons why we should not do that. The first and perhaps the most important is that this is not an American engagement, this is a NATO engagement, and not one of the other of the 18 NATO countries has declared war on Yugoslavia. Were we to do so, this would be an Americanization of a war with all the negative consequence that implies. It would divide the alliance. It would indicate that we are determined, as we were during the Second World War, to move on until there is an unconditional surrender.

Those are not our goals. Our goals are limited, clearly defined and specific. We wish to see the 700,000 individuals who were driven out of Kosovo to return there in peace and security. That is the goal we seek. Therefore, a declaration of war under these circumstances would be ill-advised, ill-timed and clearly contrary to U.S. national interests.

I urge all of my colleagues to reject this resolution.

Mr. CAMPBELL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, the United States has been blessed in so many ways, and not the least of which is the good sense that our Founding Fathers had in keeping us out of foreign entanglements and military engagements overseas. George Washington threatened us of these foreign entanglements that would drain our Treasury and drain our national will. So it has been written into our Constitution that we have such limitations on foreign commitments. We have not obviously declared war. This administration is unwilling to declare war even though it is clearly written into our Constitution that we need to come to Congress.

Now, realizing that during the Cold War we gave certain powers to the executive branch for the security of our country and during this four decades of Cold War we felt we needed to centralize this power and give the President a little more authority. The Cold War is over. What we are engaging in now is a process of evolving back. That is what we are doing this very moment, evolving back the power as defined in our Constitution, what our Founding Fathers wanted us to have, and that is the legislative branch must have a check and a balance to the decisions of the Federal branch when it comes to foreign commitments and military operations, and this is something that is part of our Constitution. We are demanding that the Constitution be followed. We are demanding that the War Powers Act, which of course came about after the Vietnam debacle, the War Powers Act is still part of our law, we demand that that part of the law be followed.

Obviously the President of the United States and those people in this body that agree with him do not believe that that part of our law and that part of our Constitution need to be followed. Well, this is what the debate is about. The American people should understand that no one person, as our Founding Fathers so demanded it in writing the Constitution, no one person, whether he be or she be the President of the United States or any other officeholder, should be able to get us into war and cause the deaths of tens of thousands of people. We all must be part of that process.

That is what our Constitution is about. That is why I support the efforts of the gentleman from California (Mr. CAMPBELL) to ensure this type of congressional participation.

I rise in support of Mr. CAMPBELL's position on this resolution. Seriously, I'd like to take this opportunity to thank Mr. CAMPBELL for giving us this opportunity to discuss, through this declaration of war resolution, the legal ramifications of the Balkan conflict.

Here in the United States we have been blessed in so many ways, not the least of which was a product of the good sense of our founding fathers and mothers in keeping us out of foreign conflicts and entanglements.

George Washington warned of the threat of military alliances that would lead to foreign adventures that would drain our treasury and undermine our national will to meet the serious challenges to our own security. Written into our Constitution are limitations on power and hurdles that must be dealt with in order to engage the United States in war.

In World War One and the Second World War we followed those constitutional requirements. During that second great conflagration that engulfed this planet we permitted, for the safety of our country and the cause of peace,

power to be centralized in the hands of the executive branch as never before. Then, during the decades of, what John Kennedy described as the twilight struggle, Congress acquiesced and endorsed the policy of a strong executive in order to deal with the dangers of the cold war.

My friends and colleagues, the cold war is over. What we do today is part of the process in evolving back to the constitutional system that served our country so well in the past. First and foremost we must reestablish the checks and balances in our federal system, checks and balances that apply to foreign and military commitments as well as domestic policy.

There is no doubt that the intent of our Constitution was to assure that one person, whatever his or her office, could not get our country into war. We had revolted against the power of a king to rule. Congress must declare war, or it is illegal for our President or military commanders to spend our treasure and spill the blood of our defenders in fighting a war.

Yes, during the cold war, which was an uncommon and unique period in our history, the legal necessity of such declarations of war was intentionally by consensus, overlooked. The frustrations of Korea and Vietnam, perhaps, call into question that strategy. And in the aftermath of Vietnam, the War Powers Act was enacted into law to prevent the very kind of questionable foreign military commitments that we debate today.

So in this debate let us as law makers admit that the law is not being followed and that it should be. The Constitutional requirements for conducting war have not been met because the majority of this Congress and more importantly, the President, are unwilling to declare war.

The legal requirements to an extended military operation, as mandated by the War Powers Act, have not been met, because this President and his allies, who represent a majority in this Congress, are not concerned with this law.

Mr. Speaker, the crisis of the cold war is over and the Constitution and the law, as reflected in the body of the Constitution and in the War Powers Act, should be obeyed. If it cannot be obeyed, it should be changed. As it stands, we are making a mockery of the law, which is evident when the Secretary of State testified at the International Relations Committee. Secretary Albright has to speak in convoluted rhetoric, twisting and turning like a semantical acrobat, in order to prevent a legal case that can be easily made against her. There is something wrong if a Secretary of State cannot speak directly to the congressional body which has the constitutional mandate of overseeing American foreign policy.

Mr. MEEKS of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding this time to me.

We in Congress are in a position we should never be in. We are confronted with a failed law, failed leadership and a military action that failed to meet its initially stated objectives. Here we are, finally having a belated and truncated debate because of the War Powers Act, but a War Powers Act which is totally defective, and for 8 years I have been introducing legislation to fix the War Powers Act. We need to reclaim our constitutional authority and require prior authorization before Presidents engage in wars or warlike activities using our armed forces.

This is not unique to President Clinton. President Reagan, President Bush went down the same path, as did Presidents before them and as they will continue to do until this body has the guts to change the law and require that not a penny be spent except in defense of our country against immediate attack or armed forces overseas or as a citizen without the authority of Congress in a war or warlike action.

We have a failed congressional leadership. They were engaged in duck-and-cover and get everybody out of town before the bombing began. They did not allow us to have a debate. Even with the defective law, we could have had a vigorous debate here, and if we had that debate, I believe we could have had a better policy.

Did not everybody know that it rained in that area at this time of year? Did not our intelligence forces perhaps know that bombing and removal of the OSCE observers would lead to increased, accelerated ethnic cleansing and slaughter? And what if, what if Slobodan was not going to come to the bargaining table after a few bombs fell? Those questions were not asked by this Congress, and they were not answered by this administration, and now we are in the midst of a failed policy.

I believe we need to go forward from here with productive ideas, but this debate is not going to allow us to talk about productive ideas. What about the idea of a temporary cease-fire, working with our allies to try and force productive negotiations? What about having enough time to talk about this issue? It is not allowed under this absurd rule.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, probably in 8 years this is the first time I have agreed with the gentleman from Oregon, or second time.

If not, what? I am trying to do everything I can to keep us out of war. Then what? First of all, the Pentagon said not to bomb. Rambouillet, according to Kissinger and Larry Eagleburger, said it was to fail. NATO and General Clark told me, face to face, that NATO only wanted to bomb 1 day and quit. The President called Mr. Blair and the German Chancellor and forced this. So what? Halt the bombing, get our POWs back.

Seventy percent of the Russians support the overthrow of Yeltsin. That is why they are so squirrelly on us. Let us use Russian, let us Greek troops that are petrified about the Albanian expansion. Instead of having Russia be the problem, let us make them part of the solution. The President has got to look the President of Albania in the face and say we want the Mujaheddin and Hamas out of the KLA and deported within 30 days. He has got to do the same thing with Izetbegovic.

Kosovo can be cantonized, but it has got to go off the table, that resolve.

The gentleman from Oregon is right. There is not enough time to talk about a very important issue.

Mr. MEEKS of New York. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the truth is war is being waged and will continue to be waged without declaration. But such violence is neither redemptive nor justified in law or morality. Hope is redemptive, love is redemptive, peace is redemptive, but the violence of this conflict stirs our most primitive instincts. When we respond to such instincts, we enact the law of an eye for an eye, and we at last become blind and spend our remaining days groping to regain that light we had once enjoyed.

He only understands force, it is said of Mr. Milosevic, but we must understand more than force.

□ 1745

Otherwise, war is inescapable. We must make peace as inexorable as the instinct to breed, as inevitable as the sunrise, as predictable as the next day. With this vote, let us release ourselves from the logic of war and energize a consciousness of peace, peace through implied strength, peace through express diplomacy, peace through a belief that through nonviolent human interaction, we can still control our destiny.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. METCALF).

Mr. METCALF. Mr. Speaker, I have opposed U.S. military action in the Balkans without a declaration of war. There are no vital U.S. interests now being threatened anywhere in Europe, certainly not in the Balkans, worthy of a declaration of war. We really have no business there militarily. We should not be committing acts of war there. Yes, bombing is an act of war.

This whole military intervention is truly illegal under international law, and I urge a no vote on this resolution. We do need to revise our War Powers Act. Congress should reclaim the power to decide to take this Nation to war.

Mr. MEEKS of New York. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New York for his leadership, and I

thank my colleague from California for giving us the opportunity to discuss a very important issue as to whether or not we stand for war or peace. I must acknowledge that the gentleman who proposed this particular resolution himself voted against it.

I grappled today and struggled with the vote on the Goodling amendment, because I have concern about whether or not we are forcing ourselves into war, or looking for ways of peace.

I want peace. I have indicated over and over again that we must have peace, but we must have peace with justice. We must have peace for the 37,000 refugees in Montenegro, the 260,000 refugees in Albania and the 120,000 in Macedonia. We must have peace for those in the former Yugoslavia.

So a declaration of war is not, I believe, in the best interests of the United States of America, the best interests of those refugees who are looking to go home, and the best interests of us trying to force or bring about a real peace.

We have only declared war in not more than 5 conflicts in our history: The War of 1812, the war with Mexico in 1846, the war with Spain in 1898, the First World War and the Second World War.

I do believe that the President's hands must not be tied. We must have the ability to send peacekeeping troops in. We must get back our POWs, two of whom are from the State of Texas, but all of them are Americans. We must not be weak in the eyes of the former Yugoslavia and Mr. Milosevic. We must stand united.

And to my friends who have mentioned where were we in Rwanda, and maybe where were we in Ireland, we must not stand while there is ethnic cleansing and killing and murdering in any part of the world.

I want to stand with an America that has principles. I want to stand with an America that believes in human life and human dignity, against the murder of children and women and raping.

I hope we will never stand by against a Rwanda. I hope no matter what race of people are in trouble, or being attacked or being murdered, we will stand up against it. Declaring war, however, is not the way that we should go.

I want us to have a sustained air strike, but, most of all, I want Mr. Milosevic to come to the peace table. I want a negotiated settlement. And for us to declare war today, we will not get that.

So I would say, Mr. Speaker, I want to stand on behalf of the refugees returning to their home, I want peace to come in the Balkans, and I stand by the vote that I took some years ago for the Dayton peace treaty. Yes, our troops are still in Bosnia, but there is peace there, there is a united peace there, the United Nations peacekeeping troops, and I do not see why America has to step away from providing for peace around the world.

We are not police officers, no, but we have a conscience and we believe in humanity and dignity.

So I would offer to my colleagues as they vote against this declaration to declare war, that we should vote for the sustained air strikes, we should make sure that we force or encourage or demand that those who have the power, including our NATO allies, come to the peace table, and that we remember that the greatest of all those that we can give to the world is love and charity. I hope that we will stand for what is right.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN), the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think this is unprecedented. Maybe some of you who are more historically informed and more constitutionally informed can correct me, but I think this is the first time in the history of this Congress where Congress has initiated a declaration of war.

Generally, as I understand it, the President comes to the Congress when he finds situations such as required and requests that Congress declare war. Conceivably I am erroneous on that, but I do not recall. Maybe some of my more learned colleagues can recall a time when the Congress initiated a declaration of war.

I think this is ill-conceived. A declaration of war I think would be divisive within NATO. It would put restrictions on the front line states. It would make them unable to assist us in the efforts they are giving us in providing landing operations and staging operations in those countries, and I think it would be a very dangerous precedent for this Congress to tell the commander-in-chief that he must go to war if he does not want to. I know that is not necessarily the case as we see it today, but I think to start this in this Congress at this time, with the Congress initiating a declaration of war, is ill-advised, and I urge Members to vote ''no''.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I oppose a declaration of war, having just returned from the Balkans more firmly convinced, no ground troops.

I know you cannot see it, but this is a picture of a young Apache pilot in the Balkans who graduated with my son. He said, ''No ground troops. The cost in human life would be too high.''

We need a negotiated settlement, not a declaration of war. I am working to provide momentum, leverage and direction to the administration to settle this conflict.

My colleagues on the other side are dissatisfied because of a lack of leadership by the administration. We are dissatisfied with a lack of leadership and failed foreign policy.

Do not declare war. Do not lose lives of our military. Focus our attention on rebuilding the military, helping the refugees, and negotiating a settlement that returns the refugees to their homes in safety and brings our POWs and our troops home.

Mr. MEEKS of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I rise to oppose this particular proposal and to urge my colleagues to keep our eyes open.

This conflict today, we may not like the cards we are dealt, but they are dealt. We may not like how we got there, but we are there. There are millions of people in Europe whose lives are at stake, whose happiness and soundness are at stake, and, if we walk away, if we walk away, we will have done the wrong thing, and you will know that today and you will know that 20 years from now.

Many of us can debate how we got here, how we should do it the next time. I think those are good debates. I think we should discuss what should happen the next time, because there will be a next time.

For those of you who did not have the opportunity today to read the papers, look at what is happening in Indonesia. We are about to send what they call ''police advisers'' from the United Nations to Indonesia. It is happening elsewhere across this globe, and I do think we need to discuss that.

At the same time, we do not have the luxury to always deal the cards. We are sitting here today, we have to deal with it today. We have to support the efforts to bring those people home, to bring our men and women home, and to do the right thing by humanity, today, tomorrow, and every time we have to do it.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I am against this declaration of war, as I am sure practically everyone in this Chamber is.

The origin of many European parliaments was when the leaders of a country got together, formed an organized body and reined in the king who was engaged on various adventures. That is, in a sense, what we are trying to do here today.

If the Europeans have a European problem, they ought to be making the

decision and they ought to be sending their own ground troops.

Russia should be deeply involved. It has not been included. There is only one other superpower in the world; that is Russia. They should be tied to the West, and they should be helpful in this particular matter. If the North Atlantic Treaty Organization [NATO] is to keep Europe at peace, then Russia should be a member.

The Serbs cannot move north, that is NATO territory; and if they move south toward Greece, that is NATO territory, and that would be one sovereign nation invading another, and that would be appropriate for NATO to take action and defend Greece.

I include for the RECORD, Mr. Speaker, portions of the speech Secretary of Defense Caspar Weinberger made back in 1984. He was an outstanding Secretary and a very wise man. He developed six major criteria which should be met when we use U.S. combat forces abroad.

THE USES OF MILITARY POWER

Thank you for inviting me to be here today with the members of the National Press Club, a group most important to our national security. I say that because a major point I intend to make in my remarks today is that the single most critical element of a successful democracy is a strong consensus of support and agreement for our basic purposes. Policies formed without a clear understanding of what we hope to achieve will never work. And you help to build that understanding among our citizens.

Of all the many policies our citizens deserve—and need—to understand, none is so important as those related to our topic today—the uses of military power. Deterrence will work only if the Soviets understand our firm commitment to keeping the peace . . . and only from a well-informed public can we expect to have that national will and commitment.

So today, I want to discuss with you perhaps that most important question concerning keeping the peace. Under what circumstances, and by what means, does a great democracy such as our reach that painful decision that the use of military force is necessary to protect our interests or to carry out our national policy?

National power has many components, some tangible—like economic wealth, technical pre-eminence. Other components are intangible—such as moral force, or strong national will. Military forces, when they are strong, and ready and modern, are a credible—and tangible—addition to a nation's power. When both the intangible national will and those forces are forced into one instrument, national power becomes effective.

In today's world, the line between peace and war is less clearly drawn than at any time in our history. When George Washington, in his farewell address, warned us, as a new democracy, to avoid foreign entanglements, Europe then Lay 2-3 months by sea over the horizon. The United States was protected by the width of the oceans. Now in this nuclear age, we measure time in minutes rather than months.

Aware of the consequences of any misstep, yet convinced of the precious worth of the freedom we enjoy, we seek to avoid conflict, whiled maintaining strong defenses. Our policy has always been to work hard for peace, but to be prepared if war comes. Yet, so blurred have the lines become between open conflict and half-hidden hostile acts that we cannot confidently predict where, or when, or how, or from what direction aggression may arrive. We must be prepared, at any moment, to meet threats ranging in intensity from isolated terrorist acts, to guerrilla action, to full-scale military confrontation.

Alexander Hamilton, writing in the Federalist Papers, said that ''It is impossible to foresee or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them.'' If it was true then, how much more true it is today, when we must remain ready to consider the means to meet such serious indirect challenges to the peace as proxy wars and individual terrorist action. And how much more important is it now, considering the consequences of failing to deter conflict at the lowest level possible. While the use of military force to defend territory has never been questioned when a democracy has been attacked and its very survival threatened, most democracies have rejected the unilateral aggressive use of force to invade, conquer or subjugate other nations. The extent to which the use of force is acceptable remains unresolved for the host of other situations which fall between these extremes of defensive and aggressive use of force.

We find ourselves, then, face to face with a modern paradox: The most likely challenge to the peace—the gray area conflicts—are precisely the most difficult challenges to which a democracy must respond. Yet, while the source and nature of today's challenges are uncertain, our response must be clear and understandable. Unless we are certain that force is essential, we run the risk of inadequate national will to apply the resources needed.

Because we face a spectrum of threats—from covert aggression, terrorism, and subversion, to overt intimidation, to use of brute force—choosing the appropriate level of our response is difficult. Flexible response does not mean just any response is appropriate. But once a decision to employ some degree of force has been made, and the purpose clarified, our government must have the clear mandate to carry out, and continue to carry out, that decision until the purpose has been achieved. That, to, has been difficult to accomplish.

The issue of which branch of government has authority to define that mandate and make decisions on using force is now being strongly contended. Beginning in the 1970s Congress demanded, and assumed, a far more active role in the making of foreign policy and in the decisionmaking process for the employment of military forces abroad than had been thought appropriate and practical before. As a result, the centrality of decision-making authority in the executive branch has been compromised by the legislative branch to an extent that actively interferes with that process. At the same time, there has not been a corresponding acceptance of responsibility by Congress for the outcome of decisions concerning the employment of military forces.

Yet the outcome of decisions on whether—and when—and to what degress—to use combat forces abroad has never been more important than it is today. While we do not seek to deter or settle all the world's conflicts, we must recognize that, as a major power, our responsibilities and interests are now of such scope that there are few troubled areas we can afford to ignore. So we must be prepared to deal with a range of possibilities, a spectrum of crises, from local insurgency to global conflict. We prefer, of course, to limit any conflict in its early stages, to contain and control it—but to do that our military forces must be deployed in a timely manner, and be fully supported and prepared before they are engaged, because many of those difficult decisions must be made extremely quickly.

Some on the national scene think they can always avoid making tough decisions. Some reject entirely the question of whether any force can ever be used abroad. They want to avoid grappling with a complex issue because, despite clever rhetoric disguising their purpose, these people are in fact advocating a return to post-World War I isolationism. While they may maintain in principle that military force has a role in foreign policy, they are never willing to name the circumstance or the place where it would apply.

On the other side, some theorists argue that military force can be brought to bear in any crisis. Some of these proponents of force are eager to advocate its use even in limited amounts simply because they believe that if there are American forces of any size present they will somehow solve the problem.

Neither of these two extremes offers us any lasting or satisfactory solutions. The first—undue reserve—would lead us ultimately to withdraw from international events that require free nations to defend their interests from the aggressive use of force. We would be abdicating our responsibilities as the leader of the free world—responsibilities more or less thrust upon us in the aftermath of World War II—a war incidentially that isolationism did nothing to deter. These are responsibilities we must fulfill unless we desire the Soviet Union to keep expanding its influence unchecked throughout the world. In an international system based on mutual interdependence among nations, and alliances between friends, stark isolationism quickly would lead to a far more dangerous situation for the United States: we would be without allies and faced by many hostile or indifferent nations.

The second alternative—employing our forces almost indiscriminately and as a regular and customary part of our diplomatic efforts—would surely plunge us head-long into the sort of domestic turmoil we experienced during the Vietnam war, without accomplishing the goal for which we committed our forces. Such policies might very well tear at the fabric of our socieity, endangering the single most critical element of a successful democracy: a strong consensus of support and agreement for our basic purposes.

Policies formed without a clear understanding of what we hope to achieve would also earn us the scorn of our troops, who would have an understandable opposition to being used—in every sense of the word—casually and without intent to support them fully. Ultimately this course would reduce their morale and their effectiveness for engagements we must win. And if the military were to distrust its civilian leadership, recruitment would fall off and I fear an end to the all-volunteer system would be upon us, requiring a return to a draft, sowing the seeds of riot and discontent that so wracked the country in the '60s.

We have now restored high morale and pride in the uniform throughout the services. The all-volunteer system is working spectacularly well. Are we willing to forfeit what we have fought so hard to regain?

In maintaining our progress in strengthening America's military deterrent, we face difficult challenges. For we have entered an era where the dividing lines between peace and war are less clearly drawn, the identity of the foe is much less clear. In World Wars I and II, we not only knew who our enemies were, but we shared a clear sense of why the principles espoused by our enemies were unworthy.

Since these two wars threatened our very survival as a free nation and the survival of our allies, they were total wars, involving every aspect of our society. All our means of production, all our resources were devoted to winning. Our policies had the unqualified support of the great majority of our people. Indeed, World Wars I and II ended with the unconditional surrender of our enemies . . . the only acceptable ending when the alternative was the loss of our freedom.

But in the aftermath of the Second World War, we encountered a more subtle form of warfare—warfare in which, more often than not, the face of the enemy was masked. Territorial expansionism could be carried out indirectly by proxy powers, using surrogate forces aided and advised from afar. Some conflicts occurred under the name of ''national liberation,'' but far more frequently ideology or religion provided the spark to the tinder.

Our adversaries can also take advantage of our open society, and our freedom of speech and opinion to use alarming rhetoric and disinformation to divide and disrupt our unity of purpose. While they would never dare to allow such freedoms to their own people, they are quick to exploit ours by conducting simultaneous military and propaganda campaigns to achieve their ends.

They realize that if they can divide our national will at home, it will not be necessary to defeat our forces abroad. So by presenting issues in bellicose terms, they aim to intimidate western leaders and citizens, encouraging us to adopt conciliatory positions to their advantage. Meanwhile they remain sheltered from the force of public opinion in their countries, because public opinion there is simply prohibited and does not exist.

Our freedom presents both a challenge and an opportunity. It is true that until democratic nations have the support of the people, they are inevitably at a disadvantage in a conflict. But when they do have that support they cannot be defeated. For democracies have the power to send a compelling message to friend and fore alike by the vote of their citizens. And the American people have sent such a signal by re-electing a strong chief executive. They know that President Reagan is willing to accept the responsibility for his actions and is able to lead us through these complex times by insisting that we regain both our military and our economic strength.

In today's world where minutes count, such decisive leadership is more important than ever before. Regardless of whether conflicts are limited, or threats are ill-defined, we must be capable of quickly determining that the threats and conflicts either do or do not affect the vital interests of the United States and our allies . . . and then responding appropriately.

Those threats may not entail an immediate, direct attack on our territory, and our response may not necessarily require the immediate or direct defense of our homeland. But when our vital national interests and those of our allies are at stake, we cannot ignore our safety, or forsake our allies.

At the same time, recent history has proven that we cannot assume unilaterally the role of the world's defender. We have learned that there are limits to how much of our spirit and blood and treasure we can afford to forfeit in meeting our responsibility to keep peace and freedom. So while we may and should offer substantial amounts of economic and military assistance to our allies in their time of need, and help them maintain forces to deter attacks against them—usually we cannot substitute our troops or our will for theirs.

We should only engage our troops if we must do so as a matter of our own vital national interest. We cannot assume for other sovereign nations the responsibility to defend their territory—without their strong invitation—when our own freedom is not threatened.

On the other hand, there have been recent cases where the United States has seen the need to join forces with other nations to try to preserve the peace by helping with negotiations, and by separating warring parties, and thus enabling those warring nations to withdraw from hostilities safely. In the Middle East, which has been torn by conflict for millennia, we have sent our troops in recent years both to the Sinai and to Lebanon, for just such a peacekeeping mission. But we did not configure or equip those forces for combat—they were armed only for their self-defense. Their mission required them to be—and to be recognized as—peacekeepers. We knew that if conditions deteriorated so they were in danger, or if because of the actions of the warring nations, their peace keeping mission could not be realized, then it would be necessary either to add sufficiently to the number and arms of our troops—in short to equip them for combat, or to withdraw them. And so in Lebanon, when we faced just such a choice, because the warring nations did not enter into withdrawal or peace agreements, the President properly withdrew forces equipped only for peacekeeping.

In those cases where our national interests require us to commit combat forces, we must never let there be doubt of our resolution. When it is necessary for our troops to be committed to combat, we must commit them, in sufficient numbers and we must support them, as effectively and resolutely as our strength permits. When we commit our troops to combat we must do so with the sole object of winning.

Once it is clear our troops are required, because our vital interests are at stake, then we must have the firm national resolve to commit every ounce of strength necessary to win the fight to achieve our objectives. In Grenada we did just that.

Just as clearly, there are other situations where United States combat forces should not be used. I believe the postwar period has taught us several lessons, and from them I have developed six major tests to be applied when we are weighing the use of U.S. combat forces abroad. Let me now share them with you:

(1) First, the United States should not commit forces to combat overseas unless the particular engagement or occasion is deemed vital to our national interest or that of our allies. That emphatically does not mean that we should declare beforehand, as we did with Korea in 1950, that a particular area is outside our strategic perimeter.

(2) Second, if we decide it is necessary to put combat troops into a given situation, we should do so wholeheartedly, and with the clear intention of winning. If we are unwilling to commit the forces or resources necessary to achieve our objectives, we should not commit them at all. Of course if the particular situation requires only limited force to win our objectives, then we should not hesitate to commit forces sized accordingly. When Hitler broke treaties and remilitarized the Rhineland, small combat forces then could perhaps have prevented the Holocaust of World War II.

(3) Third, if we do decide to commit forces to combat overseas, we should have clearly defined political and military objectives. And we should know precisely how our forces can accomplish those clearly defined objectives. And we should have and send the forces needed to do just that. As Clausewitz wrote, ''no one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war, and how he intends to conduct it.''

War may be different than in Clausewitz's time, but the need for well-defined objectives and a consistent strategy is still essential. If we determine that a combat mission has become necessary for our vital national interests, then we must send forces capable to do the job—and not assign a combat mission to a force configured for peacekeeping.

(4) Fourth, the relationship between our objectives and the forces we have committed—their size, composition and disposition—must be continually reassessed and adjusted if necessary. Conditions and objectives invariably change during the course of a conflict. When they do change, then so must our combat requirements. We must continuously keep as a beacon light before us the basic questions: ''Is this conflict in our national interest?'' ''Does our national interest require us to fight, to use force of arms?'' If the answers are ''Yes'', then we must win. If the answers are ''No'', then we should not be in combat.

(5) Fifth, before the U.S. commits combat forces abroad, there must be some reasonable assurance we will have the support of the American people and their elected Representatives in Congress. This support cannot be achieved unless we are candid in making clear the threats we face: The support cannot be sustained without continuing and close consultation. We cannot fight a battle with the Congress at home while asking our troops to win a war overseas or, as in the case of Vietnam, in effect asking our troops not to win, but just to be there.

(6) Finally, the commitment of U.S. Forces to combat should be a last resort.

I believe that these tests can be helpful in deciding whether or not we should commit our troops to combat in the months and years ahead. The point we must all keep uppermost in our minds is that if we ever decide to commit forces to combat, we must support those forces to the fullest extent of our national will for as long as it takes to win. So we must have in mind objectives that are clearly defined and understood and supported by the widest possible number of our citizens. And those objectives must be vital to our survival as a free nation and to the fulfillment of our responsibilities as a world power. We must also be farsighted enough to sense when immediate and strong reactions to apparently small events can prevent lion-like responses that may be required later. We must never forget those isolationists in Europe who shrugged that ''Danzig is not worth a war'', and ''Why should we fight to keep the Rhineland demilitarized?''

These tests I have just mentioned have been phrased negatively for a purpose—they are intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas. When we ask

our military forces to risk their very lives in such situations, a note of caution is not only prudent, it is morally required.

In many situations we may apply these tests and conclude that a combatant role is not appropriate. Yet no one should interpret what I am saying here today as an abdication of America's responsibilities—either to its own citizens or to its allies. Nor should these remarks be misread as a signal that this country, or this administration, is unwilling to commit forces to combat overseas.

We have demonstrated in the past that, when our vital interests or those of our allies are threatened, we are ready to use force, and use it decisively, to protect those interests. Let no one entertain any illusions—if our vital interests are involved, we are prepared to fight. And we are resolved that if we must fight, we must win.

So, while these tests are drawn from lessons we have learned from the past, they also can—and should—be applied to the future. For example, the problems confronting us in Central America today are difficult. The possibility of more extensive Soviet and Soviet-proxy penetration into this hemisphere in months ahead is something we should recognize. If this happens we will clearly need more economic and military assistance and training to help those who want democracy.

The President will not allow our military forces to creep—or be drawn gradually—into a combat role in Central America or any other place in the world. And indeed our policy is designed to prevent the need for direct American involvement. This means we will need sustained congressional support to back and give confidence to our friends in the region.

I believe that the tests I have enunciated here today can, if applied carefully, avoid the danger of this gradualist incremental approach which almost always means the use of insufficient force. These tests can help us to avoid being drawn inexorably into an endless morass, where it is not vital to our national interest to fight.

But policies and principles such as these require decisive leadership in both the executive and legislative branches of government—and they also require strong and sustained public support. Most of all, these policies require national unity of purpose. I believe the United States now possesses the policies and leadership to gain that public support and unity. And I believe that the future will show we have the strength of character to protect peace with freedom.

In summary, we should all remember these are the policies—indeed the only policies—that can preserve for ourselves, our friends, and our posterity, peace with freedom.

I believe we can continue to deter the Soviet Union and other potential adversaries from pursuing their designs around the world. We can enable our friends in Central America to defeat aggression and gain the breathing room to nurture democratic reforms. We can meet the challenge posed by the unfolding complexity of the 1980's.

We will then be poised to begin the last decade of this century amid a peace tempered by realism, and secured by firmness and strength. And it will be a peace that will enable all of us—ourselves at home, and our friends abroad—to achieve a quality of life, both spiritually and materially, far higher than man has even dared to dream.

In brief, there is no vital United States interest in what is going on in Kosovo. What is going on in Kosovo is tragic, but it is not at the level of defending vital interests of the United States by making war in the area. Kosovo should receive humanitarian aid.

I think all of us abhor Milosevic. He should be tried as an international war criminal, and, if convicted, a bounty ought to be offered for him.

The Balkans are a quagmire of ethnic and religious rivalries that we cannot solve alone. Let us remember Dien Bien Phu, when many of his key advisers pressured President Eisenhower to send our armed forces to bail out the French. He was a wise President; he turned them down. There was not vital interest of the United States at stake. Eisenhower had 800 advisers in Vietnam. He told them not to get involved in the battle—simply train the soldiers. He was a wise President.

John F. Kennedy was not a wise President when it came to Vietnam. He put 16,000 people there and told them to get engaged and shoot. Lyndon Baines Johnson was not a wise President when it came to foreign affairs. LBJ upped the ante to 550,000 American troops. They were heavily engaged. We lost that war. There was no vital interest for our country.

During the Bush administration the United States put an arms embargo on sending arms to Bosnia. That was the wrong decision. If the Bosnians had weapons, they could have protected their country and its people. The Albanians should have arms to protect their people.

Mr. MEEKS of New York. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, of the many books that have been written about the failed American policy in Vietnam I think one of the most damning was a book called ''Dereliction of Duty.'' It talks about how the generals and admirals who comprised the Joint Chiefs of Staff during the early Vietnam years knew that President Johnson was intentionally lying to the American public about his plan, or lack of a plan, in Vietnam, that there was no plan to win the war, there was no plan as to how to win the war, and yet not one of these people who claimed to be looking out for their troops was willing to step forward and risk their career by saying, ''Mr. President, do it right, or do not do it at all. If you are not willing to do it right, I will resign my commission and go out and tell the American people the truth about what is going on.''

Mr. Speaker, this Congress is doing the exact same thing. This Congress is criticizing the American President for the way he is handling this conflict. Yet the American President says he will not introduce ground forces, and the Congress that is damning him today by 250 votes said, ''Do not introduce ground forces.''

We have a President who says, ''I am not going to stop the bombing.'' We have a Congress, 250-plus votes, said, ''Do not stop the bombing.''

We share in the responsibility for what is happening right now. Tonight, brave young Americans will get in F–15s, F–16s, A–6s, and they will put their lives on the line in what is for them a very real war.

□ 1800

One cannot wish it away. We just voted not to end it. The choice we have is to do it right or to repeat the mistakes of the Congresses and the Presidents during Vietnam and to pretend that some half-hearted policy is going to achieve American objectives, and to look the other way as the casualties mount because we are not willing to put our necks out, we are not willing to risk our careers, but we are going to let those kids risk their lives.

Think about it. This is our constitutional obligation. The vote to get the kids out failed. That leaves but one other alternative, and that is to do it right for the sake of those kids who are putting their lives on the line right now.

Now, if we want to revoke the last vote, if we have changed our minds, then vote it. But if we are going to ask those kids to make the ultimate sacrifice, then we as a Nation ought to commit this Nation to the effort and not just a handful of pilots.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my distinguished chairman for yielding time to me.

I rise in strong opposition to this particular resolution, and I especially am concerned about the timing of these votes. I understand the reasons why my friend and colleague from California did what he did to maintain the integrity of the process and the responsibility that we have as parliamentarians to engage in that process. I, however, went to the leadership and asked if we could postpone these votes at least until next week, as a group of Members of this body, in fact 10 of us, travel to Austria, Vienna, Austria tomorrow evening to meet with the senior leadership of the Russian Duma and their major factions to try to find some common ground to provide leverage to convince Milosevic that it is time to come to the table and end this conflict.

We have an opportunity, Mr. Speaker. We have not used that opportunity before this debate and this vote, and that is extremely unfortunate. We should not be locked into an artificial vote time frame that tells us when to come forward and have Members in such disarray as we are going to see today watch the results of this vote. And that will tell us the problem that Members have in terms of what we are doing.

I understand the process is important, but I also understand the substance of what we are about is even more important, because we are talking about an issue and decisions and votes that could affect our ability to bring Russia in in a way that helps us bring this to a resolution peacefully. In my mind, Mr. Speaker, that is the top priority. Keeping our ground troops, keeping NATO ground troops from having to confront the Russian military, and from those Serbs in a confrontational way that will lead to additional bloodshed.

It is unfortunate we are having these votes today. In my opinion, it is not in our country's best interests that we have these votes. I wish we could have avoided that. I think the vote results will show the concern that Members have, not necessarily with just the issue of what we are about, because anyone could argue that, in fact, we are in war today with the things that are occurring. But rather, the timing, the sequence, and the way this is being done without full consideration to what I think is one very real opportunity.

Mr. MEEKS of New York. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, yesterday I spoke to my dear colleague, the gentleman from California (Mr. CAMPBELL) regarding the need for clarity with reference to the War Powers Act. On that I agree with him thoroughly, and I indicated to him at that time that I would be prepared to stand with him, and I am sure others will, once this matter is litigated. I think the timing is poor, and I agree and associate myself with the remarks of the previous speaker with reference to the preserving of the process.

That said, the question is, why would we act unilaterally in declaring war with Yugoslavia? Presently, we are not at war with Yugoslavia; we are engaged in an international mission to bring about peace in Yugoslavia. A unilateral declaration of war would signal that the United States was intensifying the war, while others were fighting for more limited objectives. OSCE and NATO this past week confirmed as our partners the objectives that we have set forth. Why, then, would we destroy our credibility with NATO and destroy NATO's credibility?

I suggest that we defeat this declaration.

Mr. GILMAN. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from New York (Mr. GILMAN) has 7½ minutes remaining, and the gentleman from New York (Mr. MEEKS) has 3½ minutes remaining.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Speaker, war is hell, but at times it is our most dreaded necessity. At times it is unavoidable. At times it is a matter of self-defense. None of this is the case in Kosovo. This war was not, nor is it now unavoidable. It is neither a dreaded necessity, nor is it fought in self-defense against an attacking enemy. All the good intentions in the world do not justify continuing such a war. A war that has every potential for disastrous consequences and catastrophe, not only for the United States, but also for our NATO allies, and for all of the people of Europe, both east and west.

The deep divisions and misgivings expressed here in Congress over continuing this war are heard throughout the Nation and among our NATO allies. These divisions and misgivings are understandable, they are justified, and they cannot be ignored. The administration has failed to make a persuasive case to Congress or to the American people.

For these reasons, and consistent with my concern and support for our troops, I voted to withdraw U.S. forces from the war in Kosovo, and I will vote against ratifying this war with a declaration from Congress.

Mr. MEEKS of New York. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I do not believe that the conflict in Yugoslavia requires this body to take the extraordinary step of declaring war today, for the first time in the last 50 years of American history. To declare war today could have dangerous consequences that nobody, regardless of party, wants to have occur. If war is declared, then any country that has a connection to Serbia becomes a potential enemy of the United States and could be drawn into the conflict in the Balkans. We could find ourselves at war technically with Russia or China, who have a relationship with Serbia, two of the world's most potent nuclear powers.

We did not declare war when we engaged in the conflict in Korea, Vietnam, the Persian Gulf, Panama, Haiti or Grenada. Why are some forcing Congress, or trying to force Congress to declare war now? We have not done so in 50 years, since World War II. Now is not the time to escalate the conflict. We should not tie our military's hands with the red tape and other legal obligations that flow from a declaration of war. We should not engage in an action that might cause this conflict to spread to other regions of Europe beyond our control.

This measure demands defeat, and I urge my colleagues to vote against it.

Mr. GILMAN. Mr. Speaker, I reserve the balance of my time.

Mr. MEEKS of New York. Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut (Mr. GEJDENSON), the ranking member of the Committee on International Relations.

The SPEAKER pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) is recognized for 2½ minutes.

Mr. GEJDENSON. Mr. Speaker, I am confident the House will reject this unwarranted proposal for a declaration of war. What we should do when we complete rejecting this constitutionally-propelled resolution by the gentleman from California (Mr. CAMPBELL), who wants to bring this to court and test it, and he will apparently have his day in court, is then to make sure we leave no confusion about where the Congress and the American people are. We must pass the Senate language which I will offer to authorize the activities we are under.

We have created sufficient confusion today by contradicting even our own statements here on the floor. Many of those who argued against the President unilaterally, saying he would not use ground troops, have now passed what is potentially a statute that would prohibit the President from using ground troops unless Congress comes together, meets and passes it in both Houses.

So let us not leave this Chamber leaving confusion in Belgrade or anywhere else. The bulk of the American people are with the President on this action; the bulk of the American people are proud that we are fighting to save human beings from murder. There is no second agenda here. There is no oil, there is no Communist threat, there are simply human beings who will then be murdered. Reject this amendment, reject the proposal to declare war, and join us to simply state that we support the actions that are being taken, so that Mr. Milosevic can take no heart in the debate in this great, free and Democratic institution that we speak clearly and honestly, that we want to set Kosovo free.

Mr. MEEKS of New York. Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from California (Mr. CAMPBELL), who is the proponent of this measure.

The SPEAKER pro tempore. The gentleman from California (Mr. CAMPBELL) is recognized for 5½ minutes.

Mr. CAMPBELL. Mr. Speaker, we are at war. There is no question that that is the truth. We are at war. And I believe that it is fair under the Constitution for us to declare that war if we are at war, and if we do not wish to engage in the war, to withdraw from that war. That is why I offered these alternatives to this body.

I am going to go through evidence that is unmistakable that we are at

war, both quotations from the administration and just average facts that would compel the conclusion to any fair observer that we are at war.

Before I do so, though, I yield to the gentleman from California (Mr. CUNNINGHAM), my colleague, my good friend, and a distinguished veteran of the Vietnam war.

Mr. CUNNINGHAM. Mr. Speaker, I would ask my colleagues to look. If NATO and OSCE are unanimous, then why are Hungary and France still shipping oil to Serbs? Why do we have Hungary and Poland and the Czechs who say that if we go to war they will not support us, and we had to fight for airspace.

Please look at other solutions to this problem besides ground troops and bombing, and realize that there are many, many nationalists lined up behind Milosevic to take his place. It is not just Milosevic. We have caused the nationalism in many cases. But look at the Mujahedin and Hamas who, in my opinion, will cause problems for the next 100 years unless the President looks at the Albanian President and Izetbegovic and says, deport them within 30 days.

Have we looked into the children's eyes that are the refugees? They do not have a clue as to why they are being uprooted from their homes. And in my opinion, we have caused a lot of it. It is not just a single focus. We have to reach out and look at all of the different factors that are affecting Kosovo and Bosnia.

Mr. CAMPBELL. Mr. Speaker, reclaiming my time, I thank my colleague.

To this day, we have flown 11,574 missions. We have 4,423 air strikes, but this is not war, says the administration. Please, this is war. Recognize it, say it, admit it.

The Secretary of Defense said in testimony in the Senate Committee on National Security on April 15, ''We are certainly engaged in hostilities. We are engaged in combat. Whether that measures up to a classic definition of war I am not qualified to say.''

For heaven's sakes, Mr. Speaker, the Secretary of Defense of the United States says he is not qualified to say whether we are at war when he admits we are engaged in hostilities, we are engaged in combat.

The Secretary of State of the United States, in testimony before the Committee on International Relations on April 21, refused to answer my question whether we were in hostilities. It is shameful that the Secretary of State of the United States did not answer a question put by a member of the Committee on International Relations, the committee of jurisdiction over international relations, as to whether we were in hostilities.

□ 1815

The reason she didn't, I believe, is because I explained in asking my question to her that the word ''hostilities'' appears in the war powers resolution, and she was afraid of confessing that hostilities were in existence, because that might trigger the War Powers Resolution. She did admit we were in conflict.

The next day, April 22, her spokesperson, the Assistant Secretary of State, admitted we were in an armed conflict. The President's executive order of April 13 accords extra pay to our soldiers who are in, and I quote the word, ''combat.''

The Deputy Secretary of State Thomas Pickering on February 10 before our committee answered my question, ''Would Serbia be within its rights to consider the bombing of sovereign Serbian territory as an act of war?,'' by saying ''Yes, they would be within their rights to consider it an act of war.'' I asked him, ''Is Kosovo a part of sovereign Serbia?'' He said, yes, it was.

We have prisoners of war, admitted by the President and called as such by him and by the Assistant Secretary of State Jacobs. We had a call-up yesterday of 33,102 troops from our Reserves.

We are at war. It is inconvenient, perhaps, to admit the truth, but it is the truth. We are at war. I applaud two of our colleagues who have spoken today, our colleague, the gentlewoman from Hawaii (Mrs. MINK) and our colleague, the gentleman from Mississippi (Mr. TAYLOR), who said, this is war. We should declare it to be war if we wish to be at war.

But if we do not wish to be at war, then we must not permit the incidents of war, the bombing and the troops. Why do we have this distinction? Why do we say the bombing is okay but the troops are not? Is bombing any less war? Is it less war to the people in Yugoslavia? It is war.

The President needed the approval of Congress before he commenced the bombing. It is no victory that today he sends us a letter saying that he will come to Congress before commencing ground troops, because he says ''before commencing ground troops in a nonpermissive environment,'' he does not say ''before putting in ground troops to fight.'' And he does not say he will wait for a Congressional vote.

If the Serbs are sufficiently diminished, ''degraded'' is the word they use in the administration, so that entry will be quasi-permissive, then I take it the President would put in ground troops.

Please, we are at war. The honest choice is this: If we are at war, declare we are at war. If my colleagues do not wish us to be at war, withdraw the troops. I ask my colleagues to stand up to their constitutional obligation and to honesty on this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong opposition to this joint resolution. This resolution would pursuant to section 5(b) of the War Powers Resolution, declare a state of war between the United States and the Government of the Federal Republic of Yugoslavia. Again, Mr. Speaker this joint resolution is not in the best interest of United States of America.

Neither NATO nor the United States believes that a state of war exists in the current conflict in the Balkan region. The President has not requested that Congress issue a declaration of war. I believe that a declaration of war would be entirely counterproductive as a matter of policy and is unnecessary as a matter of law.

On only five occasions in the United States history and never since the end of World War II has the Congress declared war, reflecting the extraordinary nature of, and implications attendant on, such a declaration. While we are not at war with either the Federal Republic of Yugoslavia or its people, Slobodan Milosevic should not doubt the determination of NATO to see the stability of Europe reasserted. With resolve NATO can attain a durable peace that prevents further repression and provides for democratic self-government for the Kosovar people.

Mr. Speaker, if this resolution is adopted this body would convey the wrong message. The adoption of H. J. Res. 44 would indicate the existence of a bilateral war between the United States and Yugoslavia. A bilateral war between the United States and Yugoslavia has not been declared and in my opinion should not be declared; rather our efforts must remain in concert with the allied effort under the NATO umbrella.

As a matter of law, there is no need for a declaration of war. Mr. Speaker, every use of U.S. Armed Forces since World War II has been undertaken pursuant to the President's constitutional authority. In some cases like the Persian Gulf War, action was taken under congressional authorization, but not since World War II has Congress declared war.

Mr. Speaker, in the time in which we live, the President must have the discretion and authority to use U.S. Armed Forces when there is a clear and significant risk to our national security interests. I would hope that if nothing else we would have learned that instability in Europe does have an immediate impact on our own security interests.

In addition, a declaration of war could have serious counterproductive effects on NATO cohesion and regional stability. Russia, already agitated over NATO action, could be further alienated from joining in diplomatic efforts to achieve a lasting peace.

As NATO reaffirmed at its 50th Anniversary, it remains committed to the stability of Europe. NATO is acting to deter unlawful violence in Kosovo that endangers the fragile stability of the Balkans and threatens a wider conflict in Europe. The NATO alliance is as united as ever, and there is no sense in giving up now, and there is no better prospect for getting a fair and lasting settlement.

I urge my colleagues to oppose this resolution and let us proceed with our NATO allies to bring about a peaceful settlement.

Mr. CONYERS. Mr. Speaker, as with all Americans I am greatly distressed by the brutality and loss of freedom the Kosovars are suffering at the hands of military forces of the

Serbian regime in Belgrade. However, NATO military policy, while inflicting heavy penalties on the infrastructure of Yugoslavia, has done nothing to stop the forced removal of the Albanian residents of Kosovo, the original objective announced by President Clinton and our NATO allies. It may, in fact, have aggravated the situation. And the effort of the honorable Congressman from California, TOM CAMPBELL, and his supporters, to move for a congressional declaration of war is fraught with additional danger with regard to both our domestic tranquility and the possibilities of expanding the conflict.

On the domestic front the President as Commander in Chief would be empowered to call up the Reserves and federalize the National Guard. All regular enlistments in the armed services would be extended until 6 months after the termination of the conflict. (10 U.S.C. 506, 671a) Private property deemed necessary for military purposes could be seized. (10 U.S.C. 2663–64) Under certain conditions, the President could take over private manufacturing plants, transportation systems, and regulate the transmission of electrical energy. (10 U.S.C. 4501–02, 9501,–02, 4742, 9742, 16 U.S.C. 824) Private vessels could be requisitioned by the government (46 U.S.C. App1242–a), radio and television transmission rules could be suspended (47 U.S.C. 606), and a variety of controls could be established with regard to aliens, particularly those from states considered enemies. While it is not certain, it is highly probable that Congress would agree to pass other legislation deemed necessary to achieve victory, which would curtail other aspects of civil life we take for granted.

With regard to United States foreign policy, the negative costs could be equally grave. Such a declaration could be divisive in NATO, with some members (Greece, Italy) determining that the effects of such a war declaration by the U.S. Congress would decrease the support among their own citizens, thus ending their cooperation and producing a rupture in the alliance. It would certainly increase the sense of hostility with Russia, the Ukraine and possibly other former Soviet states.

While we are all agreed with the objective of bringing peace and justice to the Balkan region, there needs to be further reflection and discussion regarding the terms we wish to establish with the Yugoslav government and the means by which we achieve this end. It may be desirable to consider establishing an ad hoc group within the UN General Assembly, beyond just the NATO members, to aid in the search for an honorable and sensible end to this increasingly grave crisis.

Ms. LEE. Mr. Speaker, I rise today in opposition to H.J. Res. 44, which would declare a state of war between the United States and the Federal Republic of Yugoslavia. I oppose this resolution because I believe that a declaration of war, like the NATO air strikes, will only increase instability in the region and exacerbate the atrocities against ethnic Albanians.

At this very volatile time, my support and prayers go out to the brave men and women of the United States Armed Forces who have been dispatched to Yugoslavia. We must take every measure possible to bring an end to this crisis to ensure their safe and expeditious return home.

While I will vote against the declaration of war, I would like to commend my colleague from California, Congressman CAMPBELL, for introducing this resolution into the House of Representatives and bringing forward Congressional action on the U.S. involvement in Kosovo. It is my belief that these debates should have taken place six weeks ago, before a single bomb was dropped and before any U.S. troops were sent into the hostile situation in the Balkans.

By failing to vote on the air strikes before their commencement, and instead debating authorization now, when we are already heavily involved, the Administration is conducting a war without Congressional consent as required by the Constitution. A vote to authorize the President to conduct military air strikes at this juncture is nothing more than a rubber stamp from Congress for an action that has already begun. In my opinion, our inaction prior to military strikes abdicated our Constitutional responsibility and furthermore, prevented the voice of the people I represent, who are overwhelmingly against the air strikes, from being heard.

There are those who rise today in support of the Administration's action in order to end the genocide of the ethnic Albanians. I agree, in the strongest terms possible, that we have a moral imperative to intervene and to bring an end to the horrific suffering. However, whether air strikes, ground forces, or a declaration of war—these violent means as a method to bring peace and stability to the Balkans have only, and will only escalate the crisis.

As a person who strongly believes in the teachings and work of Dr. Martin Luther King Jr., not just on his birthday, but throughout the year, I profoundly subscribe to the principles of nonviolence. Our policies, and our actions, must set an example for our young people that violence should never be an option. If peace is our objective, and I am certain that this is a goal upon which all in this chamber can agree, then I implore us to consider the words of Dr. King. In his last book, "The Trumpet of Conscience, A Christmas Sermon on Peace," Dr. King discusses bombing in North Vietnam, and the rhetoric of peace that was connected to those war making acts.

He wrote,

> What is the problem? They are talking about peace as a distant goal, as an end we seek. But one day we must come to see that peace is not merely a distant goal we seek, but that it is a means by which we arrive at that goal. We must pursue peaceful ends through peaceful means. All of this is saying that, in the final analysis, means and ends must cohere because the end is pre-existent in the means and ultimately destructive means cannot bring about constructive ends.

The Administration's policy and the NATO campaign in Kosovo to date have produced only counterproductive and destructive results: a mass exodus of over half a million ethnic Albanians, significant civilian deaths, an escalation of Milosevic's campaign of racial hatred and terror, and greater instability in the region. The results are just the opposite of what we want to achieve. Our goal is to prevent innocent people from being killed. In the name of saving Kosovars, we are destroying Kosovo.

At this juncture, I am convinced that our best hope for peace and stability in the region is the negotiation of an immediate cease fire. It is my strong belief that the United States and NATO must reach out to the United Nations, Russia, China, and others to work together to develop a new, internationally negotiated peace agreement and to secure Serbian compliance to its terms. In order to end the suffering in the Balkans and to achieve long term stability, support of a diplomatic political settlement is the only action we can employ.

As we today speak of a policy to end genocide in the Balkans, I am also greatly disturbed to think of the people in many countries in Africa and all over the world, who have also suffered unthinkable atrocities, beyond our worst nightmare. As a result of ethnic conflict in Africa, over 150,000 have been killed in Burundi; 800,000 in Rwanda; and 1.5 million in Sudan. More than 200,000 Kurds have died in Iraq and Turkey, and hundreds of thousands in Burma, and over 1 million in Cambodia.

It is my hope that our nation can develop a foreign policy framework to address suffering and killing all over the world, without the use of force, ground troops, air strikes and other violent means.

I urge a "no" vote on the declaration of war.

Mr. GANSKE. Mr. Speaker, last November, I asked Iowans to remember the victims of Hurricane Mitch * * * and in America's generosity, we responded with private and public philanthropy. I voted for federal assistance not only for humanitarian reasons, but also because it is in our own country's interest that the economics of our trading partners to the South be salvaged.

Sharing our nation's treasure is a long tradition of United States humanitarianism. Perhaps the best example was the Marshall Plan to rebuild Europe after World War II and there are countless others.

We are now facing a man-made disaster with hundreds of thousands of homeless in the Balkans. Our country is partially responsible for these refugees, because without President Clinton's go ahead, there never would have been NATO military action. We should give strong financial support to Albania and Macedonia to help them clothe, feed and shelter the displaced Kosovars.

However, there is a big difference between providing humanitarian financial assistance to homeless victims whether in Guatemala or Albania and spending the blood of our sons and daughters in a ground war in the Balkans. One of the lessons we should have learned in Vietnam is that the public will tolerate loss of life and limb only when it is convinced that its vital national interest is at stake. While the American public is rightly concerned about the human rights violations in Kosovo, few believe that our own country's interests are at risk.

Vietnam also taught us that military might is only one factor in determining the outcome. We were much stronger militarily than the Viet Cong, but they were much more committed. It was their country. We have an analogous situation in Kosovo, a province of Yugoslavia, which the Serbs consider the birthplace of their nation.

We are hearing arguments that the credibility of NATO is at stake. For those of us who remember the Vietnam era only too clearly,

these were the same arguments that got us deeper into a Southeast Asia war. The lesson we should have learned then was: Unless you are willing to wade in a swampy pit, don't dig your hole deeper. The consequences of failing to carry through later will be much worse than not getting more deeply involved now.

So where do we go from here? First, Congress ought to assert its Constitutional duty. The Framers assigned the power to enter wars to Congress only, not the President. Congress should step up to the bar and not let the President take the risks of war and then either cheer or castigate depending on the outcome.

I support Congressman TOM CAMPBELL's attempt to get Congress to vote on a declaration of war. I will vote "No," since our country has not been attacked by Yugoslavia nor do we have such an overriding national interest to justify going to war over their own civil war.

If Congress votes for war, then we will have upped the ante a thousand fold. If Congress votes no, then I would support taking this to the courts in order to get a cease and desist order on the executive.

But what about Kosovo itself? Milosevic is indicating that he would now accept non-NATO international observers in Kosovo. We should suspend bombing, institute a full UN-sponsored economic boycott, and resume negotiations. Probably the best that can be achieved is a partition of Kosovo with the Serbs and their religious and historical sites on one side and the Albanian Kosovars on the other. A UN peacekeeping presence will be necessary for generations.

One thing, though, is clear to me. I just completed town hall meetings in every county in my district. Iowans are very skeptical about our military involvement in that part of the world. Of the nearly one thousand people who attended, only a handful were for placing U.S. ground troops in Kosovo under any circumstances.

Humanitarian aid, yes. U.S. ground forces, no.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 4 of House Resolution 151, the joint resolution is considered as read for amendment, and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 2, nays 427, not voting 5, as follows:

[Roll No. 102]

YEAS—2

Barton
Taylor (MS)

NAYS—427

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
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
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
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
Hastert
Hastings (FL)
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
Kasich
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 (GA)
Lewis (KY)
Linder
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
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
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
Radanovich
Rahall
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
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—5

Aderholt
Blagojevich
Slaughter
Tauzin
Wynn

□ 1837

Messrs. McINTOSH, McINNIS, UPTON, HUTCHINSON, and NADLER, and Ms. PRYCE of Ohio and Ms. KILPATRICK changed their vote from "yea" to "nay."

So the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present today for rollcall votes 98, 99, 100, 101, and 102.

Had I been present, I would have voted "yes" or "aye" on rollcall vote 98, and "no" or "nay" on votes 99, 100, 101, and 102.

AUTHORIZING PRESIDENT TO CONDUCT MILITARY AIR OPERATIONS AND MISSILE STRIKES AGAINST FEDERAL REPUBLIC OF YUGOSLAVIA

Mr. GEJDENSON. Mr. Speaker, pursuant to section 5 of House Resolution 151, I call up from the Speaker's table the Senate concurrent resolution (S.

Con. Res. 21) authorizing the President of the United States to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia (Serbia and Montenegro), and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mr. KOLBE). The Clerk read the title of the Senate concurrent resolution.

The text of Senate Concurrent Resolution 21 is as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring), That the President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution 151, the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. GILMAN) will each control 30 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, some of our colleagues are distributing a letter that frankly is, I am sure, unintentionally inaccurate. I would hope that every Member of this body, before they vote, reads the five line resolution.

This five line resolution is not an authorization for ground forces, and I will ask my colleagues to listen as I read it, because it is only five lines. The resolution that has come from the Senate says: ''The President of the United States is authorized to conduct military air operations and missile strikes in cooperation with our NATO allies against the Federal Republic of Yugoslavia.''

It says nothing else. Make it clear. Members should vote however they believe is correct, but they should do it based on the facts.

Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. DAVIS) control my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida (Mr. DAVIS) will control the remainder of the time allotted to the gentleman from Connecticut (Mr. GEJDENSON).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject matter under consideration, S. Con. Res. 21.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I have previously indicated, I am prepared to support statutory authorization for appropriate measures necessary to achieve all of our objectives in Kosovo. Accordingly, I support this resolution, although I consider it to be only a halfway measure. It is not a statutory authorization, even though it purports to be such, and it addresses itself only to the present military air operation by NATO in the Federal Republic of Yugoslavia.

As I previously stated, I believe that it would be both timely and prudent for the administration to come to the Congress with a request for statutory authorization for any and all measures necessary to bring about our stated objectives in Kosovo. We do not want to encourage Mr. Milosevic to believe that our Nation is not prepared to pursue victory, and we do not want him to believe that he can wait us out and his will is superior to our manifest determination in this matter.

I believe that this measure advances, in a modest way, our determination of support for an end to the brutality in Kosovo and, accordingly, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of Senate Concurrent Resolution 21. The Congress needs to have a voice in the involvement of the United States in Operation Allied Force. We should stand up and express our support for our troops and our allies in NATO.

We must also take this opportunity to show to President Milosevic that we are united in our belief and determination that this campaign of terror must be stopped. We must continue to work with our NATO allies to restore peace to the region, to ensure that the Kosovo Albanians who want to return to their homes can be allowed to do so under peaceful circumstances, and we must continue to ensure that Mr. Milosevic will withdraw his military and paramilitary forces from Kosovo and, ultimately, provide for self-governance in Kosovo.

To accomplish these goals we must participate in Operation Allied Force and support the air strikes. We are steadily diminishing the power of Mr. Milosevic and his military forces. For the United States to withdraw from this attack at this moment would undermine the entire NATO effort and would, in effect, validate Mr. Milosevic's inexcusable and terrible campaign of ethnic cleansing.

□ 1845

Our NATO allies have stepped up to the plate in Kosovo. Leaders of the NATO alliance have recently reaffirmed their commitment and resolve to continue the air strikes until we stop President Milosevic. This is the time for Congress to step up and to endorse those air strikes.

The Senate concurrent resolution authorizes the President to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia. Passage of this resolution will express our endorsement of these strikes and send a strong message to President Milosevic that we are unified with our allies. This will also send a strong message to our troops in the field.

Fifty years ago we formed NATO to work together for the security of Europe. The cold war has ended and communism has ended. However, there is a great need for us to work to assure the safety and stability of countries in Europe who have been our partners for over 50 years.

We can continue this good work by adopting this resolution today, sending a message that we are united as a country and determine our resolve to stop the slaughter in Kosovo.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me the time.

I hope Members will think very seriously about this resolution, because what this resolution says is that this House is about to take ownership in what the President has put us into since he started bombing Kosovo. So I think we should think very, very seriously whether we are going to take ownership of the bombing of Kosovo.

Let us go back a little ways. Let us go back to even the negotiations in Rambouillet. I do not think many Members of this House have even read the provisions of the peace agreement in Rambouillet. One of the provisions of the peace agreement was that Milosevic had to agree to allow foreign troops, the peacekeeping troops, to have free reign over the entire country of Yugoslavia, not just Kosovo, but the entire country of Yugoslavia, which put Milosevic in a very untenable situation. No wonder he was not going to sign this agreement.

Then the Secretary of State, who believes in bombing to support her diplomacy, decides that we are going to bomb him to the peace table and make him sign something that would actually slit his throat with his own people.

Then after trying to force him with bombing, and I remind Members of the briefings that we had with this administration, the first briefings, that frankly scared me to death because those briefings with the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff told us that this was no big deal,

that we were going to bomb for a couple of days, 48 hours, and then stop bombing and Milosevic would come to the table.

When asked the question, what if he does not come to the table, they said, well, we will go to Phase 2; and Phase 2 is that we will bomb for a few more days. Then he will be going to the table, by crackie. And when we asked, ''Then, what?'' then they said, well, we will bomb for another week and that will force him to come to the table and this will be all over with. And then when we asked, ''Then, what?'' there was silence. This administration started a war without a plan farther along than 2 weeks.

And Phase 3. That is what brought us to the bombing, my colleagues. Once they started bombing and found out that Milosevic was a pretty tough customer and that the Serbian people were pretty tough people that have been through these kind of things before, and some people have said that the Germans had something like 20 divisions in Yugoslavia trying to route the Serbians out of those mountains and those caves, and they could not do it.

So what they are doing here is they are voting to continue an unplanned war by an administration that is incompetent of carrying it out. I hope my colleagues will vote against the resolution.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2¼ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are three reasons why it is legitimate, why our actions in Yugoslavia should be authorized by this Congress: Number one, the strength of NATO; number two, our experience with Milosevic; and number 3, the alternative of doing nothing.

It is in our vital interest that there be a strong and resolute NATO. Think of the hundreds of thousands of innocent soldiers, sailors, and airmen that were lost in Europe because we did not have NATO when we needed NATO.

We need NATO now. We need to act with NATO. We need a strong NATO. And if we do, we will not have to be the world's peacekeeper in the future.

Second, our experience with Milosevic, because NATO did not get involved when it had an opportunity, such as in 1992, when it was recommended; what resulted, with the same leadership, Mr. Milosevic, 200,000 lives were lost, 2½ million people were displaced, 40,000 women were raped. It could have been prevented had NATO acted when it had the opportunity.

But thirdly, think of the alternative. This is the fault line, my colleagues, between the Muslim and the Orthodox worlds. This is the fault line that has existed for generations. If we had not gotten involved in a multilateral action, NATO taking the leadership, think what would have happened. Extremists would have been involved.

We know what Milosevic was going to do, why he had 40,000 troops amassed on the border, why he did not want to compromise at Rambouillet, because he knew exactly what he was going to do; and he did it. But if he had done that and NATO had not gotten involved, do my colleagues really think other nations would have stood by? Of course they would not have. We would have had the Mujahidin getting involved. We would have had Islamic extremists getting involved.

And do my colleagues really think Russia then would not have gotten involved if there had not been the strength of NATO taking the leadership here?

My colleagues, we are doing the only responsible thing. This is not the United States acting unilaterally. We are acting multilaterally. We are acting with NATO. We are acting in the long-term interests of this country. We are doing the right thing, for a number of reasons. And the Congress should be supporting it. They should vote ''aye'' today.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. BLILEY), the distinguished chairman of the Committee on Commerce.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I would like to address my colleagues, particularly on this side of the aisle. We can question whether we should have ever gone in. But we are in. And if we do not win, we might as well withdraw from NATO, fold it up, because the credibility will be gone.

The message that we send to Saddam, to Iran, to Qadhafi, to Korea, to China, to Russia, is that we do not have the resolution, we do not have the will. Think about it.

This past Saturday, I was privileged to have lunch with two foreign policy experts, Henry Kissinger and Ziggy Brzezinski. I posed these questions to them. They said, send me a letter and we will reply. And Dr. Kissinger sent this response to me:

Prior to the initiation of the bombing, I repeatedly expressed my uneasiness about the Rambouillet process. But, having begun the military operation, we must win it militarily. To back down would demonstrate a dangerous lack of commitment and credibility, both to nations tempted to take advantage of our perceived weakness and to our NATO allies.

From Dr. Brzezinski:

I have your letter of April 26. Let me state unequivocally that in my view it is absolutely essential that NATO should prevail fully, and thus without making any compromises regarding the demand it made prior to the bombing, in the course of the current Kosovo conflict. Failure to do so would be most damaging to America's global leadership and would doubtlessly undermine both the credibility and the cohesion of NATO. Accordingly, the U.S. Congress should encourage the President to use all means necessary to successfully complete the ongoing mission.

I could not say it any better.

Mr. Speaker, I include for the RECORD the letters to which I referred.

CENTER FOR STRATEGIC & INTERNATIONAL STUDIES,
Washington, DC, April 28, 1999.

Hon. TOM BLILEY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BLILEY: I have your letter of April 26. Let me state unequivocally that in my view it is absolutely essential that NATO should prevail fully—and thus without making any compromises regarding the demands it made prior to the bombing—in the course of the current Kosovo conflict. Failure to do so would be most damaging to America's global leadership and would doubtlessly undermine both the credibility and the cohesion of NATO. Accordingly, the U.S. Congress should encourage the President to use all the means necessary to successfully complete the ongoing mission.

Yours sincerely,

ZBIGNIEW BRZEZINSKI.

NEW YORK, NY,
April 27, 1999.

Hon. TOM BLILEY,
House of Representatives, Rayburn Office Building, Washington, DC.

DEAR REPRESENTATIVE BLILEY: This is in response to your letter of yesterday.

Prior to the initiation of the bombing, I repeatedly expressed my uneasiness about the Rambouillet process. But, having begun the military operation, we must win it militarily. To back down would demonstrate a dangerous lack of commitment and credibility, both to nations tempted to take advantage of our perceived weakness and to our NATO allies.

I have stated this view repeatedly and publicly—in an article in Newsweek and in my recent testimony before the Senate Armed Services Committee (both of which I enclose), as well as in numerous television interviews: ABC's ''This Week'' with Sam Donaldson and Cokie Roberts, CNN, Fox News, Charlie Rose, CNBC, Reuters TV, as well as the BBC, ARD (German TV), Britain's ITN and various other American and European networks.

I would be glad to have you refer to this letter in the coming debate in the House of Representatives, if it would be useful.

I enjoyed our discussion at luncheon at the Romanian Embassy.

Sincerely,

HENRY A. KISSINGER.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, one of the truest sayings is that ''second place does not count on the battlefield.''

We are engaged in a conflict to bring the Europeans' last dictator into light. It has to be a victory for the North Atlantic Treaty Organization. It has to be a victory for the United States to bring Milosevic to the table, to do what is right by the refugees, to get them back to their home, to make sure there is autonomy for these people. But more than that, it is a matter of credibility for NATO and for the United States.

If the world perceives NATO, led by our country, not winning and not being

successful in this effort, NATO will then become a paper-debating society. That we cannot have.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of our committee.

Mr. ROHRABACHER. Mr. Speaker, I rise in opposition to this resolution, even though I am not opposed to air strikes philosophically in the Balkans as a vehicle to achieving American policy.

Unfortunately, the policy of this administration, which includes air strikes, has been confusing and sometimes incoherent. Air strikes as part of a policy that would recognize Kosovo, and part of that policy would be arming the Kosovars to defend themselves, certainly might have been a respectable plan at one point.

Instead, this administration is using bombing to force both parties into accepting a plan in which American troops would be garrisoned in the Balkans for years and years to come. This is total nonsense. And we will be spending tens of billions of dollars and putting American lives at stake in order to achieve what? The garrisoning of troops, leaving the troops in the Balkans all of those years?

This is a blank check, my colleagues. This resolution is a blank check for an air war which will lead to tens of billions of dollars and American blood being shed. And do my colleagues know where that check is going to be cashed? It will be cashed at the bank that is holding the money for the Social Security Trust Fund. It is going to be cashed at the bank that is supposed to be paying for the defense of our country all over the world. Because we are going to be spending the money, instead of buying ammunition and making sure our defenders are safe overseas, we are going to be wasting that money in the Balkans on big explosions. It is going to make us worse off. We are not going to be as safe.

And as far as NATO goes, this is an organization that did its job. Are we now to be the policemen of the world? And because we are part of NATO, to keep an organization going, finding a purpose for it, we are going to spend our money all over the world, send our troops all over the world, in order to create stability wherever there is not stability? American lives are going to be put on the line?

This will, in the end, cost American lives. It will break our bank. We will not be able to deter the aggression in Asia and from China and elsewhere where there are serious threats. Oppose this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Speaker, I support Senate Concurrent Resolution 21.

The reason I could not support the other alternatives is because I think it would be wrong to withdraw. I also believe it would be wrong to hamstring our Commander in Chief's authority to conduct operations. And finally, I believe it would be wrong to declare war.

My major concern is that all of these options send the wrong signal. Neither with respect to NATO nor President Milosevic should we even hint that we might withdraw block funds for further development.

□ 1900

Nothing would make Milosevic happier than knowing the power and the might of the United States would no longer be fully engaged. By the same token, we should never suggest to our own forces that our full support for their effort may be less than forthcoming. What we need to do is to authorize the continuation of the current effort and give the current effort more time to work.

Mr. Speaker, I have said it before. You cannot run the Department of Defense like a business, with 535 Members of a board of directors. The same thing goes for foreign policy and military operations. You cannot substitute the opinions of these board members for the sound judgment of Chairman Shelton and General Clark and Secretary Cohen and, yes, the Commander in Chief. We should not get into the details of whether ''you can do this mission, but you can't do that mission.'' That is like the Vietnam War with the President choosing Vietnam targets on sand tables in the White House basement. It was wrong then, it is wrong now, and Congress should not be part of it.

What Congress should do is to affirm or deny the general policy and turn over the details to the war fighters. I believe that the Gejdenson amendment, which has already gotten bipartisan support in the other body, makes the best sense in the current situation. I urge my colleagues to support it.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Alabama (Mr. CALLAHAN), the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time. I just want to point out one thing. All we are doing in all of these resolutions today is sending messages. I think we have sent some pretty strong messages. I imagine tonight if there is a television capability in Belgrade that the Belgrade television will say Congress, U.S. Congress votes 430–2 against war against Yugoslavia.

But with respect to this particular message that we are sending, we mention in this resolution, Montenegro. I do not think that there is a Member of this body who thinks that we should be bombing Montenegro. I agree that we should be bombing Belgrade, and I support the President in that respect. But I do not think we ought to send a message to the people of Montenegro that this Congress is in favor of bombs being dropped in that part of the world because they indeed are struggling, struggling to create a democratic form of government, struggling to do what we are requesting they do. I think that if we send a message, we should make certain that the people of Montenegro know that we are supportive of their efforts and sorry they are in the dilemma they are in.

Mr. DAVIS of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise to ask each Member to seriously consider voting for this resolution. As I enter this debate, I think it is worthwhile tonight at 7 o'clock here in Washington to take into account the votes that we have taken and the messages that we have sent from this Chamber this afternoon, today.

First, we have said that we do not want a general declaration of war against Serbia. Second, we have said that we do not want to withdraw all of our troops out of the region. Third, we have said that if there is to be a ground war, we want the President to come back here and get a vote from this body.

If we now vote against what the Senate passed 4 weeks ago in a bipartisan way, a simple authorization of what is now happening on the ground in Kosovo and around Kosovo, we will send a message to our young men and women who are out there trying to carry out this policy that we have conflicting signals on war or withdrawal or what we are going to do about a ground war, but we send the clearest signal of the day that we do not even want to authorize what we are doing.

It also will send a message to Mr. Milosevic and his leadership that the House of Representatives of the United States of America is totally confused and certainly is not behind what is happening. I do not think that is the message we want to send. If we learned anything from Vietnam, I think we should have learned that before we commit our troops and put them in the field and leave them out there with ambivalence, that we have to stand finally behind something.

I know there are lots of worries by Members here about ground troops. I have worries about ground troops. I have not decided how I would vote on ground troops. But I have decided that what we are doing with 19 other nations of NATO is the right thing for our country to do. If it is to succeed, we must be unified together as a people, behind the effort, and America must be unified with NATO in its first affirmative action in 50 years, since it was conceived, to move forward to try to

end this killing and mayhem that is going on and has been going on for weeks now in Kosovo.

I urge Members to put aside partisan feelings and political goals and objectives. That can have no place in this consideration. There is not a Republican Army or a Democratic Army or a Republican Air Force or a Democratic Air Force. This is the United States of America. Our young people, our best, are out there tonight doing what we have asked them to do. At the very least, we owe them and NATO an affirmation that we as the representatives of the American people at least support what is happening now, without prejudging or saying what we would do about other propositions that might come later.

I urge Members to support this resolution. The Senate passed it 4 weeks ago with a bipartisan vote. Fifty-seven Members of the Senate voted for this resolution. I think it would be a grave error if we would not support it tonight. I urge Members to search their conscience, I urge Members to stand behind this policy for the sake of the United States, for the sake of our young people, for the sake of our future.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON), a member of the Permanent Select Committee on Intelligence and the Committee on Armed Services.

Mrs. WILSON. Mr. Speaker, I would agree with the distinguished minority leader that this is not about partisanship, it is about policy. We have an advantage here tonight in that we are being asked to authorize something that happened 5 weeks ago. That gives us the advantage because we can see the immediate effects. We have got the benefit here of a crystal ball to see what the results will be of the President's policy.

The question for all of us is, do you want to stand behind this? Is this the policy and the results that you want? Because if it is not, you will be endorsing everything that has gone on in the last 5 weeks and taking on the risk of what will happen in the future.

What have we seen? The political aims are not clear and they have not been from the very beginning. Mostly they are humanitarian. Our objective was to prevent a humanitarian disaster in the Balkans. We have exacerbated that humanitarian disaster, and hundreds of thousands of Kosovar Albanians have been pushed out of their homes and those homes burned because our military means were not tied to those political objectives.

I am a former Air Force officer. I believe in air power, as my father did and my grandfather before him. And despite the images that we see on our televisions of precise attacks, we can hit the bridges, but we cannot change the mind of Slobodan Milosevic. As a result, we have not been able to stop a door-to-door campaign of repression and ethnic cleansing, and we have made it worse.

The refugees themselves enhance the instability of the Balkans. We have pushed those refugees into neighboring countries which themselves are fragile, and we will have to deal with the consequences of that for the coming decade. We have increased domestic support for Milosevic and enhanced Serbian nationalism in Serbia. That does not serve NATO interests or American national interests.

And we have stretched our forces dangerously thin. We are almost out of cruise missiles. Fully a fifth of the American Air Force is committed and tied down in the Balkans. What kind of risk does that put us in in Korea? We are a superpower, but much of our power comes from our own restraint and the threat of the use of that power.

NATO will endure. I used to serve at the United States Mission to NATO. It will continue to have the credibility to do that which is in its vital interests to do and that, Mr. Speaker, is the fundamental problem. This is not in the vital national interests of the United States. If it were, we would be there, foursquare, with decisive military force to get the job done and come home. But because it is not, we cannot sustain this operation. I will not vote to support an action which has been shown to fail.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

I have a great deal of respect for our new colleague, the gentlewoman from New Mexico (Mrs. WILSON) and her unique expertise, but I flat out disagree with her in a couple of important respects. I believe it is ludicrous to assume that but for the NATO air campaign, Slobodan Milosevic would not have turned 1 million people out of their homes. He could not, Mr. Speaker, forcibly evict 1 million people from their homes in 2 weeks without having a very thoroughly developed plan well in advance. Do not kid yourselves. This was on the game plan of Slobodan Milosevic and would have occurred irrespective of the NATO air campaign.

I also disagree with my colleague in believing that it is time to pack it in, to let Slobodan Milosevic have his evil way. The gentlewoman from New Mexico supported that approach in a vote earlier today and it was rejected. We must now stand together, just like happened in the Senate, in a bipartisan way, to support the air campaign.

A vote for this resolution, Mr. Speaker, is a vote for our troops, a vote for NATO, a vote for American leadership and a vote to end the ethnic slaughter in Kosovo. Children and the elderly are dying by the side of the road today as Serb forces shove them to the border. Thousands and thousands of young men have disappeared, many more murdered perhaps right now, even as I am speaking. We cannot turn our back on this dimension of ethnic cleansing.

While we send an unequivocal message to Milosevic, let us send with this resolution an equally clear message to our troops and all of the troops, Americans and others, involved in the NATO engagement. We need to support our troops and can do so with this resolution.

I regret and regret very much we have no alternatives but to continue with this intervention. It is now our only option. I urge my colleagues' support.

Mr. BEREUTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the committee.

Mr. BRADY of Texas. Mr. Speaker, Americans have big hearts. It is one of our best traits. Whenever we see killing anywhere, injustice anywhere, we want to stop it, even if our national interests are not at stake.

On Kosovo, having good intentions and a bad plan have proven to hurt the very people we are trying to help. We have increased human suffering. We have not stopped it. We have spread instability rather than prevented it. With the lessons of the Vietnam War barely cold on our plates, here we go again. Like Vietnam, we wage a war we are not committed to win, by the seat of the pants, war by committee, war by posters, war by the politically correct. It is having fatal results.

□ 1915

Worst of all, we forgot the most important lesson of Vietnam. It is fatal to enter a war without the will to win it. Those who sought this war lack the political courage to win it. To aggressively target Slobodan Milosevic, his leaders in the Serbian Army he commands, they have forgotten what General MacArthur has told us. War's very object is victory, not prolonged indecision. In war there is no substitute for victory.

If a lethal criminal entered our home, entered our school, entered an airport, entered our neighborhood and began to gun down innocent families, it would be the first responsibility of law enforcement to stop them cold, now, to bring the shooter down without flinching. History will record in Kosovo an America that flinched, and the lives of Kosovars fell around us because we were unwilling and lacked the courage to bring the shooter down, the leaders, the Army and to end the atrocities.

There is nothing humanitarian about a policy that puts American pilots' and fighters' lives on the line so that

Milosevic can live. There is nothing just about a policy that allows Kosovars to die cold and hungry and lonely on the side of the road while we preserve Serbian troops, our enemies, the killers on the very day American pilots flew into Yugoslavia.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I do not think we should flinch either, and I do not see how denying any authority to continue this is nonflinching. I want to pay tribute to the gentleman from California (Mr. CAMPBELL) whose efforts forced this House against its will to stop hiding.

There were 2 aspects to this issue. One, what is the policy choice in Yugoslavia? It is an unhappy choice. I believe that the policy of continued bombing in conjunction with our allies, and it is awkward to carry out an allied policy, but it is better than an unilateral one. When we accept the strength of an alliance, we take constraints with it. I think that is the best policy in a set of bad choices.

The House now has to make a choice, and it is inappropriate for this great elected body of representatives, when confronted with a difficult choice, to say: None of the above. But if we vote down this resolution, that is what we are doing. Thanks to the efforts and the integrity of the gentleman from California who insisted we face up to our responsibilities, we voted. We voted not to pull out.

Now 139 people who voted not to pull out can consistently vote against this. But are we to be told that there are dozens, maybe 100, 125 Members who do not think we should pull out but simply do not want to be blamed for staying in? We had one comment say:

Oh, well, we should not take ownership of this.

That is an inappropriate attitude for people who are elected. The draft does not work here. We all ran for this job, and a lot of it is fun, and sometimes it is not, and having to help ratify this unpleasant choice is one of those moments when it is the least fun, the least attractive. But we do not have the option of simply copping out. Members could be against this, they can be for it, but they cannot vote for none of the above. They cannot conscientiously say it is too hard, I will vote over here, and I will vote over there.

I am delighted that we have a chance here to pass a concurrent resolution to have a combined policy, House and Senate, which says we support this current military policy. Members may be opposed to the military policy, and then they should have voted for the resolution offered by the gentleman from California (Mr. CAMPBELL), or they can be in favor of it and they should vote for this. But punting is not an option; it is not football season. We cannot simply say:

Let this one pass from us.

I voted for the resolution offered by the gentleman from Pennsylvania (Mr. GOODLING). I voted for it because I do think before we commit ground troops, this House ought to vote. But I must say I have some second thoughts about putting that authority into the hands of a group of people, some of whom say, ''Gee, can I duck the hard one?'', and that is what we are talking about now. If people thought the policy was wrong and we should pull out, they had a chance to vote that way.

Mr. Speaker, I hope people will not simply try to duck a tough issue and will vote to ratify the least unpalatable choice.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. Mr. Speaker, I would like to say to the gentleman from Massachusetts I agree with him with the need for consistency, and I will consistently be opposing this action and will vote against it, and for several reasons.

First of all, we had the minority leader talk earlier today about how this was, quote, the first affirmative action by NATO. What he is saying is actually this is a radical extreme departure in the history of NATO, the first time they have attacked on the offensive instead of being defensive. This is an extreme radical departure for NATO, make no mistake of it, and guess who is paying for that extremism and radicalism? It will be the men and women who are in my district, who are in five military bases, whose sons and daughters go to the public schools of my children. It is very easy to play fast and lose with military tradition, very easy to make an extreme radical departure for the first time in 50 years of a defensive alliance, but that is happening in this situation.

We also see the ghosts of LBJ rising like from the mist of the Potomac where we have a President who is selecting bombing targets in a war. We have Madeleine Albright going on television, on PBS, declaring early on that this was going to be a short, clean, tidy war.

These people do not know what they have gotten into. It is a 610-year-old ethnic war, civil war, religious war, and, yes, Milosevic is a murderer. He has murdered according to the New York Times 3700 people.

But I see the selective outrage up here. I hear nothing about those that want to support the KLA who were murderous. I hear nothing about the 60 million killed in China over the past 50 years. I hear nothing about the 2 million killed in Sudan. Of course there is an oil pipeline that Occidental Petroleum wanted to get through Sudan, so I heard no moral outrage then. I hear no moral outrage about the 1 million people slaughtered in Rwanda. Of course they are not the same color as a lot of us.

I mean let us not go here and beat our chests in moral self-righteous indignation if we are not willing to apply the same test to every region that we want to start wars in.

I will oppose it.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, my friend from Florida would have heard a great deal about all of those outrages had he been active in the Congressional Human Rights Caucus. The folks who cry crocodile tears for all these people who have been killed and tortured and murdered are nowhere to be seen when we are dealing with human rights issues.

Mr. Speaker, the greatness of this country is measured by the moments when we act in a bipartisan fashion. It was the Marshall Plan, it was NATO, and it was all the bipartisan measures passed by our predecessors that created the great moments of American history in the 20th century.

In the other body 16 of my colleagues' Republican colleagues, some of the most distinguished members of the Republican party, Senator JOHN MCCAIN, their most credible presidential candidate, Senator LUGAR of Indiana, the foreign policy expert, Senator JOHN WARNER, head of the Armed Services Committee and 13 others voted for this identical resolution. They have risen to a high level of bipartisanship.

Now I have some credentials along those lines. I stood up with President Bush 8 years ago and voted to support that President because I felt the national interest was at stake. It is no less at stake today. The blind hatred that is so apparent on the part of some of my colleagues towards this administration makes it impossible to make rational judgments.

What we are asking for is to get our troops the feeling that the Congress is behind what they are doing day and night under the most difficult circumstances. That is all that this resolution calls for. And JOHN MCCAIN saw fit to vote for it, as did 15 other distinguished Republican senators. They have taken ownership, if I may borrow the phrase of the Republican whip, they have taken ownership of this measure because this is an American engagement. It is not a Republican or a Democratic engagement, just as the Marshall Plan was an American engagement and NATO was an American engagement.

We are seeing a miracle unfold. Nineteen nations of the most disparate types are united, but our own House of Representatives has risen with division. Vote for this resolution.

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I yield to the gentleman from Florida (Mr. SCARBOROUGH).

Mr. SCARBOROUGH. In response to some reckless words from the gentleman from California (Mr. LANTOS) first of all, they were not crocodile tears. It was my resolution that passed on Sudan last year. My colleague can ask the gentlewoman from California (Ms. PELOSI) or anybody else, that I have been on the forefront for human rights in China, and I challenge my colleague to check the CONGRESSIONAL RECORD over the past year and-a-half or 2 years. If anybody has spoken out more on human rights than myself, I would like my colleague to let me know.

Mr. KUCINICH. Mr. Speaker, it should be obvious that the President does not need this resolution to use air power because he is already using it. He needs Senate Con. Resolution 21 because, if it passes, both houses of Congress will have satisfied the War Powers Resolution to authorize force, and that effectively gives the President the power to wage an unlimited war even with ground troops.

Section 5 of the War Powers Resolution states that the President must terminate the use of force after 60 days unless Congress, first, declares war; second, enacts explicit authorization of the use of force; or third, extends the 60-day period. Although Senate Con. Resolution 21 refers only to air war, it is an explicit authorization of force. The President will not be limited to only air war once the War Powers Resolution requirement is fulfilled. Since this resolution authorizes the President to conduct military operations against Yugoslavia in the air, its passage by the House is, in fact, a blank check for the President to wage war, not only to bomb, but to send ground troops.

If Senate Con. Resolution 21 should fail, then the war in Yugoslavia will be limited to air war, which is what is now being waged, and no ground troops, and the President will have to get Congress' authorization to deploy ground troops at a later time.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding this time to me.

I would like to start with a quote by a man called Jacob Brownoski that I think is apropos to this situation. In it he says there are two parts to the human dilemma. One is the belief that the end justifies the means, that deliberate deafness to suffering has become the monster of the war machine. The other is the betrayal of the human spirit where a nation becomes a nation of ghosts, obedient ghosts or tortured ghosts. The road to war is paved with unchecked ignorance, arrogance and dogma.

What is our national interest in Yugoslavia? It is peace and stability in a democratic process where all men are created equal. It is in our national interest to check the road to war that has caused the dilemma that we are now in.

I am going to vote in favor of this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in strong support of the resolution before us this evening, and in doing so, yes, I want to stipulate to the work of the gentleman from Florida (Mr. SCARBOROUGH) for human rights in China, and let us say that everybody in this room cannot tolerate the atrocities, the brutality that Milosevic has exacted upon the people of Kosovo.

□ 1930

Let us not have a fight about anyone's sincerity on the issue. But in supporting this resolution, I want to say what it is not. This resolution is not a declaration of war. It is not a blank check for the President. It does not authorize the use of ground troops.

In fact, I do not support ground troops in Yugoslavia. It is interesting though to hear those who have criticized President Clinton for taking ground troops off the table as an option now say that they do not support this because it could lead to the authorization of ground troops. It is interesting to hear the same people who want to double the appropriation from $6 billion to $12 billion and those are on the majority side of the aisle say they do not want to support the military action that that funding is being appropriated for.

So how can we have it both ways? We criticize the President for no ground troops, but we do not want to support this resolution because it could lead to ground troops. We do not want to support this resolution because it supports the President's policy on the flights and the strikes, and yet we want to double the amount of money that is there. It reminds me of Yogi Berra who said of a restaurant, ''I don't like the food in that restaurant, and, besides, they don't give you enough.''

Mr. Speaker, let us sound a resounding vote of yes on this resolution, so Milosevic can hear it, so our flyers in the area can hear it, and for the children who are displaced in the region.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Speaker, I look around this room and I see my senior colleagues, like the gentleman from California (Mr. MATSUI), the gentleman from Georgia (Mr. LEWIS), the gentleman from Missouri (Mr. GEPHARDT), and the gentleman from Illinois (Mr. HASTERT), and I realize very clearly that over the years as the baton has passed from one generation to the next in this political body, that those men and women who serve here manage to make sure that the young men and women who serve in our Armed Forces are used properly for vital national security interests.

I am proud to be here as a new Member. I take very seriously my charge to vouchsafe and keep secure the interests of those young babies now who come to our country as new citizens from birth and what have you. And I absolutely do not understand, Mr. Speaker, what the vital national security interest that senior Members of this body on both sides of the aisle have protected for years and years, what national security interest it is that we are proposing to protect by conducting a unquantified and unidentified military campaign in Yugoslavia, whether it be in the air or on the ground.

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would suggest that the stability of Europe, which is supported by all of the NATO leaders, is very much in the interest of America's national security. I would also suggest that what is extreme and radical is not the action of our NATO allies. What is extreme and radical have been the actions of the modern day Hitler, Slobodan Milosevic.

I do not think we should write a blank check in this matter, and this resolution does not. Let us be clear about that. What we can do in voting for this resolution though is check the power of someone who has killed not 3,700, but hundreds of thousands of innocent men, women and children. How ironic it would be that the NATO leaders who left this Nation's capital just a few days ago unified to stand up to that reign of terror would have that unity now undermined by those of us who work in this Capitol.

Let us recognize that if we stop the air war now, Milosevic wins, NATO loses; the ethnic cleanser wins, and Europe's stability loses. Every other two-bit terrorist in the world would be emboldened to emulate this modern day Holocaust.

If this measure is defeated now, especially in light of the passage of the Fowler resolution earlier, what we will have done today is this: We have said we are not yet ready to support a ground war, and now we are not even sure we want to continue supporting an action of an air war supported unanimously by our NATO allies.

Mr. Speaker, I would ask Members on both sides of the aisle, please, in a bipartisan vote, do not send this message

to Mr. Milosevic. Let us send him a clear message, that while we are not quite sure if we want to commit to ground troops today or any day, we do not believe that God's gift of life and liberty stops at the American border. Let us support this resolution.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I do not understand at all why we cannot have this debate with the clear feeling and understanding that this is not about politics, this is not about party. Some of us just think he is wrong, this is wrong-headed foreign policy.

I believe that in my absolute soul. We do not need to be attacking from the air, we do not need to be attacking with ground troops. We need to get out of the Balkans. It is going to lead to a disaster that will carry us well into the 21st century, and primarily because it is not in our national interest. I totally disagree with that.

Is it a humanitarian cause? Absolutely. And are there ways we should deal with that? Yes. But we need a leader, not a commander-in-chief. We needed a leader to deal with this with Europe.

Many, many, many months now have gone by. I have been there and done this, Mr. Speaker. I watched this occur as a young man when we went to Vietnam. I did not question the Congress and I did not question the President. He said we needed to go, and I was ready to go.

I will tell you another thing. Those of you who think this is such a clear-cut mission, perhaps if you are young enough, and I consider myself, maybe we ought to resign from Congress and go into the Balkans. Let us fight through the mountains over there with the Marines, if that is what you believe is so important; and if you are not young enough to go, send your sons. That is the question: Will you let your son die for humanitarian interests that we well should put on the backs of the Europeans?

It is time for them to grow up. We need a leader who is sanctioning Britain and sanctioning France and talking to Russia and saying you guys have been burned down twice in this century, you need to be in the Balkans. You need to have peace.

Mr. Speaker, I am not going to vote for this one minute, and I hope no one will, because I agree this may allow him to put ground troops in.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this resolution. It is identical to the resolution passed by the other body in March. It expresses Congress' support for our forces caring out a brave mission. It sends an important message to Slobodan Milosevic that his savage campaign of ethnic cleansing against the Kosovar Albanians will not be tolerated.

Mr. Milosevic continues to wage war on ethnic Albanians. His acts of violence, mass murder of civilians, driving 950,000 people, whole communities, from their homes to refugee camps in foreign countries, have forced our hand. If left unchecked, he will continue his crimes in Kosovo.

I heard a Member opposed to our mission in Kosovo earlier today compare this action to the Gulf War and say that the difference was that we had a national interest in the Gulf; oil. Well, I do not know the going rate for a barrel of oil today, but I do know that you can put no price on the lives of men, women and children who have been slaughtered in Kosovo.

It is in our national interest to stop genocide. We have witnessed a grave humanitarian crisis in Kosovo and a destabilization of the region and neighboring countries like Macedonia and Albania.

By endorsing air strikes now, Congress is not tying its hands in the future. Congress can still and I believe should vote on sending ground troops if we reach that point in the future.

Vote to authorize air strikes in Yugoslavia. Let our young men and women in the Armed Forces know that our prayers and our support are with them as they fight to counter aggression and to foster peace.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I rise in opposition to this resolution. First, as was expressed by some of my colleagues in their concern earlier today on our first resolution when they had concerns with wording, I believe this resolution is very poorly drafted, and those that had that concern earlier I am sure must share that concern on this resolution, because it authorizes the President "to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia."

Now, this appears to authorize the President to conduct airborne operations; in other words, drop paratroopers into the Federal Republic of Yugoslavia.

It also authorizes the President to pursue "missile strikes" of an unspecified variety, which theoretically could include strategic weapons.

Moreover, I oppose this measure because, as one of those in the leadership who met with the President twice prior to the bombing, I joined many of my colleagues from both parties in asking the President face-to-face to seek specific authorization from the Congress before proceeding with any air campaign. He ignored that request. Today I cannot in good conscience retroactively authorize him to do something that I did not support and that he undertook without regard for the Congress' responsibilities under the Constitution and the very direct bipartisan advice he received before he began the bombing.

I urge a "no" vote on this resolution.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Speaker, I rise in support of the resolution to authorize United States involvement in the NATO air operations against Slobodan Milosevic's military force.

It is both in our strategic and humanitarian interests to end the vicious ethnic cleansing campaign that Slobodan Milosevic is pursuing in Kosovo. His actions have threatened the stability of southern Europe, jeopardized our efforts to maintain peace in other parts of the Balkans and unleashed a flood of refugees into poor and underequipped nations in the region. It is clear, Mr. Speaker, that we must take action to end this tragedy.

A couple of weeks ago I traveled to Brussels with Secretary Cohen. I met with General Clark and the delegates of our NATO allies. The resolve that every person and every country involved in this operation showed then was reinforced this past weekend in Washington.

The truth is, our air campaign is working. We are knocking out the infrastructure of Mr. Milosevic's military and isolating his troops in Kosovo. If we continue to take out the four corners of his fighting machine, his whole house of cards will come crashing down.

We must make clear to Mr. Milosevic that the bombing campaign will not cease until he withdraws his troops and allows the citizens of Kosovo to return to a life of peace and autonomy. I urge my colleagues to support this resolution.

The SPEAKER pro tempore (Mr. KOLBE). The Chair would advise Members that since this resolution was taken directly from the table, the gentleman from Florida (Mr. DAVIS) has the right to close.

The gentleman from New York (Mr. GILMAN) has 7 minutes remaining and the gentleman from Florida (Mr. DAVIS) has 4 minutes remaining.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, we have sons and we have daughters of America in Apaches, in F–16s, in submarines, fighting for principle and fighting against ethnic cleansing.

Now, we can do nothing; we can ignore the horrific holocaust. That is not acceptable. We can send in ground troops, and that is not an option for me, for many of our NATO allies, or for our troops. But we can support this authorization to conduct military air operations against Yugoslavia.

□ 1945

We must now aggressively and vigorously pursue victory for our people, for principle against ethnic cleansing, and for NATO. Defeat is not acceptable.

Mr. DAVIS of Florida. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise to support our policy on Kosovo. Some in this debate have said our goal is not clear, but our goal is to stop Milosevic's slaughter of Albanian Kosovars, to prevent the spread of conflict, and to permit the Kosovars to return safely home. Our allies share that objective.

This century is the bloodiest in human history and the world's democracies must stand against Slobodan Milosevic's bloody repression if we hope to deter other tyrants from engaging in ethnic slaughter.

In Kosovo there are no clear answers, no good options, but to do nothing in the face of Milosevic's barbarity would be barbarous itself.

Some see Kosovo as another Vietnam. I disagree. Kosovo is another Cambodia, another Rwanda. Let us learn the lesson of those in other killing fields and not allow our belated or inadequate response then to compound this tragedy today. The lack of a perfect choice is not an excuse to take no action.

Some here today have declared after 30 days that this policy is a failure. Well, we should be made of sterner stuff than that. The young men and women in our military are made of sterner stuff than that. We need to be patient with this policy in Kosovo. The bombing campaign, even with its limitations, should be given time to work. Ground forces may yet be required, and we will have that debate. But for now, we should maintain our unity, stay the course. America is strong enough to see this through.

The SPEAKER pro tempore (Mr. KOLBE). The gentleman from New York (Mr. GILMAN) has 7 minutes remaining, and the gentleman from Florida (Mr. DAVIS) has 1½ minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield the balance of our time to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Speaker, on March 24, the day the bombing began, this Member stood on the floor and said, this is a tragic day, undoubtedly the beginning of a tragic scenario, and that is exactly what it was. We have heard today about hamstringing the President. But I would like to point out that, in fact, no authorization was requested by the President before the bombing began, and he has not asked for that authorization to this day.

This is a gratuitous authorization. I do not think it is wise that it is brought up. I wish even at this late date that it would be withdrawn. Bombing for peace, bombing for peace is wrong, and it is not working. I regret the fact that any of our colleagues would suggest that decisions of this gravity are based upon partisan considerations.

I say to my colleagues, we have a war, in Yugoslavia. We can call it whatever we want, but it is a euphemism unless we recognize it is a war. It is an unmitigated disaster. Our and NATO's involvement in this war is an unmitigated disaster. That is the ugly truth, and everybody knows it. They certainly know and talk about it in the Pentagon.

In the past, NATO, the 12 members, the 16 members, now the 19 members, were a defensive pact, and for the first time NATO has used those forces aggressively. We can imagine what the Soviet Union said, and now what the Russians say about NATO as an aggressive force. Well, we have just confirmed their worst suspicions and, in fact, we set back Russian-American relations dramatically for years to come. We have reinforced the wrong people in Russia in the process.

We cannot say that this war has unintended or unanticipated consequences. They were entirely predictable. I had hoped that people in the administration would have looked at and understood the history of the Balkans. I would have hoped they would have talked to people who know Mr. Milosevic and how he came to power.

I had a chance to visit with the Secretary of State, Secretary of Defense, and General Shelton in a meeting convened by the Speaker, a bipartisan meeting, and I laid out the dire consequences that I thought would prevail if, in fact, the bombing campaign began, and all of those predictions but one have come true. The remaining prediction is that after starting to bomb we would have combat troops involved in Yugoslavia in 2 months. We are a little over a month and counting, and we are headed for those combat troops in Yugoslavia.

Now, look at it from the side of the Albanian militants, the KLA. They never wanted autonomy, they wanted independence, and that is what they want today. Look at it from the side of the Serbians. We have to recognize that Kosovo is sacred ground for the Serbs. It is where they all came together in an infamous but courageous defeat in 1389, and they have not forgotten what happened on the Field of Blackbirds.

It is for them the same as if Lexington, Bunker Hill and Yorktown are rolled up into one. It is like asking a Texan to give back the Alamo, site of another courageous defeat, to the Republic of Mexico. That is what it means to the Serbs. Milosevic had no option to give up his Serbian control over Kosovo. He did not have that option. And what we have predicted, that the Serbs would coalesce around Milosevic, has happened. Yes, I say to my colleagues, as negative and terrible an individual as Milosevic is, he would now be followed by more Serbian leaders who have this very kind of militant, aggressive Serbian nationalism rearoused.

What has happened, of course, is that Milosevic made his reputation in Kosovo by jumping right over his mentor by speaking to the abuses, real, alleged and exaggerated, that were taking place against the Serbian minority in Kosovo. And that is how he played upon their emotions, and that is what has been further ignited by the bombing campaign.

What happened when we threatened we would bomb, and then we held off, and we threatened and we threatened? Well, of course, it provided time for him to deploy his troops in and around Kosovo, in fact right on the Macedonian border, for that matter. And all of the NGOs and independent observers, they went out of Kosovo, naturally, and so no one is there to report on the atrocities and the ethnic cleansing that were accelerated when we began that air war, just as predicted.

Some people have said, and in fact the Secretary of State said before our committee, well, we had no idea he would be so brutal and thorough and energetic in the ethnic cleansing. I say to my colleagues, we had an object example in Bosnia with Croatian and Serbian ethnic cleansing like we had not seen since World War II in Europe. Of course, we had an idea of what he would do.

Were we ready for it? Did we anticipate it? Did the people that launched this war have this in mind? Look at the refugees coming out of Kosovo into Macedonia and Albania and Montenegro. Look at the people dying from all kinds of disease and from hypothermia. NATO was not able to take care of them. It is obvious NATO was not ready for it. The Administration and NATO did not anticipate this result.

One of the frustrating things about being on the Permanent Select Committee on Intelligence at a period of time when Yugoslavia was in danger of disintegration was that we had the best information about what would happen with the disintegration of Yugoslavia. We knew a blood bath was coming in Bosnia where three religious/ethnic groups live side by side, and we knew that Kosovo was a tinderbox waiting to explode with its Albanian majority, but our vital national interests were not involved yet. Where they are and still remain involved is in Macedonia. And we should have gone to great lengths never to destabilize Macedonia. This air war is, in fact, pushing us towards a destabilization of Macedonia. Why is that so important? Because it is likely to bring Greece and Turkey, overtly or covertly, in on opposite

sides, fracturing the NATO alliance, and that, I say to my colleagues, is very much against our vital national interests.

But we have taken steps inadvertently, but predictably, to destabilize Macedonia. And yet today, the Yugoslavian military is basically intact. All the armor units are setting there; they are not using their engines, they are not using fuel, they are in hiding. And they have not used their air defense systems at this point. We have been attacking, but we have been attacking refineries and bridges and a whole variety of things that are important to the long term, but the Yugolavians or Serbians military is basically setting there intact. And what are we assured on the other side? We have assured the rule of the KLA militants in Kosovo beyond this.

I urge all of my colleagues to take a look at the May-June 1999 issue of Foreign Affairs and read the article by Chris Hedges, the former Balkan Bureau Chief of the New York Times.

Mr. Speaker, I urge opposition to the resolution. Vote against it. I voted against the War Powers Act; for strategic and tactical reasons we do not want to give that 30-day warning before a withdrawal would theoretically be required under the invocations of the War Powers Act. I urge my colleagues, do not take this gratuitous step to authorize the bombing war.

Mr. DAVIS of Florida. Mr. Speaker, I yield the remainder of my time to the gentleman from New Jersey (Mr. PAYNE), our closing Democratic speaker, a senior member of the Committee on International Relations who just returned from a trip to the Balkans region.

Mr. PAYNE. Mr. Speaker, we have a very important vote coming up in a few minutes. We are hearing discussions today about people saying, this in our national interests? Why should we be concerned about those people over there?

Well, for 50 years we have been partners with our neighbors in western Europe. We came together to stop the Soviet threat from taking over Europe and coming over to our shores. All of a sudden, when there is a problem with our partners, now we have decided that perhaps now that we have defeated the USSR, it is time for us to take a look at this partnership. Maybe if there is a difficult situation coming up, we ought to step out of it because I thought we were the land of the free and the home of the brave.

Next week we are going to have a constitutional amendment voting on flag desecration because we love our flag so much. And here we see people talking about, let us take our flag and let us run out of there because a person in a country of 11 million people, about the size of Tennessee, has raped and robbed and destroyed, killed, maimed a whole group of people, and we are saying this is not in any interests of ours. Destabilizes central Europe, destabilizes western Europe, and it continues to spread.

I am shocked by some of the speeches that I have heard in this discussion today. Mr. Speaker, 60,000 people in Montenegro, 120,000 in Macedonia, 300,000 in Albania.

Mr. Speaker, I ask for unanimous support for S. Con. Res. 21 so that we can put this in its right and proper perspective.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. Con. Res. 21. This resolution authorizes the current military air campaign that was launched by NATO a little over a month ago. Mr. Speaker it is important to note the bipartisan support, which this bill received in the Senate. I believe that this resolution will enable NATO to achieve its goal of a durable peace that prevents further repression and provides for democratic self-government for the Kosovar people.

This Body can send an invaluable message to Milosevic, to our troops, and to the world. If we adopt this resolution authorizing air operations and missile strikes against Yugoslavia, we will show our support for the troops carrying out this mission. If we adopt this resolution we will signal to our NATO partners that our resolve to see stability and peace prevail in Europe is no less today than it was during WWI and WWII. When we adopt this resolution we signal to Milosevic that his campaign against the Albanians of Kosovo is unacceptable.

Endorsing airstrikes today does not preclude a vote in the future to authorize ground troops in the future. But we are certainly not at that point now. Instead this Body should show patience and determination. The airstrikes are an effective means of delivering our message. We must make Milosevic feel the pain and pay a heavy price for his policy of repression and aggression in Kosovo.

If this Body fails to adopt this resolution now it would be interpreted as a vote of no confidence for our foreign policy in the Balkans. It would send confusing signals about our national resolve to persevere to friend and foe alike. The blame for this crisis lies not with the President, the U.S. Congress, or even the NATO airstrikes; rather the blame rests with Slobodan Milosevic.

Milosevic shoulders the blame for the current crisis. I stand firm in my determination to see the killing of innocent Kosovar Albanians ended. War and conflict is not my first choice, it is not the first choice of any American, but there are times when force must be employed. We joined the NATO alliance some fifty years ago to provide stability and to limit aggression. If we ignore the acts committed by Milosevic, then our fifty-year commitment to NATO will have been lost.

During WWII this nation turned away a ship full of Jewish immigrants from our shores. The 907 immigrants on board the S. S. St. Louis sought to escape the horrors of Nazism but our nation sadly turned them away. In the aftermath of WWII the American people pledged to never again to allow ethnic cleansing to occur and to never again to ignore the plight of those who face genocide. This Body must answer the call of the 1.6 million Kosovars displaced from their homes and of those who can rest in the unmarked mass graves.

I urge my colleagues to support this resolution. We should follow the Senate and send a unified message to our troops, to Milosevic, and to our allies.

Mr. NADLER. Mr. Speaker, I rise to support the Gejdenson resolution to authorize the NATO action in Yugoslavia.

Tragically, we were unable to prevent Serbian forces from brutally killing thousands of people, forcing innocent people from their homes, and burning and bombarding countless villages.

Now, we must do everything in our power to put an end to this tragedy, to halt the mass killings, and hold accountable those responsible for the unspeakable atrocities that Serbian forces are committing against the ethic Albanians in Kosovo.

First, we must aid the refugees in any way that we can. We cannot allow refugee camps to turn into death camps due to poor sanitation, the spread of disease, and the lack of food and shelter. I support a massive humanitarian response to this crisis. The U.S. should do whatever it takes to bring food, medicine, and shelter to the refugees, and I support efforts by the United States and other countries to admit any refugees seeking asylum.

But I am afraid that is not nearly enough.

We have a moral obligation to protect the internally displaced ethnic Albanians within Kosovo. Those who have not yet been slaughtered must be protected. We must not allow them to suffer the same fate as so many other Kosovars.

Unfortunately, we did not act soon enough to address the murderous actions by Serbia, and today thousands of people are dead because of international indifference. We ought to create safe havens for ethnic Albanians inside of Kosovo—and we ought to do it as soon as we can. This would prevent further expulsions and mass killings. This will not be easy and will not be without a loss of lives, but it must be done. We cannot allow the leader of one nation to wipe out an entire ethnic group. At the end of World War II and the Holocaust, the world made a collective promise to all future people. We said ''never again'', we ought to mean it.

However, it is unlikely, at this point, that air strikes alone will bring an end to this conflict. We ought to consider other options, including the use of ground forces. We now have to be prepared to forcefully enter Kosovo and occupy the area in order to make the safe return of refugees possible. This is not a task that we ought to take lightly, but it is one that must be done.

NATO must continue to assess the situation and make adjustments as they see fit. This resolution gives the Administration the flexibility to respond quickly to any new developments and continue their efforts on all fronts to resolve this conflict. I urge support for this resolution.

Mr. BLUMENAUER. Mr. Speaker, today I voted for the bipartisan Senate-approved resolution authorizing President Clinton to continue military air operations and missile strikes

against Yugoslavia. I supported this resolution because it shows strong support for the troops while endorsing the NATO action as the best available way to convince President Milosevic that his campaign of ethnic cleansing is unacceptable.

We in Congress must take care to be supportive and not limit our future military options in Kosovo, especially given that the situation may change faster than Congress can react. For that reason, I opposed the Goodling-Fowler resolution as it would have required Congressional authorization before using ground troops. Even though the Goodling-Fowler resolution will never find its way into law, the act of approval by the House sends all the wrong signals about our commitment to NATO's actions. We cannot afford to tie NATO's hands or broadcast our military intentions—especially at this important juncture in the conflict.

I also opposed both proposals by Representative CAMPBELL, one declaring war on Yugoslavia and the other demanding the removal of our armed forces from their positions near Yugoslavia. I believe both resolutions were extreme and not helpful in advancing NATO's efforts to restore peace to the region, in returning the Kosovars to their homeland, or in reducing or eliminating Milosevic's ability to threaten his neighbors or terrorize minorities inside Yugoslavia.

However, I feel clarifying Congress' role in foreign conflicts under the War Powers Act is one worth considering at an appropriate time. We in Congress have continued to neglect what Congress' exact role should be in these situations. It is unfortunate that we seem to only visit this issue in the middle of conflicts, when such debate is confusing at best, and often inappropriate. I am hopeful we can schedule a full debate on this issue at a time certain before the end of this Congress.

Mr. BLAGOJEVICH. Mr. Speaker, the vote today on S. Con. Res. 21—although largely symbolic because of its timing—presents every Member of this House with a grave dilemma. On the one hand, we can vote against this resolution and the deeply flawed policy that it represents, even though doing so risks undermining our troops and giving comfort to Slobodan Milosevic, Europe's last Communist dictator. On the other hand, we can vote for this resolution and ratify a flawed policy which has failed to make any progress towards stopping the ethnic cleansing of Kosovo.

Neither of these choices is attractive. But I believe that my duty as Member of the United States Congress compels me not to undercut our current policy, flawed as it might be, but to focus on finding a credible diplomatic alternative.

I support a negotiated solution to the conflict in the Balkans, and I was one of 15 Democrats in this body who last month voted against authorizing the use of U.S. troops in Kosovo. I warned back then that a continued escalation of military action would only serve to undermine conditions for lasting peace in the region. Regrettably, these fears have been borne out.

With all that said, Mr. Speaker, I cannot in good conscience vote against the efforts of our Nation's Armed Forces when a military operation is already underway. Our soldiers are in the Balkans doing the job we sent them to do. A unilateral halt to the bombing at this stage in the conflict would not bring us closer to a lasting peace in the Balkans. Instead, it would give the Milosevic regime a boost and deprive the NATO alliance of critical negotiating leverage.

However, the sooner we begin negotiations, the sooner the air strikes can stop. Continuing to seek a military solution to a political problem will only mean that more Albanian Kosovar, Serb, and American lives are lost in vain. Just yesterday, General Wesley Clark, commander of NATO forces, acknowledged that NATO air strikes have not slowed the ethnic cleansing of Kosovo's Albanian population. And just yesterday, NATO forces again mistakenly struck a civilian target in Serbia, killing 17 people including 11 children.

The United States of America believes very strongly in doing the right thing—and we have an exemplary record of fighting for what is right around the world. But as Henry Kissinger has pointed out, a supremely moral foreign policy is useless if it is not effective.

As difficult as it may be, we must acknowledge that the bombing campaign has not been effective—and we must immediately begin to seek a negotiated solution to this conflict. The sooner negotiations start, the sooner the bombs will stop, and the sooner the Kosovo refugees can return home.

Mr. KIND. Mr. Speaker, I am in support of this resolution which passed the Senate last week with bipartisan support. But let us step back and take a long-term view of the Balkans.

Milosevic is the only tyrant left in Europe. Who amongst us predicted 10 years ago that some of the most reprehensive Communist regimes in Central Europe would today be thriving democracies and members of the European Union and NATO. That is the trend in Europe and that is my long-term prediction for the Balkans as well. One tyrant cannot stop it for long.

But in the meantime we have some short-term objectives.

Peace and humanity will prevail in Kosovo.

The refugees will go home.

They will have security.

And they will have self-autonomy.

And, Mr. Milosevic, these terms are not negotiable.

NATO will prevail.

Mr. DEFAZIO. Mr. Speaker, today I voted to require the President to obtain congressional approval before deploying ground troops in the Federal Republic of Yugoslavia (FRY). The framers of the Constitution clearly intended that the power to initiate war, whether declared or undeclared, should reside in the legislative branch of government. The power to lead the nation without congressional authority into a costly overseas military adventure is a power the Constitution explicitly denies the President of the United States.

The Administration's policy in FRY is extremely short sighted and is a clear example of why the Administration should have come to Congress before committing U.S. troops to the NATO airstrikes. A congressional debate would have forced the Administration to define every aspect of NATO's Balkan policy. Congress should have been given the chance to ask the tough questions that still linger after weeks of bombing. Instead, NATO and the Administration are defining and defending their policy as they go along. The result has been a tenuous military coalition with a mission constantly questioned. This has emboldened Milosevic to escalate his genocidal campaign and strengthened his power in Serbia. A completely unified NATO force backed by a well-defined long term Balkan policy before executing any military operations might have made Milosevic a willing participant in peace negotiations.

The congressional leadership has presented Congress with a lot of bad choices today as well. It is unfortunate that Congress is falling into the trap that the Administration has set for it. Before the NATO airstrikes began, the Clinton Administration wanted us to believe that the only options available were to bomb or do nothing. Now Congress wants us to believe that the only options are to continue the severely flawed military operations or withdraw our troops and do nothing. Unilateral withdrawal of U.S. forces from the military operations at this time would cause the collapse of NATO and be tantamount to a victory for Slobodan Milosevic.

While I support the efforts of my colleagues today to begin asserting their Constitutional duty to authorize military actions, I question the timing. Debating whether or not to withdraw our troops while they are engaged in a military action, is extremely irresponsible. There is a way to assert our Constitutional duty without undermining the safety of our troops. I have introduced legislation for the last 8 years to require Congress to authorize military actions before U.S. troops are placed in hostilities.

The continuing religious and ethnic strife in the Balkans is unlikely to be resolved by offensive military actions. Milosevic has more than demonstrated his willingness to sacrifice the lives of his own people to retain his power. There is another option. The U.S. and NATO should call for a cease fire contingent upon a pull back of Serbian forces and the beginning of real negotiations including Russia and the United Nations. The Rambouillet agreements were fatally flawed and designed to fail. It's time to go back to the drawing board and negotiate enforceable peace between Milosevic and the Kosovar Albanians.

Mr. DAVIS of Florida. Mr. Speaker, I am glad that the House has the opportunity to debate these important questions before us today. While I have not supported the first three options before us, I do believe that Congress needs to have a voice in the involvement of the United States in Operation Allied Force. We should stand up and express our support for our troops and our allies in the North Atlantic Treaty Organization (NATO). We must also take this opportunity for Congress to show Mr. Milosevic that we are united in our belief and determination that his campaign of terror must be stopped.

We must work with the international community to help restore peace to the region and to ensure that the Kosovar Albanians who want to return to their homes are allowed to do so. We must work with our Allies to force Milosevic to withdraw his military and paramilitary forces from Kosovo and to provide

self-governance for Kosovo. Mr. Speaker, we must work together with our Allies in Europe to achieve a lasting peace in this critical region.

To accomplish these goals, we must continue to participate in Operation Allied Force and support the air strikes. We are steadily diminishing the power of Mr. Milosevic and his military forces. For the United States to withdraw from this operation at this time would, in my opinion, undermine the entire NATO effort to stem Milosevic and his campaign of terror against the Albanian population, hand Milosevic a victory and, in effect, validate his campaign of ethnic cleansing. Mr. Speaker, I ask my colleagues how we can in good conscience turn our back on these people and the horrible crimes that are being perpetrated against the Kosovar Albanians.

While I commend my colleague from California, Mr. CAMPBELL, for bringing this issue before the House, I urge my colleagues to join me in opposing both of his resolutions. We should not withdraw our troops or declare war against the Federal Republic of Yugoslavia.

I also oppose H.R. 1569 offered by Representatives FOWLER, GOODLING, and KASICH. This bill would prohibit the Department of Defense from deploying ''ground elements'' in Yugoslavia unless such a deployment is authorized by Congress, I again urge my colleagues to vote ''no''. Passing this proposal at this time is at best premature and at worst is a prescription for failure of our current air strike operation. The Fowler/Goodling/Kasich bill is unnecessary. Congress ultimately holds the power of the purse and will continue to have the ability to withhold funding for this operation. In addition, if events change and the President decides that ground troops are needed, he should come to Congress and ask for our support and approval at that time.

Furthermore, if this prohibition of funds were to become law, many aspects of the current NATO operation could be imperiled. We would be weakening our own position for future negotiations for a settlement by removing the threat of possible ground troops in the future. We must show Milosevic our resolve. We must make it clear to Milosevic that we intend to prevail and that we are reserving options to accomplish victory.

The Fowler/Goodling/Kasich bill also puts our current operations in Yugoslavia at risk. For example, MacDill Air Force Base, located in my community, is the headquarters for U.S. Special Operations Command—a unified command that oversees special operations for the Army, Navy and Air Force. Forces housed at MacDill could very well be involved on the ground in Yugoslavia and Kosovo in support of our air strikes. I am concerned that this bill would put their operations and possibly their lives at peril. We should not limit the ability of the troops already in and around Yugoslavia as part of our current operation.

Our NATO Allies have stepped up to the plate in Kosovo. Just last weekend, at the NATO Summit here in Washington, DC, the leaders of the alliance reaffirmed their commitment and resolve to maintain the air campaign against Yugoslavia until our objectives are met. Now it is time for Congress to step up to the plate and endorse the NATO air strikes against Yugoslavia.

I urge my colleagues to support the Gejdenson Alternative offered in the form of Senate Concurrent Resolution 21. This Resolution authorizes the President to conduct military air operations and missile strikes against the Federal Republic of Yugoslavia. Passage of this Resolution will express Congress' endorsement of NATO air strikes and send a strong message to Milosevic that we are unified with our allies.

Adopting this Resolution will reaffirm to our troops carrying out this mission that Congress supports them. By endorsing the NATO action, Congress will be sending a message that we are unified as a nation and determined to stop Milosevic.

Fifty years ago, we formed NATO to work together for the security of Europe. Today, the Cold War has ended and communism has ended. However, there is still a great need to work to ensure the safety and stability of countries in Europe who have been our partners for these 50 years. We have heard a lot about the fear of Milosevic and his forces crossing over the borders. Some thought this might be an unfounded fear. However, we now know that the Serbian forces have crossed over into Albania, proof that Milosevic has no fear and is quite willing to cross sovereign borders to continue his atrocious attacks on the people in this region. The stability of Eastern Europe is at stake and we must stand by our allies in the region.

I urge this House to show Mr. Milosevic that we stand behind our military and our allies. Join me in supporting Senate Concurrent Resolution 21.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to section 5 of House Resolution 151, the Senate concurrent resolution is considered as having been read for amendment, and the previous question is ordered.

The question is on the Senate concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 213, not voting 8, as follows:

[Roll No. 103]

YEAS—213

Ackerman
Allen
Andrews
Baird
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Bliley
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastert
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Larson
Lazio
Levin
Lewis (GA)
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Riley
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Wu

NAYS—213

Abercrombie
Archer
Armey
Bachus
Baker
Baldwin
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Deal
DeFazio
DeGette
DeLay
DeMint
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kleczka
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary

Mink	Ros-Lehtinen	Sununu
Moran (KS)	Roukema	Sweeney
Myrick	Royce	Talent
Nethercutt	Ryan (WI)	Tancredo
Ney	Ryun (KS)	Taylor (MS)
Northup	Salmon	Taylor (NC)
Norwood	Sanford	Terry
Nussle	Saxton	Thomas
Ose	Scarborough	Thornberry
Packard	Schaffer	Thune
Paul	Sensenbrenner	Tiahrt
Pease	Serrano	Toomey
Peterson (MN)	Sessions	Towns
Peterson (PA)	Shadegg	Upton
Petri	Shaw	Visclosky
Pickering	Shays	Walden
Pitts	Sherwood	Wamp
Pombo	Shimkus	Watkins
Portman	Simpson	Watts (OK)
Pryce (OH)	Skeen	Weldon (FL)
Radanovich	Smith (MI)	Weldon (PA)
Ramstad	Smith (NJ)	Weller
Regula	Smith (TX)	Whitfield
Reynolds	Souder	Wicker
Rivers	Spence	Wilson
Rogan	Stark	Woolsey
Rogers	Stearns	Young (AK)
Rohrabacher	Stump	Young (FL)

NOT VOTING—8

Aderholt	Mollohan	Tauzin
Blagojevich	Shuster	Wynn
Hansen	Slaughter	

□ 2018

Mrs. BONO changed her vote from ''yea'' to ''nay.''

So the Senate concurrent resolution was not concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1480, WATER RESOURCES DEVELOPMENT ACT OF 1999

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106–120) on the resolution (H. Res. 154) providing for consideration of the bill (H.R. 1480) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 833

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 833.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 833

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Florida. Mr. Speaker, the Committee on Rules is planning to meet the week of May 2 to grant a rule which may limit the amendment process for floor consideration of H.R. 833, the Bankruptcy Reform Act of 1999.

Earlier today the Committee on the Judiciary ordered H.R. 833 reported and is expected to file its committee report tomorrow, Thursday, April 29. Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 3 p.m. on Monday, May 3. Amendments should be drafted to the amendment in the nature of a substitute ordered reported by the Committee on the Judiciary. Copies of this amendment may be obtained from the Committee on the Judiciary. It is also expected to be posted on the committee's web site.

Members should also 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 House rules.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now recognize Members for the purpose of 1-minute speeches.

ADMINISTRATION SHOULD EMBRACE ALL ATTEMPTS FOR PEACE IN BALKANS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, my colleagues and I have asked the Russian government to work constructively towards a resolution of the Balkans crisis, and I am happy to say that the Russian government has responded in the hopes of achieving a workable solution.

Unfortunately, the administration has missed what I and many of my colleagues consider a tremendous opportunity to end this conflict and the bloodshed on both sides.

I commend our counterparts in the Russian Duma and the gentleman from Pennsylvania (Mr. WELDON) for their efforts in furthering this option which relies on diplomacy instead of smart bombs.

Mr. Speaker, this proposal includes Serbia's compliance with all NATO conditions, an end to ethnic cleansing, deployment of international troops to Kosovo, and all under a United Nations sanctioned monitoring group.

As a veteran who understands the horrors of war, I believe that we, as a Nation, would regret not pursuing a peaceful solution to this conflict, a conflict which has already caused a humanitarian disaster and potentially thousands of lives, military and civilian alike.

I hope the administration will embrace this effort for peace in the Balkans.

CONGRESS AND NATION SHOULD UNITE TO STAND FOR PRINCIPLE, FOR OUR ALLIANCE, AND FOR FREEDOM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I was elected to this House on May 19, 1981 in a special election. I had decided to get into politics when JOHN KENNEDY ran for President of the United States and he gave an inaugural address, what I think was probably the most famous in our history, perhaps. He said that this Nation would pay any price, bear any burden to defend freedom here and around the world.

I love this institution. I am proud that I am a Member of the House of Representatives. But I have served no worse day than this one in the House of Representatives.

The previous speaker talked about the cooperation of our Russian allies. I agree with that proposition. But more importantly is the cooperation of each of us in a nonpartisan, bipartisan way to say that when our Nation and when our leader makes a determination to confront tyranny, dictatorship and genocide, that we will stand together.

Our young people are flying out of Aviano tonight, this day, this hour. I hope the message that we send to them is not as a divided House or Nation but as a Nation that sees its duty and responsibility as the leader of the free world and, when it comes to the water's edge, can unite to stand for principle and for our alliance and for freedom.

□ 2030

U.S.-CUBAN BASEBALL GAME IS PROPAGANDA BONANZA FOR CASTRO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, this Monday the latest U.S. concession to the Castro dictatorship will take place just a few miles from the Capitol when the Baltimore Orioles will play the Cuban national team.

This event is nothing but a propaganda bonanza for Castro as it helps the dictatorship divert attention from the repression that continues on the island.

For every pitch thrown in the game, one more person in Cuba will be fearing

that one of Castro's thugs could come knock on his door and arbitrarily arrest him.

For every hit, one more political prisoner in Cuba will be hungry and needing the medical attention that the regime denies him.

For every inning that goes by, one more dissident will be harassed for speaking merely about bringing freedom to the enslaved island of Cuba.

And let us not fool ourselves. Playing ball with Castro will do nothing to help the Cuban people achieve their long-sought freedom.

Just last Friday, the United Nations Human Rights Commission condemned the atrocities of the Castro tyranny. Yet on Monday we will play ball with that same dictatorship.

We must stop rewarding the Castro tyranny while the regime continues its brutal repression on the people of Cuba, who desire to live in freedom.

DEPLOYMENT OF TROOPS FROM MOODY AIR FORCE BASE, VALDOSTA, GEORGIA

(Mr. BISHOP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP. Mr. Speaker, about 100 members of the 41st Rescue Squadron are scheduled to leave by tomorrow to be deployed in the NATO operation to bring peace and stability to Kosovo. While all of us who serve in this body consider it a very personal matter whenever our troops are sent into harm's way, this is especially the case when they are in our own hometowns.

These troops are from Moody Air Force Base in Valdosta, Georgia, located in Georgia's Second Congressional District. They carry out combat search-and-rescue missions, a highly skilled and dangerous job, yet very vital to these operations.

As they embark upon this mission, I know all of my colleagues join with me in wishing them godspeed and a safe return. My prayers go out to all of the deployed men and women and their families for a speedy return.

God bless NATO. God bless our troops and their families. God bless the people of Kosovo. And God bless America.

ON KOSOVO: BIPARTISAN VOTE IN HOUSE

(Mr. OSE asked and was given permission to address the House for 1 minute.)

Mr. OSE. Mr. Speaker, my colleagues, I have been a Member of this House for 14 weeks, as I shared earlier today; and I have to tell my colleagues, my pride in serving here and the honor that I share in being here multiplied at least three orders of magnitude today.

I am a thousand times more proud today of the action of this House in exercising its constitutional authority as one of the legs of this government in specifying its concerns from both sides of the aisle as to the action we have been undertaking in Kosovo.

I want to note for the record that in fact this was a bipartisan vote on both sides of the question. There were more Republicans voting in favor of continuing the President's action in Kosovo than there were Democrats voting against it. But, in fact, there were Members on both sides of the question, from both sides of the aisle.

This is a strength of America. It is the thing we have that no one else in this world does. It is something to be proud of rather than question. And I am still honored to be here.

God bless the United States of America.

TODAY IS A DAY WHICH HOUSE WILL PROFOUNDLY REGRET

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I disagree with virtually every word uttered by the previous speaker. The previous vote, in my view, represents an appalling lack of judgment, an appalling lack of will, an appalling lack of leadership, an appalling lack of vision, an appalling abandonment of the national interest, an appalling abandonment of the troops in the field, an appalling lack of bipartisanship.

It is a day which this House will profoundly regret.

IN SUPPORT OF U.S. TROOPS IN KOSOVO

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, it is so easy for other people to come up and say we should stifle our voices and not speak our minds, when people in my district from five military bases in my district are the ones that will be dying over there.

The very children of those troops that will be dying are the ones that go to public school with my children. The wives and husbands of the troops that will be dying are the ones that go to church with me every week. The ones that will be dying over there are the ones that I see every day in and out, five military bases, probably more active duty people in my district than anybody.

So let us not get up here and be self-righteous and talk about how we do not support the troops. This is about supporting the troops. If we think the President's policy is wrong-headed, do not tell me we do not have the right to come to this floor and talk about our concerns.

We have grave concerns. We need to sit back and look at the policy, refocus, and decide what is best not only for the world, not only for this country, but for the troops that we are sending in harm's way.

U.S. AND NATO WILL PREVAIL IN KOSOVO

(Mr. KIND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIND. Mr. Speaker, I am just in my second term here in the United States and I have to state that tonight I have never been more embarrassed to be a Member of this institution based on the vote that we just cast a few minutes ago.

Has partisan politics so permeated this culture that we cannot see the long-term vision of what is happening in Europe? Milosevic is the only surviving tyrant left on the continent. He is surrounded by democracies.

Who amongst us 10 years ago could have predicted that some of the most repressive Communist regimes in central Europe would be flourishing democracies and members of the European Union and NATO today?

That is the inevitable course of events in Europe. And we have a role. Peace and humanity will prevail in Kosovo. The refuges will go home. They will have security. They will have self-autonomy.

And, Mr. Milosevic, make no mistake about this vote tonight, that is not negotiable; the U.S. and NATO will prevail, or God help us all.

CONGRESS IS SENDING WRONG MESSAGE TO U.S. TROOPS IN KOSOVO

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I do not know what we wrought just a few minutes ago. And it is interesting to listen to my colleagues talk about defending the troops and saving lives. But if they would have read the resolution that we had before us just a few minutes ago, although I am not challenging the conscience of those who express themselves, this is where we should do it. That is why we have a democracy.

But it is interesting, Mr. Speaker, that just a few minutes ago we voted not to support those troops who have their lives on the line, who engage in the military air strikes, just as our Senate colleagues voted a couple of weeks ago to say we support their efforts in bringing about peace, in bringing about a resolution in fighting for the refuges.

I am not sure what we thought we were doing, but the message that goes

out to those who have to leave right now and engage in war and conflict on behalf of the freedom of those of us here in the United States and of those refugees being murdered and raped is that we are not in support of their efforts.

I hope that we will not say to the POWs we do not want them home. I hope that we will correct this mistake that we have made. But most of all, I hope the clear message will be that we, as Americans, stand united behind freedom, behind justice, and behind the safe return of the refugees and the POWs.

PRESIDENT NEEDS TO CONSULT CONGRESS AND AMERICAN PEOPLE WHEN SENDING TROOPS TO WAR

(Mrs. FOWLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. FOWLER. Mr. Speaker, I just want to address the House in relation to some of the comments that my colleagues have just made.

This has been a very serious day today. We have had some serious debate. Some people really have really been struggling with their consciences and their decisions because we have been talking about young Americans' lives, because we have young American lives at risk today. There are young men and women from my district that are flying over Yugoslavia tonight, dropping some of those bombs.

The message that I think was sent today was twofold. One was to the President of the United States, that whenever he is going to send our young people into harm's way, he needs to come to this Congress, he needs to consult with the Congress, and he needs to go to the American people.

This is not a unilateral decision that should be made by the President. He needs to come to the Congress, the representatives of the people. This is not about whether we support the troops or not. We all support our troops, and we are going to give them every resource they need. But the President of the United States needs to come to this Congress.

And second is that we do have a democracy that works. Our forefathers were so wise because this is an institution that works. And while we disagree and sometimes we like the way the vote comes out and sometimes we do not, the institution of our government works and it will continue to work for as long as this country lasts.

CONGRESS SUPPORTS AIR WAR IN KOSOVO

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, this has been a momentous day. And it is important that the Nation, and especially the leaders in Belgrade, do not misinterpret what happened here.

America will continue the air war, and that air war has the support of this House. America demands the resettlement of the Kosovars in safety in Kosovo, and that has overwhelming support. And that is all indicated by our rejection of the resolution to withdraw all military efforts from the Yugoslav theater.

We also voted clearly, and the White House should not misconstrue this, that before massive ground forces are deployed, Congress must be consulted.

And finally, in what I fear will be a confusing vote, and I use this speech to avoid such confusion, we voted 213–213 on a resolution that seemed restricted to the air war, but those who understand our legal system will recognize that the reason we voted that way was to make sure our own courts did not misinterpret that vote as a vote in favor of a carte blanche to the President. We support the air war by a large vote in this House.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WAMP). 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.

BLIND EMPOWERMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. EHRLICH) is recognized for 5 minutes.

Mr. EHRLICH. Mr. Speaker, I rise today to introduce the Blind Empowerment Act, which will impact the lives of nearly a quarter of a million blind people.

The Blind Empowerment Act, Mr. Speaker, restores the long-standing linkage between blind people and senior citizens under the Social Security Act. This bipartisan legislation, which currently has over 230 cosponsors, will restore this historic link and empower blind people.

For nearly 20 years, the blind and senior citizens were linked for purposes of the Social Security earnings test. Generally, the test has been a part of our Social Security program since its inception. The test reduces the benefits of recipients who earn above a certain amount of income from their work.

In 1977, the Social Security amendments established the earnings limit for the blind who receive disability benefits. This exempt amount was linked to the identical exempt amount as applied to seniors 65 and over.

In 1996, we did the right thing by raising the earnings limit for seniors from $11,500 to $30,000 by the year 2002. That was the Senior Citizens Freedom To Work Act. Giving seniors the opportunity to increase their earnings and keep their benefits was the right thing to do.

During the process, however, this historic link between the blind and the seniors was ended, which aided in balancing the budget. As a result, by 2002, when the exemption for seniors becomes $30,000, the lower limit set by Congress for the blind will be half that amount.

It is also important to note that when blind individuals earn more than the earnings limit threshold, they lose all of their benefits. The senior citizens in the same situation would only have their benefits reduced by a rate of $1 for every $3 earned over the limit.

We should not roll back the progress of the last 2 decades by continuing a policy which discourages working individuals from becoming self-sufficient and making a contribution to their communities.

It is my belief that ''delinkage'' occurred because our priorities in 1995 were to rein in deficit spending and not to provide a disincentive to the working blind. The blind want to work and take pride in doing so.

In an era of budget surplus, need for capable workers in a tight labor market, and a clear opportunity to demonstrate fairness and equity, it is time for Congress to restore this historic link. The increasing number of working blind Americans will produce additional tax revenue and contributions to the Federal Treasury and the Social Security Trust Fund.

Approximately 70 percent of working-age blind people are underemployed or unemployed. Accordingly, blindness is often associated with adverse social and economic consequences. It is difficult for blind individuals to find sustained employment or, for that matter, employment at all.

□ 2045

This is especially good, commonsense legislation during this favorable economic time. When I listen to business owners back in my district, one thing they tell me is that their priority is to find and keep quality workers.

Mr. Speaker, I urge this House, the rest of my colleagues in this House, to join me in sponsoring the Blind Empowerment Act. I am confident Congress will do the right thing and restore fairness and trust by reestablishing this historic link and return to the blind the vital economic freedom which will empower them to provide for themselves and their families and contribute to the health of this Nation.

RECOGNITION OF JUNIOR ROTC PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr.

FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, recently in my home district, I was invited to participate in a special banquet sponsored by the high school leaders who are members of the Junior ROTC program. The program is administered by a retired military officer and the instructors are usually retired senior noncommissioned officers.

That evening, Mr. Speaker, I was very impressed with the discipline, decorum and the conduct of these young high school students. These young Junior ROTC cadets learn about honor, duty and responsibility to their families, to their communities and to their nation. These young people learn also what it means to live as a free people, to understand and appreciate more what democracy and freedom is all about.

But what impressed me even more, Mr. Speaker, was that as part of the opening ceremony, three candles were brought forth and placed on the head table. The candles were lit, and then the young cadet started explaining that these three candles represented Staff Sergeant Andrew Ramirez from Los Angeles, California; Sergeant Christopher Stone from Smith's Creek, Michigan; and Specialist Steve Gonzalez from Huntsville, Texas. These three soldiers are currently being held captive by the Serbian Army of Yugoslavia. The young cadet then reminded her cadet corps members and the entire audience that on behalf of approximately 1,000 Junior ROTC cadets and all the young people of American Samoa that we should all pray for the safety and welfare of these three soldiers and a special prayer for their families and loved ones.

And I want to thank Major Ernest Logoleo and his administrative staff for doing an outstanding job with the JR-ROTC program in Samoa. And I also want to commend our JR-ROTC instructors for their commitment to excellence and teaching these young people the importance of living under a democratic form of government. Our instructors are—from the Samoana High School . . . CW3 Vasaga Tilo, MSG Afiafi Tinae, MSG Roy Peeble, and SFC Willie Togafau; from Leone High School . . . 1SG Mikaele Taliloa, 1SG Ben Laussen, MSG Tasiga Tofili, and SFC Vainuupo Nuusa; from Fagaitua High School . . . MSG Fatuesi Fatuesi, SFC Ofisa Asoau, and SSG Ernest Misaalafua; from Tafuna High School . . . MSG Lorn Cramer, MSG Arona Gabriel, and MSG Fesili Bryant; from Manu'a High School . . . 1SG Siaosi Asalele and SFC Mose Mata'utia.

Mr. Speaker, I also want to commend the student cadet leaders from their respective high schools for their demonstration of leadership and example among their peers—Cadet Colonel Fatherday Sele of Samoana High School; Cadet Colonel Diamond Otto of Tafuna High School; Cadet Colonel Bert Fuiava of Manu'a High School; Cadet Colonel Rea Vele and Jason Poyer of Fagaitua High School; and Cadet Colonel Jessica Afalava of Leone High School.

Mr. Speaker, as I was preparing my remarks for this special order, I had a difficult time trying to say with some sense of certainty, how the current debate now pending before the House Floor, is going to end—the options on whether Congress is going to officially "declare war" against the Republic of Yugoslavia, or whether Congress is simply going to pull the plug and tell the President of the United States to take our military presence completely out of Yugoslavia; or, that the President is not to move an inch until and unless the Congress says otherwise. Mr. Speaker, these options do not paint a very pretty picture for our nation and to our NATO Allies, let alone the lives of the three American soldiers that are now being held at risk. And Mr. Speaker, whether it be three American soldiers, 30,000 or 300,000—this begs the question how does America value the lives of our men and women in uniform? whether it be three, 3,000 or more? Mr. Speaker, I consider the life of any American soldier just as important as 3,000 or more.

Mr. Speaker, how is it possible for this Congress to declare war against Yugoslavia and then decide to take our armed forces out of that country? The fact of the matter is, Mr. Speaker, we already have committed our soldiers to Yugoslavia by keeping the peace in the State of Bosnia and already has cost our government some $9.4 billion to maintain the peace in this area of Yugoslavia.

Mr. Speaker, there have been some arguments made that our Nation is not the "policeman of the world," that this matter of Bosnia and Kosovo is not in our national interest. Mr. Speaker, my colleagues may have already forgotten the fact that we did say that the Balkans is a European issue, and it should be handled by the Europeans. In fact, as I recall, President Chirac of France was quite specific about this matter, saying to the effect, "You Americans stay out of this controversy. We in Europe will handle this." Well, we did. After 3 years of utter failure by France, England, Germany and other leading European countries to solve the crisis in Bosnia, our President was then asked to step in and the Dayton negotiations resulted in where we are now maintaining the peace in Bosnia.

Mr. Speaker, it is not easy to be king of the mountain, the leader of the free world and the most powerful nation on this planet. I remember once mentioning to a foreign diplomat here in Washington that the United States is getting tired of being the world's policeman. This gentleman turned to me and said, "So you would prefer China and Russia filling the vacuum? You would now prefer that we negotiate with China or Russia the global issues that will affect the life and death struggles of many nations that look up to America as their last hope for freedom and for economic and political stability?" Mr. Speaker, I had to think again about what this diplomat said to me and wondered what would this world be like if America was not the premier leader of the free world, if America was to take the third or fourth seat down the line and allow China or Russia to lead the world on issues that affect the lives of every human being living in this world.

Mr. Speaker, I ask my colleagues to stay the course, let the President lead this Nation, and that we should support his efforts to resolve the crisis in Kosovo. And if it becomes necessary that we utilize whatever force of arms to bring Milosevic to properly negotiate a peace agreement in that area of the world, so be it. And let us remember those three soldiers who are now held as hostages in Yugoslavia.

Mr. Speaker, I want to thank Major Logoleo and his administrative staff, the instructors of the Junior ROTC program, and more especially some 1,000 high school cadet students who participate in this program. My only hope is that in the future the program will continue to give these young people excellent training in leadership, organization and a love and appreciation of the principles that our Nation was founded upon, equality, freedom and democracy.

MANAGED CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 5 years ago the Republicans defeated President Clinton's health care reform bill. They claimed it would allow the Federal Government to interfere with the doctor-patient relationship. Yet when the same relationship was threatened by a corporate bureaucracy, Republicans last year offered legislation that did nothing to protect the sanctity of choices made by doctors and their patients.

It is the same story in the 106th Congress. Democrats have been waiting 2 years to pass the Patients' Bill of Rights. Right now we are ready to work to improve Americans' access to quality health care. Right now, today, we are ready to make consumer protections real for all Americans. Although many States have passed legislation making patchwork protections State-by-State, this patchwork does not provide a good fix for over 160 million Americans, Americans who need health care reform.

While there are many fine managed care organizations in my own district, and they are good, Sonoma and Marin Counties, California, on the leading edge of health care reform, too many horror stories are all too well known across this country. Doctors tell us real-life horror stories about how they are gagged by insurance companies that dictate what they can tell their patients about treatment options.

They tell us that a patient's treatment decisions are often overruled by a clerk and that patients are denied a specialist's care. Or they tell us that patients are shuttled out of a hospital before recovery is complete.

Americans know better. They want better treatment. Americans are demanding that the Republican leadership take real action on health care reform. But instead, the Republican legislation does not ensure that patients have the right to even see a specialist. Nor does it prevent insurance companies from continuing to send women who receive mastectomies home early, against the advice of their physician. Lastly, under the Republicans' bill, if patients are denied care, they would not have the right to a meaningful external appeal. In other words, they will not be able to sue.

In the final analysis, Mr. Speaker, the Republican bill will do little to prevent medical decisions from being made by insurance company clerks instead of by doctors and their patients.

What our health care system needs is the Democratic Patients' Bill of Rights. This legislation will make sure that doctors and patients are free to make decisions about patient health. The Patients' Bill of Rights will ensure that patients have the right to openly discuss with doctors their treatment options, have the right to receive uniform information about their health plan, have the right to go to the emergency room when the need arises, have the right to see a specialist, and seek remedy from the courts when claims have been unfairly denied.

It is time to put doctors and patients back in charge of our health care system. I urge the Speaker and my colleagues to support the Patients' Bill of Rights. I plead with the Republican leadership to bring HMO health care reform to the House floor for debate.

CONGRESS IRRESPONSIBLE IN DEALING WITH KOSOVO ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, over the last month this Congress could not have been more irresponsible in the way it has dealt with the issue in Kosovo if it had taken lessons. I would like to walk through with you the quaint way in which this institution has stumblebummed its way through its efforts to try to deal with our constitutional responsibilities.

First of all, it gratuitously decided to vote on the question of whether or not the President could use peacekeepers in Kosovo. That is not a constitutional prerogative of the Congress. The President as Commander in Chief has the prerogative of deciding where to use troops in noncombat situations.

Then, having gratuitously decided to support the placement of those peacekeepers in Kosovo, when the war began this institution then did not step up to its responsibilities to vote on whether or not the combat should proceed. The Senate did. They passed, I believe, the McCain-Warner motion which indicated their support for the ongoing military operation in Kosovo.

Then, further compounding its backwards approach to this issue, this House decided today that it was going to stipulate that under no circumstances could ground troops be used in Kosovo. Again, that is not a congressional prerogative. Once you are in a combat situation, it is the President and his military advisers who have the constitutional obligation to determine what the best way is to proceed militarily, whether it is through the use of ground forces, whether it is through the use of air power, whether it is through the use of naval power or a combination of the three.

The Congress has the right and an obligation to address the question of whether military activity should proceed, but when they are proceeding it has no right to try to micromanage the combat situations. That is a responsibility of our military leaders and the President.

Then, having compounded the confusion by gratuitously getting involved in that issue, it then proceeded to turn down, by one vote, the endorsement of the McCain-Warner language, good bipartisan language with Republican leadership in the other body. It then turned down our obligation to support troops in the field. I just find the way this institution has approached this to be mind-boggling.

And now, tomorrow, after they have turned down their authorization for what is going on in Kosovo, we will be marking up the supplemental appropriation bill in the Committee on Appropriations. And guess what? The same crowd that voted ''no'' on authorizing this military operation today will be going into that committee and demanding that we double the amount of money that the President asked to spend on it, taking it from $6 billion to over $13 billion and creating an opportunity to pork up the next year's defense bill in the process.

Never, never in the 30 years that I have served here have I seen less vision. Never have I seen less leadership. Never have I seen more confusion. And never have I seen the national interest being left in the dust the way it is tonight. I want to see how many Members of the majority party who today voted against authorizing this operation will tomorrow then demand that we double the amount of spending for the supplemental. It is very clear to me, based on the votes taken here today, that that supplemental appropriation is dead.

RECOGNIZING THE WORK OF DR. DAVID J. CANTOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Speaker, after this week we will be losing a trusted friend at the Congressional Research Service (CRS) who has been instrumental in providing timely and accurate information to Members of the Congressional Steel Caucus and to our staffs regarding the U.S. steel industry and its workers. I am speaking of Dr. David J. Cantor, who is retiring at the end of this month after spending 18½ years with CRS as a specialist in industry economics.

Dr. Cantor brought to CRS a distinguished academic and professional background when he joined the staff in 1980. Dr. Cantor has a Ph.D. in Economics from Harvard University and held faculty positions at Boston University, Nasson College and Golden Gate University. He spent several years with the U.N. Industrial Development Organization in Vienna, Austria and worked as an Energy Specialist with the California Energy Commission.

At CRS, Dr. Cantor has followed energy economics and the pharmaceutical industry, but his primary specialization has been following the steel industry. In the early 1980s, Congress enacted an enforcement mechanism for the Voluntary Restraint Agreements (VRA), which allowed the domestic steel industry and its workers to take actions to modernize the U.S. steel industry and make it world competitive. Throughout the 1980s and early 1990s, Dr. Cantor authored numerous reports monitoring the Steel VRA program which allowed the Steel Caucus to closely monitor the Administration's enforcement of this program.

Dr. Cantor also authored a report demonstrating that import limitations of the steel VRA program were not responsible for rising steel prices. More importantly, Dr. Cantor authored a series of reports that defined the steel industry as a basic industry, and not just as a supplier to steel using sectors of the economy. As Chairman of the Congressional Steel Caucus, Dr. Cantor's work has been instrumental in our work to maintain this vital U.S. industry and the important jobs associated with it.

Most recently, many of us have worked closely with Dr. Cantor to understand the current steel import crisis and to formulate legislative proposals that respond to this import crisis.

We in Congress who work closely on issues relating to the U.S. steel industry and to workers in this important industry have come to trust and value Dr. Cantor's analysis of steel issues. We have come to expect the clear and unequivocal conclusions that he has provided to us. To his tribute, he has earned the trust of not only Members of Congress and their staffs, but also of the steel industry, the unions and steel users. On behalf of the Members of the Congressional Steel Caucus, I would like to thank Dr. Cantor. We wish him and his wife all the best when they begin their retirement in Phoenix, Arizona this summer.

□ 2100

DEPARTMENT OF DEFENSE'S OBFUSCATION OF ISSUES SURROUNDING GULF WAR ILLNESSES

The SPEAKER pro tempore (Mr. WAMP). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the GAO recently presented me with results of a year-long investigation regarding reports that the presence of antibodies for squalene had been discovered in the blood samples of 6 Gulf War veterans. I am deeply troubled over the Department of Defense reply to the GAO recommendation. The GAO simply stated that since scientifically-credible research produced these findings, it would behoove the Department of Defense to conduct their own test to replicate or to dispute the results. We owe this to our veterans.

The DOD response to the report has been unconscionable. In the department's official letter of comment Dr. Sue Bailey accused the GAO of being, and I quote, scientifically and fiscally irresponsible. That is a reprehensible statement, and I can not allow that accusation to go unchallenged.

The recommendation reflects the scientific community's conclusion that the squalene antibody research is based on well-established principles. The lead researcher at Tulane University is widely respected. Tulane and the researchers have offered their assistance to DOD. Considering this, the Department of Defense cannot accuse the GAO of scientific irresponsibility.

What is irresponsible is for the DOD to conclude that it can afford to wait for the lengthy publication process before conducting its own inquiry. Over 100,000 Gulf War era veterans are now afflicted with a tragic assortment of health problems. We have a moral obligation to aggressively pursue any legitimate research that may provide hope and answers.

Further, the DOD challenged the GAO's recommendation on fiscal grounds. I find this stunning. Over $100 million have been spent researching Gulf War illnesses with little to show for the effort. DOD officials admitted to the GAO that they could develop such an assay at minimum cost and test it on a sample of sick veterans. This first step could be funded for as little as $10,000.

GAO's investigation was hindered repeatedly by DOD's refusal to provide forthright and truthful answers to investigators. They misled the GAO regarding when they began the research of the experimental squalene adjuvant, how many studies they did and how many personnel were involved. While assuring the GAO that investigational vaccine were not used, DOD officials were not able to provide documentation on the process and results of the decision-making related to the administration of vaccines during the Gulf War.

These actions mirror the continual difficulty that has been encountered in trying to get the truth regarding risk factors during the Gulf War. There has been a pattern, a consistent pattern, of denials. For example, DOD initially refused to even acknowledge that many vets were having serious health problems.

With this kind of track record and a tragic past history of experimental medical research, the DOD cannot expect us to simply accept their denials and refusals. Our ability to recruit and retain has been compromised by the department's obfuscation on many issues surrounding the Gulf War illnesses. They must act immediately and with integrity to resolve whether or not squalene antibodies may be contributing to the illnesses of Gulf War era veterans. It would go a long way in helping the DOD to restore its seriously damaged credibility and restoring the trust of our men and women in uniform.

MORAL AND CONSTITUTIONAL WARS MUST BE FOUGHT IN SELF DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, we have heard from several Members already about being unhappy with the legislative process today. The votes did not go exactly the way I wanted, but I am not all that unhappy with what happened because there was a serious effort for this House to restore some of the responsibility that they have allowed to gravitate to the administration and to our Presidents over the many years.

Today's legislative process was chaotic, but I think it was chaotic for a precise reason. We are trying to rectify something that has been going on for more than 50 years, and it is not just this President. It is every President that we have had since World War II. We have in the Congress permitted our Presidents too much leeway in waging war.

This was an effort today to restore that responsibility to the House. It was done sloppily, but considering the alternative of doing nothing, this was much better.

So I am very pleased with what happened today. I am disappointed that there was such strong feelings about the outcome. But I suspect they were not unhappy with the process as much as they were unhappy with not winning the votes.

But nevertheless the votes were very important today. One of the most significant, if not the most significant: we on this House floor today voted up and down on a war resolution. This is not done very often and under the circumstances that exist today, probably the first time.

But that was an easy vote. The House overwhelmingly voted not to go to war. This makes a lot of sense. This is a very good vote. Why should we go to war against a country that has not aggressed against us?

So this was normal and natural and a very good vote. The problem comes with the other votes because they do not follow a consistent pattern.

I think there are too many Members in this House who have enjoyed the fact that they have delivered the responsibility to the President. They do not want war, but they want war. They do not want a legal war, they want an illegal war. They do not want a war to win, they want a war that is a half of a war. They want the President to do the dirty work, but they do not want the Congress to stand up and decide one way or the other.

Today we saw evidence that the Congress was willing to stand up to some degree and vote on this and take some responsibility. For this reason I am pleased with what happened. So voting against the war that has no significant national security interest makes a lot of sense to me.

Another vote, the vote to withhold ground troops unless Congress authorizes the funding for this; this is not micromanaging anything. This is just the Congress standing up and accepting their responsibilities. So this in many ways was very good. This means that the people in this country, as they send their messages to the Members of Congress, are saying that this war does not make a whole lot of sense. If the people of this country were frightened, if they felt like they were being attacked, if they felt like their liberties were threatened, believe me the vote would have been a lot different.

But I am very pleased that this House stood up and said:

Mr. President, you have overstepped your bounds already. Slow up. Do not get this notion that you should send in ground troops. It makes no sense to this House.

Now the interesting thing is that was a resolution, it was a House Resolution, that probably really does not have much effect other than a public relation effect because it would have to be passed by the Senate, it would be vetoed by the President, we would have to override his veto. So, in the practical legislative sense it does not mean a whole lot, but it means something in the fact that we brought it to the floor and we were required to vote on it.

Another resolution that was defeated unfortunately, and it was defeated by a two-to-one margin; this would have said that the President would have to

cease, we should have told him to cease, because we have not given him the right to wage war. As a matter of fact, even today we said there will be no war, there will be no declaration of war, so we should consistently follow up and say what we should do is withdraw and not fight a war.

Likewise, when we come to the endorsement of the military bombing, fortunately it went down narrowly. But it in itself, too, does not have any legal effect. That is a House Concurrent Resolution that has no effect of law other than the public relations effect of what the Congress is saying.

But I think it is a powerful message that the American people have spoke through this House of Representatives today to not rubber stamp an illegal, unconstitutional and immoral war. The only moral war is a war that is fought in self-defense. Some claim that this is a moral war because there are people who have been injured. But that is not enough justification. The moral and constitutional war has to be fought in self-defense.

LET US PURSUE A DIPLOMATIC SOLUTION ASAP TO END THE SITUATION IN KOSOVO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Speaker, this evening the House had an emotionally charged debate about our policy in Kosovo, and contrary to remarks made after the vote, this was not a vote against the troops. This was a vote against the policy of this administration. All of us support the troops and the young men and women who are doing their duty.

But I think it is also sad. I understand that people become so emotionally charged that, if they lose, they automatically say this was a partisan vote, and I understand that. But I think it is important to remember that these are very serious issues, and all of us have very strong feelings about them, and we may not all agree with the views of others.

But I think, as we debate U.S. involvement in Kosovo, it is important to remember that there has been political and religious turmoil in Kosovo since at least 1389. The Muslim forces of the Ottoman Empire defeated Serb forces on the plains of Kosovo at a place called the Field of Black Birds, and Kosovo has been a sacred place for Muslims and Orthodox Serbs for generations. It is unimaginable really that either group would ever be forced to leave a place they consider their homeland.

Now today in the New York Times and other national magazines our military commanders of NATO acknowledged that 5 weeks of intensive bombing has failed to reduce the size of the Serbian forces in Kosovo or in their operations against Albanians. The 4,423 bombing sorties may have rendered Serb air defenses ineffective, but air strikes have not accomplished the stated purpose, to stop the ethnic cleansing of the Kosovars. However innocent civilians in Belgrade, in Kosovo and other locations throughout Serbia and Yugoslavia have been killed by NATO air strikes, and the number of civilian casualties and incidents of misdirected weapons continues to increase. Relentless bombing has become ineffective, and the more it continues, the more innocent civilians are going to be killed and injured in Kosovo and in Serbia, and certainly a military action in which the only victims are civilians will not be long supported by the world community.

Now I do not think we should mislead the American people. We already are in a quagmire in Yugoslavia, and there is no easy way out, and it is very complex.

But in my view, and the reason that I have voted against the resolution this evening, because we have all sat by and we have watched these relentless air strikes that are totally destroying the infrastructure of Yugoslavia, and in the near future they are going to be coming back to America to help rebuild the country; but the reason I voted against the resolution tonight giving the President authority to continue these air strikes is because I believe that at this point America only has two options. One is an all-out ground war with air support to recapture Kosovo.

□ 2115

Now, this option would require over 75,000 ground troops, casualties would be inevitable, and troop presence would be essential to protect Kosovars for a long time once the war was completed.

The other option is a diplomatic solution. The goal of NATO should be to return the Kosovars to Kosovo. A military presence will be required to assure their safety, and, of course, Serbian forces must be removed. Now, there have been some indications recently that Mr. Milosevic may accept and be willing and required to accept the presence of foreign troops in Kosovo. In fact, he alluded to that in a recent interview with C-SPAN.

So I think that we have a real opportunity here through the Russians, through our NATO allies, through others that have contacts with Mr. Milosevic, to push this opportunity. I hope the President and his advisers will pursue a diplomatic solution as soon as possible to end this situation.

INPUT FROM CONSTITUENTS ON ISSUES OF CONCERN TO AMERICA

The SPEAKER pro tempore (Mr. WAMP). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, I appreciate the chance to be recognized tonight in this special order. This special order is one that I hold for a number of members of the majority. I know there are some who are monitoring tonight's special order, and, for those who have something they would like to add to this hour, I would invite them to the floor now.

Mr. Speaker, being from Colorado, I want to take the opportunity to discuss just briefly before I move on to my other remarks once again the tragedy that took place a week ago yesterday in Colorado, and just express for the people of Colorado our profound gratitude for all of those throughout the country who have expressed their support, their concern, who have supported us through prayer and in so many other ways.

It is a tragedy that has really gripped our state, as it has the whole Nation, and it is encouraging for all of us in this time when we need a lot of courage and strength to know the rest of the country stands with us as a State and thinks daily about the families and the victims and all of those involved, young children, not only in Colorado but throughout the country, that are trying to make sense of a situation where I am afraid there is no logical conclusion that can be drawn as to what allows this kind of thing to occur in America.

Nonetheless, it has, and a great Nation such as ours will emerge from such a tragedy stronger in the long run, I am fundamentally convinced of that, and I believe that is possible because of the strength and support and the prayer of all those who have given considerable thought to our State in the last few days.

This is a topic that also emerged, Mr. Speaker, at a town meeting that I had last week. I go home to Colorado every weekend and visit with constituents and hold town meetings as often and as frequently as I can. The Fourth Congressional District of Colorado, which I represent, is a very large one. It represents approximately half of the State of Colorado, the eastern plains, and 21 counties in scope. So I use the opportunity of the weekends to get back home and talk to as many constituents as I possibly can.

I have a standing town meeting every Monday morning halfway between Fort Collins and Loveland, Colorado. Monday morning is a breakfast meeting. Naturally, the focus and concern expressed from the audience there was about the shootings in Littleton and the tragedy at Columbine High School. A number of suggestions and solutions and theories were suggested, of course, but, once again, just the feeling of

helplessness, the feeling of just devastation in the wake of something so tragic as the death of so many young people and their teacher is something that we will never, ever forget.

Another topic that comes up at the town meetings frequently is the issue that was at the heart of the debate that took place on the floor today, and that is of the U.S. involvement in Kosovo. I have to say I have run across in the last three weeks one constituent in my district who believes the President has acted properly in committing our armed services and our armed forces to carry out his war in Kosovo, that out of literally thousands of constituents that I have had a chance to meet with over the last three weeks.

The concern of those that I represent is certainly for the troops and is certainly for the most positive outcome we can possibly salvage from the operation in Kosovo, but their paramount concern is for the integrity of our Constitution.

There are many interpretations, I suppose, that can be made of the votes that took place here. Some of our colleagues on the opposite side of the aisle were seen not too long ago flailing their arms and speaking in elevated voices about their disappointment with the outcome of today's votes.

Some believe that the Congress, standing up for the Constitution, is an embarrassment. I would disagree entirely. He think that when our great founders 223 years ago, not just in launching a great country through the Declaration of Independence, but a few years later constructing a Constitution, were correct in suggesting that the authority to declare war should reside within the Congress, this House, as well as the other body, and should not be a function, certainly not a unilateral function, of the chief executive.

There are those today that disagree with that premise, and, after a month and a half of debate and deliberation, this Congress spoke forcefully and reasserted its authority and its constitutional role in deploying troops around the world and expressing its opinion about the constitutional basis for warfare.

One of the things I do in my district, Mr. Speaker, is ask for a lot of opinions. I ask people to write letters. I ask people to attend these town meetings that I hold. I ask people to fill out public opinion surveys that I distribute throughout my district and at these town meetings, and I want to share with you and the other Members tonight some of the results of some of those public opinion surveys. I want to go through some of the responses that I have heard from many people, because it really deals with those first two topics that I addressed at the start of this special order.

One of the questions that I asked in this survey, I asked 8 questions, and some of them rather open-ended. I asked, number one, what is the single most important issue facing the country today? Number two, I asked what is the single most important issue to you or your family? It is remarkable to see some of the responses that came in in response in answering this survey.

The number of times that the issue of morality and our national integrity came up was just astounding. It comes up as the number one issue more often than I would expect it, until you read the full descriptions of people's concerns, and then it becomes more apparent.

Here is one that I want to share. Again, what is the single most important issue facing our country today? Morality and the deficient educational system is the answer. Lack of old fashioned basic educational skills.

Please tell me why, this writer asks, and this writer is from Fort Collins, Colorado, please tell me why our children are cheated out of learning the very exciting history of our great country. This is the greatest country ever conceived, and we do not even teach these children why it is the greatest. They are kept completely in the dark. They are not taught that this is a constitutional republic instead of a democracy, the writer says. They learn nothing about the Founding Fathers, the greatest thinkers of all time. They know nothing about the Revolutionary War that was fought for 6 years to give the American people liberty and the pursuit of happiness. They know nothing about the suffering that the soldiers went through to save this country for liberty. Every other civilized country in the world teaches their children the country's history but ours. Instead, our children are taught socialism. It isn't until we are out of school that we realize how little we know, but it takes years for us to figure out why we have been taught so little.

Here is another writer who writes about his experience in Vietnam and talks about our history as a country and what we stand for as a Nation, why soldiers are deployed around the world and for what purpose. He speaks about getting back to a constitutional framework from which we exercise public policy.

Here is one that wrote about taxes as the number one issue.

We recently finished our kids tax forms for 1998. One of our children is 22 years old and has lived at home half of the year. The other is 19 and has lived at home for the full year. They both attend college full-time and work. They also have the maximum tax withheld from their paychecks. The 22-year-old had to pay in $89 and the 19-year-old had to pay in $181. We feel if government wants to help these kids, quit taxing them so much. College is so expensive, and then to tax them so much is truly unfair.

This is from a husband and wife with two children. They are also from Fort Collins, Colorado.

Here is another one. Again, the first question I asked in the survey is what is the single most important issue facing the country today? Moral decline is the answer from this woman from Wellington, Colorado. What is the single most important issue facing your family? The respondent says strong families for us and America.

When I asked what do you think is the biggest challenge for our schools, I put a number of boxes. Not enough funds reaching the classroom, class size too big, violence and drugs. This respondent checked none of those. They checked the ''other'' box and wrote in weak families as being the issue that has their greatest level of concern.

They wrote a special note that they attached. Congressman SCHAFFER, we are watching, we are listening. Hang tough on your moral convictions. Vote strong for the family. A strong family is a strong Nation. Keep up the good work. We pray for our Nation.

I receive lots of letters like this. I know many other Members of Congress do too. I want to assure all those who observed today's proceedings that it is worthwhile to write to your Congressman, it is worthwhile to pick up the phone, to attend the town meetings, to let us know what you think. There are legions of people here in Washington who read these and respond to them and take them to heart and make them become part of the direction we move in Congress.

There are several here. I see the gentleman from Texas has joined me on the floor, but before I yield time to him, I have to share this one response I received from an attorney who wrote, and please think about this.

Once again, the single most important issue to him, according to his response and return survey, is the breakdown of the family. He asks to see the attached letter, a handwritten letter that he placed on his letterhead.

It says Honorable BOB SCHAFFER, regarding the survey attached, breakdown of the family. There are a number of statistics he included.

Over 85 percent of my criminal case clients come from divorced or single parent families. Every school shooting incident nationwide that I am aware of, except one, involved children from broken homes. Both incidents in Colorado last week of young kids bringing guns or ammunition to school involved kids from broken homes.

Timothy McVeigh's, the Oklahoma City bombing, in parentheses, parents were divorced when he was in his teens. Most of my non-personal injury civil case legal work involves problems people face as single parents or divorced spouses, debt, bankruptcy, child support, child welfare, these kinds of actions and others, and I don't ever handle actual divorce cases, he says with

an exclamation mark. There are about the same number of divorce cases as felony criminal cases filed in Larimer County each year, 1,600 cases. We would not need a new courthouse or nearly as large a local, state or national government budget if not for all the broken families.

□ 2130

So there is a connection between social and fiscal issues, he says.

Here are some suggestions he gives us as far as causes. Number one, judges who legislate to set aside State laws, and he gives an example: the right of minors to get abortions, contraceptions without parental involvement, creating an atmosphere of no family responsibility and sexual license, and he is referring of course to the Title X clinics, which is a legitimate concern that all Americans should have. This is the program where the Federal Government provides funds for local health clinics to provide contraceptive services to children without the knowledge, much less the consent, of their parents. He cites that as an example of the authority of families being undercut.

Number two, the number two cause he cites: No-fault divorce and other family-ignorant legislation. Treating non-married parents like real parents regarding custody and visitation.

Three, government welfare programs without goals. This at least is being turned around. Thanks for letting me air my views.

Again, this is from an attorney and one who I happen to know is very involved in many local charities and community activities in the northern Colorado community. I have lots more input from constituents and things that are on people's mind, but I want to yield the floor to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I thank the gentleman for the opportunity to participate with him in his special order. The gentleman takes, as I do, great faith in learning from our town hall meetings. Meeting with the people we represent, we never fail to learn when we listen carefully to their thoughts, when we listen carefully to the burdens they are under, whether they are just struggling to make ends meet or just trying to get their business going and keep it afloat, or just to have dreams for their kids that they want to make happen and how difficult it is when government gets in the way; even when the government is trying to help, it gets in the way. It is so important.

Like the gentleman, I also consult my constituents whom I represent at my cracker barrel sessions, my town hall meetings, which we have always called cracker barrel sessions around the tradition of meeting around the cracker barrel, talking about what is going on in the community and talking about politics, and we do the same thing today because we have a traditional district. Issues like Kosovo, the war, the shootings in Colorado, Social Security, there is much to discuss, and we had some of our best cracker barrel sessions ever, and I am looking forward to a new round we are holding in the next 6 weeks.

Mr. Speaker, on Kosovo, I want to talk a bit about that. I had a moment, a brief moment this afternoon to start to discuss it, and time was short, and I wanted to go back to it because it is such an important issue.

Mr. Speaker, Americans have big hearts. That is one of our best traits. Whenever we see killing, whenever we see injustice anywhere, we want to stop it, whether there is a national interest in it or not. Well, Kosovo, having good intentions, but a bad plan of proving to hurt the very people we are trying to help; rather than stopping the human suffering, we have increased it. Rather than stabilizing the region, we have made it more unstable. And now, it appears we are ready to pour more fuel on a very deadly fire in this very volatile region.

It seems tragic to me that with the lessons of the Vietnam War barely cold on our plates that we have not learned from it. Like Vietnam, we are waging a war today almost by the seat of our pants, driven not by military expertise, but by polls and what is politically correct and what are the overnight focus groups saying. As the gentleman would guess, results are predictably fatal, and failing.

Worst of all, I think we forget the most important lesson of Vietnam. It is fatal to enter any war without the will to win it. Those who most sought this war have shown that they lack, unfortunately, the political courage to aggressively target Slobodan Milosevic, his leaders and the Serbian army he commands. As General Douglas MacArthur said in a speech to Congress back in 1951, I believe, he said, ''War's very object is victory, not prolonged indecision. In war, there is no substitute for victory.''

Well, if a lethal criminal entered our neighborhood today, our schools, our hospitals, and began to shoot our families and innocent children and victims, the first responsibility of law enforcement would be to bring them down, to stop them cold, now. How would we feel if that responsibility, the law enforcement officers flinched, reluctant to take the shot, reluctant to do what it takes to stop the killing? Well, history will record in Kosovo that America flinched, that the allies flinched. The lives of innocent people, young and old, were lost because the commanders in chief somehow found it immoral or were reluctant to bring the shooters down and end these atrocities.

Last Thursday as I read The Washington Post, I read in one section about the atrocities and the fresh graves that had been dug, and I also read a NATO admission that they were, by design, leaving large sections of the Yugoslav Army untouched in the desire or the strategy that perhaps someday they can be part of a peacekeeping mission. So what I realized was that on the same day we were describing how young American fighter pilots were heading into Yugoslavia, led and being cleared the way by young American pilots leading the process and clearing the path with overhead reconnaissance planes, again with young American soldiers in them, all risking their lives in this conflict, yet, at the same time, we were, by design, preserving the lives of the Yugoslav Army, the ones who were committing the atrocities.

I find nothing humanitarian in a policy that allows young American soldiers to lose their lives, but lets Milosevic live. I find nothing moral or just about a policy, a strategy where the lives of innocent Kosovars die lonely and cold and hungry by the side of the road while we leave the Yugoslavian Army untouched, those who committed the atrocities, remain untouched.

Today in The Washington Post, and in many papers across America and in Texas where I live, NATO updated the war, and they went through a pretty impressive list of the aircraft that they destroyed and the airfields and some of the hangars and office buildings, and some of the infrastructure. But when it came to talking about the Serbian Army and what damage we had done to those who have committed the atrocities, they were silent.

Unfortunately and tragically, we now have pilots, young American pilots who risk their lives, and not in the hopes of preserving the American Army, but in preserving the Yugoslavian Army, and their targets are picked not by military experts, but by pollsters, and that is a failure. In this war, our humanitarian effort unfortunately has failed the Kosovars and failed the allies miserably. And now, like a desperate gambler who will not acknowledge their losses, we are thinking, if we can just gamble a little more, if we can just bomb a week longer, if only we can send in Apache helicopters, if only we put American ground troops in, just one more roll, just one more gamble, and perhaps we can win it all back.

Well, we cannot win back the lives of the Kosovars that have been lost and we cannot bring back together the refugee families that have been torn apart. But surely we can save the hopes and dreams of Americans and allied soldiers whose lives have yet to be gambled with.

A short walk from this Chamber, the Vietnam War Memorial lies half buried, silent, below the green grass of the national Mall. Mr. Speaker, 58,000 lives and names are engraved on the wall,

58,000 fathers, brothers, sons and some daughters gone because America's leaders then would rather lose the lives of soldiers than lose face as a Nation. Mr. Speaker, 58,000 teenagers, because the average age of those fighting on the front line in Vietnam was 19 years old, barely out of high school. Mr. Speaker, 58,000 Americans who lost their lives in a war we were not willing to commit to victory to, and it is eerily like the war we are in today, because as America and allied political leaders flinched, Kosovars fell down around us, and we can never get that back; that opportunity for victory in saving those lives is gone.

We have a moral obligation today, to our young soldiers and their families, to prevent another Vietnam War. We have a moral obligation to our soldiers' mothers who love them like no one else can, to their fathers who harbor dreams for them, can barely talk about without getting emotional; to the brothers and sisters and family members of every American soldier and their spouses and their friends, we have a moral obligation, because it is unconscionable to allow young Americans to give up their life and die while we allow the shooters, all of them, to live by design.

I care a great deal about Kosovo and Kosovars. I am concerned about NATO. But my duty is to our American soldiers. I think that is our highest moral obligation and duty, to prevent another Vietnam War and all the destruction, all the lives and all the families that have been damaged and hurt so much by it because we did not have the courage and the will that when we started the war to conclude it, in victory. It is hard. It is hard to do that, and that is why war should be the last resort, because it is so damaging.

I think before the President pours more deadly fuel on this fire, I think and I would respectfully ask that he exhibit what I would call battlefield leadership. And it means first being honest, truthful to oneself about the failure of the current strategy. It means putting the troops you command first, not yours, worrying not about your record, not about NATO's credibility, not about your legacy, but caring about the troops under your command.

I think probably the toughest battlefield decision has been made many times by those who recognize that a hill cannot be taken, that sacrificing more lives and sacrificing more young people will not accomplish that goal, and to put them first, to do no more harm to them, and to determine what in real life can be done to advance our just and moral cause. I think the President needs to be totally honest with the American people about the steep price, and I mean staggering price, that we will pay, already we must pay, in lives, in resources, in years, to even attempt to secure a temporary peace in that civil war.

My exit strategy, unfortunately, the time has gone for that. My exit strategy was simple. Although I opposed the intervention, once in, my belief is that we bring the shooters down and end the atrocities, or we do no more harm and negotiate an international peace treaty, attempt to secure what we can of Kosovo, attempt to relocate; how many refugees really want to go back to a region they can no longer call home; and to attempt to contain the damage we have now done in the neighboring regions. I believe it is time to do no more harm. I am not willing to sacrifice young American lives to a war we are not committed to win. That is my duty. That I think is Congress's duty, and I look forward to the day when we can complete that duty.

Mr. SCHAFFER. Mr. Speaker, that comment, that phrase about winning is usually something that one side or another could understand in the case of some military conflict or the engagement in warfare. But the definition of winning with respect to this conflict is very nondescript. The President and his spokesman, in announcing this war to the American people, in moving forward in an act of warfare in the Kosovo province, failed to identify the clear objectives and the national interest that is at stake when it is impossible and the President is incapable of clearly laying out the objectives to be achieved. It is by definition impossible to determine when one has won and when it is time to declare victory and go home.

□ 2145

That is the real dilemma that the President has put us in, because it has set off a whole cascade of problems that stem in all directions, and does so without the clear definition of what victory means for the United States of America. Without that definition, I am afraid this is an engagement to which we will be committed for a long, long time.

I am curious, at the cracker barrel sessions that the gentleman has back in Texas, this notion that there is a lack of a clear objective and an exit strategy. And it seems to be, at least in my part of this country, and I am curious to find out about the gentleman's, the source of a tremendous amount of anxiety and concern.

I might also point out, before I yield the floor back to the gentleman, from the perspective of the best interests of our troops it is unconscionable in my mind to send troops in harm's way; to send our soldiers, sailors, and airmen to conduct their duty in Kosovo without clear objectives, without knowing when the job is going to be done, and expect them to accomplish this mission.

They will do it. These folks, you give them a mission and they will do it, they will do it proficiently. They are literally the best in the world, and they do the American people proud. But they are Americans, too, and they deserve to have answers about what objectives are being achieved. There are no answers to that question.

Mr. BRADY of Texas. The gentleman from Colorado is right on target and people know it. Every time we go into a classified briefing on this war I am always hopeful to hear more, to hear that there is a plan I am not aware of, a hint of a mission that is so clear that I know that we can achieve it. Because the gentleman is right, the military, they will achieve any objective, no matter how difficult. They will lay their lives on the line.

But in fact, it is just the opposite. I come out thinking, at each of those sessions, and believing that we ought to give the military right now every medal possible and every acclaim possible, because they seem to be fighting this with two hands tied behind their backs, and a leg, perhaps, as well.

It is interesting about objectives. I went back and took a look at America's intervention in our world wars and our intervention in Korea. The clarity of our missions in Germany and in the world wars, and the vagueness of our mission in Vietnam and here, is eerie.

I looked back and I read a statement by President Johnson from Texas, as a matter of fact, as he addressed the Nation in 1968. Tell me if this sounds familiar:

''Our objective has never been the annihilation of the enemy. It is to bring about a recognition in Hanoi that its objectives could not be achieved.''

If that sounds much like the President's objective, not to defeat Milosevic in Yugoslavia but only to degrade their ability to conduct their activities further, the gentleman is right.

And with a mission so vague, and without a commitment, unfortunately, with a lack of courage to do what war requires us to do for compassion and humanity, that is why we do not get into wars until there is no other resort, because it is destructive to us and the enemy, and we must have the courage and will to win.

My concern, and I think it has already been proven, is that we have lacked that. The Kosovars have paid the price. The question will be will American soldiers be the next to pay the price. I am not willing to wager their lives in this war, because that is what it is, without a clear objective, and in fact, without that will to win.

I always use, and perhaps the gentleman does, as well, I use a test for our conflicts: If a young soldier were killed in this battle, could I go to the family and tell them, look them in the face and tell them they lost their son or daughter, their brother or sister, their wife or husband, and that they

did it to defend America, in the best and highest cause of American interest?

In this case, I cannot tell them that that death would be justified. It is a high standard, but I think it ought to be any time these young people are sent into battle on our behalf.

We have a war memorial just at the bottom of this hill, the Vietnam War Memorial, where every time you go, and every other memorial is so lively and so inspiring and you get a sense of history, and it is people talking, and there is an enthusiasm and inspiration by our memorials. But when you go to the Vietnam War Memorial, it is stone cold quiet.

Every time I go, and I walk from the base of the memorial, and you start to look, as you look at the names and you begin to walk up and out of the memorial and up into the sunlight, my thought every time is, never again. Never again will we put bright young American lives with wonderful hopes and dreams, and those of their families, never again should we commit them to war where our political leaders and our Commander in Chief do not have the will and the courage themselves to win. That, unfortunately, is where we are at today. I wish there were an easy way to say it.

I like to believe the best in everyone. I hope and try to believe the best in our Commander in Chief, even as disappointed and upset as I get at times. But this time, we have lost that opportunity. We can never bring those people back. We can only save Americans and learn from the Vietnam War, never again.

Mr. SCHAFFER. The folks back home, when this topic comes up, are insistent that warfare is sometimes necessary and sometimes it is the only option, but that is the standard, that it is only something we should resort to when all other options have been exhausted.

The President is convinced that all diplomatic solutions have been tried and none of them worked. But I want to make it clear that, in looking back over today's debate and even responding to some of the discussion that has taken place here, no single one of us who opposes the President's decision to commit an act of warfare opposes our involvement in trying to resolve the terrible situation that exists in Kosovo, this ethnic cleansing that is taking place at the hands of Slobodan Milosevic.

This is a topic which we are very concerned about, and we want to spend American resources and spend America's diplomatic might and economic leverage and do whatever we possibly can to honor the dignity of human life, and the lives of all those who are involved, victims or otherwise, in the Kosovo conflict.

But this is not a new conflict. This official policy of ethnic cleansing by Milosevic is about 6 years in the making now. What is most distressing is the length of time that this struggle has gone on and has been allowed to fester and grow without any real concern coming out of the White House until a few months ago, when the President at that point suggested to the country that now there are no options.

I submit that the President of the United States and the office of the presidency should be held up and he maintained as the most forceful leader for liberty and freedom around the planet.

The rest of the world does look to the United States of America for guidance and leadership in precisely these kinds of situations. They look to us to be the mediators, the negotiators, to exercise our leadership position and authority, to bring leaders of democracies around the world together to stand against the tyranny of dictatorships and tyrants of the sort Milosevic is a part.

But that really did not happen over that 6-year period. Again, the White House all of a sudden and suddenly became concerned just a few months ago, and left the United States at quite a disadvantage. The relationships that we have lost and have been set back with respect to emerging democracies in Eastern Europe with Russia, with the Ukraine and other former Soviet Republics, are setbacks that are going to take many, many months, if not years, to regain.

Mr. BRADY of Texas. Mr. Speaker, the gentleman makes a point that is real critical here. Today, and in much of this debate, people will try to convince Americans that it is between those who care for humanity and those who want to isolate America. It is a rhetorical trick, a way to wedge people onto different sides, as opposed to talking about reasonable approaches.

But the fact of the matter is that America does have a role in peace in this region. We do have a role to play. But the world has changed. Now that we are the strongest world superpower, while the world has changed, we are confused about our role in it today.

We still respond by wanting to fight the disputes and fights of every one of our brothers, older or younger, around the world. And we will. We will jump to any battle, to any fight, and we will fight every one of our brother's and sister's fights for them.

But at some point, because we have so many around the world, we simply cannot. You can fight other's disputes until you are so weak yourself that you lose your own fight when called upon to protect your own family, your own interests. That is where we are today.

I think our new role, America's new role, is not to fight every one of our brother's fights, but to help teach them and work with them so that they can fight their own disputes, settle their own conflicts.

America's role in peace, I believe, is to not lead others in what is principally their challenges but to support them, to help, to advise, to provide technology, to back them up in their challenges and their responsibility, but to not be always taking the lead in their fights; because frankly, we have new challenges here in America, such as the terrorism challenge, where the smallest rogue nations can develop biochemical weapons. International drug cartels have a distribution network literally to every community in this country.

Then on top of those two, we have organized crime which finances instability because it is profitable to do that. So now America faces a challenge where literally biochemical weapons, weapons of mass destruction, can be brought into literally every community in America. We have not changed our security to respond and prevent that.

We have nuclear missiles and the capability by countries to reach the continental United States that we are not prepared for, although thank goodness this Congress is taking the leadership role in doing that. So I think we do have a role to play in peace.

Peace is always, almost always, less costly and less damaging than war, but there are times when your interest, your defense, and national security will quite compel you to do that.

But I notice that Dwight Eisenhower, our former commander and president, made a statement in 1946 that I think rings true today. He said, ''Men acquainted with the battlefield will not be found among the numbers that glibly talk of another war.''

Those who have been to war, who have seen the blood, who have been part of all of that, understand the need to explore their options first; to know that when you launch that hostility, just what type of courage it takes, and the blood that will always be on your hands.

Unfortunately, in this foreign policy, in the advisers, in the Commander in Chief, I think perhaps we talk too glibly of war when in fact Europe and others around the world urged us to try to find another path to peace in Yugoslavia. Unfortunately, their predictions of the damage have been just terrible.

Mr. SCHAFFER. If we contrast the response to the events that led up to this military conflict with the Gulf War when President Bush presided, we see a wide difference in approach.

President Bush was successful at bringing the entire world and global leadership together to stand against the Iraqi government and Saddam Hussein. He was successful at putting in place various economic sanctions, and using all of the political leverage and diplomatic might of the United States and the global community to stand against a tyrant.

Even when that all seemed to fall apart and the Iraqis moved in to attack a sovereign Nation, it was the response to that form of naked aggression that instantly brought the entire global community together to stand against Saddam.

□ 2200

Very, very different than what we have seen in the case of Milosevic. Again, this is an episode that is many, many years in the making and very little effort to try to use their political position to leverage economic sanctions against Milosevic.

We see some of our strongest allies continuing to sell oil and other technology and weaponry to our enemy now in Kosovo. Yet what is the response from our President? We had all of the leaders of these same countries right here in Washington, D.C., just last week. I did not read one word of our President objecting to this economic exchange that is going on between our allies and the government that we are bombing right now and the regime that we are bombing.

As I say, what America needs right now is a foreign policy, and out of the White House we have none today. I just shudder at the prospect that any of our troops will come home in body bags and find themselves buried in what one of my staff members today coined the ''tomb of the unknown policy.'' This is a prospect that all Americans ought to be very, very concerned about.

But we do have a role in trying to prevent the violence that is taking place. It is a diplomatic role. It is one that requires real leadership out of the White House. We have to have a President, a Commander in Chief, who is not preoccupied by other things, distracted by less important topics, certainly, at a time when the willing answer of and eager military leader of our country is to commit somebody else's sons and daughters to fight a war for which victory is very hard to define.

Mr. BRADY of Texas. Mr. Speaker, thankfully, we live in a country where we have the opportunity to vote our conscience, to raise issues that trouble us, to talk about them, and to unite behind our American troops, to be absolutely a hundred percent behind them. Whatever they need while they are there, financially and funding-wise, we are going to get them.

And in fact, not only that, but we are going to make sure that there are the reserves and the dollars to try to rebuild our military to where we are not costing lives each time we are given a new challenge as we do today.

I was thinking also that our allies have been hurt terribly in this, as well. We have now pushed the ethnic Albanians out into the neighboring regions. And it is almost like taking part of our State and pushing them to other States.

And by nature, if we took a bunch of Texans and push them out to three neighboring States and basically say they cannot come back or they can come back to a small, damaged, torn up, insecure, non-secure area, I will tell my colleagues what they are going to do. They are going to carve out from the three States, they are in a new Texas, a new State, with people they know and values they have and religions that they share.

And this is what is happening now in the Balkans. We have pushed out ethnic Albanians out of their home. As in Bosnia, very few, my guess, will return. That is what history shows us. And they are going to look for a new country, a new independent nation with people whose values they share, and that means we will likely create a greater Albania and perhaps too a Macedonia. And I do not know what other damage we will do to our neighboring countries. So our friends there are paying a very steep price.

And here is Europe who was asking all along, we want more options than just bombing, here is Europe in their biggest year perhaps ever. They launched a new currency, the Euro, created new Federal banks sort of like our Federal Reserve. They are trying to hire a new foreign policy person to unite the European Union. They had had their whole European Commission resign because of corruption, which was a major blow. They were asked and brought in expanded three new NATO neighbors and costs that are associated with that.

And then we pushed them into not only defending themselves, but America said their new strategy in Europe is going to be to resolve disputes like this and resolve it militarily. We are like a friendly banker who keeps pushing the small business to expand, to expand, to expand, to expand, until one day they expand themselves out of business.

My concern is that at a time when NATO should be reasonably and thoughtfully talking about their new role in Europe and with America in this new world, that we are pushing them into a role they are not ready to play. And while I have to admit, after 24 hours after bombing three of the countries, NATO said, enough, we think that is enough. Stop, that is enough bombing for us.

To their credit, as a group, they have hung pretty tight. But the fact of the matter is that they do not know what victory is anymore. They do not know about if they can shoulder the costs of it. They do not know if they can survive this NATO expansion. So each of our closest allies we have pushed into a terrible position that will hurt them economically, politically, culturally for many years to come.

And I just think again, war ought to be the last resort. We have so many pressures. We have so many tools that we ought not to ever glibly talk of war or to enter one. And whether we today declared war, which we did not but we know we are in it, and now have the responsibility to face up, to be held accountable ourselves for our actions, and what is sad is the price that we will all pay, but at least we ought to commit and have the courage to sacrifice no American lives in this terrible mess.

Mr. SCHAFFER. Mr. Speaker, the question of whether we are at war or had to declare it, and so on, is one that now is going to be resolved in the courts. This is a question that has been at the center of the relationship between this Congress and the presidency for a great number of years, and it has been a point of dispute for quite a long time.

And each military incursion that we have undertaken as a country seems to take one more step or one more bite out of that constitutional responsibility that the Congress has to declare war, and there are various reasons that that is so.

With respect to NATO or U.N. operations over the years, we have granted huge amounts of authority to the President to act unilaterally within the context of our relationship to the NATO treaty or U.N. charters. When it comes to peace agreements that disintegrate and erode, it is our relationship and response to these agreements, the fact that we have formally taken part as signatories to these agreements, that compels us and authorizes Presidents to step into war. Even under those circumstances, constitutional authority to declare war has been questionable.

But this case is different altogether. It is different because we are talking now about a sovereign nation, a nation that did not act as an aggressor to a neighbor or some other jurisdiction around the world. We are talking about a conflict that does not involve an attack upon any of our NATO partners. NATO, being a defensive organization, its charter does not envision attacking sovereign countries as it has now been used to do.

So this profound question that needs to be answered, and I guess at this point Congress has asserted its authority, has denied the President a declaration of war to carry out his war in Kosovo.

The President now continues to carry out an act of war without the consent of Congress. And the only remedy remaining for us now is to test this question of the War Powers Act before our great courts. As a country, I think we need to certainly be concerned about the conflict that is the heart of the debate. But, also, we need to be very, very concerned about the status of our Constitution, that the War Powers Act maintains its integrity clear through to today's point in time, and to ensure

the American people that this Congress will find the courage, as it has today, to stand for and assert its constitutional authority. And that is what we did.

I guess some Members in Congress just an hour ago were here on the floor lamenting the fact that we stood up for our constitutional responsibility and the fact that we honored that constitutional responsibility, in their opinion, is the cause of some kind of personal discomfort for them. I am sorry about that. But we swore an oath to that Constitution to stand up for it when called upon.

We were called upon to do it today. Some of us did. Others did not. And this is a matter to be sorted out now by the American people at the next election.

Mr. BRADY of Texas. I think, too, that as the gentleman from Colorado has pointed out our constitutional duty, I always try to support the President, any President, in military action and we have in every case in Congress. But my duty and the duty of my colleague is not to the President, it is to the Constitution. And I think we have a higher moral duty to our young American soldiers.

And they are young. I mean, they are young, bright, wonderful people who are serving our country and think that if they fight and risk their lives it will be for freedom, not to allow Milosevic to live, not to allow a Serbian army to go untouched, not to flinch when sent into war because of their constraint on them as individuals.

Our duty today was not to cover the President for a terrible decision. That would have been disloyal, in my opinion. Our duty was to our American soldiers who are over there right now and the belief that we ought not sacrifice their lives when we do not have the courage, when our commanders in chief of this whole operation politically do not have the courage that we are asking of them.

No one should ever ask more of their troops than they ask of themselves. And in this case, we ask too much.

Mr. SCHAFFER. Stepping forward to a conflict such as this requires preparation, requires considerable forethought, and to allow to prepare our armed services.

And again, over the last 7 years in Congress, this has been a point of clear debate between the Congress and the presidency. This President has cut the funding of our armed services year after year after year, to the point where our soldiers, sailors, and airmen express legitimate concern for the resources for the equipment, for the backup, and for the training that they receive.

And there may be times when they need to be deployed. This is not one of them. We are not prepared to win and win decisively. And winning, as we have pointed out earlier, is a nebulous term in and of itself with respect to this engagement.

Mr. Speaker, I appreciate the chance to be recognized for this special order hour. I am grateful to the gentleman from Texas (Mr. BRADY) for sharing in this special order hour.

I want to once again urge all of our constituents, people throughout the country, to write their Congressman, call their Congressman, let us know what is on their minds, help us lead the country. The voice of the people is the most powerful force in our political system, and all American citizens should be compelled to exercise it tonight.

□ 2215

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. WAMP). Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, it is not my intention to use the entire hour this evening. I wanted to spend some time, though, talking about HMO reform, or managed care reform.

One of the things that I want to really stress is that there is a major difference between the approach that the Democrats have been taking on the issue of HMO reform versus the approach of the Republican leadership. A lot of times I worry that Americans and our constituents think that what we are proposing on both sides of the aisle is essentially the same and that everyone is trying to do something to protect patients' rights during this managed care reform debate. But I just think it is important to stress the differences. I really feel very strongly that the Patients' Bill of Rights, the Democratic bill that has been put forward and is cosponsored by almost every Member on the Democratic side, really protects patients' rights, whereas the Republican leadership bills that have been put forward both in this Congress and in the previous Congress really do not do an adequate job of protecting patients and too often look towards the interests of the insurance industry instead.

Mr. Speaker, in the last session of Congress, in the last 2 years, in 1997 and 1998, there was some debate on the issue of HMO reform, but the issue was essentially left unfinished in the 105th Congress, in the last Congress. On the House side, the Democrats' Patients' Bill of Rights was defeated by just five votes when it came to the floor. It was considered on the floor as a substitute to the Republican leadership's managed care bill which did pass and which in my opinion was really not a good piece of legislation and did not do anything significant to protect patients. In fact, the Republican leadership in the House has reintroduced a bill in this session of Congress that is virtually identical to what it moved last year. On the Senate side, the Senate Republicans in the so-called HELP Committee approved a managed care bill which really in my opinion is a sham reform bill and does not allow patients to sue the insurance companies but does allow the insurance companies and not the doctors and patients to define what is medically necessary, what types of procedures, what length of stay, what kind of operations would be performed and would be acceptable under an individual insurance policy.

I just wanted to, if I could, take a little time this evening to talk about why this Republican bill that passed the Senate, the Republican leadership bill in the Senate, really does not do an adequate job of trying to protect patients' rights. If you look at the bill that passed the Senate or that came out of committee, I should say, in the Senate this year, it leaves out more than 100 million Americans, two-thirds of those with private health insurance. It fails to grant key protections needed by children, women, persons with disabilities and others with chronic conditions or special health care needs. And it allows medical decisions to continue to be made by insurance company executives instead of by health care professionals and patients.

Mr. Speaker, the main difference that I have tried to point out between the Democrats' Patients' Bill of Rights and the Republican leadership bills that have been sponsored in the House or in the Senate really come down to two points, and, that is, that the Republican bills really leave it up to the insurance companies to decide what kind of treatment you are going to get, and with regard to enforcement they do not have adequate enforcement because if you want to appeal a decision about your treatment that you felt that you should have a particular operation, you should be able to stay an extra day or so in the hospital, if you try that appeal, there is really no process whereby you can appeal the decision of the insurance company and be successful; and certainly if you suffer damages, you cannot sue for those damages under the Republican bill.

What the Democrats tried to do on the Senate side in committee, in the HELP Committee when this Republican HMO bill came up, they tried a number of times through amendments to improve the Republican bill. All those Democratic amendments were essentially defeated, but I wanted to give you a little idea, if I could, about the kinds of things that the Democrats were trying to do to improve what was essentially a bad bill that did not provide adequate protections for patients in HMOs.

The committee Republicans in the Senate rejected on a 10–8 party line vote an amendment by Senator TED KENNEDY to extend the scope of the bill to all privately insured Americans. As I said, the Republican bill leaves more than 100 million people unprotected because most of its patient protections are narrowly applied to only one type of insurance and that is self-funded employer plans. The committee Republicans also rejected on the same 10–8 party line vote Senator KENNEDY's amendment on external appeals. Again, as I mentioned before, the Republican bill does not create a truly independent external review of plan decisions. So if you feel that you are not getting covered adequately and you try to appeal, there really is no effective external appeal. Under the committee bill, the Republican bill, the so-called external review is controlled by the HMOs and contains loopholes to allow HMOs to delay or prevent patients from appealing a bad medical decision by an HMO bureaucrat. Many HMO decisions could not even be appealed under the Republican bill.

Just to give you another idea of some of the examples, I talked about the issue of medical necessity and how it is defined. The committee Republicans in the Senate rejected, again on a party line vote, 10–8, an amendment offered by Senator KENNEDY to define the term ''medical necessity'' and to prohibit HMOs from arbitrarily interfering with medical decisions. Again just to give you an example of how this operates, this amendment would have prevented insurers from arbitrarily interfering with the decisions of the treating physician on issues relating to the manner, in other words, the length of stay in the hospital, or the setting, inpatient versus outpatient care. It would have stopped HMOs from overruling doctors and going against accepted and best practices of medicine. The committee Republican-passed bill does nothing to protect patients when an insurance company bureaucrat tells them they must have a medical procedure on an outpatient basis or be discharged from the hospital prematurely. The Republican bill allows HMOs to continue to define what is medically necessary, giving them the ability to deny promised benefits.

Another example, the issue of emergency room care. Many of my constituents have complained to me that their HMO policy does not allow them to go to the emergency room when they think it is necessary. Or they have to go to a different hospital that is pretty far away if they want to go to an emergency room. They cannot go to the hospital near where they live or where they work. Well, Senator MURRAY tried to put in an amendment that again was rejected on a party line vote, 10–8, to strengthen coverage for emergency care. Under the Republican bill, it is not clear whether a true prudent layperson standard applies to all of the plans covered. Prudent layperson says that if the average prudent person would think it was necessary to go to the emergency room, then you can go to whatever emergency room is close by and readily available. Well, many insurance policies, many HMOs do not allow that. And so the Democrats are saying, we want to have that prudent layperson standard put into the HMO reform bill. Instead, what happened is that in this case, again the ability to apply that prudent layperson standard was rejected by the committee and what that means is that under the Republican bill there still is no guarantee that you can go to the closest emergency room or that even if you go to the emergency room and later the HMO decides, well, you really should not have gone because it was not really an emergency, that they can just deny coverage and say, ''You shouldn't have gone to the emergency room; therefore, we're not going to pay for the emergency room care.''

Another example that I think is important is with regard to specialists. Many of my constituents complain that their HMO reform bill does not provide them with access to specialists that they may need in a given circumstance. Senators HARKIN and REED had an amendment to this Republican bill that again was rejected along party lines that would ensure that patients have access to needed specialists. Under the Republican bill, patients could be charged more for out-of-network specialty care even if the plan is at fault for not having access to appropriate specialists within the plan. So if you decide that you want to go to a doctor, I will give you an example, perhaps you want to go see a pediatrician but as many people know today, that for children, there are pediatric specialists for different areas of pediatrics. Under the Republican bill if there is nobody that has that specialty and you decide that you want to see that kind of pediatrician for your child, then you can go out of the network but you have to pay for it. Again what we were saying with this Democratic amendment is that access to specialty care should be provided outside the HMO if there is no one within the HMO that has that specialty and is part of the network, but again that was an amendment that was rejected.

I will only mention one more effort on the Democrats' part to try to improve this bad bill, if you will, and there are many others but I will only mention one other one, and that was Senator KENNEDY's amendment, again rejected on a 10–8 party line vote with regard to liability. The Republican bill fails to hold HMOs accountable when their actions result in injury or death. I mentioned this before. You cannot sue. The Republican plan would protect most HMOs from liability even when someone becomes disabled or is killed. Senator KENNEDY's amendment in the Democrats' Patients' Bill of Rights would allow 123 million patients who receive coverage through private employers to hold their HMOs and health insurance plans accountable under State laws for their abuses. This is one of the loopholes, if you will, in the current law, and that is that if you are not covered by certain State laws and your health insurance comes from your private employer, oftentimes you cannot sue. We were trying to correct that as well.

Mr. Speaker, if I could just say that basically what I am trying to point out tonight is that there are major differences here and that when we look at what is happening on the issue of HMO or managed care reform, it is obviously important that we have an opportunity in this session of Congress to get a vote on this issue. One of the criticisms that I have of the Republican leadership is that frankly it is now April, almost May, and they have not even allowed us to have any kind of a vote, there has not been any movement in subcommittee, in the Committee on Commerce that I am a member of or in the full committee to bring any kind of HMO or managed care reform to the floor. So we need to at least start the movement. But when that movement starts and when we do have an opportunity to vote on HMO reform, we have to understand that there is a major difference between the Patients' Bill of Rights which is being brought forth by the Democrats and the Republican leadership proposal.

Now, you do not have to take my word for it. One of the things that I think is important is that we look at some of the commentators and what they are saying about the differences between the Democrats and the Republicans on this issue. But I wanted to read, if I could, all or some parts of an editorial that appeared in the New York Times on Saturday, April 10, earlier this month, that talked about the differences between the Democrats and the Republicans on the issue of patient rights:

''Just about everyone on Capitol Hill professes interest in producing legislation that protects patients from unfair health insurance practices. But the prospect of actually passing meaningful protections as opposed to talking about it is uncertain. President Clinton tried to whip up support for Democratic proposals but the Republicans are balking at Democratic plans as too burdensome on the managed care industry. Yet it is the Democratic proposals that more fully reflect the recommendations of a presidential advisory commission to improve health plan quality. The Republican Senate bill, S. 326, sponsored by Senator JEFFORDS of Vermont, is too limited to accomplish that purpose. The bill, which

was approved by the Senate HELP, or Health, Education, Labor and Pensions Committee on a straight party line vote of 10–8, contains some consumer protections but it is unacceptable because most of the provisions would apply only to 48 million individuals covered by plans in which large employers act as their own insurers, leaving 110 million Americans in other plans unprotected. The Republican bill would grant appeal rights to an additional 75 million privately insured individuals but those rights would be quite restrictive. Appeals to an external reviewer would be allowed only when an insurer refused to pay for a procedure on the grounds that it was not medically necessary or was experimental. Critics say this would give health plans power to limit appeals by simply asserting that a denial is not based on medical necessity. It would exclude appeals where a plan unilaterally decided that the benefit was not covered under the contract, even if medical judgments were involved in that contract interpretation. The Republican bill does not adequately ensure access to specialty care by allowing a patient to see an out-of-network specialist if the plan has an insufficient number of specialists available. Both the Senate Democratic proposal, which has White House support, and a bipartisan bill sponsored by Senators JOHN CHAFEE, JOSEPH LIEBERMAN and others would be substantially stronger in allowing external review of coverage disputes and defining medical necessity and in giving enrollees greater rights to take health plans to court. The insurance lobby has already embarked on a media blitz to defeat any new regulations as too costly but consumer protections under the Democratic plan would increase health plan costs by only 2.8 percent, according to Congressional Budget Office estimates made last year.

□ 2230

''Health plans should be made to deliver what they promise their enrollees and held accountable when they fail.''

Mr. Speaker, I think that New York Times editorial really sums up what I am trying to say tonight which is the fact of the matter is that if the Patients' Bill of Rights, the Democratic Patients' Bill of Rights, would be substantially stronger in almost every aspect of managed care reform over the Republican proposal.

Now I just wanted to briefly mention again the important areas where the Patients' Bill of Rights, a Democratic bill of rights, really provides for a very good protection for patients.

Once again and most importantly, the Democratic Patients' Bill of Rights allows doctors and patients rather than insurance company bureaucrats to make medical decisions using the principles of good medicine.

In addition, it would first guarantee access to needed health care specialists. The Democratic bill provides access to emergency room services when and where the need arises. The Democratic bill provides continuity of care protections to assure patient care if a patient's health care provider is dropped. The Democrats' Patients' Bill of Rights gives access to a timely, internal and independent external appeals process, and the Democratic Patients' Bill of Rights assures that doctors and patients can openly discuss treatment options and not be gagged because the insurance company says that you cannot talk about something that is not covered.

The Patients' Bill of Rights would also assure that women have direct access to OB/GYN, and finally and almost as important really as the medical necessity issue is that the Democrats Patients' Bill of Rights provides an enforcement mechanism that ensures recourse for patients who have been maimed or die as a result of health plan actions.

Mr. Speaker, I sound very partisan this evening, and I do not mean to suggest that there are not Republican Members on the other side of the aisle that are supportive of the Patients' Bill of Rights or the types of protections that I think that are needed in a comprehensive HMO reform bill. I know that there are Members on the other side that would like to see these types of protections provided under the law. But the bottom line is that the Republican leadership, which is in charge of the House, keeps producing legislation or keeps proposing legislation both in the House and in the Senate that does not adequately protect patients, and I think it is very important that we not only move ahead in this session of Congress and quickly on HMO reform, but that we move ahead with an HMO reform that adequately protects patients' rights, that is comprehensive and addresses what I consider the major issue that my constituents and most Americans seem to be concerned about at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. ARMEY) for today from 1:30 until 3:30 on account of a family emergency.

Mr. TAUZIN (at the request of Mr. ARMEY) for today and on April 29 on account of family illness.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. NAPOLITANO, for 5 minutes, today.

Mr. BISHOP, for 5 minutes, today.

(The following Members (at the request of Mr. WHITFIELD) to revise and extend their remarks and include extraneous material:)

Mr. REGULA, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes each day, today and on April 29.

Mr. METCALF, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, each day, today and April 29.

Mr. SOUDER, for 5 minutes each day, today and April 29.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. OBEY, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 800. To provide for education flexibility partnerships.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, April 29, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1761. A letter from the Administrator, Commodity Credit Corporation, Department of Agriculture, transmitting the Department's final rule—Recourse Loan Regulations for Honey (RIN: 0560–AF62) received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1762. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches [Docket No. FV99–916–2 FR] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1763. A letter from the Administrator, Agricultural Marketing Service, Department of

Agriculture, transmitting the Department's final rule—Almonds Grown in California; Revision of Reporting Requirements [Docket No. FV99–981–1 FR] received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1764. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106–52); to the Committee on Appropriations and ordered to be printed.

1765. A letter from the Comptroller, Under Secretary of Defense, transmitting a report on a violation of the Antideficiency Act by the Department of the Navy; to the Committee on Appropriations.

1766. A communication from the President of the United States, transmitting the annual certification of the nuclear weapons stockpile by the Secretaries of Defense and Energy and accompanying report; to the Committee on Armed Services.

1767. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma [OK–18–1–7415a; FRL–6312–5] received March 16, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1768. A letter from the Chief, Policy and Program Planning Division, Federal Communications Commission, transmitting the Commission's final rule—Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services [CC Docket No. 95–20] 1998 Biennial Regulatory Review—Review of Computer III and ONA Safeguards and Requirements [CC Docket No. 98–10] received April 26, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

1769. A letter from the Director, Office of Administration, Executive Office of the President, transmitting the Integrity Act reports for each of the Executive Office of the President agencies, as required by the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1770. A letter from the Director, Federal Emergency Management Agency, transmitting the FY 2000 Annual Performance Plan for the Federal Emergency Management Agency; to the Committee on Government Reform.

1771. A letter from the Chairman, Occupational Safety and Health Review Commission, transmitting the 1998 annual report on the agency's compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

1772. A letter from the Administrator, Panama Canal Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1998, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform.

1773. 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 of the Exclusive Economic Zone Off Alaska; Vessels Greater Than 99 feet (30.2 m) LOA Catching Pollock for Processing by the Inshore Component in the Bering Sea [Docket No. 990115017–9017–01; I.D. 022399B] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1774. 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 of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Central Regulatory Area in the Gulf of Alaska [Docket No. 981222314–8321–02; I.D. 021999A] received March 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1775. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific cod by Catcher Vessels using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 990304063–9063–01; I.D. 040999A] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1776. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Adjustments to the 1999 Summer Flounder Commercial Quota [Docket No. 981014259–8312–02; I.D. 040599E] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1777. 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 of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Western Regulatory Area in the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 041299B] received April 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1778. A letter from the Program Analyst, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Federal Aviation Administration Policy on Enforcement of the Hazardous Materials Regulations: Penalty Guidelines—received April 22, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1779. A letter from the Secretary of Labor, transmitting the quarterly report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974, pursuant to 19 U.S.C. 2296(a)(2); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 459. A bill to extend the deadline under the Federal Power Act for FERC Project No. 9401, the Mt. Hope Waterpower Project (Rept. 106–119). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 154. Resolution providing for consideration of the bill (H.R. 1480) to provide for the conservation and development of water and related resources, to authorize the United States Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 106–120). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEJDENSON (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. RANGEL, Mr. CLAY, Mr. ANDREWS, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. FROST, Mr. MENENDEZ, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. NADLER, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Ms. NORTON, Mrs. CAPPS, Mr. BROWN of Ohio, Mr. GREEN of Texas, Mr. VENTO, Mr. BALDACCI, Mr. FILNER, Mr. MCGOVERN, Ms. PELOSI, Mr. DIXON, Mr. DEFAZIO, Mr. UNDERWOOD, Mr. PALLONE, Mr. SHOWS, Mr. OBERSTAR, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. OLVER, Mr. STRICKLAND, Ms. LOFGREN, Mr. GEORGE MILLER of California, Mr. KLECZKA, Mr. JEFFERSON, Mr. LAFALCE, Mr. SANDLIN, Mr. FORD, Mr. LEWIS of Georgia, Mr. INSLEE, Mr. HILLIARD, Mr. MCNULTY, Ms. KILPATRICK, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. WEINER, Mr. MOORE, Mr. PRICE of North Carolina, Mr. HINCHEY, Mr. DELAHUNT, Ms. BERKLEY, Mrs. MEEK of Florida, Mr. WYNN, Mr. RAHALL, Mr. BOUCHER, Mr. CUMMINGS, Mr. GUTIERREZ, Mr. DOYLE, Mr. KUCINICH, Mr. MOAKLEY, Mr. WISE, Mr. CLYBURN, Mr. ACKERMAN, Ms. BROWN of Florida, Ms. LEE, Mrs. MALONEY of New York, Mr. BERMAN, Ms. STABENOW, Mr. TIERNEY, Mr. MALONEY of Connecticut, Mr. WAXMAN, Ms. MILLENDER-MCDONALD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. MARTINEZ, Mr. GONZALEZ, Mr. WEXLER, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Mrs. LOWEY, Mr. CAPUANO, Mr. ALLEN, Mr. STARK, Ms. WOOLSEY, Mr. EVANS, Mrs. THURMAN, Mr. MARKEY, Mr. SABO, Ms. WATERS, Mr. HASTINGS of Florida, Mr. BLAGOJEVICH, Mr. ENGEL, Ms. ROYBAL-ALLARD, and Mrs. NAPOLITANO):

H.R. 1590. A bill to provide retirement security for all Americans; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Government Reform, and Transportation and Infrastructure, 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 Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. BENTSEN, Mr. BROWN of California, Mrs. CAPPS, Mr. CAPUANO, Mrs. CHRISTENSEN, Mr. CROWLEY, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DIXON, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HORN, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK, Mr. LANTOS, Ms. LEE, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MALONEY of New York, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. NADLER, Mr. PAYNE,

Ms. RIVERS, Mr. ROMERO-BARCELO, Mr. RUSH, Ms. SANCHEZ, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. SHERMAN, Mr. STARK, Mrs. TAUSCHER, Mrs. THURMAN, Mr. TOWNS, Ms. WATERS, Mr. WAXMAN, Mr. WEINER, and Ms. WOOLSEY):

H.R. 1591. A bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV; to the Committee on Commerce.

By Mr. POMBO (for himself, Mr. TOWNS, Mr. CONDIT, Mr. BOYD, Mr. KOLBE, Mr. JOHN, Mr. ISTOOK, Mr. STRICKLAND, Mr. SHOWS, Mrs. BONO, Mr. BOUCHER, Mr. ETHERIDGE, Mr. DOOLITTLE, Mr. SANDLIN, Mr. GOODE, Mr. HUNTER, Mr. SALMON, Mr. HILL of Montana, Mr. RADANOVICH, Mr. CANADY of Florida, Mr. NETHERCUTT, and Mr. BISHOP):

H.R. 1592. A bill to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes; to the Committee on Commerce, 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 Mr. WELLER (for himself, Mr. KLECZKA, Mr. MCCRERY, Mr. NEAL of Massachusetts, Mr. RAMSTAD, and Ms. BALDWIN):

H.R. 1593. A bill to amend the Internal Revenue Code of 1986 to modify the exemption from the self-employment tax for certain termination payments received by former life insurance salesmen; to the Committee on Ways and Means.

By Mr. GILMAN (for himself and Mr. FILNER):

H.R. 1594. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. LOWEY (for herself, Mr. WOLF, Mr. CANADY of Florida, Mr. TOWNS, Mr. CASTLE, Mrs. MORELLA, Mr. WEYGAND, Mr. INSLEE, Mr. ROTHMAN, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. LAFALCE, Ms. DELAURO, Mr. MARKEY, Mr. DEUTSCH, Mr. WAXMAN, Mr. LANTOS, Mr. CAPUANO, Mr. FORBES, Mr. GILMAN, Mr. CUMMINGS, and Mrs. CAPPS):

H.R. 1595. A bill to amend title 23, United States Code, to provide for a national standard to prohibit the operation of motor vehicles by individuals under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY (for herself and Mrs. MCCARTHY of New York):

H.R. 1596. A bill to amend the Public Health Service Act to provide, with respect to research on breast cancer, for the increased involvement of advocates in decision making at the National Cancer Institute; to the Committee on Commerce.

By Mrs. LOWEY (for herself and Mr. CANADY of Florida):

H.R. 1597. A bill to amend title 23, United States Code, to provide for national minimum sentences for individuals convicted of operating motor vehicles under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mr. BRYANT (for himself, Mr. MCDERMOTT, Mrs. BONO, Mr. DUNCAN, Mr. WICKER, Mr. JENKINS, Mr. FRANKS of New Jersey, Mr. FORD, Mr. BLUNT, Mr. WAMP, Mr. HOYER, Mr. ROTHMAN, Mr. MENENDEZ, Mr. GORDON, Mrs. TAUSCHER, Mr. DELAHUNT, Ms. JACKSON-LEE of Texas, Ms. ESHOO, Mr. PASTOR, Mr. CONYERS, Mr. SMITH of Texas, Mr. PAYNE, Mrs. EMERSON, Mr. HILLEARY, and Mr. FRELINGHUYSEN):

H.R. 1598. A bill to provide a patent term restoration review procedure for certain drug products; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself, Mr. MORAN of Virginia, and Mrs. MORELLA):

H.R. 1599. A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the purchase of information technology related to the Year 2000 computer conversion by State and local governments through Federal supply schedules; to the Committee on Government Reform.

By Mr. FATTAH (for himself, Mr. FILNER, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mrs. CHRISTENSEN, Mr. SABO, Mr. HILLIARD, Mr. CUMMINGS, Mr. TOWNS, Mr. SANDERS, Mr. HINCHEY, Ms. BROWN of Florida, Mr. THOMPSON of Mississippi, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. CLAY, Mr. GUTIERREZ, and Ms. JACKSON-LEE of Texas):

H.R. 1600. A bill to provide that Federal contracts and certain Federal subsidies shall be provided only to businesses which have qualified profit-sharing plans; to the Committee on Government Reform, 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. EHRLICH (for himself, Mrs. THURMAN, Mr. COOKSEY, Mr. LARSON, Mr. WATTS of Oklahoma, Mrs. NORTHUP, Mr. MCINTOSH, Mr. BLUNT, Mr. SERRANO, Mr. YOUNG of Alaska, Mr. BEREUTER, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mr. WYNN, Mr. OBERSTAR, Mr. WEYGAND, Ms. KILPATRICK, Mr. BARRETT of Wisconsin, Mr. HALL of Ohio, Mr. HORN, Mr. TRAFICANT, Mr. SANDERS, Mr. SALMON, Mr. CLEMENT, Mr. MEEHAN, Mr. HEFLEY, Mr. FRANK of Massachusetts, Mrs. MEEK of Florida, Mr. TOWNS, Mr. SHAYS, Mrs. MINK of Hawaii, Mr. SNYDER, Mr. BERMAN, Mr. ABERCROMBIE, Mr. BOUCHER, Mr. ROTHMAN, Mr. MCNULTY, Mr. GREEN of Texas, Mr. MENENDEZ, Mr. BENTSEN, Mr. BALDACCI, Ms. DELAURO, Mr. BISHOP, Mr. NEAL of Massachusetts, Mr. DIAZ-BALART, Mr. FROST, Mr. DIXON, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. BONIOR, Mr. UNDERWOOD, Mr. DEFAZIO, Mr. ROMERO-BARCELO, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. TIERNEY, Mr. LATOURETTE, Mr. ACKERMAN, Mr. WALSH, Mr. BARTLETT of Maryland, Mr. GILCHREST, Mrs. MORELLA, Mr. LAFALCE, Ms. SLAUGHTER, Mr. COSTELLO, Mr. BLUMENAUER, Mr. HOBSON, Mr. FLETCHER, Mr. KUYKENDALL, Mr. CALVERT, Mr. CLAY, Mr. GUTIERREZ, Ms. WOOLSEY, Mr. DICKEY, Mr. LOBIONDO, Mr. WATKINS, Mr. DEUTSCH, Mr. HINCHEY, Mr. COBURN, Mr. GOODLING, Mr. DOYLE, Mr. CARDIN, Mr. FATTAH, Mrs. TAUSCHER, Mr. FOSSELLA, Mr. BROWN of California, Mr. BAKER, Ms. DANNER, Mrs. CLAYTON, Mr. TAUZIN, Mr. STARK, Mr. SMITH of New Jersey, Mr. LAMPSON, Mr. BORSKI, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. COBLE, Mrs. CAPPS, Mr. MARTINEZ, Mr. MURTHA, Mr. NUSSLE, Mr. GALLEGLY, Mr. SCHAFFER, Mr. ISTOOK, Mr. LARGENT, Mr. SAWYER, Mr. MCDERMOTT, Mr. WATT of North Carolina, Mr. TALENT, Mr. BALLENGER, Mr. VENTO, Mr. LUCAS of Oklahoma, Mr. BAIRD, Mr. KIND, Mr. WISE, Mr. BECERRA, Mr. STEARNS, Mr. CAMPBELL, Mr. CRAMER, Mr. BOSWELL, Mr. RADANOVICH, Mr. THOMPSON of Mississippi, Ms. BROWN of Florida, Mr. BLILEY, Mr. FILNER, Ms. SANCHEZ, Mr. KENNEDY of Rhode Island, Mr. GREENWOOD, Mr. KLINK, Mr. KANJORSKI, Mr. OXLEY, Mr. PASTOR, Mr. HASTINGS of Florida, Mr. DAVIS of Virginia, Mr. NADLER, Mr. SPENCE, Mr. RUSH, Mr. KILDEE, Mr. ALLEN, Ms. CARSON, Mr. HOLDEN, Mr. TERRY, Mrs. JONES of Ohio, Mr. BURR of North Carolina, Mr. GONZALEZ, Mr. STRICKLAND, Mr. SESSIONS, Ms. PRYCE of Ohio, Mr. GEJDENSON, Mr. MCGOVERN, Mr. PASCRELL, Mr. NEY, Mr. HILLIARD, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. SUNUNU, Mr. HANSEN, Mr. WEXLER, Mr. COYNE, Mr. BARRETT of Nebraska, Mr. LEWIS of Kentucky, Mr. SHOWS, Mr. VISCLOSKY, Ms. PELOSI, Mr. LEACH, Mr. BURTON of Indiana, Mr. DICKS, Mrs. MALONEY of New York, Mr. HUTCHINSON, Ms. KAPTUR, Mr. COOK, Mr. SPRATT, Mr. REGULA, Mr. PETERSON of Minnesota, Mr. CUMMINGS, Mr. NETHERCUTT, Mr. LATHAM, Mr. FARR of California, Mr. JOHN, Mr. OLVER, Ms. ROS-LEHTINEN, Mr. SMITH of Washington, Mr. WHITFIELD, Mr. BROWN of Ohio, Mr. WOLF, Mr. CLYBURN, Ms. SCHAKOWSKY, Mr. GILMAN, Mr. MORAN of Virginia, Mr. KING, Mrs. CHENOWETH, Mr. SABO, Mr. THORNBERRY, Mrs. EMERSON, Mrs. MYRICK, Mr. PETERSON of Pennsylvania, Mr. CHABOT, Mr. RAHALL, Mr. DOOLEY of California, Mr. SKELTON, Mr. MINGE, Mr. INSLEE, Mr. KUCINICH, Mr. WAMP, Mr. FOLEY, Mr. SCOTT, Mr. GARY MILLER of California, Mr. GANSKE, Ms. GRANGER, Ms. MCCARTHY of Missouri, Mr. JEFFERSON, Mr. NORWOOD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPUANO, Mr. HOEFFEL, Mr. LIPINSKI, Mr. MATSUI, Mr. GILLMOR, Mr. MALONEY of Connecticut, Mr. WEINER, Ms. BALDWIN, Mr. MOORE, Mr. POMBO, Mr. DELAHUNT, Mr. ROEMER, Mr. DAVIS of Illinois, Mr. HOYER, Mr. BERRY, Mr. HALL of Texas, Mr. QUINN, and Mr. ORTIZ):

H.R. 1601. A bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 1602. A bill to amend the Internal Revenue Code of 1986 to increase the amount of depreciable business assets which may be expensed, and for other purposes; to the Committee on Ways and Means.

By Mr. EVANS (for himself and Mr. STUMP):

H.R. 1603. A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans; to the Committee on Veterans' Affairs.

By Mr. HUTCHINSON (for himself, Mr. ETHERIDGE, Mr. MCHUGH, Mr. BALDACCI, Mr. SWEENEY, Mr. BLUNT, Mr. BOEHLERT, Mr. BURR of North Carolina, Mr. BACHUS, Mr. CALLAHAN, Mr. EVERETT, Mr. CRAMER, Mr. RILEY, Mr. BERRY, Mr. DICKEY, Mr. SNYDER, Ms. DELAURO, Mr. GEJDENSON, Mrs. JOHNSON of Connecticut, Mr. LARSON, Mr. MALONEY of Connecticut, Mr. CASTLE, Ms. BROWN of Florida, Mr. BOYD, Mr. CANADY of Florida, Mr. FOLEY, Mrs. MEEK of Florida, Mrs. THURMAN, Mr. BARR of Georgia, Mr. BISHOP, Mr. CHAMBLISS, Mr. COLLINS, Mr. DEAL of Georgia, Mr. ISAKSON, Mr. KINGSTON, Mr. LEWIS of Georgia, Ms. MCKINNEY, Mr. NORWOOD, Mr. FLETCHER, Mr. LEWIS of Kentucky, Mr. LUCAS of Kentucky, Mr. WHITFIELD, Mr. BAKER, Mr. COOKSEY, Mr. JEFFERSON, Mr. JOHN, Mr. MCCRERY, Mr. TAUZIN, Mr. CAPUANO, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. BARTLETT of Maryland, Mr. EHRLICH, Mr. GILCHREST, Mr. HOYER, Mrs. MORELLA, Mr. WYNN, Mr. ALLEN, Ms. DANNER, Mrs. EMERSON, Mr. HULSHOF, Ms. MCCARTHY of Missouri, Mr. SKELTON, Mr. TALENT, Mr. PICKERING, Mr. SHOWS, Mr. TAYLOR of Mississippi, Mr. THOMPSON of Mississippi, Mr. WICKER, Mr. BALLENGER, Mrs. CLAYTON, Mr. COBLE, Mr. HAYES, Mr. JONES of North Carolina, Mr. MCINTYRE, Mrs. MYRICK, Mr. PRICE of North Carolina, Mr. TAYLOR of North Carolina, Mr. WATT of North Carolina, Mr. BASS, Mr. ANDREWS, Mr. FRANKS of New Jersey, Mr. HOLT, Mr. LOBIONDO, Mrs. ROUKEMA, Mr. SAXTON, Mr. ACKERMAN, Mr. CROWLEY, Mr. ENGEL, Mr. FORBES, Mr. FOSSELLA, Mr. GILMAN, Mr. HINCHEY, Mr. HOUGHTON, Mrs. KELLY, Mr. KING, Mr. LAFALCE, Mr. LAZIO, Mrs. LOWEY, Mr. MCNULTY, Mr. MEEKS of New York, Mr. OWENS, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Ms. SLAUGHTER, Mr. TOWNS, Mr. WALSH, Mr. LATOURETTE, Mr. COBURN, Mr. DOYLE, Mr. ENGLISH, Mr. GOODLING, Mr. GREENWOOD, Mr. HOEFFEL, Mr. HOLDEN, Mr. KANJORSKI, Mr. KLINK, Mr. MASCARA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SHERWOOD, Mr. SHUSTER, Mr. KENNEDY of Rhode Island, Mr. WEYGAND, Mr. CLYBURN, Mr. SPRATT, Mr. SPENCE, Mr. BRYANT, Mr. GORDON, Mr. HILLEARY, Mr. JENKINS, Mr. TANNER, Mr. BENTSEN, Mr. GREEN of Texas, Mr. HALL of Texas, Ms. JACKSON-LEE of Texas, Mr. LAMPSON, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. STENHOLM, Mr. TURNER, Mr. BATEMAN, Mr. BOUCHER, Mr. GOODE, Mr. PICKETT, Mr. SISISKY, Mr. WOLF, Mr. BLILEY, Mr. SCOTT, Mr. SANDERS, Mr. MOLLOHAN, Mr. RAHALL, and Mr. WISE):

H.R. 1604. A bill to reauthorize, and modify the conditions for, the consent of Congress to the Northeast Interstate Dairy Compact and to grant the consent of Congress to the Southern Dairy Compact; to the Committee on the Judiciary.

By Mr. HUTCHINSON:

H.R. 1605. A bill to designate the United States courthouse building located at 402 North Walnut Street and Prospect Avenue in Harrison, Arkansas, as the ''Judge J. Smith Henley Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. KANJORSKI (for himself, Ms. DELAURO, Mr. FATTAH, Mr. OLVER, Mr. KLECZKA, and Mr. EVANS):

H.R. 1606. A bill to amend chapter 84 of title 5, United States Code, to make certain temporary Federal service creditable for retirement purposes; to the Committee on Government Reform.

By Mr. KASICH (for himself, Mr. SOUDER, Mr. PITTS, Ms. GRANGER, Mr. WAMP, Mr. MCINTOSH, Mr. TIAHRT, Mr. DEMINT, Mr. PICKERING, Mr. ROGAN, and Mr. WATTS of Oklahoma):

H.R. 1607. A bill to assist States in providing individuals a credit against State income taxes or a comparable benefit for contributions to charitable organizations working to prevent or reduce poverty and protect and encourage donations to charitable organizations, to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide government assistance and the distribution of such assistance, to allow such organizations to accept such funds to provide such assistance without impairing the relegious character of such organizations, to provide for tax-free distributions from individual retirement accounts for charitable purposes, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, 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. KNOLLENBERG (for himself and Mr. BARCIA):

H.R. 1608. A bill to reaffirm and clarify the Federal relationship of the Swan Creek Black River Confederated Ojibwa Tribes of Michigan as a distinct federally recognized Indian tribe and to restore aboriginal rights, and for other purposes; to the Committee on Resources.

By Mr. LUCAS of Oklahoma:

H.R. 1609. A bill to amend Public Law 105–188 to provide for the mineral leasing of certain Indian lands in Oklahoma; to the Committee on Resources.

By Mr. LUTHER (for himself, Mr. OBERSTAR, Mr. VENTO, Mr. SABO, Mr. RAMSTAD, Mr. PETERSON of Minnesota, Mr. MINGE, and Mr. GUTKNECHT):

H.R. 1610. A bill to amend title XIX of the Social Security Act to reinstate the DSH allotment level for Minnesota to the fiscal year 1995 level; to the Committee on Commerce.

By Mr. MCCRERY (for himself, Mr. ENGLISH, and Mr. TAUZIN):

H.R. 1611. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Ms. DELAURO, Mr. SERRANO, Mr. RUSH, Mr. SANDERS, Mr. OLVER, Ms. KILPATRICK, Mr. RANGEL, Mr. FROST, Mr. STARK, Mr. WAXMAN, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Mr. BONIOR, and Mrs. JONES of Ohio):

H.R. 1612. A bill to establish a comprehensive program to ensure the safety of food products intended for human comsumption which are regulated by the Food and Drug Administration; to the Committee on Commerce.

By Mr. PAUL:

H.R. 1613. A bill to restore to the original owners certain lands that the Federal Government took for military purposes in 1940; to the Committee on Resources, and in addition to the Committee on Government Reform, 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. PHELPS (for himself, Ms. VELAZQUEZ, Mr. TALENT, Mrs. CHRISTENSEN, Mr. GONZALEZ, Mr. EVANS, Mr. CONYERS, Mr. SHOWS, Mr. BRADY of Pennsylvania, Mr. SKELTON, Mr. GUTIERREZ, Mr. BAIRD, Mr. MOORE, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mrs. JONES of Ohio, Mr. FROST, Mr. PASCRELL, and Mr. HINOJOSA):

H.R. 1614. A bill to authorize the Small Business Administration to provide financial and business development assistance to military reservists' small businesses, and for other purposes; to the Committee on Small Business.

By Mr. SUNUNU:

H.R. 1615. A bill to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment; to the Committee on Resources.

By Mr. THOMAS (for himself, Mr. CARDIN, Mr. BACHUS, Mr. FOLEY, Mr. ENGLISH, Mr. MCCRERY, Mr. SAM JOHNSON of Texas, Mr. DAVIS of Virginia, Mr. FORD, Mrs. THURMAN, Mr. MORAN of Virginia, Mr. WELLER, Mr. FROST, Mr. CRANE, Mr. HULSHOF, Mr. RAMSTAD, Ms. DUNN, Mr. NEAL of Massachusetts, Mr. HERGER, Mr. STARK, Mr. REYES, Mr. HAYWORTH, Mr. LEVIN, Mr. TANNER, Mr. CAMP, Mrs. JOHNSON of Connecticut, Mr. MCDERMOTT, Mr. BECERRA, Mr. MCNULTY, Mr. PORTMAN, Mr. SHAW, and Mr. HOUGHTON):

H.R. 1616. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Ways and Means.

By Mr. THORNBERRY (for himself, Mr. STENHOLM, Mrs. CUBIN, and Mr. THUNE):

H.R. 1617. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for the eventual removal of intrastate distribution restrictions on State inspected meat and poultry; to the Committee on Agriculture.

By Mr. TRAFICANT:

H.R. 1618. A bill to amend section 106 of the Housing and Urban Development Act of 1968 to improve the housing counseling program of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking and Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. YOUNG of Florida, and Mr. MURTHA):

H.J. Res. 46. A joint resolution conferring status as an honorary veteran of the United States Armed Forces on Zachary Fisher; to the Committee on Veterans' Affairs.

By Mr. MARKEY (for himself, Mr. BURTON of Indiana, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. SPRATT, Mr. PITTS, Mr. MCDERMOTT, Mr. GANSKE, and Mr. LAFALCE):

H.J. Res. 47. A joint resolution expressing the sense of the Congress regarding the need

for a Surgeon General's report on media and violence; to the Committee on Commerce.

By Mr. SCARBOROUGH (for himself, Ms. CARSON, Mr. KENNEDY of Rhode Island, Mrs. JOHNSON of Connecticut, Mr. MALONEY of Connecticut, Mrs. EMERSON, Mr. BILBRAY, Mr. BROWN of Ohio, Mr. FARR of California, Mr. FROST, Mrs. MINK of Hawaii, Mrs. THURMAN, Mr. PEASE, Mr. KLECZKA, Mr. SNYDER, Mr. NEY, Mr. STENHOLM, Mr. BOYD, Mr. THOMPSON of Mississippi, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. GEJDENSON, Mr. TOWNS, Mr. ABERCROMBIE, Mr. STUMP, Mr. GARY MILLER of California, Mrs. MEEK of Florida, Mr. UNDERWOOD, Mr. EHLERS, Mr. ENGLISH, Mr. SAWYER, Mr. MCCOLLUM, Mr. METCALF, Mr. BARRETT of Nebraska, Mr. LIPINSKI, Mr. MILLER of Florida, Mr. CALLAHAN, Mr. REGULA, Mr. COOK, Mr. FOSSELLA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCINNIS, Mr. JOHN, Mr. UDALL of New Mexico, and Ms. RIVERS):

H.J. Res. 48. A joint resolution expressing the sense of Congress with respect to the court-martial conviction of the late Rear Admiral Charles Butler McVay, III, and calling upon the President to award a Presidental Unit Citation to the final crew of the U.S.S. INDIANAPOLIS; to the Committee on Armed Services.

By Mr. COX (for himself and Mr. DICKS):

H. Res. 153. A resolution amending House Resolution 5, One Hundred Sixth Congress, as amended by House Resolution 129, One Hundred Sixth Congress; to the Committee on Rules.

By Mr. RADANOVICH (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BERMAN, Mr. BILBRAY, Mr. BLAGOJEVICH, Mr. BLILEY, Mrs. CAPPS, Mr. CAPUANO, Mr. CLAY, Mr. COSTELLO, Mr. CROWLEY, Mr. DIXON, Mr. DOOLEY of California, Ms. ESHOO, Mr. FRANKS of New Jersey, Mr. HEFLEY, Mr. HINCHEY, Mr. HORN, Mr. KASICH, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING, Mr. KLECZKA, Mr. KNOLLENBERG, Mr. LARSON, Mr. LEVIN, Mr. LIPINSKI, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCKEON, Mr. MCNULTY, Mr. MEEHAN, Mr. MENENDEZ, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NEAL of Massachusetts, Mr. OBEY, Mr. OLVER, Mr. PALLONE, Mr. PORTER, Mr. ROGAN, Mr. ROTHMAN, Mr. ROYCE, Mr. RUSH, Mr. SAXTON, Mr. SHERMAN, Ms. STABENOW, Mr. TIERNEY, Mr. THOMAS, Mr. VISCLOSKY, Mr. WAXMAN, Ms. WOOLSEY, and Mr. WYNN):

H. Res. 155. A resolution calling upon the President to provide in a collection all United States records related to the Armenian genocide and the consequences of the failure to enforce the judgments of the Turkish courts against the responsible officials, and to deliver the collection to the Committee on International Relations of the House of Representatives, the library of the United States Holocaust Memorial Museum, and to the Armenian Genocide Museum in Yerevan, Armenia; to the Committee on Government Reform, and in addition to the Committee on International Relations, 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.

MEMORIALS

Under clause 3 of rule XII,

26. The SPEAKER presented a memorial of the General Assembly of the State of North Dakota, relative to Senate Concurrent Resolution No. 4024 memorializing Sakakawea to be honored and memorialized with a statue in the National Statuary Hall in the United States Capital in Washington, D.C.; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. GARY MILLER of California and Mr. SUNUNU.

H.R. 25: Ms. SLAUGHTER, Mr. MEEKS of New York, Mr. WEINER, and Mr. FOSSELLA.

H.R. 38: Mr. COLLINS.

H.R. 44: Mr. BURTON of Indiana, Ms. KAPTUR, Mr. FRANK of Massachusetts, and Mr. SCHAFFER.

H.R. 48: Mr. FRANKS of New Jersey.

H.R. 53: Mr. PHELPS and Mr. COBURN.

H.R. 65: Mr. STRICKLAND, Ms. KAPTUR, Mr. CALLAHAN, Mr. FRANK of Massachusetts, and Mr. SCHAFFER.

H.R. 73: Mr. MCKEON, Mr. CALLAHAN, and Mr. COLLINS.

H.R. 87: Mr. CROWLEY.

H.R. 100: Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. KLINK, Mr. PETERSON of Pennsylvania, Mr. HOLDEN, Mr. WELDON of Pennsylvania, Mr. GREENWOOD, Mr. SHUSTER, Mr. SHERWOOD, Mr. KANJORSKI, Mr. MURTHA, Mr. HOEFFEL, Mr. COYNE, Mr. TOOMEY, Mr. PITTS, Mr. GEKAS, Mr. DOYLE, Mr. GOODLING, Mr. MASCARA, and Mr. ENGLISH.

H.R. 113: Mr. GOODE, Mr. CHAMBLISS, Mr. MCINTYRE, Mr. SKEEN, and Mr. CALLAHAN.

H.R. 116: Mr. SAWYER.

H.R. 271: Mr. BROWN of California and Mr. FRANK of Massachusetts.

H.R. 272: Mr. MCNULTY.

H.R. 274: Mr. BARRETT of Wisconsin, Mr. PAYNE, Mr. INSLEE, Mr. WELDON of Pennsylvania, Mr. CLEMENT, Mr. LARSON, Mr. MCNULTY, Mr. ALLEN, Mr. HOEFFEL, Mr. EVANS, Mr. DIXON, Mr. BONIOR, and Mr. FRELINGHUYSEN.

H.R. 275: Mr. NETHERCUTT.

H.R. 303: Mrs. WILSON, Mr. ABERCROMBE, Ms. KAPTUR, Mr. CALLAHAN, and Mr. FRANK of Massachusetts.

H.R. 306: Mr. HYDE.

H.R. 352: Mr. WICKER, Mr. GRAHAM, and Mr. JONES of North Carolina.

H.R. 360: Mrs. CLAYTON, Mr. GILMAN, Mr. POMBO, Mr. BLAGOJEVICH, Mr. JOHN, Mr. GEJDENSON, Ms. DANNER, Mr. CALVERT, Mrs. JOHNSON of Connecticut, and Mr. WELDON of Pennsylvania.

H.R. 455: Mr. BERMAN.

H.R. 491: Mr. BRADY of Pennsylvania.

H.R. 515: Mr. TIERNEY.

H.R. 516: Mr. MCKEON.

H.R. 534: Mr. BUYER.

H.R. 541: Mr. LEVIN.

H.R. 555: Mrs. CLAYTON, Mr. JACKSON of Illinois, Mr. WEINER, and Mr. HILLIARD.

H.R. 612: Mr. ENGLISH, Mr. WAXMAN, Mr. SANDERS, Mr. LATOURETTE, and Ms. ROYBAL-ALLARD.

H.R. 648: Mr. MORAN of Virginia, Mr. GOODE, Mr. GREEN of Texas, and Mr. COYNE.

H.R. 673: Mrs. THURMAN.

H.R. 678: Mr. DAVIS of Illinois.

H.R. 681: Mr. LARSON.

H.R. 701: Mr. TERRY, Mr. ALLEN, Mr. SPENCE, Mr. CLEMENT, Mr. FLETCHER, and Ms. CARSON.

H.R. 716: Mrs. KELLY and Mr. SHAYS.

H.R. 732: Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. FILNER, Mr. BROWN of Ohio, Mr. RUSH, and Mr. PAYNE.

H.R. 745: Mr. DOYLE and Mr. WATT of North Carolina.

H.R. 746: Mr. OLVER.

H.R. 750: Mr. BAIRD.

H.R. 765: Mr. HILLIARD, Mr. METCALF, Mr. GOODE, and Ms. LOFGREN.

H.R. 775: Mr. MCCRERY.

H.R. 784: Mr. CANADY of Florida, Mr. ANDREWS, Ms. PRYCE of Ohio, Mr. COOKSEY, Mrs. LOWEY, Mr. GORDON, Mr. SKELTON, Mr. PALLONE, and Mr. FRANK of Massachusetts.

H.R. 804: Mrs. EMERSON, Mr. COLLINS, and Mr. BARCIA.

H.R. 805: Mr. CAPUANO.

H.R. 827: Mr. DICKEY and Ms. SANCHEZ.

H.R. 828: Mr. UPTON and Mr. ENGLISH.

H.R. 846: Mr. CAPUANO and Ms. LOFGREN.

H.R. 860: Mr. HILLIARD.

H.R. 866: Ms. PRYCE of Ohio.

H.R. 894: Mr. TALENT.

H.R. 902: Mr. WU, Mr. TIERNEY, Mr. BROWN of California, and Mr. CROWLEY.

H.R. 904: Mr. WHITFIELD, Mr. NEY, Mr. BAKER, Ms. DELAURO, Mr. LARGENT, Mr. NADLER, Mr. MCCRERY, Mr. SAWYER, and Mr. JEFFERSON.

H.R. 935: Mr. GARY MILLER of California.

H.R. 936: Mr. GARY MILLER of California.

H.R. 957: Mr. MCINNIS, Mr. KNOLLENBERG, Mr. STUMP, Mr. BAIRD, Mrs. CHRISTENSEN, and Mr. PHELPS.

H.R. 959: Mr. EVANS.

H.R. 964: Mr. JEFFERSON.

H.R. 979: Mr. LAFALCE, Mr. QUINN, Mr. HINCHEY, Mr. TIERNEY, Mr. BALDACCI, Mr. RAHALL, Mr. MCHUGH, Ms. RIVERS, Mr. MALONEY of Connecticut, Mr. NEAL of Massachusetts, Mr. HOEFFEL, Mrs. MINK of Hawaii, Mr. PASCRELL, Mr. GILMAN, Mr. LARSON, and Mr. CONYERS.

H.R. 987: Mr. STUMP, Mr. RADANOVICH, Mr. BRYANT, Mr. HANSEN, Mr. DREIER, Mr. ROHRABACHER, Mr. WALDEN of Oregon, Mr. SKEEN, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. EHRLICH, Mr. GIBBONS, Mr. SALMON, Mr. WATKINS, Ms. GRANGER, Mr. BARTON of Texas, Mr. LINDER, Mr. PORTMAN, Mr. HAYES, Mr. SCHAFFER, Mr. BARR of Georgia, Mr. WAMP, Mr. SCARBOROUGH, Mr. PITTS, and Mr. HAYWORTH.

H.R. 997: Mr. BARRETT of Wisconsin, Mr. WELDON of Pennsylvania, Mr. CLEMENT, Mr. LARSON, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. GILCHREST, Mr. ALLEN, Ms. BROWN of Florida, Mr. HOEFFEL, Mr. EVANS, and Mr. DIXON.

H.R. 1001: Mrs. JOHNSON of Connecticut and Mr. CAMP.

H.R. 1004: Mr. WELLER and Mr. SHOWS.

H.R. 1006: Mr. NEAL of Massachusetts, Mr. WELLER, and Mr. LEWIS of Georgia.

H.R. 1055: Mrs. KELLY, Mr. SCARBOROUGH, Mr. LEWIS of Kentucky, Mr. STEARNS, Mr. TAYLOR of North Carolina, Mr. DEMINT, Mr. SAM JOHNSON of Texas, Mr. BARTLETT of Maryland, Mr. BARR of Georgia, Mr. LARGENT, Mr. TERRY, and Mr. SHIMKUS.

H.R. 1062: Mr. WEYGAND, Mr. PASCRELL, Mr. LEWIS of Georgia, and Mr. TIERNEY.

H.R. 1063: Mr. WU.

H.R. 1070: Mr. LARSON, Mr. GOODLING, and Mr. HYDE.

H.R. 1071: Mr. PASCRELL, Mr. PETERSON of Minnesota, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPUANO, Mr. ENGLISH, Mr. RAHALL, Mr. GREEN of Texas, and Mr. MOAKLEY.

H.R. 1091: Ms. SLAUGHTER, Mr. BLUNT, Mrs. EMERSON, and Mr. NETHERCUTT.
H.R. 1096: Mr. PALLONE.
H.R. 1102: Mr. COLLINS and Mr. HOYER.
H.R. 1111: Mr. MCCRERY.
H.R. 1116: Mr. SCHAFFER.
H.R. 1118: Mr. ENGLISH.
H.R. 1150: Mr. FLETCHER.
H.R. 1175: Ms. SCHAKOWSKY, Mr. CAPUANO, Mr. GUTIERREZ, Mr. NORWOOD, Mr. LAMPSON, Mr. BEREUTER, and Mr. HOLT.
H.R. 1180: Mr. MCGOVERN, Mr. GOODLING, Mr. VENTO, Ms. PRYCE of Ohio, Mr. MINGE, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. BAKER, Mr. DOYLE, Mr. FLETCHER, Mr. SABO, Ms. BROWN of Florida, Mr. LEWIS of Georgia, Mr. COYNE, Mr. KENNEDY of Rhode Island, and Mr. GUTIERREZ.
H.R. 1190: Mr. EHLERS AND MS. KAPTUR.
H.R. 1191: Mr. BLAGOJEVICH, Mr. GUTIERREZ, Mr. SHIMKUS, Mr. CRANE, Mr. LIPINSKI, Mr. PHELPS, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. RUSH, Mr. EVANS, Mrs. BIGGERT, Mr. MANZULLO, Mr. LAHOOD, Mr. JACKSON of Illinois, Mr. HYDE, Mr. EWING, Mr. PORTER, Mr. WELLER, and Mr. HASTERT.
H.R. 1195: Mr. CLEMENT, Mr. KLINK, Mrs. BONO, Mr. NUSSLE, Mr. WELLER, Mr. CROWLEY, Mr. SESSIONS, and Mr. STUMP.
H.R. 1196: Mr. PAUL.
H.R. 1206: Mrs. KELLY and Mr. PETERSON of Minnesota.
H.R. 1214: Ms. HOOLEY of Oregon and Mr. DAVIS of Florida.
H.R. 1219: Mr. CUNNINGHAM.
H.R. 1221: Mr. LATHAM, Mr. LEWIS of Georgia, and Mr. GUTIERREZ.
H.R. 1222: Mr. MEEHAN.
H.R. 1232: Mrs. MORELLA, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mrs. TAUSCHER, Mr. BALDACCI, Mr. MCGOVERN, Mr. SHOWS, and Mr. WEYGAND.
H.R. 1254: Mr. BASS.
H.R. 1256: Mr. ENGLISH, Mr. BILBRAY, and Mr. WEINER.
H.R. 1278: Mr. HALL of Ohio, Mr. SKELTON, and Mr. HINOJOSA.
H.R. 1286: Mr. ACKERMAN.
H.R. 1290: Mr. SHOWS.
H.R. 1291: Mr. SIMPSON, Mr. HOEKSTRA, Mrs. THURMAN, Mr. COLLINS, Mr. COMBEST, Mr. GARY MILLER of California, and Mr. KNOLLENBERG.
H.R. 1301: Mr. PICKETT, Mr. ADERHOLT, Mr. CONDIT, Mr. THORNBERRY, Mr. HILLIARD, Mr. SAM JOHNSON of Texas, Mr. TURNER, Mr. BRADY of Texas, Mr. FARR of California, Mr. SUNUNU, Mr. COLLINS, Mr. WHITFIELD, Mr. REYNOLDS, Mr. BARTON of Texas, Mr. GILMAN, Mrs. MYRICK, Mr. FROST, Mr. GREENWOOD, Mr. SHOWS, Mr. CALLAHAN, Mr. TERRY, and Mr. WATKINS.
H.R. 1304: Mr. WAMP and Mr. DOOLITTLE.
H.R. 1326: Mr. HAYES, Mr. ORTIZ, Mr. REYES, and Mr. GREEN of Texas,.
H.R. 1329: Mr. STUMP and Mr. CRANE.
H.R. 1344: Mr. BARCIA.
H.R. 1346: Mr. KUCINICH, Mrs. ROUKEMA, and Mr. BONIOR.
H.R. 1352: Mrs. JONES of Ohio, Mr. SANDERS, Mr. HILLIARD, Mr. LANTOS, Ms. LEE, Mr. WAXMAN, Mrs. MEEK of Florida, Ms. RIVERS, Mr. BAIRD, Mrs. MALONEY OF NEW YORK, Mr. FROST, Ms. NORTON, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCGOVERN, Mrs. THURMAN, and Mrs. MORELLA.
H.R. 1354: Mrs. EMERSON.
H.R. 1355: Mr. RANGEL, Mr. UNDERWOOD, Mr. BAIRD, and Ms. WATERS.
H.R. 1356: Mr. GEORGE MILLER of California and Mrs. MYRICK.
H.R. 1362: Mr. HINCHEY.
H.R. 1363: Mr. STUMP.
H.R. 1398: Mr. HUNTER and Mrs. BONO.
H.R. 1411: Mr. SHOWS, Mr. MEEKS of New York, and Mr. FROST.
H.R. 1432: Mr. WYNN, Mrs. LOWEY, and Mr. DAVIS of Illinois.
H.R. 1445: Mr. MURTHA, Mr. QUINN, Ms. SCHAKOWSKY, and Mr. BEREUTER.
H.R. 1448: Mr. FRANKS of New Jersey.
H.R. 1462: Mr. FORD.
H.R. 1476: Mr. OLVER AND MR. HINOJOSA.
H.R. 1491: Mr. TIERNEY, Mr. QUINN, Mr. STARK, and Mr. FRANK of Massachusetts.
H.R. 1495: Mr. GREEN of Texas and Mr. WEINER.
H.R. 1507: Mr. SHADEGG, Mr. CANNON, Mr. HILL of Montana, Mr. WALDEN of Oregon, and Mr. COOK.
H.R. 1514: Mr. CLYBURN and Mr. MCGOVERN.
H.R. 1519: Mr. TERRY.
H.R. 1545: Mr. WAXMAN and Mr. TOWNS.
H.R. 1581: Ms. MCKINNEY and Mr. BORSKI.
H.J. Res. 33: Mr. BERRY.
H. Con. Res. 34: Mr. BLAGOJEVICH.
H. Con. Res. 60: Mrs. KELLY, Mr. MOAKLEY, Mr. CUNNINGHAM, and Mr. RYAN of Wisconsin.
H. Con. Res. 71: Mr. GREEN of Texas, Mr. GRAHAM, Mrs. KELLY, Mr. GREENWOOD, Mr. DEAL of Georgia, and Mr. STEARNS.
H. Con. Res. 75: Mr. SCHAFFER, Ms. CARSON, and Mr. SHAYS.
H. Con. Res. 88: Mr. HILLEARY, Mr. GREEN of Wisconsin, Mr. BRADY of Texas, Mrs. FOWLER, and Mrs. KELLY.
H. Res. 107: Mr. MATSUI and Mr. PORTER.
H. Res. 146: Mr. FROST and Mr. DELAHUNT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 833: Mr. BRADY of Pennsylvania.

EXTENSIONS OF REMARKS

INTRODUCTION OF LEGISLATION

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BRYANT. Mr. Speaker, I rise today to extend my remarks with an introduction of an important piece of legislation.

Today, we are introducing legislation that links two important issues—the need for pioneering research and development, and the need for patents with integrity to encourage that research. This relationship of R&D and patent integrity is one of mutual dependence * * * a relationship in which each fosters the other for the benefit of us all.

We all know that pharmaceutical research is one of the best patient protection policies we can buy as Americans. Just ask any physician—or any patient who has benefited from the healing powers of a new pharmaceutical.

In fact, pharmaceutical research and development is one of America's success stories.

But R&D is not a matter of simply walking into a laboratory one day, discovering a product, and putting it on the pharmacist's bench the next week. Drug research is a marathon, not a sprint. It is expensive. And it is time-consuming. It costs more than $500 million to discover and develop one new medicine. Research-oriented pharmaceutical companies spend an average of 15 years between the time they discover a drug and the time they are allowed to bring it to market.

That explains our legislation and the necessity for patent integrity. Patent integrity is the cornerstone, the wellspring, of research and development. The protection of intellectual property is even spelled out in the Constitution, which states: "Congress shall have the power * * * to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries."

The message of the Founding Fathers was simple, straightforward and unmistakably clear—and for those reasons, it has stood the test of time. It was—and is—a directive that innovators should be able to benefit from their labors through the protection of intellectual property, which in turn will create the incentive to create pioneering products that benefit us all.

Pharmaceuticals assume a special importance in our nation's research and development efforts. I know this for a fact because my district is home to a major facility of Schering-Plough. This plant contributes in a major way to the economy of the region and employs 800 highly skilled people. But the issues here are much larger and more significant than one plant or one company.

The issues, instead, involve fairness and predictability in America's intellectual property laws—in other words, patent integrity.

In 1984, Congress passed the Hatch-Waxman Act, which was designed to accomplish two goals. One was to enable generic drugs to get to market faster. The other goal was to restore some of the patent life that branded drugs were losing to lengthy regulatory reviews.

As time passed, however, it has become clear that the goals of Hatch-Waxman were significantly undermined by unintended consequences.

When it passed the legislation in 1984, Congress rightly assumed and anticipated that there would be relatively quick FDA approval for drugs that were in the approval "pipeline" at the time. In fact, that did not occur. For some drugs, the regulatory review took significantly longer than anticipated. This regulatory delay unintentionally deprived them of critical portions of their patent life.

Regulatory delay is an unfortunate occurrence in Washington. In many cases, it has direct consequences. This legislation is intended to address one of those consequences.

This legislation addresses this issue in the right way. It seeks to establish an independent and public review process within the Patent Office. This process would consider claims for patent restoration to offset regulatory delay.

Ultimately, this legislation enables Congress to assure patent integrity. And, by assuring patent integrity, Congress will be assuring a continuation of the types of research and development that helps patients every day.

ESTABLISH NATIONAL WHEAT CLEANING PROGRAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SCHAFFER. Mr. Speaker, Colorado's Fourth Congressional District encompasses the eastern half of our state and is home to some of the most productive agricultural land in the nation. The soil, water, and climate conditions across the Eastern Plains, and throughout much of our state, provide a very favorable environment for Colorado's 14,000 wheat growers.

These growers have produced an average of 84.8 million bushels annually over the past 10 years, producing $293.5 million in revenue each year. Furthermore, wheat is ranked as one of Colorado's top export commodities by dollar volume. Greater then 80 percent of our state's wheat crop is exported to over 60 different countries, including Egypt, Korea, China, and Latin America. These exports alone account for over $234.8 million in annual revenue and contribute greatly to the 18,851 jobs produced by the Colorado wheat industry.

Yet, despite the favorable growing conditions and high levels of productivity, Colorado's wheat growers and many other producers across the nation have watched their profits, and in many cases their very livelihoods, decline sharply over the past couple of years. The agriculture industry has become increasingly dependent upon the foreign marketplace to expand sales and increase revenues, yet many factors have placed our producers at a competitive disadvantage to other exporting nations.

Wheat export trade, in particular, has changed rapidly and significantly over the past decade. Government buying agencies have all but disappeared and have been replaced by private buyers, flour millers, and other end-users, which are typically more discriminating, quality-conscious buyers. One factor under increasing scrutiny is the level of dockage, or unmillable material such as weeds and wheat stalk, contained in U.S. exports.

The growth of U.S. wheat exports has been limited in recent years because cleaned wheat, or wheat that has undergone a process to filter and separate dockage, is not widely available among the U.S. export system, while other countries have been shipping grain with very low dockage content.

In response to pressure from the Congress and America's wheat growers last year, the president's budget request for the U.S. Department of Agriculture (USDA) this year includes a provision to allow matching funds to export elevators to install high-speed cleaning equipment. Such a long-term investment would greatly benefit the American wheat industry in particular, and the U.S. trade balance overall, by ensuring our exports are of sufficient quality to actively compete with other wheat exporting nations.

Mr. Speaker, I strongly encourage the Congress to authorize, and the president to implement, an effective national wheat cleaning program to help boost the competitiveness of U.S. wheat in the international marketplace.

W.A. "BILL" TAYLOR IS A TRUE LEADER

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PICKERING. Mr. Speaker, I would like to pay tribute to Mr. W.A. "Bill" Taylor, a friend of mine in Louisville, Mississippi. He is truly a man for all seasons. Mr. Taylor is a business leader, a philanthropist, and the CEO and Chairman of the Board of The Taylor Group, Inc.

Mr. Taylor's company was formed by his father, Mr. W.A. "Spec" Taylor is 1927 as a small, family-owned automotive and machine repair business. Today, it employs more than 1,000 people and is comprised of seven subsidiary companies that manufacture all types

of machinery. Its ''Big Red'' product line is synonymous with quality and durability throughout the world.

Mr. Taylor built his company on three words: Faith, Vision, and Work. He has used that motto successfully in business as well as other aspects of his life. Civic and community service activities continue to be a major part of Mr. Taylor's life. He served as a director of the National Association of Manufacturers (NAM), Construction Industry Manufacturers Association, Mississippi State University Development Foundation, Jackson Symphony Orchestra, Kidney Foundation of Mississippi and the Pshmataha Council of Boy Scouts of America. This week, he was inducted into the Mississippi Business Hall of Fame.

Mr. Taylor's pride and joy are his wife Mitzie, his sons Lex and Robert and their wives, his daughter Teresa, and four grandchildren, Alexis, Bailey, Davis, and Zachary. He has prioritized his life to put his faith, family, and community in the forefront of his life. He is truly a leader in the Third District of Mississippi and I am proud to call him my friend.

TRIBUTE TO STEVEN FOGEL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to my good friend, Steve Fogel, who is being honored by Stephen S. Wise Temple in Los Angeles for his years of dedicated service. Steve has served as a member of the Temple Board for 15 years, and has recently completed a two-year term as its president. Steve has played a central role in the development of the Temple into one of the premier institutions of Jewish life in Southern California.

Along with his strong commitment to Judaism, Steve is a successful businessman, an accomplished artist and an author.

Steve is an outstanding example of the self-made man. He put himself through USC while working as a professional photographer. After graduation, he entered the field of real estate. With a couple of years Steve and his partner, Howard Banchik, formed Westwood Financial Corporation, which owns and operates over 125 shopping centers across the Western United States, plus office buildings and apartment complexes.

Steve's literary skills are also extremely impressive. He has written three books, including The Yes I Can Guide to Mastering Real Estate and an upcoming work on God and the universe. When he is not writing or tending to his business, Steve is painting. He is an oil-color artist with over 50 portraits in private collections. His work has been placed in public exhibitions and he was the subject of a one-man show at the Sylvia White Gallery in Santa Monica.

Steve's wife, Darlene, also a devoted member of Stephen S. Wise Temple, serves on the board of the Fulfillment Fund and Friends of Neurology at Cedars-Sinai Hospital. They are the proud parents of a son and three daughters, one of whom, Kelly, graduated from Buckley High School with my daughter, Lindsey.

I ask my colleagues to join me in saluting Steve Fogel, a man of many talents and great generosity and community spirit. It is with considerable pride that I pay tribute to this fellow graduate of Hamilton High School in Los Angeles.

CONGRATULATIONS, CHIEF THOMAS C. O'REILLY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in paying tribute to a man who has served the Newark community with distinction for over 36 years, our Chief of Police, Thomas C. O'Reilly. His many friends, colleagues, and family will gather on Thursday, April 29, for a testimonial dinner in Newark to honor him for his contributions and to express appreciation for his decades of dedicated service.

A lifelong resident of Newark, Chief O'Reilly attended St. Columba Grammar School and St. Benedicts Prep, then went on to earn an undergraduate degree from Kean College and a master's degree from John Jay College of New York City. He furthered his education at Northwestern University, a Police Administration Institute. Chief O'Reilly, who is affectionately known as ''Tom,'' has built an impressive record throughout his career in law enforcement. He was appointed a patrolman and entered the Academy on December 10, 1956; he was later assigned to the 2nd Precinct and then to the Detective Division. Later, he was promoted to Sergeant and assigned to the Traffic Bureau. In 1966, he was assigned to the Police Training Academy and then promoted to Lieutenant in 1968. He was assigned to the Office of Management Improvement and Professional Development and assigned as Commanding Officer of the Gambling Squad. Upon promotion to Captain, he was assigned as the Commander of the West District in 1974 and then promoted to the rank of Inspector in 1977, where he was assigned as Commander of the Tactical Force. In 1978, he was assigned to the Detective Division until promotion to Deputy Chief of Police in 1983. Later, he was assigned Chief of Staff to the Police Director and in 1986, he assumed the role of Commanding Officer of the Office of Management Improvement and Professional Development. In 1987, he ascended to the position of Chief of Staff in the Office of the Chief of Police. In 1991, he was assigned as Chief of Staff to the Police Director, and on November 9, 1992, he took over the reins as Chief of Police.

Mr. Speaker, Chief O'Reilly has touched many lives in our community throughout his years of service. He has been a positive influence and a great role model. I know my colleagues join me in wishing Chief O'Reilly all the best and commending him for a job well done.

NEW HEIGHTS IN HYPOCRISY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial questioning the President's recent comments about Congressional inaction on Social Security reform which appeared in the *Washington Post*, on April 27, 1999.

[From The Washington Post, Apr. 27, 1999]

A ROUT ON SOCIAL SECURITY

The President now denounces the congressional Republicans for refusing to take a step on Social Security that the president himself has consistently shunned. The Republican leaders say they won't bring up a bill this year to restructure the program so that in the long term revenue will cover costs; they don't want to take the political risk this close to the next election.

The president deplores the fact that they have ''abandoned the effort,'' are ''either unable or unwilling to face up to the challenge,'' etc. ''I have proposed concrete steps,'' said the statement issued in his name last Friday. But he no more than they has said how he would make what he once again called ''the tough choices needed to secure the trust fund over the long term.'' The most he will say is that there should be bipartisan discussions of the subject, which is to say, he wants to share the blame.

Yesterday the vice president joined in beating up on the Republicans for flinching. Since the vice president aspires now to lead the country, perhaps it's fair to ask him, what is he for? It may not surprise you to learn that he hasn't said either.

Mr. Clinton has proposed that the bulk of the projected budget surplus over the next 15 years be set aside to pay future Social Security costs in the only way the government can set it aside, which is use it to pay down debt. It's a good proposal as far as it goes. Debt reduction translates into an increase in national savings that will help the economy grow and make it easier for the government to increase borrowing again when it needs the money to pay the cost of the baby boomers' retirement.

By invoking Social Security, he rightly keeps the money from being used for other purposes, either new spending programs or tax cuts. But his plan, even in the event that the surplus were to materialize as forecast, would close only a little more than half the long-term gap between Social Security revenues and costs. The rest will require benefit cuts and/or tax increases. It's at that point that the voices of the president and his acolyte, the vice president, cease to be heard. It's a lot more fun to save an imaginary surplus than to tell future retirees and/or taxpayers that they'll have to make do with less.

The Republicans want to ''privatize'' Social Security, meaning shift toward a system in which at least a share of benefits will flow from individual investment accounts rather than the government. To a large extent, the shift would be illusory. The money for the ''private'' accounts would come from a compulsory national savings program, and to guard against loss, the government, in most versions of the plan, would likewise limit the range of investment.

Our own sense is that the costs and risks of such a step seriously outweigh the possible

benefits. That's the president's apparent view as well. He thus berates the Republicans for failing to put forth a plan of which he disapproves. But they like the idea, and some in positions of leadership have at least been tinkering with alternatives. One version already has been put forward with some Democratic support, and another may be unveiled on the House side this week, if only for discussion.

The president offers no counterpart on this or, thus far, on Medicare, either. ''We need some leadership of the president,'' Senate majority Leader Trent Lott said on a Sunday talk show as he announced that he, too, intended to duck the issue this year. The year began with statements of determination by both parties to follow the president's slogan of ''saving Social Security first.'' It's not happening. They'll spend the time blaming each other instead—and both will be right. To suggest as the president did the other day that only the Republicans are flinching is to give hypocrisy a bad name.

IN HONOR OF THE FRANKLIN CENTER FOR REHABILITATION AND NURSING ON ITS 25TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a special tribute to the Franklin Center for Rehabilitation and Nursing as it celebrates its 25th Anniversary.

The Franklin Center for Rehabilitation and Nursing is a 320-bed skilled nursing facility located in my Queens district. For over 25 years, this institution has served the Queens community with dedication and commitment. It has earned itself the high regard of the Queens community and is considered one of the finest nursing homes in the area.

The Franklin Center, which is Joint Commission accredited, receives annual perfect surveys and is renowned for the expert care provided by the Center's team of highly qualified, experienced professionals.

The Franklin Center is equipped to manage the needs of sub-acute patients requiring IV Therapy, trach vents and tube feeding. In addition, its vast rehabilitative services include: physical therapy, occupational therapy, speech therapy, social work services, among others.

However, above and beyond the services the Franklin Center provides is the manner in which they treat their patients. Perhaps the Center's greatest asset is its concerned, caring and compassionate staff. Since the Franklin Center is committed to the well-being of those who reside in the home, the Center places a special emphasis on the comfort and security it provides.

For example, the Franklin Center takes into consideration the ethnic make-up of the community which it serves. The Center offers a special focus towards the Asian community and has a full-time Asian cook on staff as well as a multi-lingual staff.

The dietary constraints of the community's Jewish residents are also considered; the Center provides Glatt Kosher catering and religious services.

It is this attention to the individual concerns of its residents and patients that has earned the Franklin Center for Rehabilitation and Nursing its outstanding reputation.

Mr. Speaker, I am honored to bring to your attention the fine work of the Franklin Center for Rehabilitation and Nursing as it celebrates its 25th Anniversary. It is truly an honor to have such a remarkable institution in my district assisting my constituents.

TRIBUTE TO OFFICER RUSSELL STALNAKER

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. COLLINS. Mr. Speaker, I rise today to pay tribute to Atlanta Police Officer Russell Stalnaker who was killed in the line of duty earlier this month. Known to his family and friends as Rusty, the 24 year old officer was a graduate of Stockbridge High School in Henry County. He followed in the footsteps of his uncle and joined the Atlanta Police Department three years ago. Rusty was an asset to his community, not only as a law enforcement officer, but in his work with the Special Olympics and other community organizations.

In 1997, Rusty married Dana Bertholf. The couple made their home in McDonough, Georgia.

I offer my heartfelt condolences to Rusty's wife and parents, Linda and Larry Stalnaker of Rex, Georgia. Our nation is fortunate to have guardians who put their lives at risk every single day to protect us from violence. Rusty Stalnaker was one of those guardians who watched over his family and community. Rusty's life was cut tragically short, but his bravery and heroism will long be remembered.

TRIBUTE TO THE SAN FERNANDO VALLEY JAPANESE LANGUAGE INSTITUTE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to the San Fernando Valley Japanese Language Institute, which this year is marking its 75th anniversary. Throughout its history, this non-profit, tax-exempt school has done a remarkable job of introducing successive generations of children to the art, culture and language of Japan.

Of course, the Institute holds a special place in the hearts of students of Japanese ancestry. But all students, regardless of heritage, have benefitted from the education and special attention that are so much a part of the Institute's tradition.

The Institute, which is located in Pacoima, was started in 1924 under the auspices of 13 original members of the Shikishima Club. The intent from the beginning was for the Institute to promote the language and culture of Japan, and to serve as a central meeting place for members of the San Fernando Valley's substantial Japanese-American community. It has succeeded on all counts.

By 1941, the Institute had increased its annual enrollment to 180 students. However, the school closed following America's entry into World War II. Cabinet officers were accompanied by FBI agents to the various relocation camps set up to intern Japanese-Americans. The Institute did not reopen until 1949, four years after Japan had surrendered to the United States. The initial class had 35 students.

In 1966, the original property was sold due to the deterioration of the building. With the cooperation of 220 past and current parents, a new school building was completed at the present site.

Today the Institute offers classes to students from Nyumon (kindergarten) through high school in the Japanese language, as well as teaching the ancient ceremonies and traditions associated with Japan. A dedicated staff and involved group of parents work hard so that the Institute can meet its financial and educational goals.

I ask my colleagues to join me in saluting the San Fernando Valley Japanese Language Institute, which for 75 years has provided a unique and quality education to hundreds of students.

A TRIBUTE TO THE LATE J.P. ''JAKE'' MILLS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PICKERING. Mr. Speaker, I would like to pay tribute to an extraordinary Mississippian, Mr. J.P. "Jake" Mills. I am sad to say that he passed away on Saturday, April 17, 1999. I am proud to say that Jake Mills was a friend of mine and I am thankful for the time I spent with him.

Jake Mills was truly a remarkable person. He touched countless lives, traveling extensively across the country where he formed friendships and ties that made him such a special person. He had a quick wit and a broad knowledge of Biblical scriptures—sometimes combining the two to make a serious point in a humorous way.

He was very active in a wide variety of religious, business, and community organizations. Jake was a devout Christian and he lived his life in a way that reflected his beliefs and values. He served on the board of "Ministry to Men," an organization dedicated to strengthening families through personal responsibility. He also worked to found the Mississippi Fellowship of Christian Athletes.

As an advocate for improving education, he served as an outspoken member of the State College Board in Mississippi. He always stood up for his beliefs and was never shy about expressing his views on what needed to be done to improve higher education for our state.

In 1973, Jake founded J.P. Mills, Inc., a successful business in Tupelo, Mississippi. He served on numerous boards including the

Community Development Foundation, Mississippi Economic Council, Petroleum Marketers Association, Business Industry Political Education Committee.

My heartfelt sympathy goes out to his wife, Jane, and their entire family. Mississippi has lost one of our finest leaders in Jake Mills. He set an example for all of us to follow and our country is a better place because of his life.

WHY AM I A REPUBLICAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to submit Mr. Steve Remington's answer to a question I recently posed to him, "Why are you a Republican?" Today, I would like to share with you his answer.

This morning, at the republican breakfast, you asked me a question; "Why am I a Republican?" At the time, I did not realize that you were indeed looking for me to speak on the subject. I truly appreciate your sense of humor, and I apologize for not realizing that you were serious. However, since you asked me a direct question, I owe you a direct answer. I am a Republican for three reasons; my values, my beliefs in fiscal responsibility, and my beliefs in the role of government.

I know that I will not have access to all of the information that an informed legislator and their staff will have. While the political banter happens during the election, I realize that there is always more to the story than the press will reveal. Therefore, I pick candidates with integrity and values similar to mine. My belief is that these candidates will vote, when all of the facts are available, for the best possible decision. My father, my son, and I have all received the Eagle Scout award. For three generations, we have believed in honesty, truth, reverence, and dedicating one's self to making the world a better place to live. I find that the Republican candidates tend to line up with these values more often than not.

Secondly, I believe that we can continue to do better as a society. We can do more for the environment. We can make education stronger. We can continue to promote positive business growth. Social Security can be solid, and we can lead the world to peace. Yet, I believe that it is possible to accomplish all of this and maintain fiscal responsibility. We do not have to mortgage our children's future to satisfy a short-term greed. I find that these tend to be the values of the Republican Party.

Finally, people do not exist to serve the will of the government. The government exists to serve the will of the people. We should not have government for government's sake. There should never be any more government than is necessary to meet the needs of our society. In order to survive in a competitive world, the private sector is always looking for ways to be more efficient. So it should be with government. These beliefs find a home in the Republican Party.

Again I apologize for not realizing that you were asking me a question in earnest. I trust you will accept my response to your inquiry.

Mr. Speaker, I am proud to be a friend of Steve Remington.

A THIRTY YEAR ANNIVERSARY TRIBUTE TO THE NEW JERSEY EDUCATIONAL OPPORTUNITY FUND

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PAYNE. Mr. Speaker, I would like to join the New Jersey Educational Opportunity Fund Professional Association (NJEOFPA) in honoring the 30th anniversary of the New Jersey Educational Opportunity Fund (EOF) program. This special anniversary is being highlighted during the NJEOFPA Student Leadership Conference and Awards Luncheon in Atlantic City, New Jersey.

In July of 1968, the New Jersey State Legislature signed the EOF program into law. The legislation, sponsored by the then-freshman Assemblyman Thomas H. Kean, was aimed at opening the doors of higher education to economically and educationally disadvantaged students. During the fall of 1968, thirty-four colleges took initial steps to instituting the program and 1,500 students enrolled.

Through the years, the EOF has provided valuable financial resources, counseling, basic skills and academic enrichment to many young men and women. Today, there are fifty-six EOF programs in New Jersey' diverse educational institutions. Over 30,000 students have received post-secondary degrees through EOF programs, including our current Assistant Secretary at the U.S. Department of Housing and Urban Development, and former East Orange, New Jersey Mayor Cardell Cooper. The Educational Opportunity Fund sponsors more than one-third of the African-American and Latino students at New Jersey's state and independent institutions for higher learning. Furthermore, approximately 11% of the first-time, full-time freshman entering New Jersey's colleges and universities are enrolled through EOF.

Mr. Speaker, for thirty years the Educational Opportunity Fund has helped disadvantaged students access higher education. I am proud to join members of the New Jersey Educational Opportunity Fund Professional Association in paying tribute to the 30th Anniversary of the program.

THE GOTHIC WILDERNESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues an excellent editorial questioning some of the values reflected by parts of the entertainment industry which appeared in the Omaha World-Herald, on April 23, 1999.

THE GOTHIC WILDERNESS

One of the television networks, at some point during the seemingly endless picking over of the tragedy in Littleton, Colo., brought to the screen a young woman who had some connection or other with the gothic subculture.

She was asked about the awful events at Columbine High School. Was it not possible that the killers, Eric Harris and Dylan Klebold, were acting out the themes of popular lyrics or video games?

The goth girl, as might be expected, came off as disbelieving, almost contemptuous of the idea that anyone would be so stupid as to kill because of a song. Her comments echoed the responses of others, including people in the entertainment industry, who scoffed at the idea that there could be any connection between their art and the orgy of violence that Harris and Klebold unleashed at the Denver-area high school. People, like, have a right to their music. Artists, like, have a right to be controversial.

Certainly it would be difficult to prove that any particular set of lyrics or any particular video game was directly responsible. Harris and Klebold are dead. Even a society that has convinced itself that a goofy cartoon camel creates an irresistible desire in teen-agers to smoke cigarettes doesn't have the ability to read the mind of a killer beyond the grave.

Nonetheless, isn't it about time that someone had the courage to speak up, like the lad who saw the emperor's nakedness for what it was, and say that the saturation of young minds with symbols of violence, Santanism and death is manifestly unhealthy? Won't someone, anyone, give parents permission to pull the plug on video games that involve slaughtering hordes of electronic adversaries like mowing down so many high school students in the cafeteria?

A newspaper columnist found these lyrics in the work of a group admired by Harris and Klebold: "Kill everything, kill everything—bomb the living bejeepers out of those forces—kill everything, kill everything—bomb the living bejeepers out of those forces."

Maybe such ravings—and some are much worse—don't cause anyone to become a mass murderer. But can it possibly be healthy to entertain oneself by fantasizing about slaughter as a remedy for the petty annoyances of life?

And what of the people who profit from such art, defend it and produce it? Words have meaning. Even if it can't be proved that Harris and Klebold weren't motivated by the bloody images that seemed to so entice them, can the producers and disseminators of those images be admired as just more artists pushing the edge?

The industry claims to occupy the moral high ground, wearing the mantle of artistic freedom, failing to distinguish political satire and social alienation from pathological homicide.

Its spokespeople, like the goth girl on the television screen, demand to be tolerated, or at least left alone. But surely there is at least some moral culpability when the entertainment industry saturates the culture with images of mass murder and some misguided slobs in Colorado try to act them out.

HONORING OUTSTANDING STUDENT GABRIELLA CONTRERAS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PASTOR. Mr. Speaker, today I rise to honor Gabriella Contreras, a pupil at Roskruge Middle School in Tucson, Arizona, who has

been recognized by the prestigious 1999 Prudential Spirit of Community Awards Program. This award salutes the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

With today's media focusing on tragic stories of troubled adolescents, we must not overlook those teenagers with high ideals and strong community values. Gabriella personifies those qualities and is a true role model in guiding other youth into positive activities that enhance their communities.

As an elementary student, Gabriella was concerned over the gang violence, riots, and drug use which was evident within a neighboring high school. Determined to become part of a solution before her class entered that school, she organized a group of eight friends who picketed the school with placards bearing anti-violence and anti-drug slogans. Through the years, that core group continued to grow as it organized activities aimed at channeling teenagers into constructive endeavors. Today, Gabriella's group has become a community service organization which fills the dual role of improving local neighborhoods while providing a positive group setting for teenagers to identify with as an alternative to gang membership.

Gabriella Contreras and the other recipients of the Prudential Spirit of Community Award have demonstrated outstanding initiative and act as an inspiration to other youth. As such, they represent a warm ray of sunshine during these times of bewildering incidents involving violent and disturbed young people. They are the individuals who will lead their generation into a productive and bright future, and I salute their efforts on behalf of their communities and our Nation.

FRANK J. PASQUERILLA: A GIANT OF A MAN

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SHUSTER. Mr. Speaker, on April 21, 1999, Frank Pasquerilla, the Chairman and Chief Executive Officer of Crown American, a Fortune 500 company, entered life eternal.

Frank Pasquerilla was a giant of a man. His intellect and energy was exceeded only by the size of his heart. When he and his wonderful wife, Sylvia, joined my wife and me for the Kennedy Center Gala last December honoring America's most outstanding artists, at the conclusion of the evening as they were entering their hotel, he paused and said to me: ''Don't believe the rumors. I'm not retiring.'' And then with a grin, he added, ''I'm never going to retire!'' As usual, he was true to his word. Up until the very day of his sudden passing he was working, caring and building: For his family, his company and his community. Leonardo DiVinci said ''To understand is to construct.'' Frank understood that in the best and broadest sense of the word. He was a builder. But his 29 malls, 30 shopping centers and 21 hotels were only the physical structures that gave him the opportunity to build better lives for his family, his associates and his community. When his mall in Altoona burned to the ground, as we slogged through the debris I ask him, ''What are you going to do, Frank?'' and without hesitation, he replied, ''Start over and rebuild.'' And, of course, he did just that. He was the driving force behind pushing for a new West End Bypass for Johnstown, not because it benefited him, but because it was good for the community. We were to have dinner to discuss a project important to Pennsylvania on the very night he died. His son, Mark, called from his hospital room to express his Dad's apology for not being able to attend, and I told him to assure his Dad that we would do everything in our power to help make his latest dream come true.

If anyone dare suggest that Frank Pasquerilla is no longer with us, they simply didn't know this giant of a man. His extensive and extraordinary philanthropies have made life better for thousands of people, young and old, and will continue to do so far into the next millennium. For as long as the Allegheny mountains turn green in Spring, for as long as our rivers and streams run down to the sea, or the stars shine above and our fields flower under, this giant of a man will live in us and his dear family through his good works which have touched so many lives, and will live in our hearts, forever moved by the afterglow of his example of what all our lives should be.

TRIBUTE TO POLISH-AMERICANS

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. FOLEY. Mr. Speaker, as we approach May 3, the 208th anniversary of the adoption of the first Polish constitution, I rise today to pay tribute to Polish people around the world.

This is an important anniversary to note because few people realize that the Polish constitution of 1791 was the first liberal constitution in Europe. Although the constitution was in effect for less than two years, its principles, such as individual and religious freedom, remained embedded in the national consciousness through two centuries of foreign occupation and intimidation. As a result, after years of forced totalitarianism the people of Poland have miraculously transformed their country into a modern, progressive State in less than a decade.

I am glad that Poland is now a full partner in the North Atlantic Treaty Organization—NATO. As the Polish people know full-well, freedom isn't free. It is heartening to know that those who suffered so long under oppression are now willing to share in the burden of preserving freedom.

So Mr. Speaker, once again, I want to extend my heartfelt congratulations to the people of Poland and their descendants around the world on this historic anniversary.

HONORING NATIONAL ADVANCED PLACEMENT SCHOLARS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize one of Colorado's top high school students, Ms. Payal Kohli upon receiving a National Advanced Placement Scholar from the College Board. The academic achievement of Payal places this student among the best young scholars in the nation.

Payal was one of only 1,451 students to earn the distinction of being named a National AP Scholar out of 635,000 students who took Advanced Placement (AP) exams in 1998. To qualify for this high honor, each scholar had to achieve grades of 4 or above (the top grade is 5) on at least eight AP exams and have accumulated the equivalent of the first two years of college prior to high school graduation. By choosing this most challenging curriculum, Payal can expect to attend any one of this nation's most demanding universities.

The College Board established the AP program in 1955 to challenge high school students with rigorous college-level academic courses. The program is recognized nationally for its high academic standards and assessments. In 1998, more than one million AP exams were administered in 32 different subject areas. Of the nation's 21,000 high schools, almost 12,000 currently offer at least one AP course.

Mr. Speaker, I invite my colleagues to join me in congratulating Payal Kohli. I hold this student up to the House, and to all Americans, as an example of the best of America's students.

A 50TH ANNIVERSARY TRIBUTE TO THE PHILIP MAMOLEJO POST 650, AMERICAN LEGION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today the fine work and outstanding public service of thousands of Hispanic-Americans and particularly, the Philip Marmolejo Post 650, American Legion, in Redlands, CA. On May 15th, the Post will celebrate its 50th anniversary commemorating a distinguished record of contributions to our community, our state, and our nation.

Hundreds of thousands of Hispanic-American citizens served honorably in our armed forces during World War II, facing the enemy with courage and exhibiting many brave and heroic actions in battle and the line of duty. In fact, 12 Hispanic-American soldiers were presented with the Congressional Medal of Honor by the U.S. Congress during World War II.

Following the war, veterans of the allied effort organized the Philip Marmolejo Post 650, American Legion in Redlands. On June 22, 1949, the post opened to recognize the contributions of Hispanic-American serviceman in

World War II, as well as advocate service-connected benefits and practice the ideals of patriotism and loyalty to country.

Over the years, the Philip Marolejo Post 650, American Legion, and its members have been actively involved in numerous veterans, civic, and education activities at the local, regional, and state level. In fact, it has made a very real difference through providing scholarship programs, sponsoring youth athletic programs, and numerous other activities. As a result of these achievements, the Post has been recognized for its exemplary achievements at the local, state and national level.

Mr. Speaker, I ask that you join me and our colleagues today in recognizing the fine contributions of Hispanic-Americans to our nation's history. I want to pay special tribute to the rich and distinguished history of the Philip Marmolejo Post 650, American Legion, for its years of contributions to our community and country. It is only appropriate that the House pay tribute to this record of service today.

THE YEAR 2000 COMPLIANCE ASSISTANCE ACT

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. DAVIS of Virginia. Mr. Speaker, it is my pleasure to introduce the Year 2000 Compliance Assistance Act, a bill that authorizes the acquisition of Year 2000 information technology by state and local governments through the Federal Supply Schedules of the General Services Administration (GSA). As a former local government official and high technology executive, I recognize the tremendous burden placed on state and local governments as they work to ensure that their mission-critical systems are ready for the new millennium.

Under the presistent urging of Representatives CONNIE MORELLA of Maryland and STEVE HORN of California over the past four years, the federal government has sluggishly moved toward readying most federal mission-critical systems for the Year 2000 conversion. However, many are now just beginning to turn their attention to the condition of many state and local government mission-critical systems that are essential to the seamless delivery of essential governmental services on all levels of government. As John Koskinen, chair of the President's Council on Year 2000 Conversion, has emphasized, we should all be concerned about the ability of some state and local systems to interface with Year 2000 compliant federal systems. These systems include Medicaid and welfare assistance programs.

Recently, I held another hearing in the Subcommittee on the District of Columbia at which the General Accounting Office (GAO) provided an upate on the status of the District of Columbia's Year 2000 conversion efforts. The GAO reported this time that the city of Washington, DC was at significant risk of not being able to effectively ensure public safety, collect revenue, educate students and provide health care services. Despite Herculean efforts on the part of the District's Chief Technology Officer, strong private sector support, and substantial federal resources, it appears that the one thing that cannot be controlled during DC's Year 2000 compliance efforts is time. Many states and localities are simply running out of time. I am confident that a substantial number of states, cities, towns, and villages across the country are in similar situations as our Capital City.

This is why I am today introducing the Year 2000 Compliance Assistance Act. This legislation is a voluntary program where the federal government will allow state and local governments to purchase Year 2000 conversion related information technology (IT) products and services off the GSA's IT multiple award schedules. Under this emergency authority, state and local governments will have one more option in the fight against time to procure Year 2000 compliance assistance in a cost-effective and timely manner. I believe that during this period of moving governmental responsibilities back to the states and localities, the federal government has a unique opportunity to provide procurement assistance to the state and local governments to help ensure nationwide Year 2000 compliance or contingency preparation.

The authority under this legislation is limited to the unique nature of the Year 2000 computer bug. The authority would expire on December 31, 2002, and could only be used by state and local govenments for procurements necessitated by the Year 2000 budget bug.

I look forward to working with my colleagues towards the rapid enactment of this unique Year 2000 legislation.

TRIBUTE TO NEPTUNE, NJ, LIBRARY'S 75TH ANNIVERSARY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PALLONE. Mr. Speaker, on Saturday, April 17, 1999, the Neptune, NJ, Library celebrated its 75th anniversary. I was proud to join with Township officials, other dignitaries and residents to celebrate this important milestone.

Neptune, named for the Roman God of the Sea and incorporated as a municipality in 1879, is a diverse community located in Monmouth County. The Township, whose slogan is ''Neptune, Crossroads of the Jersey Shore,'' is a full-service community with great historic significance and an even brighter future. One of the great features of the community is the Neptune Library.

The library was started by the Ocean Grove Women's Club at its Clubhouse on Mt. Carmel Way, aided by books from the Monmouth County Bookmobile. In 1932, the Township rented a vacant store at 204 Ridge Avenue for a township library, with some books and supplemented by the bookmobile. The library shared a building on Corlies Avenue with the Township Public Health and Welfare Department in 1937 until that building was sold, moving to the Sunday School Room in the basement of the West Grove Methodist Church. In 1955, the Township Library opened at the Township Municipal Building at 137 Main St., open Tuesday afternoons, expanding its hours to Wednesday mornings in 1960. The year 1961 proved to be an eventful one for the library, with the Friends of Neptune Library organized in February. Recommendations for a new facility contained in a report released in March. On July 20, the Township Library opened its doors at 1908 Corlies Avenue, the site of a former machine shop, open to the public Monday through Thursday afternoons and Wednesday evenings.

On November 30, 1961, the Neptune Library Association, Inc., was incorporated, while the Board of Trustees organized in 1964. In 1966, the first Books, Arts and Crafts Festival was held on the future site of the library, and ground was broken at the site on Springdale Ave. (now Neptune Blvd.) on May 10, 1969. Opening day for the Library was on March 22, 1971. It became a municipal library in 1972 following a township referendum.

Mr. Speaker, obviously the history of the library is a long and illustrious one. Through the years, the library has been an important cultural and informational resource for the people of Neptune Township, and it continues to fulfill that mission to this day. The growth and success of the library is a strong reflection on the dedication and commitment of the people of this community to enhance the quality of life for the benefit of all. I am pleased to pay tribute on the occasion of the 75th anniversary of the Neptune Library.

TRIBUTE TO 12 OUTSTANDING STUDENTS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to proudly recognize 12 outstanding students from Heritage Christian High School in West Allis, Wisconsin and their teacher, Mr. Tim Moore, who are representing the State of Wisconsin in the national finals of the 1999 ''We the People . . . The Citizen and the Constitution'' competition in Washington, DC.

This is the third time that a class from Heritage has been named State of Wisconsin champions in this exceptional program sponsored by the Center for Civic Education and developed to educate young people about the U.S. Constitution and the Bill of Rights. Mr. Moore and his students have worked diligently to reach the national finals and have gained an impressive understanding of the fundamental principles and values of our constitutional democracy.

This year's representatives from Heritage are: John Averkamp, Brent Barnett, Maureen Buchanan, Tim Cady, Tara Flood, Mike Frede, Mike Gruennert, Josh Lutter, Jessica Mobley, Justin Roeder, Luke Sinclair, and Anthony Slamar.

I ask the House to please join me in congratulating Mr. Moore and his students in winning the State of Wisconsin ''We the People . . .'' championship, and wish them continued success in the national finals. I look forward to greeting them personally when they visit the U.S. Capitol.

HONORING NATIONAL ADVANCED PLACEMENT SCHOLARS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize one of Colorado's top high school students, Mr. Aaron Kohl upon receiving a National Advanced Placement Scholar from the College Board. The academic achievement of Aaron places this student among the best young scholars in the nation.

Aaron was one of only 1,451 students to earn the distinction of being named a National AP Scholar out of 635,000 students who took Advanced Placement (AP) exams in 1998. To qualify for this high honor, each scholar had to achieve grades of 4 or above (the top grade is 5) on at least eight AP exams and have accumulated the equivalent of the first two years of college prior to high school graduation. By choosing this most challenging curriculum, Aaron can expect to attend any one of this nation's most demanding universities.

The College Board established the AP program in 1955 to challenge high school students with rigorous college-level academic courses. The program is recognized nationally for its high academic standards and assessments. In 1998, more than one million AP exams were administered in 32 different subject areas. Of the nation's 21,000 high schools, almost 12,000 currently offer at least one AP course.

Mr. Speaker, I invite my colleagues to join me in congratulating Aaron Kohl. I hold this student up to the House, and to all Americans, as an example of the best of America's students.

HONORING MAJOR GENERAL JAMES McINTOSH

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SAXTON. Mr. Speaker, I rise to pay tribute to Major General James McIntosh, a highly distinguished leader of the New Jersey Air National Guard who is retiring after many years of dedicated service to our great Nation. Major General McIntosh was assigned to the 108th Air Refueling Wing and the 204th Weather Flight, both stationed at McGuire Air Force Base, and the 177th Fighter Wing, which is based at Atlantic City International Airport. He has served our Nation's military with great pride and is exemplary as a leader.

Major General McIntosh entered the Air Force in 1959 through the Aviation Cadet Program at Harlington Air Force Base, TX, and was commissioned as an aircraft navigator in 1960. He is a Master Navigator with over 6,400 flying hours including 100 combat missions during the Vietnam War. General McIntosh entered the New Jersey Air National Guard in 1978, commanded the 170th Air Refueling Group from 1989 to 1992, and has commanded the New Jersey Air National Guard since 1992.

As our Nation proceeds with its involvements around the globe, the National Guard will continue to be an integral part of the total military force structure. Highly qualified citizens participating in the National Guard are the backbone of our national strength. Leaders such as Major General McIntosh command and guide many through the necessary training efforts that sustain a world-class organization.

It has been my privilege to know Major General James McIntosh and witness his dedication to the National Guard. He is a true leader and asset to the armed forces. Major General McIntosh serves as a model upon which future leaders should be based.

INTRODUCTION OF REAL ESTATE INVESTMENT TRUST MODERNIZATION ACT OF 1999

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. THOMAS of California. Mr. Speaker, today I am pleased to introduce on behalf of myself, Mr. CARDIN of Maryland, and other Representatives the "Real Estate Investment Trust Modernization Act of 1999". This legislation modernizes outdated real estate investment trust (REIT) rules that prevent REITs from offering the same types of services as their competitors. I am proud to note that there are more REITs based in California than any other State, and REITs have invested more than $24 billion in California communities.

In 1960, Congress created REITs to enable small investors to invest in real estate. Prior to the creation of REITs, real estate ownership was largely restricted to wealthy individuals who invested through partnerships and other means generally unavailable to the broader public.

Although a variety of factors limited the growth of REITs through the mid-1980's, they played a leading role in reviving weak real estate markets in the wake of the economic turmoil of the late 1980's and early 1990's because of their access to public capital markets and because REITs offer liquidity, security, and performance which alternative forms of real estate ownership often do not. Yet, in more recent years, REITs increasingly have been unable to compete with private held partnerships and other more exclusive forms of ownership. Antiquated REIT rules prevent REITs from offering the same types of customer services as their competitors, even though such services are becoming more central to marketing efforts.

Current law restrictions require REITs to adhere to unworkable distinctions that defy logic and impede competitiveness. Under current law, REITs only may provide "customary services" to their tenants, that is, services that are common in the industry and have been traditionally provided by real estate companies, such as furnishing water, heat, light and air conditioning.

The "customary services" standard ensures that REITs may provide services only after industry leaders have already done so, thus locking in a competitive disadvantage. In addition, the vagueness of the standard produces seemingly irrational distinctions. For example, REITs can have parking lots for shopping centers or offices they own, but cannot offer valet parking. REITs can own apartments, but cannot provide lifeguards or amenity services. REIT competitors can—and do—provide all these services without any restrictions.

The Administration's fiscal year 2000 budget acknowledges this problem, and proposes modernizing REIT rules to permit them to compete. As the Department of Treasury stated in its explanation of the Administration's revenue proposals, "The determination of what are permissible services for a REIT consumes substantial time and resources for both REITs and the Internal Revenue Service. In addition, the prohibition of a REIT performing, either directly or indirectly, non-customary services can put REITs at a competitive disadvantage in relation to others in the same market."

The Administration addresses this problem by creating a new category of companies which it refers to as "taxable REIT subsidiaries". Those entities would be exempt from current law restrictions that prohibit REITs from owning either (a) securities of a single non-REIT entity that are worth more than 5 percent of the REIT's assets or (b) more than 10 percent of the voting securities of a non-REIT corporation.

The Administration's proposal would create two types of taxable REIT subsidiaries: a "qualified business subsidiary" that could engage in the same activities now performed by "third party subsidiaries"; and a "qualified independent contractor" subsidiary that would be allowed to perform non-customary activities for REIT tenants, as well as those services which also could be performed by qualified business subsidiaries. The Administration's proposal would limit the value of all taxable REIT subsidiaries to 15 percent of the total value of the REIT'S assets, but would restrict subsidiaries providing leading edge type services to REIT tenants to 5 percent of the REIT asset base. The Administration proposal also would amend the current 10 percent test so that it would apply to 10 percent of holdings as measured by the vote or value of a company's securities.

Although the Administration's proposal is a welcome first step, its narrow focus still would leave substantial impediments to competition in place. Today, we are introducing legislation that builds upon the Administration proposal to make REITs more competitive.

Our legislation would allow REITs to create taxable subsidiaries that would be allowed to perform non-customary services to REIT tenants without disqualifying the rents a REIT collects from tenants, that is, performance of those services would no longer trigger a technical violation of the REIT rules.

Toward that end, the 5 percent and 10 percent asset tests would be amended to exclude the securities that a REIT owns in a taxable REIT subsidiary. Also, like the Administration proposal, the 10 percent test would be tightened to apply to both the vote and value of a company's securities. In addition, a REIT owning stock of taxable REIT subsidiaries would have to continue to meet the current law requirement that at least 75 percent of a REIT's

assets must consist of real property, mortgages, government securities, and cash items; the subsidiaries' stock would not count toward that total. However, dividends or interest from a taxable REIT subsidiary would count toward the requirement that a REIT must realize at least 95 percent of its gross income from those sources plus all types of dividends and interest.

Under our proposal, the income a REIT subsidiary would receive from REIT tenants and others would be fully subject to corporate tax. In addition, the proposal includes strict safeguards to ensure that neither a REIT nor a taxable REIT subsidiary could improperly manipulate pricing or the allocation of expenses to reduce the subsidiary's tax burden. Our bill is supported by the American Resort Development Association, the International Council of Shopping Centers, the National Apartment Association, the National Association of Real Estate Investment Trusts, the American Seniors Housing Association, the Mortgage Bankers Association of America, the National Association of Industrial and Office Properties, the National Association of Realtors, the national Multi Housing Council, and the National Realty committee.

In sum, Mr. Speaker, our legislation will provide REITs the flexibility they need to be competitive. We must not allow the Tax Code to inhibit the ability of REITs to compete and to offer the full range of services demanded by residential and commercial tenants. Mr. CARDIN and I and our cosponsors urge our colleagues to review this legislation and we hope that they give this legislation every possible consideration.

WORKERS MEMORIAL DAY IN YORK, PA: ''MOURN FOR THE DEAD, FIGHT FOR THE LIVING''

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. GOODLING. Mr. Speaker, today, ceremonies of memory and reflection marking Workers Memorial Day are taking place in cities and towns across the country, including York, PA, which is in my congressional district. The ceremony in York will particularly remember eight individuals from the 19th Congressional District of Pennsylvania who have been killed in tragic accidents while at their respective work sites this past year Joyce E. Born, Michael L. Brashears, Sr., C. William Brinkmann, Bradley M. Dietrick, William E. Keeney, Jr., Bernard L. Rishel, and Dennis J. Stough.

Ceremonies such as the one taking place in York are an important reminder to us all of the importance of workplace safety. Accidents are never planned. Avoiding accidents requires the consistent efforts and vigilance of employers and employees. Government too plays a role in encouraging safe work practices.

For far too long, federal efforts to limit workplace safety have been focused on enforcement for ''enforcement's sake.'' This has lead the Occupational Safety and Health Administration (OSHA) to concentrate their limited resources on issues peripheral to worker safety including, but not limited to: paper work violations, duplicative inspections, and issuing citations as a performance bonus for inspectors.

Congress has made progress over the past several years in redirecting and refocusing OSHA toward a different approach that maximizes their resources while increasing the overall quality of safety in America's workplaces. Instead of focusing on enforcement alone, we have worked to expand consultation, partnership, and outreach programs offered by OSHA.

We can be grateful that workplace fatalities and workplace injury rates have declined and are now at the lowest levels since those records have been maintained. These record lows have even been achieved even though we are in the midst of a tight job market, a time in which injury rates have historically increased.

Still, any workplace death is too many. I want to join with my constituents in remembering those who died, and using this day to encourage employers and employees to renew their efforts to prevent future tragedies from occurring.

INTRODUCTION OF THE PATENT FAIRNESS ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. McDERMOTT. Mr. Speaker, today I have introduced a proposal that encompasses three principles—fair play, equity and depoliticization.

The United States must do whatever possible to assure patent integrity, so we can continue to receive the desired public benefits from pharmaceutical research. Creating a fair and impartial process where an independent body can determine whether or not to restore lost patent life is a matter of fairness. It also is a matter of ensuring adequate incentives for research and development in the future.

In this case, several drugs were caught in a review process that took significantly longer than Congress anticipated. Thus, the patent life of certain of these ''pipeline'' drugs was reduced by an unintended consequence that had nothing to do with their medical safety.

There are two important questions: What type of process can we put in place to guarantee a fair and reasonable evaluation of the issues? And, what types of assurances should be embedded in this process to make sure it is equitable and removed from politics?

Our bill answers these questions. Our bill establishes a process that is fair, equitable, independent, separated from politics, and fully open to the public, and subject to judicial review. Let me expand on these features.

The bill establishes an independent and public review process within the U.S. Patent and Trademark Office. This would be a new administrative procedure—one that is fair and impartial. The experts at the Patent and Trademark Office are the right experts to hold a hearing about these issues, because these issues involve questions not of medical research, but legal issues involving patent life.

Within the office, a procedure would be established to review claims for patent term restoration to compensate for unanticipated lengthy regulatory review of ten years or more in the FDA's New Drug Approval proceeding.

The process established by this legislation would be akin to a court hearing. Any company that believed its product was unintentionally deprived of patent protection would have the opportunity to present its case. Any other interested party would also be free to make its case. Both sides would be treated equally. Everything would occur in the open. The review board would be bound by objective criteria.

By turning over the issues to an independent panel of experts, the process would be driven by public policy objectives—not politics. This is an important point. Our bill is driven by the principle that it is best to take politics out of the equation, to de-politicize the process, to take Congress out of the job of deciding individual patent issues.

Finally, fairness and equity are assured by another provision. The decision would be subject to judicial review.

Another way to describe the legislation is to outline what it does not involve. There is no preferential treatment for any affected pipeline drug. There are no arbitrary decisions. There are no guarantees. Our bill is about process, not about answering a predetermined outcome.

We are convinced this is the right solution. As a medical doctor and psychiatrist, I have seen the benefits of breakthrough drugs and innovations. They truly can make people's lives better, and there is more to do.

HONORING NATIONAL ADVANCED PLACEMENT SCHOLARS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize one of Colorado's top high school students, Ms. Emily Brooks upon receiving a National Advanced Placement Scholar from the College Board. The academic achievement of Aaron places this student among the best young scholars in the nation.

Emily was one of only 1,451 students to earn the distinction of being named a National AP Scholar out of 635,000 students who took Advanced Placement (AP) exams in 1998. To qualify for this high honor, each scholar had to achieve grades of 4 or above (the top grade is 5) on at least eight AP exams and have accumulated the equivalent of the first two years of college prior to high school graduation. By choosing this most challenging curriculum, Emily can expect to attend any one of this nation's most demanding universities.

The College Board established the AP program in 1955 to challenge high school students with rigorous college-level academic courses. The program is recognized nationally for its high academic standards and assessments. In 1998, more than one million AP exams were administered in 32 different subject areas. Of the nation's 21,000 high schools, almost 12,000 currently offer at least one AP course.

Mr. Speaker, I invite my colleagues to join me in congratulating Emily Brooks. I hold this student up to the House, and to all Americans, as an example of the best of America's students.

HONORING MARTIN J. ''MARTY'' FORD FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Ms. DELAURO. Mr. Speaker, I am proud to stand today to pay tribute to my good friend Marty Ford who will be honored this evening by the Guilford Democratic Town Committee for his contributions to the Guilford community.

Like an illustration of a quaint New England town, Guilford is probably best known for its historic Town Green. Residents take great pride in the enchanting atmosphere of this growing community and work hard to maintain its unique character and charm. As a longtime resident of Guilford, Marty has devoted countless hours ensuring that the culture and history of the town is preserved. He has served ten years on the Planning and Zoning Commission, eight years on the Historic District Commission and sat on two Charter Revision Commissions. We commend his distinguished record of service.

The political arena has served as a forum for Marty's diligent work to promote the values and ideas that have guided him. For decades he has served as a strong political supporter for candidates running for local, state and federal government. He cares about his community, and uses his talent to help elect leaders who will do the same. He has served twelve years on the Board of Education, helping to develop policies that will best serve Guilford's youth, the leaders of tomorrow.

Marty is also known for his work with Guilford residents and community leaders. As President of the Guilford Interfaith Ministries, Marty's energy is directed at assisting some of the community's most vulnerable citizens. Under his direction, programs such as ''Meals on Wheels'', Friendly Visitors, and the Guilford Food Bank assist hundreds of people in need.

As an active citizen of Guilford, Marty is the kind of man who quietly makes his town a better place. He appreciates Guilford's past and has a vision for its preservation for the future. If Marty sees a need in the community, he takes it upon himself to work toward a solution. At a time when many Americans are becoming bitter about problems that seem too great to solve, Marty is the kind of man that serves as an example of hope. If we continue striving for a better community as Marty does, we really can make a difference.

Mr. Speaker, it is with great pride that I rise before you today to join with family, friends and the town of Guilford to honor Marty Ford for his outstanding service to the community. His efforts are clearly deserving of this public recognition and gratitude. I wish him continued success and thank him for the high standard he has set for us all.

HONORING THE REVEREND ROBERT M. NERVIG ON THE OCCASION OF HIS RETIREMENT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Reverend Robert M. Nervig for his service to the people he has served and the communities he has enriched in his 43 years as a minister in Brooklyn and throughout the city and across the country.

Reverend Nervig began his ministry in 1956 when he was ordained into the Holy Ministry at the Luther Theological Seminary in St. Paul, Minnesota. Soon after that he began his religious ministry at the Trinity Lutheran Church in Brooklyn. Three years later he moved to Our Savior Lutheran Church serving the Staten Island community. And in 1988, Reverend Nervig returned to Trinity, Brooklyn where he continued his ministry in this multilingual, multi-cultural parish. During this time he also served as president of Augustana Academy, a school that broke all barriers by providing academic opportunities to children of all races and economic position.

Reverend Nervig has been a powerful force in our community, because of his strong commitment to serve diverse communities. His ministry is not bound by the constraints of language or culture, and extends to the many diverse groups of people in the communities to which he ministers. His parish is surrounded by the sounds of prayers in many languages, and each Sunday his multi-cultural parish prays in three languages—English, Norwegian and Spanish. His efforts to reach out and unite people involved him in the organization of 65 congregations of the former American Lutheran Church.

And beyond this, Reverend Nervig has touched the lives of thousands, of young adults in the community through his activities in youth ministries, where he is known as ''Pastor Bob.'' As president of Augustana High School, he has helped strengthen and expand that diverse institution—a place where students rich and poor from many backgrounds and many nations can learn in a dynamic environment. He has organized youth outreach programs and national Lutheran youth gatherings that have become enormously successful, and have touched young people across the country.

Reverend Nervig is a model for our community in Brooklyn and a model for communities across the country. I urge my fellow colleagues to join me in honoring reverend Robert M. Nervig for his 43 years of service to many communities—a ministry and a man that can be condensed into these words—a love for all God's children—no matter the age.

THE MILITARY RESERVISTS SMALL BUSINESS RELIEF ACT

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PHELPS. Mr. Speaker, today I introduced the Military Reservists Small Business Relief Act of 1999 to aid small businesses whose owner, manager or key employee has been or may be called to active duty in the Balkans. I am pleased to note that I have been joined by a bipartisan group of my colleagues in sponsoring this legislation. A companion bill is being introduced in the Senate, and we are hopeful that Congress will address this issue expeditiously.

Eight years ago, at the beginning of the Gulf War, substantially identical legislation was introduced and passed. Now, as then, we in Congress owe it to those brave men and women who are answering their nation's, and the world's, call to help resolve the situation in Kosovo. Small businesses which rely on the talents and energies of reservists called up for active duty can suffer immeasurable harm from the absence of those individuals.

The bill I am introducing today provides three forms of assistance to small businesses affected by the callup of reservists. Briefly, the bill would address the following matters:

Deferral of Loan Repayments. Payments would be deferred on any direct loans from the Small Business Administration, including disaster loans, which have been extended to reservists or guard members who have been called to report for active duty. SBA is further directed to develop policies consistent with this approach for microloans and for guaranteed loans under SBA's financial assistance programs. Deferrals will be available from the date of call up until 180 days after he or she is released from active duty.

Economic Injury Loans. The bill establishes a new program, to be administered by SBA's disaster loan program, to provide interim operating capital to any small business where the departure of a reservist causes economic harm to that business. This program applies when the individual called up is an owner, manager or a key employee; businesses can apply from the date of a call up until 180 days after the reservist is released from active duty.

Technical Assistance, Counseling and Training. SBA and its private sector partners, such as the Small Business Development Centers, are directed to reach out to businesses affected by the call up of reservists and guard members. The goal would be to mitigate business disruptions through counseling, training and other assistance for those left behind to run the business.

Mr. Speaker, I urge you and all our colleagues to join with me in moving forward to pass this bill and provide this much needed relief to our reservists. As former Senator Bumpers said when he introduced a similar bill in 1991 during the Gulf war, ". . . some small business will be irretrievably lost due to this war . . . We may not be able to save all

them. But where government can offer a helping hand, surely we must.'' The year is different, and the war in the mountains of southeast Europe rather than the sands of the Mideast. But the needs are the same, as is our responsibility.

WADSWORTH ATHENEUM MUSEUM'S DOCENT PROGRAM CELEBRATES 30 YEARS

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. LARSON. Mr. Speaker, today I rise to honor a group of very special volunteers who have served the art community in my district for three decades. On May 1, 1999, the Wadsworth Atheneum Museum in Hartford, CT, will mark the 30th year of its Docent Program. A program that has continued to comprise some of the most dedicated and talented volunteers in Hartford.

While an artist cannot paint without brushes, the Wadsworth could not bring the thousands of art treasures in its collection to life without its docents. And while a docent is a volunteer position, the word ''volunteer'' does not fully recognize the vast amount of knowledge that a person must acquire before taking part in this program.

Before a docent can share the history behind each painting or sculpture with the public, he or she must first participate in a year-long training session. Having to master approximately 65 hours of education on art history, the museum collection, and tour techniques clearly demonstrates the high level of commitment that these volunteers bring to this position.

A visitor to the Wadsworth, which is the oldest public art museum in the United States, becomes a student of art no matter what their age. They rely on the docent to educate them about nineteenth-century American landscapes, to educate them about French and American Impressionist paintings, to educate them about twentieth century masterpieces, and to educate them about its MATRIX program of changing contemporary exhibitions and performances, one of the first of its kind in the country.

Most importantly, for some visitors the Wadsworth is the first art museum they have visited, or at least the first art museum in Hartford they have visited. That is what makes the docents so special. They are more than tour guides. They are ambassadors of art. They are ambassadors of Hartford.

As a resident of nearby East Hartford, I have made many trips to the Wadsworth as both a student and a father. It remains a place that educates the mind and excites our soul about the amazing world of paint, canvas, sculpture, marble and textiles. But just as a painting is not complete without the perfect frame, no visit to the Wadsworth would be complete without a lesson on the world of art from a docent.

It is with great pride that I congratulate the volunteers that have maintained the Docent Program for 30 years at the Wadsworth Atheneum. Thank you for so generously providing us with your time and knowledge.

84TH COMMEMORATION OF ARMENIAN GENOCIDE

SPEECH OF

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 21, 1999

Mr. MCNULTY. Mr. Speaker, I join with my many colleagues today in remembering the victims of the Armenian Genocide. But rather than repeat what has already been said, let me say a few words about the very positive spirit of the Armenian people. They endured a great deal before, during and after the genocide. They were also under the totalitarian dictatorship of the Soviet Union for many decades.

That all ended in 1991, and I was there to see it. I was one of the four international observers from the United States Congress to monitor Armenia's independence referendum. I went to the communities in the northern part of Armenia, and I watched in awe as 95 percent of all of the people over the age of 18 went out and voted. And, of course, I thought how great it would be if we could get that kind of participation in our own democratic elections here in the United States of America. Sometimes we take things for granted.

But the Armenian people had been denied freedom for so many years, and they were very excited about this new opportunity. As best I could determine it, Mr. Speaker, almost no one stayed home. They were all out in the streets going to the polling places. I watched people stand in line for hours to get into these small polling places and vote.

Then, after they voted, the other interesting thing was that they did not go home. They had brought covered dishes with them, and all of these polling places had little banquets afterward to celebrate what had just happened.

What a great thrill it was to join them the next day in the streets of Yerevan when they were celebrating their great victory. Ninety-eight percent of the people who voted cast their ballots in favor of independence. It was a wonderful experience to be there with them when they danced and sang and shouted, ''Ketse azat ankakh Hayastan''—long live free and independent Armenia. That should be the cry of all freedom-loving people everywhere.

INTRODUCTION OF THE FORMER INSURANCE AGENTS TAX EQUITY ACT OF 1999

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. WELLER. Mr. Speaker, I come to the floor today with my colleagues, Mr. KLECZKA, Mr. MCCRERY, Mr. NEAL, Mr. RAMSTAD and Ms. BALDWIN, to introduce the Former Insurance Agents Tax Equity Act of 1999, a bill designed to expand a provision in the Taxpayer Relief Act of 1997 (TRA) that ensured that certain retired insurance agents are not unfairly subjected to self-employment tax. This bill will continue our efforts and will bring consistency and fairness to the tax treatment of similarly-situated former insurance agents.

Congress, recognizing that valued, long-time insurance agents with certain termination contracts were being improperly subjected to self-employment tax, enacted a provision in the TRA designed to clarify that termination payments received by former agents are exempt from self-employment tax.

In particular, the TRA amended §1402 of the Internal Revenue Code to provide that an agent's eligibility for termination payments could be tied to the agent's length of service. Unfortunately, the provision did not also allow for the actual amounts of the payments to depend on an agent's length of service. As a result, some termination payments are exempt from self-employment tax, but others are not since insurance companies structure their agreements with agents in slightly different ways.

Some companies tie a former agent's eligibility for termination payments to his or her length of service with the company. While the agent's eligibility for payments is tied to length of service, the actual amount of the termination payment is not. Under current law, these former agents could receive termination payments indefinitely without incurring self-employment tax. (The payments, of course, continue to be subjected to income taxes.)

Other companies structure their agreements slightly differently. These companies limit the period in which a former agent receives payments and they vary the amount of the payments according to each agent's length of service and performance during his or her last year of service. This payment structure is designed to encourage agent loyalty since agents are rewarded for long-term service with the company. However, since the amount of payment is tied to the agent's length of service, these payments would be subject to self-employment tax under current law.

There is no policy justification for providing different tax treatment for these substantially similar arrangements. Both types of contracts seek to satisfy the same goal of rewarding loyal, long-time agents with more compensation. It should not matter for tax purposes whether this result is achieved by varying the actual amount of compensation rather than the term of compensation.

The Former Insurance Agents Tax Equity Act of 1999 simply would strike language in the Internal Revenue Code that prevents companies from using a former agent's length of service in determining the amount of termination payment the agent will receive. In doing so, this bill provides equitable tax treatment for similarly-situated former agents.

This provision is supported by thousands of insurance agents around the country, as well as the National Association of Life Underwriters, the Coalition of Exclusive Agents, and the National Association of Independent Insurers. This issue affects a small number of agents and any revenue implications of making this clarification should be negligible.

In the interest of ensuring that termination payments to former insurance agents are

treated fairly and consistently under our tax laws, I hope that you will join me in supporting the Former Insurance Agents Tax Equity Act of 1999.

IN COMMEMORATION OF WORKERS MEMORIAL DAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. DINGELL. Mr. Speaker, in honor of Workers Memorial Day, I rise to pay tribute to the brave individuals who have tragically lost their lives or who have been injured while performing duties in service to their employers.

My district is home to numerous plants and factories which provide gainful employment opportunities for many of my constituents. We all recognize that industrial and physically intensive jobs are necessary occupations which drive our manufacturing economy but often times involve very dangerous tasks. I praise the men and women who perform these jobs and take the risks to provide for a good life for themselves and their loved ones and who produce the products that make all of our lives easier or more comfortable. Unfortunately, we seldom recognize the dangers associated with an industrialized workplace until there is an accident or incident and we in Congress need to make sure that our Nation's workplace safety laws provide for the maximum level of safety for the men and women who perform dangerous jobs day in and day out.

It is a terrible occurrence any time a worker loses his or her life or suffers an injury while on the job, but February 1, 1999 was an especially tragic day in my district. This was the day of the explosion at Ford Motor Company's Rouge Power Plant which took the lives of six workers and caused serious injuries to several more. The men who lost their lives in the explosion were Donald Harper, Cody Boatwright, Ron Moritz, Ken Anderson, John Arseneau, and Warren Blow. All were brave, loving and caring family men, proud members of the United Auto Workers and loyal Ford Motor Company employees. It is fitting on this Workers Memorial Day that we pay special tribute to our fallen brothers of the Rouge explosion and let their families and friends know that they will always be remembered.

Mr. Speaker, it is with great respect on this Workers Memorial Day that I remember and honor all our brothers and sisters who have sacrificed their lives or who have suffered an injury while on the job. I ask that my colleagues also join me in honoring the men and women to whom Workers Memorial day is dedicated.

CONDEMNING MURDER OF ROSEMARY NELSON AND CALLING FOR PROTECTION OF DEFENSE ATTORNEYS IN NORTHERN IRELAND

SPEECH OF

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 20, 1999

Mr. DOYLE. Mr. Speaker, I rise today to condemn the senseless and brutal murder of Ms. Rosemary Nelson. As a human rights lawyer who represented the rights of peace-loving Catholics in Northern Ireland, Ms. Nelson and her family endured constant threats, violence, and intimidation at the hands of the state police force, the Royal Ulster Constabulary (RUC).

Despite the massive daily threats and concerted campaign of nightly fire bombings against Catholics in the area, Rosemary Nelson continued to be an outspoken proponent of peace and the rights of the victims facing such violence. Late in 1998, she traveled to Washington to testify before the House Committee on International Relations regarding the campaign of terror perpetrated against the Catholic minority in her home land. Even though a United Nations special Rapporteur and given accounts of consistent and systematic physical intimidation against defense lawyers by RUC officers, Ms. Nelson would not be deterred from her course.

Rosemary Nelson was a true champion of peace, and gallantly defended the freedoms of a repressed minority in County Armagh in Northern Ireland. Sadly, Ms. Nelson paid the ultimate sacrifice for striving to uphold those freedoms after a cowardly placed bomb exploded under her car this past March. True to her robust Irish spirit, Ms. Nelson tenaciously fought for life, but her injuries proved to be too extensive. She passed away on March 15th, 1999.

Now, other courageous individuals must carry on with Rosemary Nelson's legacy of fighting for justice and equality. Her death has served to draw even more attention to this troubled area, and the many grave faults of the RUC. I am proud to have voted in support of House Resolution 128 and heartened that this legislation passed the House by an overwhelming margin. Very soon, I hope to see the government of the United Kingdom launch an independent inquiry into the practices of the Royal Ulster Constabulary and their role in the murder of Rosemary Nelson.

Earlier this month, the United States, Northern Ireland, and the United Kingdom celebrated the year anniversary of the Good Friday Peace Accords. This action provides encouragement for the future of this troubled region that the youth of tomorrow will outgrow the prejudices and hatred of the past. There have been significant strides for peace made in Northern Ireland and much progress has been made, but we must be ever vigilant for those who still refuse to give up the old ways of violence. We must stand up for human rights, just like Rosemary Nelson, and continue to send a message that acts of violence will not be tolerated any longer.

ST. FRANCIS ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Saint Francis of Assisi Church, in my hometown of Nanticoke, Pennsylvania, on the occasion of its 125th Anniversary Celebration. I am pleased and proud to bring the history of this fine parish to the attention of my colleagues.

The church's origins go back to the early settlers along the Susquehanna River near what is now Nanticoke. The City was named for the Nanticoke Indians, who had emigrated from the Chesapeake Bay area in the 1770's. By 1825, Nanticoke was a coal mining town and most of the settlers were of English, Irish, and Welsh descent. As mining operations expanded, the need for labor increased and the area saw a wave of immigrants from Ireland and Central Europe. The need for a place of worship for these miners became apparent.

In September of 1874, Bishop O'Hara laid the Cornerstone of St. Francis Church with several hundred faithful in attendance. The parishioners built a wooden structure which served their needs until a larger more elaborate building was finished in 1879.

A succession of dedicated Pastors expanded the church and its services over the years. By 1888, a school and a convent had been added. By early 1900, the church had a choir under the leadership of Father James Martin. Father Moylan succeeded him and was an outstanding community leader, organizing temperance societies, the Boy's Cadets, the men's association, and the Holy Name Society. He remodeled the church during his tenure, adding its beautiful stained glass windows.

Mr. Speaker, this proud church withstood the storm of the Depression and two world wars. Its parishioners married there, baptized their children, and buried their loved ones there. This Church, St. Francis of Assisi, has been an integral thread in the fabric of life in Nanticoke for 125 years. It has been a place of spiritual comfort to the community it faithfully serves. I am extremely proud to congratulate St. Francis on this milestone in its proud history. I send my sincere best wishes as this historic parish celebrates 125 years of service to the faithful and prepares to enter a new century and new millenium.

TRIBUTE TO THE HONORABLE KENNETH J. FULTON

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the Honorable Kenneth Fulton, a remarkable public servant who is retiring after forty years of service to the citizens of Tinley Park, Illinois. The Honorable Kenneth Fulton will be recognized on the evening of April 29th, at an event hosted by the President,

Clerk, and Trustees of the Village of Tinley Park.

The Honorable Kenneth Fulton's service to the Village of Tinley Park began in 1959, when he was elected Village Trustee. From 1963 to 1965, Kenneth Fulton was appointed Chairman of the Civil Service Commission of the Village of Tinley Park. In 1965, Kenneth Fulton was elected to the office of Village President, where he served until 1969. The Honorable Kenneth Fulton served as Bremen Township Collector from 1969 to 1971. From 1971 to 1999, Kenneth Fulton once again served Tinley Park as Village Trustee.

Honorable Kenneth Fulton saw the Village of Tinley Park, Illinois through forty years of growth and prosperity. When Kenneth Fulton began his involvement in Tinley Park, the village population was merely 5,000 citizens. There are currently over 46,000 citizens in Tinley Park. The Honorable Kenneth Fulton has been associated with a number of accomplishments during his years of service. These accomplishments include the first Cable TV contract for the Village and the region and the development of the concept of life safety assistance through the establishment of defibrillator equipment to be placed in all Police and Fire Department vehicles.

Mr. Speaker, it is my distinct honor to pay tribute to Kenneth Fulton. I am certain that the community of Tinley Park, Illinois will miss his presence as a public servant. It is my hope that Kenneth Fulton enjoys good health and good memories in his retirement.

RECOGNITION OF U.S.-JAPAN COOPERATION ON EMERGENCY VEHICLE PRIORITY CONTROL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. TOWNS. Mr. Speaker, I would like to bring to my colleagues' attention the attached statement for the CONGRESSIONAL RECORD, "Emergency Vehicles Priority Control," following the highly successful Intelligent Transportation Systems conference in Washington last week.

As a follow up to last weeks highly successful Intelligent Transportation Systems conference in Washington, I would like to join my congressional colleagues in recognizing the cooperative efforts between the United States and Japan to provide emergency vehicle priority control in Japan. This exchange of Intelligent Transportation technology by the United States, Japan's National Police Agency and the Universal Traffic Management Society of Japan is expected to improve response for emergency vehicles.

The United States Congress supports this important joint implementation of its technology between the two countries and applauds the leadership and commitment of Japan and the United States in improving public safety through improved emergency vehicle priority control.

INTRODUCTION OF THE CONSUMER FOOD SAFETY ACT OF 1999

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. PALLONE. Mr. Speaker, I rise today to announce the introduction of the Consumer Food Safety Act (CFSA) of 1999, a comprehensive food safety bill that I introduced in the 105th Congress as well. I am very pleased to note that a companion bill was introduced today in the other body.

Food-borne illnesses continue to wreak havoc on the American people. Each day, new accounts of tainted foods and sick children are detailed in media reports. One such report that is in this month's issue of Glamour magazine details the experience of a long-time friend of mine who is also a constituent, Lynn Nowak of Metuchen. At an event earlier today at which I discussed the introduction of this bill, Lynn recounted the horrors of becoming ill from food poisoning while pregnant, which resulted in severe complications for both her and her daughter Julia. While Lynn has recovered her health, her life has been forever changed. Julia's motor development is far from what it should be at her age. Twenty months old, she receives physical therapy twice a week and her prognosis is uncertain.

The Consumer Food Safety Act of 1999 proposes a host of common sense measures to protect children like Julia and all Americans against food-borne illnesses. Most importantly, it proposes to modernize the Food and Drug Administration (FDA) to fight the newest breed of food-borne illness agents, like E. Coli 0157:H7. And let me assure you, these modernizations are badly needed.

While the FDA oversees food safety for fruits, vegetables, juices and seafood, it receives less than one-third of the resources that the U.S. Department of Agriculture receives for its food safety responsibilities. Over the last five or so years, the volume of fruits and produce being imported into the United States has doubled while the number of FDA inspectors has decreased during the same time. Today, less than .2 percent of fruits and vegetables are tested for microbial contamination.

This neglect is producing severe consequences for the American public. A recently completed report from the Center for Science in the Public Interest compiled an inventory of 225 food-borne illness outbreaks between 1990 and 1998 and found that "foods regulated by the Food and Drug Administration caused over twice as many outbreaks as foods regulated by the U.S. Department of Agriculture."

The GAO estimates that some 9,100 deaths each year can be attributed to food poisoning. If nothing is done to improve the situation, things will only get worse. Indeed, the Department of Health and Human Services estimates that food-borne related deaths and illnesses will likely increase by 10 to 15% over the next decade.

The Consumer Food Safety Act will address this growing problem in a number of ways. Let me explain the bill's three main components.

NATIONAL FOOD SAFETY PROGRAM

First, the Consumer Food Safety Act establishes a National Food Safety Program to ensure the food industry has effective programs in place to assure the safety of food products in the United States. While this program will contain a number of provisions, I would like to draw your attention to two key aspects of this program, inspections and registrations.

The legislation requires quarterly inspections of food processing and importing facilities. It also requires food processors and importers to register with the Department of Health and Human Services, injecting needed accountability into the food safety system. The Secretary of HHS may suspend the registration if a facility fails to allow inspections or if a suspension is necessary to protect the public's health.

Those processors who have a good track record will receive a waiver from the quarterly inspection requirement, but those who do not pass the test will continue to be inspected for sanitary conditions and to determine if their food products are unsafe for human consumption. This should be the baseline for all foods. Frequent inspections are a key ingredient to any food safety package. A more rigorous inspection program is one of the principle pillars of our legislation.

I would just like to add that federal and state cooperation is crucial to implementing the National Food Safety Program our bill envisions. It is for this reason the bill includes a section specific to federal-state cooperation, directing the Secretary to work with the states to ensure state and federal programs function in a coordinated and cost effective manner.

ADDITIONAL RESEARCH AND EDUCATION

The second major component of the Consumer Food Safety Act will be increased research and education. With new food-borne illnesses cropping up, additional research and education is necessary to devise treatments and better inform the public of threats to its safety. The bill I am introducing includes provisions to conduct better food surveillance and tracking to assess the frequency and source of food-borne illnesses. In addition, research will be conducted to improve sanitation practices and food monitoring techniques. The legislation will also target research on developing rapid testing procedures and determining contamination sources. The goal is to stop food-borne illnesses before they have a chance to spread.

As a complement to the research program, the CFSA contains education initiatives to enhance public awareness and understanding. In many instances, the medical community is not familiar with food-borne illnesses. Consequently, physicians are unable to properly diagnose and treat the illness until after additional complications develop or until it is too late. In addition, to educating physicians, however, we must ensure that every American becomes an active participant in the battle against food-borne illness. To that end, the bill targets education initiatives toward public health professionals.

ENHANCED ENFORCEMENT TOOLS

The third major component of the Consumer Food Safety Act will provide the FDA with the additional enforcement tools it needs to better protect the nation's food supply. The bill includes notification and recall provisions that

empower the FDA to stop tainted foods from entering the market. It also includes whistleblower protections to prevent employees from losing their job after reporting unsafe practices by bad actor employees. Afterall, it is the worker in the processing facility who is in the trenches and is most able to provide information about unsanitary practices. In order to give the bill the teeth it needs to be enforced, it includes civil monetary penalties for failures to comply with its provisions.

Taken together, the increased inspections, additional research and education, and enhanced enforcement tools of the Consumer Food Safety Act will ensure a safer food supply from farm to table. It is a common-sense solution to a growing problem. I urge all of my colleagues to join me in the effort to pass this bill so that we can stop the type of tragedy that has affected Lynn Nowak and her daughter Julia from happening to others.

NATIONAL CORRECTIONAL OFFICERS' WEEK

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BONIOR. Mr. Speaker, as we approach National Correctional Officers' Week, which begins May 3rd, I wanted to commend the officers who work in correctional facilities in my home state of Michigan. We owe a debt of gratitude to the men and women who patrol law enforcement's toughest beat and provide an invaluable service to our communities.

Correctional officers make the difference in ensuring that dangerous felons are kept securely behind bars. As we know from the correctional officers who have given their lives in the line of duty, it's a dangerous profession that works in the face of threat and deserves our respect and support.

We owe a special thanks to these officers who deal with some of the most hardened in our society and yet, deal with them professionally, firmly and fairly. We count on these brave men and women to remain forever alert and ensure the protection of our families.

Correctional officers are working in an increasingly stressful environment, as incarceration rates have risen and the inmate population has become more violent. By working together, we can address the unique and often dangerous challenges faced by correctional officers around the country. These officers deserve our commitment to improving working conditions, reducing the threat of assaults and ensuring that they receive wages equal to other law enforcement officers.

Too often, we fail to recognize the work of these men and women, but our communities are better, safer places to live and raise our children because of their noble efforts. They deserve our admiration and our thanks.

HONORING THE BELLFLOWER UNIFIED SCHOOL DISTRICT

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. HORN. Mr. Speaker, improving our nation's public schools is one of the top priorities of the 106th Congress. We all share the goal of better educational opportunities for our nation's children. The only question is how to achieve that goal. Already this year both houses of Congress set an excellent tone of bipartisanship by passing the Education Flexibility Partnership Act of 1999—a measure that will help bring much-needed relief to our schools and improving the academic achievement of our students. This bill, like others Congress will consider this year, recognizes that local control is best for our schools, rather than a "Washington knows best" policy. Local school districts across the nation are laboratories for reform—finding innovative ways to improve student achievement. I rise today to pay tribute to one such school district, the Bellflower Unified School District, which serves many students residing in California's 38th Congressional District.

The Bellflower Unified School District recently received a Citation in the 1999 Magna Awards for Outstanding Programs in Student Achievement, presented by The American School Board Journal and Sodexho Marriott School Services. The awards recognize local school boards for taking bold and innovative steps to improve their educational programs, and include $500 in scholarship money. The Bellflower Unified School District received the award for its Intensive Learning Center in Lakewood, CA—an elementary school that serves as a research model to demonstrate what works best in elementary education. The Intensive Learning Center offers a rigorous course of study and a longer school day (8 hours) and school year (200 days). It features state-of-the-art technology, including a science laboratory that allows students to perform experiments usually available only to secondary school students. Its faculty includes five full-time specialists to provide enrichment in science, technology, reading, Spanish, and physical education.

Also key to the success of the Intensive Learning Center was the willingness of the Bellflower Board of Education to collaborate with teachers and unions. The board and the union negotiated time to allow grade-level teams of teachers to meet daily for an hour to plan instructional units. The teachers at the Intensive Learning Center deserve commendation for their hard work in making the Center a success.

The Bellflower Unified School District received another honor recently when Esther Lindstrom Elementary School in Lakewood was selected as a California Nominee in the National Blue Ribbon Schools 1998–99 Elementary Program. Esther Lindstrom Elementary is one of California's 49 Nominees in this competition. Nationally, 381 public schools were nominated. Esther Lindstrom is one of 224 public schools (39 in California) to be selected for a site visit in the competition. The criteria on which the schools are judged include curriculum; teaching strategies; student achievement; student focus and support; school organization and culture; active teaching and learning; staff development; and school partnerships with families, businesses, and the larger community.

I congratulate Board of Education President Ruth Atherton, Vice President G. "Petie" Anderson, Clerk Rick Royse, Board Member Harold Carman, Board Member Jerry Cleveland, and an outstanding Superintendent Dr. Rebecca Turrentine. They have made a real difference not only for the students of their School District, but also for children across the nation whose schools can learn from the innovations of the Intensive Learning Center and the successes of Esther Lindstrom Elementary School.

FREEDOM COMES AT A GREAT COST—"BLOOD AND SINS"

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. LIPINSKI. Mr. Speaker, I offer the following column written by John Kass in the March 29, 1999 edition of the Chicago Tribune to be entered in the CONGRESSIONAL RECORD.

FREEDOM COMES AT A GREAT COST—"BLOOD AND SINS"

If you were downtown Sunday, and if you passed near Halsted Street, you may have seen the Greek Independence Day parade.

The Near West Side is far from the Balkans and far from Kosovo, but they were on the minds of everybody there. Those present thought about the present and the past.

We Americans come from so many different places. And there are other national day celebrations for the peoples who became free by their own hand and settled here.

But my favorite and the only one that counts is July 4, for all of us. That's when we Americans celebrate our independence from Britain, the founding of our own empire, and the strength of the union that was broken and recovered at a cost.

On Halsted Street, you would have seen children dressed in old country costumes and men in what look to be white kilts. You might have joked about men in skirts, especially if you don't know what they did long ago.

My great grandfathers and my great-great grandfathers dressed like that, in 1821, in their rebellion against the occupying power, the Ottoman Empire.

They wanted their freedom after 400 years of occupation by the Turks. They were tired of having to bow and kiss the hand of their conquerors. So they came down from the mountains with their long knives and guns, looking for blood—and they found it.

The Turks had spent four centuries in that land, and they considered it their own, with their own villages and towns, living side by side with the Greeks, mostly in peace.

But the sultan didn't tolerate freedom. The captured Greek soldiers were impaled on long poles for slow public deaths. Churches were burned, the nuns and priests skinned alive, villages cleansed, leaving only the stones to cry.

Matching the pasha's barbarism with their own, the Greeks committed unspeakable

atrocities too. The English romantics who had adopted the Hellenic cause, the dilettantes who talked about fair play, were terrified.

But war and rebellion isn't about fair play. Once it begins it is about survival by people who are prepared to do anything. To the horror of their Western European supporters, the Greeks were prepared to do anything.

They fought the sultan's armies, and they raided Turkish villages, desecrating mosques, killing every man, innocent women and children, the livestock, everything that moved.

When they found Turkish soldiers, they did what the Turkish soldiers did to them, until the Turks finally fled.

The sins of the Greeks and the Turks were enough to send generations to hell. But finally, 400 years of Ottoman rule ended and part of Greece was free.

What we forget when we celebrate these independence days is the blood and the sins.

Like I said earlier, my favorite is July 4, for all of us Americans.

In America, while we celebrate our ethnicity and diversity, we should never forget that we're Americans first, even if we're hyphenated. We're Americans because we believe in this country and its freedoms, which is why we came here.

The only group that didn't have a choice was black Americans. They were liberated from slavery in a bloody Civil War. Appeals to the better angels of our nature didn't free the slaves.

What freed the slaves were the deaths of hundreds of thousands of Americans. The union was preserved, in part because of the atrocities committed by Sherman's army as he marched through the South, burning everything in his way.

Today, we call those tactics terrorism and barbaric and genocidal, but that's what was done to preserve the union. And let's not forget the Indians.

In our hyphenated ethnic celebrations, and when we sing the unifying Star Spangled Banner on the 4th, we concentrate on the positive images.

The newspaper photo of the little boys, like my own sons, eating souvlaki and waving. Or the tape of the little boys, like my own sons, chewing on an ear of corn in July, waiting for the fireworks.

What's forgotten is how unions are preserved and how independence is won—with the massacres of innocents, with children burned in their homes, with women dragged on the ground by the hair and finally dumped into graves

It's not a video game and it's not clean. Americans are now finally debating NATO's war against Yugoslavia. We're in it, but many of us don't understand how and why.

And we don't want to deal with how it will grow, if we do what must be done to stop further atrocities against the Kosovars now that we're there.

We must understand the unspeakable violence, but we can't let that determine our reasons or rush us. So we can't creep our way in, distracted, rudderless, parsing the sentences of our political leaders to guess at what they mean.

If we're going to fight, we must fight to win. We already fought to lose once, in Vietnam.

But to win there will be a cost. So we better be prepared to pay it. And we better understand it now.

TRIBUTE TO RICHARD F. ''REGIS'' GROFF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Ms. DEGETTE. Mr. Speaker, I rise today in recognition of Denver leader Richard F. ''Regis'' Groff whose leadership in Denver and throughout the world has enhanced so many people's lives. Regis Groff has contributed, not only to Denver through his teaching and civic involvement, but also throughout the world by traveling and working with foreign countries on humanitarian issues.

His international efforts have led him to many countries including Nigeria, Germany, Jamaica, Israel, China and South Africa to work on a variety of important issues. In Israel he worked on improving the Black-Jewish dialogue. He traveled to South Africa on a fact finding mission and, visited China with a small group of fellow legislators as part of a good will tour.

Regis Groff, who is now the Executive Director of Metro Denver Black Church Initiative, first came to Denver to get his Masters from the University of Denver. He taught history classes in the Denver Public Schools (DPS) until 1977, when he began working as an Intergovernmental Relations Specialist for DPS. From there he became the Community Affairs Coordinator for (DPS). From 1974 to 1988 he served in the Colorado State Legislature. In 1993 he worked as Consultant to the Chancellor of the University of Colorado at Denver and in 1994 he became Director of the Youthful Offenders System, where he targeted youthful offenders of crimes involving deadly weapons. His program vigorously worked to break down gang affiliations and instill hope and dignity to youth.

This is not the only work Groff has done to better Denver communities, but he has so many accomplishments, it is hard to list them all. He was Vice President of the Denver Federation of Teachers, the Senate Minority Leader for the Colorado State Senate and Vice President of the National Democratic Leadership Caucus to highlight a few accomplishments in his vast resume of community involvement.

The work he has done on behalf of the community has not gone unnoticed. He has received many awards for his efforts such as, Legislator of the Year Award from the Associated Press, the Appreciation Award in recognition of his work for the youth of Denver and the Distinguished Service Citation award presented by the United Negro College Fund to name a few.

Regis Groff's important work and selfless acts over the past two decades is what has inspired me to recognize and applaud his efforts today.

NEBRASKA LEGISLATURE POSITION ON TOBACCO SETTLEMENT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. TERRY. Mr. Speaker, on March 22, 1999, the Nebraska Unicameral Legislature passed Legislative Resolution No. 22. The resolution petitions Congress and the executive branch to prohibit federal recoupment of state tobacco settlement recoveries.

I agree with the Legislature that the funds received under the tobacco settlement should remain with the states. Nebraska's portion of the settlement funds will be used for the preservation of the health of its citizens. I oppose any effort by the federal government, which was not a party to the settlement, to claim a portion of these funds.

I call the text of the resolution to the attention of my colleagues, as follows.

NEBRASKA UNICAMERAL LEGISLATURE,
March 23, 1999.

Hon. LEE TERRY,
House of Representatives, Longworth House Office Bldg., Washington, DC 20515.

DEAR CONGRESSMAN TERRY: I have enclosed a copy of engrossed Legislative Resolution No. 29 adopted by the Nebraska Unicameral Legislature on the twenty-second day of March 1999. The members of the Nebraska Legislature have directed me to forward this resolution to you and to request that it be officially entered into the Congressional Record.

With kind regards.

Sincerely,

PATRICK J. O'DONNELL,
Clerk of the Legislature.

Enclosed.

NINETY-SIXTH LEGISLATURE, FIRST SESSION,
LEGISLATIVE RESOLUTION 29

Whereas, the State of Nebraska filed a lawsuit against the tobacco industry on August 21, 1998, in the district court of Lancaster County; and

Whereas, the State of Nebraska and forty-five other states settled their lawsuits against the tobacco industry on November 23, 1998, under terms of the Tobacco Master Settlement Agreement (MSA) without any assistance from the federal government; and

Whereas, under terms of the Master Settlement Agreement, Nebraska's lawsuit against the tobacco industry was dismissed by the district court of Lancaster County on December 20, 1998, and State Specific Finality was achieved in the State of Nebraska on January 20, 1999; and

Whereas, the State of Nebraska has passed legislation to allocate its portion of settlement funds awarded under the Master Settlement Agreement for the preservation of the health of its citizens; and

Whereas, the federal government, through the Health Care Financing Administration, has asserted that it is entitled to a significant share of settlement funds awarded to the settling states under the Master Settlement Agreement on the basis that such funds represent a portion of federal Medicaid costs; and

Whereas, the federal government previously chose not to exercise its option to file a federal lawsuit against the tobacco industry, but on January 19, 1999, the President of the United States announced plans to

pursue federal claims against the tobacco industry; and

Whereas, the State of Nebraska is entitled to all of its portion of settlement funds negotiated in the Master Settlement Agreement without any federal claim to such funds.

Now, therefore, be it resolved by the Members of the Ninety-Sixth Legislature of Nebraska, First Session:

1. That the Legislature hereby petitions the Congress of the United States and the executive branch of the federal government to prohibit federal recoupment of state tobacco settlement recoveries.

2. That official copies of this resolution be prepared for forwarded to the Speaker of the United States House of Representatives and President of the United States Senate and to all members of the Nebraska delegation to the Congress of the United States with the request that it be officially entered into the Congressional Record as a memorial to the Congress of the United States.

3. That a copy of the resolution be prepared and forwarded to President William J. Clinton.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1999.

PATRICK J. O'DONNELL,
Clerk of the Legislature, Lincoln, Nebraska.

DEAR MR. O'DONNELL: Pursuant to the request of the Legislature, I have entered into the Congressional Record Resolution No. 29, adopted on March 22, 1999. A copy of the appropriate section of the record is enclosed.

I am pleased to be of assistance in bringing this important matter to the attention of my colleagues.

Sincerely,

LEE TERRY,
Member of Congress.

HONORING THE HUTCHINSON HOSE COMPANY

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor and acknowledge the men and women of the Hutchinson Hose Company in Amherst, NY.

In 1835, residents of "Williams Mills" first donated a portion of their taxes toward the purchase of a fire engine, recognizing the community's need for fire protection. Since the time of that $228 wooden wagon, Hutchinson Hose, which received its modern-day name in 1908 in honor of Edward H. Hutchinson, has grown with its community, providing superior fire protection for the residents of Williamsville.

For 164 years, the men and women of Hutchinson Hose have lived up to their early-day moniker of the "Rough and Ready Fire Engine Company Number One," and it is with great pleasure that I commend them during our deliberations today.

Mr. Speaker, I would also like to pay special recognition to Mr. Irvin J. Lorich and Mr. David Sherman. Irvin will be honored on Saturday, May 1, 1999, for 50 years of dedicated volunteer service; and Mr. Sherman, a distinguished journalist and editor, will again be sworn-in as President of the Fire Company, the longest tenured president in fire company history.

Mr. Speaker, I know that the entire House of Representatives joins me in saluting the hard work and dedication of the Hutchinson House Company, and two of its most distinguished members, President Dave Sherman and Mr. Irvin Lorich.

LEGISLATION TO PROVIDE VETERANS HEALTH CARE BENEFITS TO MEMBERS OF THE PHILIPPINE COMMONWEALTH ARMY AND THE MEMBERS OF THE SPECIAL PHILIPPINE SCOUTS, H.R. 1594

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 1594, the Filipino Veterans Benefits Improvements Act of 1999. I urge my colleagues to join me in supporting this worthy legislation.

On July 26, 1941, President Roosevelt issued a military order, pursuant to the Philippines Independence Act of 1934, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of General Douglas MacArthur.

For almost 4 years, over 100,000 Filipinos, of the Philippine Commonwealth Army fought alongside the allies to reclaim the Philippine Islands from Japan. Regrettably, in return, Congress enacted the Rescission Act of 1946. This measure limited veterans eligibility for service-connected disabilities and death compensation and also denied the members of the Philippine Commonwealth Army the honor of being recognized as veterans of the United States Armed Forces.

A second group, the special Philippine scouts called "New Scouts" who enlisted in the U.S. armed forces after October 6, 1945, primarily to perform occupation duty in the Pacific, were similarly excluded from benefits.

I believe it is long past time to correct this injustice and to provide the members of the Philippine Commonwealth Army and the special Philippine scouts with the benefits and the services that they valiantly earned during their service in World War II.

Realizing Mr. Speaker, than our current budgetary environment is not conducive to the creation of a new large entitlement program, I have crafted this legislation to be fiscally feasible while providing the veterans with the benefits in which they are most in need.

This legislation contains three major provisions. The first would provide disability compensation to those Filipino veterans residing in the United States on a dollar-for-dollar basis. This would replace the "peso rate" standard which Filipino veterans had to accept, even if they were residing within the United States and not the Philippines.

Second, this bill would make all Filipino veterans residing in the United States eligible for VA health care. These veterans, would be subject to the same eligibility and means test requirements as their American counterparts.

Finally, this legislation restores funding, which had been removed in 1994, to provide health care to American military personnel and veterans in the Philippines as well as for Filipino World War II veterans residing in the islands.

These veterans have waited more than 50 years for the benefits which, by virtue of their military service, they were entitled to in 1946.

I urge my colleagues to carefully review this legislation that corrects this grave injustice and provides veterans benefits to members of the Philippine Commonwealth Army and the members of the special Philippine scouts.

I submit the full text of H.R. 1594 to be included at this point in the RECORD:

H.R. 1594

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 "Filipino Veterans' Benefits Improvements Act of 1999".

SEC. 2. INCREASE IN RATE OF PAYMENT OF CERTAIN BENEFITS TO VETERANS OF THE PHILIPPINE COMMONWEALTH ARMY.

(a) INCREASE.—Section 107 of title 38, United States Code, is amended—

(1) by striking "Payment" in the second sentence of subsection (a) and inserting "Except as provided in subsection (c), payment"; and

(2) by adding at the end the following new subsection:

"(c) In the case of benefits under subchapters II and IV of chapter 11 of this title by reason of service described in subsection (a)—

"(1) notwithstanding the second sentence of subsection (a), payment of such benefit shall be made in dollars at the rate of $1.00 for each dollar authorized; and

"(2) such benefits shall be paid only to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 3. ELIGIBILITY FOR HEALTH CARE OF CERTAIN ADDITIONAL FILIPINO WORLD WAR II VETERANS.

Section 1734 of title 38, United States Code, is amended to read as follows:

"The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of this title.".

SEC. 4. MANDATE TO PROVIDE HEALTH CARE FOR WORLD WAR II VETERANS RESIDING IN THE PHILIPPINES.

(a) IN GENERAL.—Subchapter IV of chapter 17 of title 38, United States Code, is amended—

(1) by redesignating section 1735 as section 1736; and

(2) by inserting after section 1734 the following new section:

"§ 1735. Outpatient care and services for World War II veterans residing in the Philippines

"(a) OUTPATIENT HEALTH CARE.—The Secretary shall furnish care and services to veterans, Commonwealth Army veterans, and new Philippine Scouts for the treatment of the service-connected disabilities and non-

service-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic.

''(b) LIMITATIONS.—(1) The amount expended by the Secretary for the purpose of subsection (a) in any fiscal year may not exceed $500,000.

''(2) The authority of the Secretary to furnish care and services under subsection (a) is effective in any fiscal year only to the extent that appropriations are available for that purpose.''.

''(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1735 and inserting after the item relating to section 1734 the following new items:

''1735. Outpatient care and services for World War II veterans residing in the Philippines.

''1736. Definitions.''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

EXPOSING RACISM

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. THOMPSON. Mr. Speaker, in my continuing efforts to document and expose racism in America, I submit the following articles into the CONGRESSIONAL RECORD.

NHL CAN'T SUBSTANTIATE RACIAL ALLEGATION

(By Ken Berger)

Philadelphia (AP).—Embroiled in another racial controversy, the NHL had to admit the ugly reality of life on the ice. ''Zero tolerance'' often is hindered when there are zero witnesses.

Fact is, the annoying, personal and sometimes hateful words exchanged by players who are fighting for supremacy in a brutal game rarely travel to the ears of others or get caught on tape. The league ruled Tuesday that it was unable to confirm the latest accusation of racial hatred that crept into the game, leaving Sandy McCarthy and Tie Domi to settle their dispute the way it started—one-on-one.

After reviewing tapes and interviewing both players, league disciplinarian Colin Campbell ruled McCarthy and Domi are the only ones who know what happened Monday night on the national stage of a Stanley Cup playoff game. Both players will be on the ice again tonight in Game 4 of the contentious first-round series between Philadelphia and Toronto.

''None of the on-ice or off-ice officials could confirm having heard an offensive remark,'' Campbell, vice president and director of hockey operations, said in a statement from New York. ''The league is on record as having a zero-tolerance policy regarding any racially motivated behavior, and any claim that a taunt or slur took place is an extremely serious one.''

''After a thorough investigation, however, we have concluded this allegation cannot be independently substantiated.''

After trading shoves and words with Domi during Toronto's 2–1 victory Monday night, McCarthy said the Maple Leafs forward ''dropped an N-bomb on me'' during a heated exchange in the second period. Officials on the ice and players for both teams said they didn't hear the slur. Domi denied using it, saying instead that McCarthy had spit in his face.

''I would never use those kinds of words, and he knows that,'' Domi said. ''He can say what he wants.''

McCarthy, whose father is black and mother white, said it was the first time he'd had a racial slur directed at him in his career.

''I think it's awful for the game,'' McCarthy said Tuesday at the Flyers' training facility in suburban New Jersey. ''That's why is shouldn't be tolerated.''

McCarthy said he was sure Domi used the slur. ''No doubt whatsoever,'' McCarthy said. ''You can't mistake that word for anything else.''

After a workout at a separate New Jersey training site, Toronto coach Pat Quinn defended Domi. Asked why McCarthy would make such an accusation, Quinn said, ''I think he's bloody embarrassed by spitting in the man's face.''

Domi added: ''It's something that will hopefully blow over, I've played with black guys in the league and I respect them.''

In recent years, some NHL players have been accused of attacking the heritage of black players, whose numbers are still small but growing in a sport dominated by whites. In fact, McCarthy was involved in one of the incidents.

While with Tampa Bay, he and Darcy Tucker were cleared of accusations they made racial gestures at Florida Panthers forward Peter Worrell, who is black, during an exhibition game in October.

''It was proven that nothing happened,'' McCarthy said. ''We talked to Peter on the phone, and he said, 'I don't know what's going on, but I didn't hear anything and nothing happened.' ''

Craig Berube, now with the Flyers, was found guilty of using a slur while with Washington in November 1997 and was suspended. Shortly thereafter, the league announced a ''zero-tolerance'' policy on the matter.

''We're playing a sport where guys are nuts out there sometimes,'' Berube said. ''They're losing their minds, they're saying things. I say things. Everybody says stuff and does stuff they shouldn't do. You don't want to do it, but at the time you're not thinking like that.''

Though no league action was taken, the specter of racial hate still hangs over the NHL.

Flyers general manager Bob Clarke said racial insults were prevalent during his Hall of Fame career. Even fewer blacks were in the league when he played from 1969–84.

''Unless you're a black player like Sandy McCarthy, none of us can understand what calling a person that name does to you,'' Clarke said. ''It's up to the league to control that kind of stuff. And if an official hears it, then they should do something to stop it.''

When it comes down to one player's words against another's, there seem to be zero answers.

COUPLE, FOUNDATION, ADMIT CAMPAIGN VIOLATIONS IN SETTLEMENT

(By Hunter T. George)

Olympia (AP—A Seattle couple and a nonprofit charitable foundation have agreed to pay a $15,000 civil fine for concealing the source of a $50,000 contribution to a political campaign.

Under the settlement reached with state Public Disclosure Commission investigators, the couple and the Seattle-based foundation, A Territory Resource, admitted to unintentional violations of the law.

The commission voted 3–0 Tuesday to accept the settlement, which calls for each party to pay a $7,500 fine. The foundation also agreed to consult with state campaign finance regulators before seeking to make future campaign contributions on behalf of foundation donors.

The PDC opened an investigation after receiving a complaint about a contribution to the No!200 campaign against last fall's ballot initiative that sought to roll back government affirmative action programs. Voters approved the initiative.

The couple, David Foecke and Pat Close, contributed $6,250 in their names to the No!200 campaign. They also sent $50,000 to their ''donor advised account'' with ATR, which allows contributors to suggest how such money should be spent.

ATR complied with the couple's request to send all $50,000 to the No!200 campaign.

Last Friday, PDC investigators accused the foundation of concealing the source of a campaign contribution and illegally acting as an intermediary. Investigators accused the couple of making an anonymous contribution.

There was no scheme between the couple, part owners of Cafe Flora restaurant in Seattle, and the foundation to break the law, said their attorney, Christopher Kane. They simply were afraid the size of the contribution would draw attention to themselves instead of the campaign against the initiative, he said.

''We felt very strongly that the law was unclear,'' Kane told the commission.

Foecke and Close agreed to the settlement to resolve the issue and refocus attention on the ''negative effects of Initiative 200 on civil rights and equal opportunity,'' the couple said in a statement issued through a public relations firm.

The foundation's lawyer, Kevin Hamilton, emphasized to the commission that the violations weren't intentional.

The $7,500 fines exceeded the $2,500 maximum penalty available to the PDC under state law. The total amounted to half of the $30,000 fine the state could have sought in court if the commission had chosen to defer the case to the attorney general, PDC attorney Steve Reinmuth said.

STUDENT COMMITTEE URGES UNIVERSITY TO FIGHT HATE CRIMES

Decatur, Ill. (AP)—Millikin University freshman Howard Walters says college is one of the best places to meet people from different races and backgrounds.

So it seemed natural for Walters to join a student committee urging the private, four-year university to take action against hate crimes—particularly after reports of several racially motivated incidents at the school in the last few months.

''We need to understand diversity,'' Walters said. ''When we leave the university, we enter a very diverse world.''

The committee, which has black and white members, has asked the university to issue a hate-crime policy, prosecute infractions fully and require diversity training for all faculty, staff and students. They also asked Millikin students to report all acts of hate to campus security.

The students formed the committee themselves and were not appointed by the university, but Terry Bush, the school's vice president for marketing and community affairs, said administrators are interested in their ideas.

''We're very glad students are actively involved in opening up the culture of campus, in saying to each other, 'We won't put up with this,'" Bush said Tuesday. ''It's a very positive sign.''

Danielle Brown, a freshman, is a member of the committee. A black student, she was wooed to Millikin on an academic scholarship to study music after being an honors student in high school. She loved it at first.

But in October, she found a racial slur written on a message board on her dormitory door. In March, more slurs were written all over her door. A day later, someone drew a scene depicting the hanging of a black person in another building.

And earlier in the year, an ethnically offensive e-mail was sent to an international student by another student. That student left the university when faced with disciplinary action, Bush said.

''I came here with the intention of getting my degree,'' Brown said. ''Now, I feel like, why should I be here? I want answers. . . . What is the university doing to make sure this doesn't happen again? I don't want anyone to have to feel like I do now.''

Sherilyn Poole, dean of student life and academic development, met with the student committee on Monday and told them there will be a hate crime policy outlined in the 1999–2000 student handbook.

Bush also said that administrators had already been working on many of the students' suggestions.

Millikin is trying to diversify its campus by recruiting minority students, faculty and staff. Total enrollment is 2,063 students, 14 percent of whom are non-white.

Brown said incidents of racism, especially shouted slurs, are common on and around the campus.

The Millikin gay and lesbian community also has complained of repeated verbal attacks—although most of the incidents have not been reported to the university.

John Mickler, director of security at Millikin, said the university community needs to take a stand against hate.

But he also said that he needs the cooperation of students. Only three instances of hate crimes have been reported to him since January, he said.

A TRIBUTE TO REVEREND DOC FRADY

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. BARR of Georgia. Mr. Speaker, it is my pleasure to honor today a great man who has set an example for all of us by the way he has lived his life. That man is Reverend Marvin ''Doc'' Frady, pastor of Clarkdale Baptist Church in the Seventh Congressional District, who is celebrating his 65th birthday this month.

Thirty years ago, Doc Frady had a successful practice as a chiropractor, which he built up over years of hard work. However, when he was called by the Lord to leave that lucrative practice and enter the ministry, he didn't hesitate for a moment. Since then, he has served as pastor to four different churches, and ministered to many thousands of men, women, and children.

Fortunately for all who live in the community Doc serves, he doesn't let his efforts to help others stop at the church door. He has organized numerous religious events, actively involved himself in public policy issues, and spent more hours in hospital rooms, weddings, and memorial services than most people who do those things for a profession. Throughout it all, he still found time to serve for 10 years on the board of Cumberland Christian Academy, and for nine years as Chaplain to the Cobb County Sheriff's Department.

Doc Frady's life has been a model of public service from which we can all learn. In everything he does, Doc has made helping himself a last priority, and devoted his life to serving God and his fellow man. Doc deserves the thanks of a grateful community for all he has done to make Cobb county one of the best places to live in America. Everyone who knows, or who has had their lives touched by, Doc Frady's love and commitment, joins in wishing him a very, very Happy Birthday.

TRIBUTE TO DR. S. DALLAS SIMMONS, PRESIDENT, VIRGINIA UNION UNIVERSITY, ON HIS RETIREMENT AFTER MANY YEARS OF SERVICE

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. SCOTT. Mr. Speaker, I rise to call attention to the outstanding contributions of Dr. S. Dallas Simmons for his many years of leadership as President of Virginia Union University.

Dr. Simmons was born in Ahoskie, North Carolina. He earned his bachelor's and master's degrees at North Carolina Central University in business. He earned a Certificate in Administration from the University of Wisconsin, and in recognition of his outstanding work as a teacher and administrator, Dr. Simmons was awarded a fellowship to Duke University, where he earned his doctorate in Administration in Higher Education.

Dr. Simmons' career includes: a consultantship with the International Business Machines Corporation (IBM); Director of the computer centers at North Carolina Central University and Norfolk State University; Associate Professor in the School of Business Administration, Vice Chancellor of University Relations at North Carolina Central University, and President of St. Paul's College in Lawrenceville, Virginia.

Many other organizations have benefitted from his membership, including the American Association of University Administrators, The College Fund, and the Richmond Forum Club. His honors are too long to list, but Dr. Simmons has been mentioned in Men of Achievement, the Directory of Distinguished Americans, Community Leaders of the World, and Outstanding Man of America.

Clearly, Dr. Simmons is a man of distinction. But his faithful dedication to education is perhaps his most important contribution. In addition to his commitment to and passion for increasing educational opportunity for disadvantaged students, Dr. Simmons has led Virginia Union University to outstanding fiscal management and significantly improved infrastructure. For the first time in its 134 year history, for example, Virginia Union University now has a freestanding library thanks to the persistence of Dr. Simmons. Consistent with his background, Dr. Simmons has led the university under the theory that, in order to best serve its students, a university should be administered much like a business. This guiding principle has served Virginia Union well, because it is now more than ever physically, fiscally, and academically strong and stable. Likewise, Dr. Simmons is well known among his colleagues for his vision and also his strong and steady leadership.

Mr. Speaker, I commend to you the achievements of the retiring Virginia Union University President S. Dallas Simmons, and ask that these remarks be made a part of the permanent record of this body.

ENRIQUE V. IGLESIAS, PRESIDENT OF THE INTER-AMERICAN DEVELOPMENT BANK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Enrique V. Iglesias who was recently named ''Man of the Year'' by *Latin Finance.* Mr. Iglesias, the former foreign minister of Uruguay and ex-executive secretary of the United Nations Economic Commission for Latin America and the Caribbean, was also unanimously elected in 1997 to a third five-year term as president of the Board of Governors of the Inter-American Development Bank.

Enrique Iglesias is a visionary—a man of insight and ability who has helped transform the IDB into an engine for reform, economic expansion, growth, and prosperity in the Western Hemisphere. As its President, he has led the IDB like a skilled navigator through tumultuous and sometimes uncertain waters in the last eleven years.

During his tenure in office, the Bank has become the leading multilateral provider of resources for Latin America and the Caribbean. Last year, the Bank recorded a figure of $10 billion with heavy investments in such areas as education, health, environmental protection, structural modernization, and reconstruction from natural disasters.

He has actively supported the development of the private sector and capital markets in the region by promoting investment, lending, and innovation and has allocated the necessary resources to foster the growth of small and medium-size businesses in the region toward sustainability. His ability to develop and guide policies that will address the changing dynamics and economic landscape of the Hemisphere led to the establishment in 1994 of the Private Sector Department, a specialized operational department within the Bank, to provide long-term financing and guarantees for private infrastructure projects in the region.

I commend his dedication to mobilizing resources for the region and his commitment to the social and economic development of the Hemisphere.

MEDIA VIOLENCE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Mr. MARKEY. Mr. Speaker, I rise today with Rep. DAN BURTON to introduce a joint resolution requiring the Surgeon General to prepare and issue a new Surgeon General's Report on media violence and its impact on the health and welfare of our children. It is by no means all we should do in light of the tragedy in Littleton, Colorado, but is it certainly the least we should do.

Orignial cosponsors of this initiative include Represenatatives JIM MORAN, CONNIE MORELLA, JOHN SPRATT, JOE PITTS, JIM MCDERMOTT, GREG GANSKE, and JOHN LAFALCE.

We join with every parent, school official, student, religious leader and every other American who is struggling to identify what has gone so wrong with the process of growing up in America that our kids can kill our kids without remorse.

This is not a new subject. If the horror that unfolded last week at Columbine High was in any way unique, we could comfort ourselves with the fantasy that is was the product of one or two sick minds. But we know that violence has become as American as apple pie, and we are reaping a bitter harvest as we continue to tolerate a culture which teaches kids to kill and be killed.

Our culture has become infused with violent images and messages and the methods of delivering those images has multiplied exponentially. Television shows that glamorize massacres, movies that pantomime violent school killing sprees, video games that teach children how to shot to kill their targets and Internet sites filled with vicious, destructive messages all function as desensitizing, conditioning mechanisms making it easier for our children to commit heinous crimes without understanding the finality and brutality of their actions.

Violent TV and film images now have a new interactive digital face in video games and on the Internet. Guns are everywhere. Highly efficient assault weapons are available for sale on the street for the price of a pair of sneakers. More and more children are becoming alienated and depressed without the support structures needed to mediate their troubles, treat their illnesses, or protect them from themselves.

This is a very deep and complicated mess we're in, but it is our mess, a problem we share across the land. There is no place to run to escape its effects. We are facing a monumental task, which I would liken in its scope to a Marshall Plan for America, where the challenge is to rebuild the social structure of a society while respecting the Constitutional freedoms which all Americans cherish.

We can begin by examining the ways that children and young adults learn violence. The evil behavior that those young killers displayed at Columbine High School was not born in them nor learned from their parents.

The strong correlation between violent messages delivered to our kids and antisocial behavior delievered by our kids to society is well-documented. It was the fundamental finding of the Surgeon General's Report of 1972 and the Report by the National Institute of Mental Health in 1982. Both reports focused on television's impact on behavior. But since that time, the capacity of the entertainment deliver ever more graphic depiction of violence has vastly increased, and the outlets for delivering these images to children without the intervention of adults has multiplied many times. Moreover, the research community and the entertainment and interactive media has produced a vast compendium of research, polling, and analysis—much of it confusing and conflicting—but which is much more relevant to today's world than what was studied 15 or 30 years ago. The last government-sponsored review in 1982 includes the following introductory sentence:

"In view of the evidence that children are already attentive to the television medium by the age of 6 to 9 months, it is no longer useful to talk of the television set as an extraneous and occasional intruder into the life of a child. Rather, we must recongize that children are gorwing up in an enviromment in which they must lean to organize experience and emotional responses not only in relationship to the physical and social environment of the home but also in relation to the omnipresent 21-inch screen that talks, sings, dances, and encourages the desire for toys, candies, and breakfast food."

As the Information Age takes hold and as youth violence takes new and ever more disturbing twists through America's soul, we cannot afford to develop national policy on the basis of such a quaint view of the problem.

Therefore, we are calling on the Surgeon General to provide the country with a new Surgeon General's Report that reflects our contemporary crisis, that takes into account both the promise and problems of interactive media, and that makes findings and recommendations regarding how to combat the sickness of violence and to rebuild our national spirit.

Let me conclude by emphasizing my personal view that the President is correct to focus attention on the contributing factor of gun availability to children and the collapse of parental supervision with regards to dangerous weapons. Our response to the spread of guns into the hands of our kids has been as disproportionate as our response to the cultural glamorization of gun use.

And while I expect to learn much from the dialogue and the research we are asking for today, I do not expect the front-line function of parenting to be found any less fundamental to raising healthy children than it has ever been.

RECOGNIZING EAST HIGH SCHOOL AND THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

HON. DIANA DEGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1999

Ms. DEGETTE. Mr. Speaker, I rise to recognize the "We the People . . . The Citizen and the Constitution" program, and specifically to applaud the East High School team that has come to Washington this year to represent Colorado in the national finals. These young scholars have worked diligently to make it to the finals and their hard work has gained them a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Sarah Blum-Barnett, John Boisclair, Kristin Brauer, Elizabeth Clarke, Andrew Cundiff, Jocelyn Dudley, Michelle Ford, Lindsay Gilchrist, Michael Kaplan, Beth Linas, Natalie Lindhorst-Ballast, Brett Lockspeiser, Elizabeth McCartney, Anne McWilliams, Adam Mueller, Dan Murphy, Tristan Nelson, Brandi Raiford, Nathan Rose, Jeremy Schulman, Jeffrey Seversen, Ellen Strickland, Allison Tease. Additionally, I would like to commend their teacher Deanna Morrison who deserves much of the credit for the success of this great team and recognize both the District Coordinator, Loyal Darr, and the State Coordinator, Barbara Miller.

The "We the People. . . . The Citizen and the Constitution" program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by the students acting as constitutional experts before a "congressional committee" made up of a panel of judges acting as Members. The student testimony is followed by a period of questioning during which the judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

I know first hand how well this program works because I was a volunteer coach for years at a high school back in my district in Denver, whose students have done extraordinarily well in the We the People. . . . competitions over the last decade. East High School has been among the top ten finalists 9 times in the last 11 years, and they won the competition in 1992.

Once again, I commend the East team for winning the State competition and I wish them the best of luck in the upcoming competition. I know Colorado will be well represented in the finals.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily

Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 29, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings on issues relating to the Older Americans Act.
SD–628

MAY 3

2 p.m.
Judiciary
To hold hearings to examine youth violence issues.
SD–226

3:30 p.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia
Subcommittee
To hold hearings on management reform issues in the District of Columbia.
SD–342

MAY 4

9:30 a.m.
Indian Affairs
To hold oversight hearings on Census 2000, implementation in Indian Country.
SR–485

Energy and Natural Resources
To resume hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 532, to provide increased funding for the Land and Water Conservation Fund and Urban Parks and Recreation Recovery Programs, to resume the funding of the State grants program of the Land and Water Conservation Fund, and to provide for the acquisition and development of conservation and recreation facilities and programs in urban areas; S. 446, to provide for the permanent protection of the resources of the United States in the year 2000 and beyond; and S. 819, to provide funding for the National Park System from outer Continental Shelf revenues.
SD–366

10 a.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on issues relating to international antitrust.
SD–226

2 p.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on S. 353, to provide for class action reform.
SD–226

MAY 5

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Commerce, Science, and Transportation
Business meeting to markup pending calendar business.
SR–253

Indian Affairs
To hold oversight hearings on Tribal Priority Allocations and Contract Support Costs Report.
SR–485

10 a.m.
Governmental Affairs
To hold hearings on the current state of Federal and State relations.
SD–342

MAY 6

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the results of the December 1998 plebiscite on Puerto Rico.
SH–216

Governmental Affairs
To hold hearings on Federalism and crime control, focusing on the increasing Federalization of criminal law and its impact on crime control and the criminal justice system.
SD–342

2 p.m.
Judiciary
Antitrust, Business Rights, and Competition Subcommittee
Business meeting to consider pending calendar business.
SD–226

MAY 11

10 a.m.
Judiciary
To hold hearings on how to promote a responsive and responsible role for the Federal Government on combatting hate crimes.
SD–226

10:30 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia
Subcommittee
To hold hearings on multiple program coordination in early childhood education.
SD–342

MAY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on HUBzones implementation.
SR–485

MAY 13

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 698, to review the suitability and feasibility of recovering costs of high altitude rescues at Denali National Park and Preserve in the state of Alaska; S. 711, to allow for the investment of joint Federal and State funds from the civil settlement of damages from the Exxon Valdez oil spill; and S. 748, to improve Native hiring and contracting by the Federal Government within the State of Alaska.
SD–366

MAY 19

9:30 a.m.
Indian Affairs
To hold hearings on S. 614, to provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands; and S. 613, to encourage Indian economic development, to provide for the disclosure of Indian tribal sovereign immunity in contracts involving Indian tribes,and for other purposes.
SR–485

MAY 20

2 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold hearings on S. 348, to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public.
SD–366

2:30 p.m.
Energy and Natural Resources
Energy Research and Development, Production and Regulation Subcommittee
To hold joint oversight hearings with the House Committee on Government Reform's Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, on the Administration's fiscal year 2000 budget request for climate change programs and compliance with various statutory provisions in fiscal year 1999 appropriations acts requiring detailed accounting of climate change spending and performance measures for each requested increase in funding.
SD–366

SEPTEMBER 28

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
345 Cannon Building