SENATE—*Tuesday, June 11, 1996*

The Senate met at 9 a.m., and was called to order by the Honorable PAUL COVERDELL, a Senator from the State of Georgia.

PRAYER

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

Gracious Father, there is no greater joy than to be Your friend. Along with Abraham and Moses, and men and women throughout the ages, we accept the awesome privilege of a friendship with You. To be called a friend of God is a source of strength and courage. When this assurance pervades our minds, hearts, and wills, we can pray for Your guidance and know that You will not only show us the way, but walk with us.

Thank You for helping us be the kind of friends to others that You have been to us. May we express Your loyalty, faithfulness, and consistency. We are thankful for the lasting friendships established and deepened over the years here in the Senate. These friendships weather the storms of conflict, party differences, and political tensions.

Today, on behalf of both parties, I express our gratitude to You, Father, for our friend, BOB DOLE. Thank You for his commitment to You expressed so faithfully in his leadership and service here in the Senate. He leaves the Senate this afternoon, but You know he can never leave the place he holds in our hearts. Bless him with the knowledge of Your love and our esteem. In the name of Jesus. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 11, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Paul COVERDELL, a Senator from the State of Georgia, to perform the duties of the Chair.

STROM THURMOUND,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from Kansas.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business this morning from 9 o'clock until 10 o'clock. I ask unanimous consent that from 9:45 a.m. until 10 o'clock, I might have that 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. From 10 o'clock to 12 noon, the time will be under the control, I think, of Senator NICKLES. At 12 o'clock or thereabouts, I will make a brief statement. Then there will be recess until 2:15 for the weekly policy luncheons. At 2:15, the Senate will swear in SHEILA FRAHM, as a U.S. Senator, as my successor.

Following the swearing in, it is my understanding we will begin debate on the budget resolution, the conference report, 10 hours, and votes, therefore, are possible on the budget resolution conference report or any other items that may be cleared for action.

We are still trying to break the logjam on nominations. I am not certain we can get that done before noon today. I know we have cleared some nominations. We will take those up, hopefully, between 9:15 and 10 o'clock. I repeat what I have said many times: I do not like holding nominations and have not made it a practice personally. Hopefully, those who have the problems can work them out either today or after I am gone, because there are many families here trying to make plans. Holding up their nominations makes it difficult.

Of course, personally, I am still hopeful we can clear the World Trade Organization legislation. At one time it was cleared in the U.S. Senate. All it does is to give Congress a role in the event there are arbitrary decisions made by faceless, nameless bureaucrats in Geneva where we can exit from the World Trade Organization. It seems to me it is something we would want to do. It is supported by the President, supported by Mickey Kantor, the former U.S. Trade Representative. In fact, it was part of an agreement when I agreed to support it, standing with the President on the White House lawn—the GATT agreement which was part of that agreement. I hope the administration would be helpful.

As I understand, all the holds are on the other side of the aisle. I would like to complete action on that before noon today. If it is not possible, it is not possible. Senator DASCHLE had indicated on Thursday he would be pleased to help. I am certain he will over the next few hours. If anybody has any problems with that legislation, I think if they understood it—and it is not very complicated—it simply says that Congress should have a role, too.

There is a great deal of concern by people all over America who may have lost their jobs to foreign competition—at least they believe they have lost their jobs to foreign competition—they are concerned about all these, whether it is GATT or NAFTA, all these trade agreements where we are exporting jobs. This gives Congress the responsibility and a role in determining whether or not we should withdraw from the World Trade Organization.

In my view, it is legislation that should have been passed sometime ago. I understand it is acceptable to the House if we can free it from the Senate. Senator BYRD has had an interest in it. He has improved it some. He has an amendment, I think, that strengthens it more. It is not a partisan issue. I hope we can clear it this morning. If not, I know sometimes things do not work in this place.

I also thank Chaplain Ogilvie for his thoughts and his prayers.

Between now and 9:45, I assume the time will be equally divided.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair advises the majority leader there is a period of morning business with Senators permitted to speak not to exceed 5 minutes.

GODSPEED TO SENATOR DOLE

Mr. COCHRAN. Mr. President, I rise to join all of those in the Senate today to wish Godspeed to our distinguished majority leader and colleague, BOB DOLE, as he departs the Senate and embarks upon his campaign for the Presidency of the United States. I do not know of any other event that is more important to all of us or to the country this year than his election as President. I am really glad in one sense to see him concentrate his full energies and attention on that objective.

When I think about BOB DOLE's leaving the Senate, I think about when I came to the Senate he was already established as one of the true legislative leaders of the Senate, although he occupied no elected position of leadership in the Senate. It was my good fortune

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

to serve on two committees with him as a freshman Member of this body—the Agriculture Committee and the Judiciary Committee. He was not intending to serve on the Judiciary Committee that year either, but he was drafted to serve. We did not have enough Members to fill out the ranks on the Republican side. Senator KENNEDY from Massachusetts just assumed the chairmanship of that committee. It was a very highly visible committee.

I recall Senator DOLE coming on the committee. Of course, he had been a lawyer, a county attorney in Kansas. He brought to that committee good judgment and experience on a number of issues. I can recall what I would think would be referred to as an obscure bill that year that the committee worked on, which was bankruptcy reform. After a lot of hearings, a lot of effort to resolve issues and to get a bill reported out, it was Senator DOLE who, when it appeared there was not going to be any action on that issue, came up with a proposal that turned out to be the centerpiece of bankruptcy reform.

It was that way on the Agriculture Committee. We would be locked in tough debate, arguments, differences of views based on regional considerations, sometimes party differences. The chairman from Georgia, Senator Talmadge, was trying to get everybody together. Time after time after time it was BOB DOLE who ended up being the force and the catalyst that brought the committee to a point where it agreed and reported out legislation. That legislation would ultimately become law.

Senator DOLE, as a member of the Finance Committee—I did not have the good fortune to be a member there—but as chairman of that committee, I can recall his handling legislation on the floor of the Senate into the late hours of the evening with the patience and the calm determination to see the bill through, dealing with the competing interests, the offering of amendments, Democrats and Republicans alike, getting a fair hearing on their proposals of what should be in the bill and what should not be in the bill. And finally, after sometimes days, bringing that bill to a point where it would pass the Senate and then ultimately be enacted into law.

A legislative leader, in the truest sense of the word, on a wide range of issues, some issues that other Senators did not want to work on, like in the Agriculture Committee, the nutrition issues, working out the difficulties in determining eligibility for food stamps, for School Lunch Program participation, how much would the Federal Government contribute, how much would State and local governments contribute, how much would individuals have to pay for these benefits, and on and on, the minutia, the tough, hard decisions. He was there to help make those decisions and to help shape a consensus of support for legislation on those issues when others could not do it, did not bring the skill and the determination and the capacity to do it that BOB DOLE brought to the challenge.

It was no wonder, when Howard Baker left the Senate in 1984, following the elections that year, the Senate turned to BOB DOLE and elected him leader. He has proven himself over and over again to be a confident, fair, courageous, decisive leader, driven by character, integrity, and the notion of what is good for the public interest, not just what is good for the party interest or partisan consideration, but the general interests that serve the people of our great country. It is with that kind of leadership that we have come to appreciate the genius of BOB DOLE and the outstanding way in which he has discharged the responsibilities of leader.

We are going to have a tough job. I know that some people are talking about the succession, and who is going to replace BOB DOLE. The fact is that nobody is going to replace BOB DOLE. Nobody has the capacity to do all the things that he has done in the U.S. Senate. It has really been an honor—a great honor—and a wonderful opportunity to have had the privilege of serving on some of the committees he has served on, some he has chaired, and to be a part of this Senate that has been led by BOB DOLE, the Senator from Kansas.

So we wish him all the best and know that he will enjoy many more successes and many more triumphs in the years ahead. We are confident of that, and we bid him a fond farewell.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

TRIBUTE TO SENATOR BOB DOLE

Mr. KYL. Mr. President, I would like to join the Senator from Mississippi in paying tribute to the Senator from Kansas, the distinguished majority leader. All of us who have served in this body can tell stories—even those of us who have served a very short period of time, such as myself—that reflect the qualities of BOB DOLE's leadership. Those of us who are partisan Republicans can only hope that a majority of American citizens can get to know BOB DOLE as well as we know him. If they do, then those of us who would like to see BOB DOLE be President know that the American people would choose wisely in that case. We recognize our partisanship in this matter, but I think even those who are on the other side of the aisle would acknowledge that the majority leader is a man of great character, judgment, and leadership skills that, frankly, are greater than most public servants who have the opportunity to represent people in this country.

So I join with my colleague from Mississippi in paying tribute to the majority leader, and I wish him well in his future endeavors.

A 15-PERCENT ACROSS-THE-BOARD TAX CUT

Mr. KYL. Mr. President, I want to speak for a few minutes this morning about a recommendation that has been made to the distinguished majority leader by a group of economists. I am talking about the proposal to cut income tax rates by 15 percent across-the-board. I know that some people will criticize this as political, but, frankly, in a representative democracy, the whole idea is to do things that the people want. I submit that if the people respond positively to this idea, clearly, it will have been the right thing to do. I believe people will respond positively because they have been asking for tax relief.

The point of an across-the-board cut in tax rates is that it helps to stimulate the economy. Therefore, it is the most productive in terms of providing for economic growth, which helps all people.

This is the kind of rate cut that produced more revenues to the Treasury under the administrations of John F. Kennedy and Ronald Reagan. This is the kind of tax rate cut that has been proposed and that I submit Majority Leader DOLE would be wise to call for in his Presidential campaign. John F. Kennedy, of course, said back in 1962, "A rising tide lifts all boats," to illustrate the point that across-the-board tax rate cuts help everybody. It helps the economy grow. Therefore, it does not matter what place you are on the ladder of economic progress, whether in the middle, or at the high end, or even at the lower end of the ladder; a growing economy helps everyone because it provides for more job opportunities, it provides for more payment to workers, more opportunities for savings and investment and expansion of the economy, which, as a result, helps everyone.

But the point that I want to briefly make this morning is that it also helps us in dealing with the problem of reducing the Federal budget deficit and providing for the needs of Government. There is a paradox in economics that provides that, up to a certain point, actually reducing tax rates can provide more revenues to the Treasury. In the brief minute or two I have this morning, let me address that a little bit more.

Obviously, there are two tax rates that produce no tax revenues to the Treasury. One is 0 and the other is 100. The point of mentioning 100 is to make the point that you can tax people too much—to the point that they will stop doing the things that produce the revenue that would then come into the

Treasury. When you have tax rates of 90 percent or 80 percent or 70 percent, even, people find other things to do with their money. Either they do not work as hard and generate the income, or they find ways to shelter that income or defer it so that they do not have to pay taxes. The result is that tax increases do not produce the revenues they are projected to produce. That fact is true of the 1993 Clinton tax increase. People just changed their behavior as a result of the increased taxes.

The same thing is true when tax rates are cut. When John F. Kennedy did it and when Ronald Reagan did it, revenues to the Treasury increased dramatically. It is like having a weekend sale. The merchant does not do this to lose money when he reduces the price on his goods. He reduces the price on the goods in order to attract more people to buy more goods so that even though he is making less per item, he makes far more in gross terms. That is exactly what happens when the Government reduces marginal tax rates, and what economists predict would happen if there were an across-the-board 15-percent tax reduction in our income tax rate.

Under the Reagan administration, Mr. President, not only did interest rates fall as a result of the tax rate cut, but our economy grew for the longest sustained period in the peacetime history of the United States and, importantly, revenues to the Treasury increased between $60 billion and $80 billion a year. In the John F. Kennedy administration, income tax rates were reduced from a range of 20 to 91 percent to a range of 14 to 70 percent. Revenues to the Treasury rose 66 percent by 1969. In the States it was the same thing. During former Governor DuPont's administration in Delaware, in 1979, the top rate was cut from 19.8 percent to 7.1 percent. By 1993, State revenues had doubled and employment increased by 36 percent. Welfare caseloads fell by 40 percent.

The point I am trying to make here is really very simple. In this time when we are all focused on deficit reduction, there are a lot of people who are deathly afraid of reducing tax rates on the assumption that it will reduce revenues to the Treasury. In fact, they even propose increasing tax rates. But the fact of the matter is that at least certain kinds of rate reductions—and this certainly includes across-the-board marginal income tax rate reductions—have resulted in increased revenues to the Treasury every time they have been accomplished.

Those who say that we cannot afford a tax cut if we are serious about balancing the budget seem to view the economy as a zero-sum game. It is, in my view, a very cynical view that seeks to divide people, baiting them with envy and greed; no one can ever do better unless someone else does worse. It is like trying to divide a pie into ever more slices, satisfying no one in the process.

Some of us think that we should try to make every American better off. We want to grow the economy—bake a bigger pie—so that all Americans can do better. That is what happened during the Reagan years. I noted some of the benefits of the Reagan tax cuts earlier in my remarks, but other good things happened as well. Real median family income grew every year but one between 1982 and 1989, rising $4,564 or 12.6 percent. Inflation virtually disappeared by 1986, protecting all Americans, particularly senior citizens on fixed incomes.

And for those who suggest that it was the wealthiest who benefited most from tax cuts, I would point out that from 1981 through 1988, the share of all income taxes paid by the top 1 percent of all taxpayers rose each and every year from a low of 17.89 percent to a high of 27.58 percent.

The high-tax policies of the 1990's have had just the opposite effect. Real median family income has declined $2,108 or 5.2 percent. Since the beginning of 1995, the economy has only grown at a yearly rate of 1.6 percent. More than a third of the new jobs created have gone, not to people just entering the work force or getting off of welfare, but to people who are taking an extra job just to make ends meet. Interest rates, which declined during most of 1995, are rising again after President Clinton vetoed the balanced budget and tax relief package that Congress sent him.

Until Congress forced President Clinton to get serious about limiting Federal spending last year, deficits were forecast at $200 billion a year for the foreseeable future—despite record high taxes. What that proves is that sluggish economic growth and overspending, not a lack of revenue, are the real causes of the Nation's deficit problem.

Mr. President, I would note that revenues as a percentage of gross domestic product [GDP] have actually fluctuated around a relatively narrow band—18 to 20 percent of GDP—for the last 40 years. Revenues amounted to about 19 percent of GDP when the top marginal income tax rate was in the 90 percent range in the 1950's. They amounted to just under 19 percent when the top marginal rate was in the 28 percent range in the 1980's. Why the consistency? Because tax rate changes have a greater effect on how well or how poorly the economy performs than on the amount of revenue that flows to the Treasury relative to GDP.

In other words, how Congress taxes is more important than how much it can tax. The key is whether tax policy fosters economic growth and opportunity, measured in terms of GDP, or results in a smaller and weaker economy. Nineteen percent of a larger GDP represents more revenue to the Treasury and is, therefore, preferable to 19 percent of a smaller GDP.

Mr. President, I want to conclude by contrasting the proposed across-the-board income tax rate cut with some of the other tax cut proposals that have been offered. As Grover Norquist of Americans for Tax Reform said recently, paraphrasing Mae West, "All tax cuts are good tax cuts, and even bad tax cuts are good tax cuts." In other words, just about anything we do to leave more money in people's pockets is a good thing.

I very strongly supported the $500-per-child tax credit that was in the Balanced Budget Act last year. I cosponsored the proposal with Congressman FRANK WOLF of Virginia when I served in the House of Representatives with him in 1994. I would also support President Clinton's proposed education credit. But the $500-per-child credit and the education credit, unlike the proposed 15-percent across-the-board rate cut, would help only families with children or those in pursuit of a college education.

The benefit of the across-the-board approach is that it reaches out to all Americans. Everyone would benefit. It says to the American people that we trust them to spend their money in ways that are best for themselves and their families. It would allow people to keep more of every dollar earned from their extra effort in the work place—no matter what kind of work they do—and from their extra investment—no matter what kind of investment they make. The broad nature of the tax cut, applying to all forms of work and investment, ensures that effort and capital are steered to the most productive activities in the economy instead of those activities that the Government deems most important through targeted tax credits or deductions.

It is also the fairest way to provide tax relief. Everyone would be treated the same; tax rates would be cut 15 percent across the board, boosting take-home pay and relieving a major source of anxiety among people with middle and low incomes.

Notably, a 15-percent rate cut would take revenues as a share of GDP back to where they were before Clinton took office—to 19.2 percent from the current 20.4 percent—effectively repealing the Clinton tax increase.

Therefore, I think it would be a very wise thing for Majority Leader BOB DOLE in his quest for the Presidency—and, frankly, for President Bill Clinton, as he seeks reelection—to embrace the concept that the American people could not only do well individually as a result of a reduction in income tax rates, but also that this would help to stimulate the economy and, ironically, or paradoxically, as I said, end up providing more revenues to the Treasury

to help us with deficit reduction and the financing of all of the important things that we want to finance as a result of the Federal Government's efforts.

Mr. President, I hope that as this debate continues, we will be able to discuss the concept of tax rate reductions. I hope to cosponsor legislation to that effect, and I hope we can begin the debate with the American people so that a consensus can be developed and, as a result of this election, we will have a mandate to reduce marginal income tax rates across the board.

REPUBLICAN PROPOSAL ON MEDICAL SAVINGS ACCOUNTS AND THE HEALTH INSURANCE REFORM BILL

Mr. KENNEDY. Mr. President, yesterday, House and Senate Republicans announced a compromise on medical savings accounts. In reality, this compromise is a capitulation to House Republicans who are more interested in creating an issue and serving a special interest constituency than in passing a bill.

Medical savings accounts have become the Trojan horse that could destroy health insurance reform. This untried and dangerous proposal does not belong in the consensus insurance reform bill. It has already been rejected by the Senate. A bill containing it cannot be enacted into law and signed by the President.

Democrats and the White House have offered a fair compromise, which would provide for a controlled and limited test of the MSA concept to see if it should be expanded. But the House Republican leadership has said that it will be their way or no way. As Majority Leader ARMEY said on Sunday, "I will not give up medical savings accounts," and he dared the President to veto the bill. The latest proposal clearly reflects this partisan strategy.

The Republican leadership pretends their proposal is a fair attempt to deal with concerns about medical savings accounts. But it is nothing of the kind. Under their proposal, medical savings accounts could be sold to all small businesses and the self-employed immediately. This opens MSA's to a massive market consisting of more than 40 million workers—one-third of the Nation's entire labor force. This is hardly a controlled, limited test.

Even more serious, experts agree that the small business sector of the health insurance market is the most vulnerable to the disruption that medical savings accounts would cause. The Joint Tax Committee concluded that sales of medical savings accounts would be concentrated in small- and medium-sized firms.

The proposal would clearly go beyond the bounds of what is acceptable, even if it stopped there. But it does not. After 3 years in which medical savings accounts are sold to this vast market, the accounts would be expanded to everyone. Only if both the House and Senate voted to stop the expansion would it be prevented. This is not a test. It is a travesty.

The great danger of medical savings accounts is that they are likely to raise health insurance premiums through the roof and make insurance unaffordable for large numbers of citizens. They will discourage preventive care and raise health care costs. They are a multibillion-dollar tax giveaway to the wealthy at the expense of working families and the sick. Their cost could balloon the deficit by tens of billions of dollars.

The most troubling aspect of medical savings accounts is the risk that they will destroy the health insurance pool, and price conventional insurance out of the reach of most American families. Medical savings accounts will raise premiums for the vast majority of Americans—especially those who are sick and need coverage the most—by siphoning the healthiest people out of the insurance pool. As premiums rise for everyone else, more and more working families will be forced to drop comprehensive coverage. In the words of the Congressional Budget Office, medical savings accounts "could threaten the existence of standard health insurance." Mary Nell Lenhardt, senior vice president of Blue Cross and Blue Shield concluded that MSA's destroy "the whole principle of insurance."

The leading proponents of medical savings accounts are insurance companies like the Golden Rule Co., which have been the worst abusers of the current system. The strongest opponents of medical savings accounts are organizations representing working families, senior citizens, consumers, and the disabled, who have the most to lose if the current system of comprehensive insurance is destroyed. We know whose voice should be heard when Congress decides this issue—not the voices of greedy special interests, but the voices of those who depend on adequate insurance to get the care they need at a price they can afford.

The Kassebaum-Kennedy bill passed the Senate by a bipartisan vote of 100 to 0, without medical savings accounts. It passed unanimously, because it contained the noncontroversial, important insurance reforms that everyone agreed on. The American people deserve to see those reforms enacted, not jeopardized by the last-minute addition of a partisan poison pill.

House Republicans should not turn a bipartisan bill that could be passed by both Houses today and signed by the President tomorrow into just another election year issue. The American people deserve a fair compromise on this highly controversial issue, and I continue to be hopeful that we can find a satisfactory compromise to save this needed bill.

To those who genuinely believe that medical savings accounts offer an improvement in the health care system, I say let us work together to devise a fair test of the concept that will not put millions of American families at risk. The American people's hopes for insurance reform should not be held hostage to a partisan, special interest agenda.

Mr. President, I yield the floor.

Mr. GRAHAM addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak for 10 minutes for purposes of introducing two bills.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, thank you.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 1859 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Delaware.

TRIBUTE TO SENATOR BOB DOLE

Mr. ROTH. Mr. President, it is difficult, if not impossible, to adequately address the congressional career of our departing majority leader in a 5-minute floor statement. His accomplishments in his 35 years as a Congressman and Senator—his successes achieved while serving 11 years as Republican leader—could fill volumes.

Indeed, hours could be spent rehearsing BOB DOLE's impressive record: His heroism in World War II; his early political career in the Kansas House of Representatives, followed by his successes here in Washington; his efforts in 1964 to secure passage of the Civil Rights Act; his historic work with Senator MOYNIHAN in 1983 to save the Social Security trust fund; his engineering the vote in 1991 to authorize U.S. forces to turn back Saddam Hussein's tyranny in the Middle East; his support for Kemp-Roth and the 22-percent reduction in income taxes that ushered America into the longest peacetime economic expansion in history; his staunch stand against President Clinton's 1993 record-setting $241 billion tax increase.

These are only a few of the milestones in BOB DOLE's journey from modest beginnings in America's heartland to his noble objective today. Time will not permit us to go beyond a few random milestones. But then again, Mr. President, the truth is that the greatest leaders need the least amount

of praise. They have written their stories in the hearts and minds of the people they serve.

Senator BOB DOLE has done just that.

His story is one of courage, persistence, character, discipline, and determination—the determination to overcome odds that would have vanquished a lesser individual. He is a man of deep convictions and proven abilities. And everyone who has had the opportunity to serve with him understands that just as solid as his past record, is his vision for the future. He has outlined that vision in absolute terms. And with BOB DOLE there are no surprises. As long as I have known him, his words have been exceeded by his deeds.

I believe that at the center of BOB DOLE's vision is his economic message, that we "deal with the deficit, and * * * couple that with tax cuts." Toward this end, Senator DOLE is both tenacious and pragmatic. He knows the correlation between low taxes and economic growth, and he has proposed serious tax cuts.

BOB DOLE has been an effective leader during a time when this body addressed some of the most critical issues in history: The need for a balanced budget amendment; the need to strengthen and preserve Medicare; the need to provide effective, portable, and affordable health care coverage for Americans; the need to guarantee the future of Social Security; the need to keep a strong defense—a defense marked by high morale and the best, most effective materiel available. He understands these issues intimately—as well as anyone—and he knows what must be done to see that these need are met.

Mr. President, I will miss BOB DOLE. And though I wish him all the best in his new endeavors, I will miss his daily leadership here on the Senate floor. I will miss his quick wit; his sense of humor. I will miss his deliberate style, and his uncanny ability to turn assertive and aggressively intellectual into a cohesive team.

On a personal note, I am grateful for the chance I have had to serve with BOB DOLE. I am grateful for our friendship, for our years working together on this floor. Like other great majority leaders who have gone before, Senator DOLE leaves his mark on this institution. As the Congressional Quarterly recently pointed out, "* * * as majority leader, [Bob Dole] proved a point that badly needed proving * * *. The Senate could be led."

PUBLIC/PRIVATE PARTNERSHIPS FOR WASTEWATER TREATMENT FACILITIES

Mr. LOTT. Mr. President, I rise today to urge action to foster public/private partnerships for wastewater treatment facilities. Today, Federal regulations and the tax code inhibit the ability of State and local governments to create public/private partnerships. By getting Washington out of the way, local governments can acquire the much needed freedom to better manage competing demands for scarce governmental resources, and to make infrastructure and servicing decisions that are best for their citizens and the environment.

What, my colleagues might ask, are public/private partnerships, and why do they make good sense for wastewater treatment?

The answer is that public/private partnerships are voluntary, cooperative arrangements between a State or local government and a private sector entity whereby that private sector entity agrees to perform a public purpose service that would otherwise require the government to perform as well as pay for the service. In the wastewater treatment context, for example, it involves a private entity building, improving, maintaining, and operating, under long-term lease or as owner, sewage treatment plants. The private entity invests private sector capital to build or upgrade a plant to meet Clean Water Act standards and other legal requirements. The State or local government and the Federal Government are spared the need to spend scarce public funds on these plants, while retaining the ability and authority to ensure compliance with all laws and reliable, fairly priced service to their citizens.

Such public/private partnerships cut costs and improve services. The private owner/operator is held accountable by local government to the citizens it services, to ensure that it maintains quality service and competitive pricing. Studies have shown that private operation of public purpose facilities can result in a savings to State and local taxpayers of between 16 and 77 percent because of the superior expertise and specialization of private firms as well as the built-in incentives that are created through competition. As EPA has recognized, private companies often can also construct, improve, and maintain facilities more cost effectively than can the government by taking advantage of economies of scale and cost-reducing advances in technology long before their public counterparts. Transferring a wastewater treatment facility to a private entity can also generate cash for local governments to use to finance other necessary improvement projects. Furthermore, if impediments to these and other public/private partnerships were removed, it is estimated that as much as $7.7 billion per year in new revenues could be generated through Federal income taxes paid by the private owners of facilities that would be exempt under public ownership.

In addition to these fiscal considerations, public/private partnerships in the wastewater treatment area also further environmental goals that might otherwise be indefinitely delayed. EPA estimates that existing and additional publicly owned treatment works and other wastewater infrastructure needs will require approximately $137 billion in capital investment over the next 20 years to comply with Clean Water Act requirements. Even the most optimistic scenarios give no reason for blithe confidence that such enormous sums will be readily available from Federal or State and local treasuries. Given that qualified, experienced private companies can finance, build, own and operate wastewater treatment facilities in a cost-effective and reliable manner, we should take advantage of this opportunity to encourage State and local governments to look to the private sector to meet the needs of their communities, use scarce dollars to meet other pressing needs, and simultaneously achieve the environmental goals of the Clean Water Act.

In light of these benefits of public/private partnerships for wastewater, one might ask: What's the problem; why have they not gone forward in more of the many communities that see them as desirable; and why is legislation needed?

Federal legislation is needed because three aspects of current law either impede or fail to provide adequate incentives and certainty for these partnerships.

First, Federal regulations discriminate against private entities owning public purpose wastewater treatment works by denying them the domestic sewage exemption available to a public owned treatment work [POTW] under the Clean Water Act. It is impossible for a private entity to own and operate a plant under a partnership agreement unless that plant is considered a POTW.

Second, there is no Federal statutory assurance that local governments may transfer existing treatment plants to private firms without having to pay back to the Federal Government the Federal grant money originally used to build or improve the plant. The Clean Water Act contains no such requirement, but Federal regulations require total repayment for transfers of wastewater and other infrastructure to a private entity. Recognizing the counterproductive effects of those requirements, Presidents Bush and Clinton issued Executive order requiring only partial payback for certain wastewater plant transfers. Legislation is needed to address this issue in law and provide certainty to communities for planning.

Finally, the Tax Code also hinders private investments in wastewater treatment facilities. In order to stimulate public/private partnerships for wastewater treatment, it is essential to ensure that Federal tax provisions do not discourage private sector investment and long-term operation of treatment plants. The changes to the

Tax Code I have in mind are appropriate for wastewater treatment facility public/private partnerships because these transactions will not alter the original public purposes served by wastewater treatment facilities—providing wastewater services to communities. I would be delighted to provide my colleagues with details of these important changes.

Legislative initiatives seeking to address some of these problems have been undertaken, but they are either trapped in a more comprehensive bill or address a broad array of public/private partnerships extending well beyond wastewater treatment. Moreover, none of the initiatives thus far addresses the significant disincentives created by provisions of the Tax Code.

The House has taken steps to address some of these points. The Clean Water Act Amendments of 1995, H.R. 961, passed by the House a year ago, includes provisions that statutorily define public owned treatment works so that regulations are based on the purpose and actual operations of a wastewater treatment facility rather than the identity of its owner. It would provide the legal certainty necessary for State and local governments to transfer wastewater treatment facilities to qualified private sector companies. In addition, it provides for a grant repayment approach whereby the State and local governments are able to recover their investment in the wastewater treatment facility, and then are only required to repay the undepreciated portion of any Federal grants. While the House provision on grant repayment is a step in the right direction, I believe that the Federal-aid Facility Privatization Act, S. 1063, of which I am a cosponsor, takes a better approach to the difficult problem faced by municipalities that are confronted with deteriorating infrastructure of all kinds, obsolete technology, tougher regulatory requirements, and a shortage of funds to finance and operate the wide variety of essential infrastructure projects that need improvement. S. 1063 improves on the House grant repayment provision by allowing total forgiveness of those grants. The local governments are really the best ones to decide how to use the money the Federal Government has given them for public purposes.

Mr. President, I would hope that my colleagues will consider this matter carefully, and that we can get together and do it soon. It should be a win-win for everyone. Removing the Federal obstacles to public/private partnerships for wastewater treatment does not cut government service, it only cuts government restrictions and burdens—something we in America need to be doing. Doing so will also save money, yield environmental benefits, and serve as a pilot for similar challenges by fostering an innovative, market-based approach without increasing the burden on State and local governments.

FISCAL YEAR 1997 BUDGET RESOLUTION

Mr. DOLE. Mr. President, soon the Senate will act on the conference report on the fiscal year 1997 budget resolution. I had hoped that the Senate could have passed this conference report by today, but final action will occur soon.

When the Senate passes the fiscal year 1997 budget resolution, it will be doing important work because no policy is more important to the economic future of all Americans, and particularly to the future of our children, than a balanced budget.

We will also be fulfilling our promise to the American people to balance the budget by the year 2002. I am proud of our achievement in keeping our promise to the American people and I am proud of this budget.

The fiscal year 1997 budget resolution balances the Federal budget in 6 years.

It reduces overall Federal spending by more than $700 billion over the next 6 years.

It provides family tax relief of $122 billion for a $500-per-child tax credit to help America's working families.

It provides for real welfare reform.

And it would prevent the Medicare program from pending bankruptcy. The Medicare trustees reported last week that Medicare is going broke more quickly and in this budget we save Medicare from bankruptcy in the year 2001.

That's why this is a good conference agreement. It represents some compromises between the House and the Senate. No one got everything they wanted. But it's the right budget for now and for putting us on strong course for the next century.

Mr. President, it is no small accomplishment that all of us now agree that the budget should be balanced by the year 2002. That's a big change from this time last year when we were debating the budget. Now it's not just Republicans saying it, but all of us, from Republicans to blue dog Democrats to the President. That in itself is good news for America.

But we're not there yet. Last year we passed the first balanced budget in a generation. But President Clinton vetoed it.

I hope all Senators will support this budget resolution to finally get the job done. This budget will help define for the American people which of us are for more Washington spending and which of us are for less Washington spending; which of us are for more taxes and which of us are for less taxes. And most importantly, which of us are willing to do what's necessary to stop the stranglehold that the deficit places on our economic future.

Some say deficits don't matter. But the fact is that the Federal budget deficit is like a tax hike on working families.

The deficit drives up interest rates—and not by a little but by a lot. It is a stealth tax that every family with a home, every father and mother with a child in college, every young person who buys a car must pay, and pay, and pay.

What does this stealth tax cost in dollars? Over $36,000 on a typical home mortgage. More than $1,400 on an ordinary student loan. Nearly $700 on a typical car loan.

Remember that in 1994, the Federal Government spent $203 billion in interest on the Federal debt—more than it spent on education, job training, public works, and child nutrition combined. In 1994, Americans paid an average of $800 per person in taxes just to service interest on the debt—again, not to pay off the debt or even to reduce the debt, just to pay the interest on the debt.

We simply cannot continue to mortgage America's future. If we continue current tax and spending policies, future generations will be saddled with effective tax rates of more than 80 percent.

Mr. President, let's do what's right. Let's pass the fiscal year 1997 budget resolution. Let's do everything we can this year to preserve the American dream of economic security for future generations of Americans. Our children and our grandchildren deserve no less from us.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me indicate in advance, I want to get consent in a second to proceed to some nominations. There are 34. We are still trying to clear others. I still hope we can clear some of the judges. I ask my friends on both sides of the aisle to see if they cannot come together here in the next hour or two and free up many of the judicial nominations. But we are making progress. I think this is some indication of that. I thank my colleagues and Senator DASCHLE and his colleagues.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that, in executive session, the Senate proceed en bloc to the following nominations on today's Executive Calendar: Nos. 490, 491, 492, 495, 496, 497, 540, 541, 542, 549, 550, 551, 552, 553, 556, 557, 558, 559, 562, 564, 565, 566, 567, 568, 569, 570, 571, 572, 578, 601, 602, 603, 604, 605, and all nominations placed on the Secretary's desk in the Coast Guard.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that the nominations be confirmed en bloc; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be placed in the RECORD; that the President be immediately notified of the Senate's action; and further, that the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

LEGAL SERVICES CORPORATION

LaVeeda Morgan Battle, of Alabama, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 18, 1998. (Reappointment)

John N. Erlenborn, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998.

Edna Fairbanks-Williams, of Vermont, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 1998. (Reappointment)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Norman I. Maldonado, of Puerto Rico, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1999.

Luis D. Rovira, of Colorado, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Donna Dearman Smith, of Alabama, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring March 3, 1998.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

William L. Wilson, of Minnesota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

COMMUNICATIONS SATELLITE CORPORATION

Barry M. Goldwater, Sr., of Arizona, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1998. (Reappointment)

Peter S. Knight, of the District of Columbia, to be a Member of the Board of Directors of the Communications Satellite Corporation until the date of the annual meeting of the Corporation in 1999. (Reappointment)

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

C.E. Abramson, of Montana, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Robert B. Rogers, of Missouri, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of three years. (New Position)

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Elmer B. Staats, of the District of Columbia, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 2001. (Reappointment)

NATIONAL MUSEUM SERVICES BOARD

David A. Ucko, of Missouri, to be a Member of the National Museum Services Board for a term expiring December 6, 1999.

Alberta Sebolt George, of Massachusetts, to be a Member of the National Museum Services Board for a term expiring December 6, 1998, vice Ruth K. Watanabe, term expired.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

Audrey Tayse Haynes, of Kentucky, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 13, 1998.

Mary Dodd Greene, of Texas, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

Mark Edwin Emblidge, of Virginia, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

Toni G. Fay, of New Jersey, to be a Member of the National Institute for Literacy Advisory Board for a term expiring October 12, 1998.

Richard L. Morningstar, of Massachusetts, for the rank of Ambassador during his tenure of service as Special Advisor to the President and to the Secretary of State on Assistance to the New Independent States (NIS) of the Former Soviet Union and Coordinator of NIS Assistance.

Dane Farnsworth Smith, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

George F. Ward, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Kenneth C. Brill, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Day Olin Mount, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Charles O. Cecil, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

David C. Halsted, of Vermont, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Morris N. Hughes, Jr., of Nebraska, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

DEPARTMENT OF JUSTICE

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1998. (Reappointment)

NUCLEAR REGULATORY COMMISSION

Hubert T. Bell, Jr., of Alabama, to be Inspector General, Nuclear Regulatory Commission.

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be Chairman of the National Transportation Safety Board for a term of 2 years. (Reappointment)

DEPARTMENT OF DEFENSE

Robert E. Anderson, of Minnesota, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Lonnie R. Bristow, of California, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 20, 2001.

Shirley Ledbetter Jones, of Arkansas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring May 1, 2001.

IN THE COAST GUARD

Coast Guard nominations beginning Vincent Wilczynski, and ending James R. Dire, which nominations were received by the Senate and appeared in the Congressional Record of April 19, 1996.

Coast Guard nomination of Andrew J. Sorenson, which was received by the Senate and appeared in the Congressional Record of May 22, 1996.

STATEMENT ON THE NOMINATION OF AUDREY TAYSE HAYNES

Mr. FORD. Mr. President, I rise today in support of the nomination of Audrey Tayse Haynes to the National Institute of Literacy Advisory Board. Audrey Tayse Haynes, a fellow Kentuckian, is a distinguished community and business leader. She currently serves as the executive director of Business and Professional Women U.S.A. and the National Federation of Business and Professional Women's Foundation.

Audrey's credentials are outstanding and her background in education is exemplary. Aside from receiving her bachelors degree and her masters degree in social work from two of Kentucky's finest institutions of higher education, Spalding University and the University of Kentucky, Audrey served

as the executive director of the Kentucky Literacy Commission from 1989 to 1993. In addition, she has served as a member of both the Kentucky State Board for Elementary and Secondary Education and the National Association of Literacy Directors. She has also received the honor of being a distinguished recipient of the Martha Wilkinson Education Award.

Audrey Tayse Haynes has made significant contributions to the Commonwealth of Kentucky through her tenure as director of human resource development for the Kentucky Department of Mental Health and Retardation, as director of prevention and training programs at training and development resources and as a chemical dependency counselor. The combination of Audrey's background in education and human services with her excellent leadership ability make her an ideal candidate for the National Institute of Literacy Advisory Board. I wholeheartedly support this nomination and urge my colleagues to vote to confirm this deserving nominee. I thank the Chair and I yield the floor.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

WORLD TRADE ORGANIZATION

Mr. DOLE. Mr. President, I will not make a unanimous-consent request, but I will just say, again, a word about the WTO modification, the World Trade Organization.

As I indicated earlier this morning, it seems to me it is not a partisan measure. It just gives Congress some input, some authority and some responsibility. We know the American people are concerned about job loss, about exporting jobs and about all these international faceless, nameless bureaucrats who make decisions that might impact on their job. So it occurred to me the Congress should have some say, and we should be able to initiate withdrawal from the World Trade Organization.

I think if we go back and look at the past, we will find that most Presidents are reluctant to do that, regardless of party. So this would give Congress, Democrats and Republicans—probably working together—a right to initiate withdrawal from the World Trade Organization. To me, those who voted against NAFTA or GATT—this pertains only to GATT, the World Trade Organization—but this would be sending a very strong signal.

It would also, I think, be helpful; it might send a strong enough signal that some of our unfair competitors in foreign countries understand that we are serious about this. We are concerned about American jobs, whether they be in Georgia or Kansas, wherever, and that we in Congress are accountable. We are on the ballot every 6 years or every 2 years.

So I hope sometime before—let us just pick a number, say 2 o'clock—we can clear this and pass it. If not, I will leave it up to my friend from Georgia to take care of it after I am gone.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IDEA

Mr. DOLE. Mr. President, on April 14, 1969, I gave my first speech on the Senate floor. I spoke about people with disabilities—the challenges they face in their daily lives and how appropriate services can make a big difference by giving them a shot at opportunities others take for granted. Thus, as I leave the Senate today, it is with a sense of symmetry and continuing mission that I am pleased today to rise in support of the Individuals with Disabilities Education Act.

I might say, we hoped to have that cleared. There is some problem.

IDEA, as it is often called, gives States important financial help to educate students with disabilities and, in turn, provides students with disabilities with the guarantee of a free and appropriate public education.

Mr. President, there are some issues that transcend politics, foster a bipartisan spirit, and result in legislation that makes a real and lasting difference. In my view, disability has always been one of those issues.

Perhaps no legislation has been more important in improving opportunity for young people with disabilities than IDEA. In 1975, I was honored to help craft the first IDEA legislation.

At that time, as unbelievable some may find it today, millions of young people were not allowed into school, simply because they had a disability.

IDEA has helped change that, and IDEA is as important today as it was 21 years ago. But the world has changed, and so, too, must IDEA.

This latest reauthorization bill cuts administrative redtape, provides States more flexibility in spending Federal funds, demands greater accountability for educational results and helps educators maintain safe schools—without sacrificing any of the important protections IDEA gives students with disabilities.

I want to acknowledge the hard work of Senators FRIST and HARKIN. Their efforts have paid off in a good bill, and I congratulate them.

Mr. President, I do not know what judgments historians of the future will make of my record in the Senate. But, for me, I can think of no more important issue in a personal sense than disability, one that I have pursued with more constancy or greater pride, or has made a greater difference in people's lives. I hope others will reflect that what I did was right, not merely convenient.

(The remarks of Mr. DOLE pertaining to the introduction of S. 1856 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, later today I will introduce a bipartisan commission bill on campaign finance reform, something I talked about in 1990—not last week or last year, and it is in the RECORD. In fact, Senator Mitchell and I even experimented with our own limits commission. The problem was there was not any enforcement there, so Congress did not do anything.

I am no rocket scientist, and I have been here long enough to know that if Republicans were in charge, we will try to have a bill better for us, and if the Democrats are in charge, they will want a bill that is better for them. I will introduce a bill later, along with a statement calling for a bipartisan commission which would have some teeth in it so, if they made recommendations, Congress would act up or down. I hope it is something we could get our arms around. It will not happen soon, but I think we need to focus on it.

We are into another election cycle. I know there is a lot of criticism by a lot of people about fundraising. None of us likes to do it. I do not. I believe we can address this in a responsible, objective way by finding people outside of politics who understand the problem and can deal with it and treat all of us fairly, whether we are, again, Republicans or Democrats. I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair advises that under a previous order, the time between 10 o'clock and 12 noon is under the control of the Senator from Oklahoma. The Chair recognizes the Senator from Oklahoma.

TRIBUTE TO SENATOR BOB DOLE

Mr. NICKLES. Thank you, Mr. President. I yield to the Senator from Kansas, Senator KASSEBAUM, 5 minutes.

Mrs. KASSEBAUM. Mr. President, I think it is appropriate that Senator DOLE, in one of his last acts of the Senate, introduced legislation to provide for security of the Medicare trust fund. It was his strong endorsement and leadership at the beginning of the

1980's that addressed the solvency of the Social Security system. Just yesterday, he was instrumental in bringing a number of us together to address the concerns of health insurance reform. It is my hope we can reach across the aisle and forge with the administration a lasting piece of legislation addressing many of the concerns regarding health insurance reform.

For nearly 18 years, Mr. President, Senator DOLE and I have served as partners in representing Kansas in the U.S. Senate and in working on many other issues. We have not always agreed, but far more often we have agreed. More importantly, Mr. President, we have respected each other's dedication. Today, that partnership ends, at least in its current form.

This day creates many mixed emotions. Like others in this Chamber, I will miss BOB DOLE's steady presentation and his can-do attitude that has helped the Senate through so many rough times. I know Kansans also view his departure with some trepidation.

At the same time, I believe that Senator DOLE has made the right choice by deciding to focus all of his time, energy, and skill on the Presidential campaign. It is a mark of his dedication and commitment that he would give up so much in order to bring his very best to the challenge at hand. It also, I think, marks his confidence.

In our years together here, BOB DOLE and I have created a spirit of cooperation and teamwork in representing our State. There is no one who understands middle America and grassroots sentiment better than BOB DOLE. That is where his roots are. We have joined forces many times to see the needs of Kansans were addressed and that the concerns of Kansans were voiced clearly and forcefully. I could not have asked for a better partner in helping me. I hope my support for him in those efforts has been worthwhile as well.

Our work together has ranged across the spectrum of issues and problems. Countless hours were spent helping farmers get through the credit crunch of the 1980's. No one understood that better than BOB DOLE. Today, there are family farms across our State and our Nation who still work their own lands due to BOB DOLE's leadership.

We have gone to bat repeatedly to assist our aviation manufacturers to get fair treatment in world markets. Today, there are thousands of aircraft workers producing airplanes that might never have been sold without BOB DOLE's firm hand and persistent efforts. Senator DOLE took the lead in the effort to rebuild McConnell Air Force Base in Wichita, KS, after a devastating tornado swept through the outskirts of Wichita. He saw to it that every small town in Kansas had a tornado warning siren to protect its citizens.

Mr. President, through all of these years, no challenge has been too large and no concern has been too small for Senator DOLE. Our State motto is ad astra per aspera, "to the stars through difficulties." I have never known Senator DOLE to not look at a challenge and find a way to address it. He has been a tireless champion for our State in every farm bill, every tax bill, every bill of any kind that touched Kansas and, more importantly then, by extension, the Nation. As a direct result of his efforts, our State is a better place to live, to work, and to go for school. His legacy is written not merely in laws but in a better life for every Kansan.

It is with a mixture of regret and pride that I say goodbye to Senator DOLE today. We will miss him deeply. I will miss him most of all. I know that there is other work for him to do now, other challenges to be met, and I have no doubt at all that he will do that job and meet that challenge. BOB DOLE is a remarkable man with an extraordinary life story, yet on this day all I can offer him is a heartfelt thank you for all that he has done for me and for Kansas and the Nation.

I yield the floor.

Mr. NICKLES. Mr. President, I thank the Senator from Kansas for her eloquent remarks. She has known Senator DOLE and worked with Senator DOLE maybe closer than any of us over the last several years. She, likewise, will be retiring this year and certainly will be missed by all of us in this body. She has brought a certain degree of civility that is certainly needed in this body. I compliment Senator KASSEBAUM for her statement.

Next, I call on Senator GRAMS from Minnesota.

Mr. GRAMS. I thank the Senator. Mr. President, I want to pay tribute to a man who, for 20 some years, while in the broadcast news industry, I used for sound bites and sources of information. I have now had the pleasure, over the last 2 years, to work with him in the Senate and am now able to call him a friend.

BOB DOLE's name alone stirs up many images among the American people. BOB DOLE—war hero, Congressman, Senator, party chairman, majority leader, Presidential candidate.

Yet, when I think of BOB DOLE, other words come to mind: midwesterner, mentor, colleague, and most of all, friend. I'm sure that all of us in this Chamber feel the same way, and today, we honor BOB DOLE, our leader, our distinguished colleague from Kansas, our friend.

As BOB leaves Washington to return home back to the heartland of our great Nation, I wanted to share some of my thoughts about this man whose life story and distinguished career reflects the very values we cherish most as Americans.

BOB was born and raised in Russell, KS—living the small town American life about which legends are made. His family was not wealthy; in fact, during the Depression, the Doles, like many families, had to put together just to make ends meet, moving into the basement of their home in order to rent out the rest of their house.

As a young man, BOB worked as a popular soda jerk at a local drug store, learning early on the lessons of hard work, fiscal responsibility and the value of a hard-earned dollar.

Growing up in Kansas taught BOB the importance of patriotism and sacrifice. It's not surprising that at the age of 19, BOB answered the call to serve his country by joining the Army to fight in World War II.

And by now, everyone should be familiar with the story of BOB crawling out of his foxhole during heavy shelling in the hills of Italy to save a wounded colleague, only to be hit by Nazi machinegun fire.

There are some for whom love of country and self-sacrifice are just phrases—words to be used for a holiday speech. For BOB DOLE, it is the standard under which he has led his life—a badge of honor he wears even today.

The 3 years and nine operations it took for BOB to rehabilitate required strength and perseverance, a burden too great for some to carry. But BOB DOLE was never one to give up—not even under the most difficult of circumstances.

His determination to recover and get back on his feet was backed up by the now-legendary support of his friends, family and community, when the people of Russell passed around a cigar box to raise the $1,800 needed to pay BOB's medical bills.

BOB has never forgotten their generosity. He still keeps that cigar box, the receipts and the love and support they represent in his office, and recalling those days still overwhelms him with heartfelt emotion.

Upon recovering from his war injuries, BOB wanted to give something back to his community—he chose public service. Since receiving his law degree in 1952, public service has been exactly what BOB DOLE's life has been about. Public service has led him all the way to the U.S. Senate, and now, the White House.

The character traits that BOB DOLE learned since his humble beginnings in small town America have been reflected in his everyday work as a Senator.

BOB has consistently worked for a Government that serves the people but is a accountable to the taxpayers who pay for it, and a society that is based on people helping people without creating a permanent dependency on Government.

These principles have been apparent in his efforts to balance the Federal budget, return hard-earned tax dollars to the middle class, overhaul the welfare system, and preserve programs like Medicare for generations to come.

I am proud to say that I had the opportunity to stand at BOB DOLE'S side during these debates, to have worked with him in making our Nation a better place for our children and grandchildren.

But BOB has been more than just a colleague—he's been my friend. When I campaigned for my seat in the Senate, BOB came into Minnesota five times. As a fellow Midwesterner, BOB knows my State, its people, and our heritage. Minnesotans like BOB DOLE; he is one of us.

BOB'S friendship extends beyond the 1994 campaign. Shortly after arriving in the Senate, I got caught up in one of last year's biggest fights over national policy: whether or not to include tax cuts in the budget. I promised the people of Minnesota that I would not support a budget that did not include tax relief for the middle class.

BOB understood my pledge, and though he could not, as Senate majority leader, take public sides on the debate, he privately encouraged me to stick to my guns, telling me not to give way on my principles. Sure enough, when the final budget came out, tax cuts were included, thanks in no small part to BOB DOLE'S support.

On May 15, I had the opportunity to join many of my colleagues in standing with BOB again as he announced his resignation from the Senate. Like many of those who heard the speech, I was moved by his words, particularly when he said to the American people: "I will stand before you without office or authority, a private citizen, a Kansan, an American, just a man."

I thought to myself about this man—a man who has served his Nation in times of war and peace with honor and integrity, who carries through when he gives his word, who has sacrificed so much of himself for the country he loves so dearly.

BOB is not a man who learned his political philosophy from a book, but instead, developed it as the result of his life experiences, from the people whose lives he has touched and whose lives touch him, and the commonsense wisdom one can only expect from a son of the Midwest.

It is with this wisdom and the good feelings of all of us who have known and grown to respect BOB that he closes this chapter of his incredible life story, only to open a new one—full of the promises and hope that have marked his life. And while I am saddened to see him go, I am comforted by the fact that the Senate's loss is the American people's gain.

I look forward to traveling with BOB across this great country, a country he has served with distinction throughout his life, and introducing to the American people, a man I am honored to call my friend, BOB DOLE.

Mr. NICKLES. Mr. President, I thank the Senator from Minnesota for his comments. I call upon Senator BENNETT from Utah for 5 minutes.

Mr. BENNETT. I thank the Senator. Mr. President, we here in the greater Washington area have been celebrating the remarkable baseball career of Cal Ripken. I sometimes do not like sports analogies, but I would like to draw on one relating to Cal Ripken, and other sports heroes, to give you my take on the majority leader, the Senator from Kansas, BOB DOLE.

We have sports heroes in the various sports that we follow in this country, who will have a brilliant season, and as a result of that brilliant season, be all over the papers as a tremendous performer. And then something happens and they fade from our consciousness.

If I can switch from the Orioles for just a moment and go back to the New York Yankees, I would like to talk about Roger Maris, who set a record for the most home runs in a single season. When you think of the primary home run hitter of the Yankees, you do not think of Roger Maris, you think of Babe Ruth, or of the modern counterpart to Babe Ruth, Hank Aaron. Babe Ruth had a brilliant season, with 60 home runs. But the reason we remember him is because he endured over a long period of time and set the record for the most home runs in an entire career, which stood until Hank Aaron came along and did more over an entire career.

We must judge Senators, public leaders, not on the basis of a brilliant season, or a brilliant speech, or a brilliant campaign, but by what they do over a long career.

BOB DOLE came to the U.S. Senate in 1969, the year Richard Nixon assumed the Presidency. I was in Washington at the time and had the privilege of serving in the Nixon administration. It was known around town that BOB DOLE was the "rookie of the year." BOB DOLE was the brightest star of the new Senators taking office as a result of the 1968 campaign. Now, did he have a single brilliant season? Fast-forward the tape. In 1976, BOB DOLE was chosen as the party's Vice Presidential nominee. It was not a flash in the pan in his first experience in the Senate. He was a national figure chosen to be number two on the ticket. That ticket failed. Did BOB DOLE fade? In 1985, after Howard Baker retired from the Senate, BOB DOLE was chosen by his colleagues to be the majority leader, and then he went on to serve longer in that position than any other Republican in history.

When we look at this man, we can pick out the brilliant seasons here and there, but the real legacy of BOB DOLE is the long career, putting together a string of brilliant seasons and a long legacy of service.

I remember, as a new Senator, listening to the then majority leader, George Mitchell, talk about service in the Senate. He said that it is a great honor to serve in the Senate of the United States, and that very few people have had that honor. And then he went on to say, with some truthfulness and a little wry smile, that many of those people disappear and are forgotten after they have left the Senate and leave behind no legacy whatsoever. He said that only a few make a serious difference by virtue of their service in the Senate. And then he said that one of those that we serve with, whom we know will be remembered for his towering contribution—and these are not his exact words, but I am not doing violence to them—will be BOB DOLE.

I thought that was a particularly generous tribute for George Mitchell to pay to his adversary across the aisle. That comes to mind now as we contemplate Senator DOLE leaving this arena in order to compete in another. It is not the brilliant season, it is not one particular campaign, or one particular legislative accomplishment that we remember. We honor the fact that this man has been at the center of American politics for longer than any of the rest of us, in a serious way, in the serious debates, addressing the serious issues.

So we wish him all the best, regardless of party, on a personal basis, and as a personal tribute to the fact that we have been privileged to serve with one of the great Americans of our history, the Senator from Kansas, the majority leader, our friend, BOB DOLE.

Mr. NICKLES. Mr. President, I thank the Senator from Utah for his excellent speech. I appreciate his comments very much. Next, I will yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I come to the floor of the U.S. Senate today to bid farewell to a friend, a leader, a colleague, and an authentic American hero. BOB DOLE embodies what is right about America. Seasoned by the values and humble atmosphere of small-town America, the experience of war, and perseverance through physical trials, BOB DOLE has earned the respect and admiration of us all.

He is a legendary legislator who is known for his honesty, integrity, and fair-mindedness. BOB DOLE is an authentic war hero who stood on the front lines in the fight against tyranny and sacrificed so that others may live in freedom. He understands the commitment and sacrifice necessary to protect and preserve freedom.

I would like to share a couple of stories with my colleagues, one having to do with a trip to France back in the mid-1980's. I had an opportunity to respond to questions from a French audience for almost 2 hours and at the end of that, had the opportunity to ask them a question. I told them I was going to be returning to America in a

few days, and I wanted to know what they would tell me to tell the people of Florida about what they thought of our Nation. The first several people who came and stood up said that we think of America as a great, dynamic, growing country, and one that is providing opportunities for millions of Americans.

The third person that stood up was a fellow who was probably his late seventies or early eighties, a little bit wobbly, steadying himself with a cane, and looked me square in the eye, and he said, "When you go back to America, you tell the people of your country that we will never forget that it was the American GI that liberated our little town."

The second story is the opportunity that I had, along with some of my other colleagues here on the floor of the U.S. Senate, to be in Italy with BOB DOLE at the time he returned to the battlefield where he was wounded and stood on the road as he looked over to the area in which he laid for 9 hours before being rescued. Later, we walked down the street of this little town where BOB DOLE laid a wreath at a monument in memory of those individuals who gave their lives in defense of freedom and liberation of Italy. As I stood by his side that day, I truly understood that this was a man who understood the importance of freedom; that freedom is the core of all human progress, and while the price of freedom may be great, there is no price so great as the loss of freedom.

We can see the mettle of the man in his decision to leave behind leadership of the U.S. Senate to pursue the Presidency. He is doing it because it is simply the right thing to do.

BOB DOLE has so much to give America through his experience and his wisdom. While this is a day of reflection, it is also a day of anticipation. I am confident that BOB DOLE is not done serving his country, and America will be better for it.

Thank you, Mr. President.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank our colleague from Florida.

I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I thank you, Mr. President. I thank the Senator from Oklahoma.

Mr. President, today we are saying farewell to our leader in the Senate so that he can become the leader of our Nation and of the free world. This is a remarkable man who can shoulder this great burden. This is a man who has shown that he is worthy of our trust. He has kept his promises to the American people, starting with balancing the budget. For the first time we are on a track to balancing the budget in 7 years due to the leadership of BOB DOLE. It is the first time in 40 years that Congress has made the decision that we must not burden our children and grandchildren with the kind of debt that has been built up by Congresses of the past.

This is a man who can be Commander in Chief of our country. He has respect for our military. He respects the people who have chosen to protect the freedom of America. He understands the need for peace—not through unilateral disarmament, but through strength. And he will not send our troops into harm's way unless there is a U.S. security interest. He has shown that through his leadership on the Senate floor to make sure that we do not commit American lives unless there was a U.S. security interest.

He has fought for the working American family. He grew up in Russell, KS. He knew poverty. He knew what it was like to struggle to make ends meet. That is why his priority was tax relief for the hard-working families of this country such as the $500-per-child tax credit and homemaker IRA's. It was Senator DOLE who led the way for the homemaker to have retirement security, just like those who work outside the home do. And it was Senator DOLE who passed that bill in Congress only to have it vetoed by President Clinton. He fought to lower the marriage penalty because he wants the American family to stay strong.

He has been a leader in the fight for women's health issues. During his time as majority leader, we have increased the spending for research on women's health care concerns. He is trying to make sure that we have a strong health care system—a strong Medicare system that will be there for those who will need it in the future.

He is fighting for the spirit of entrepreneurship to be kept in this country because he knows it is the small business people that make the economy grow and prosper in America and takes the new people into our system for jobs. He knows that, and that is why he is trying to provide regulatory relief.

We have passed the free trade agreements, so our small businesses are going to be able to compete for those jobs. Senator DOLE knows, and he has led the way for regulatory relief for our small business people so that they will be able to grow.

He has been a defender of private property rights because he believes in the fifth amendment to the Constitution.

Finally, Mr. President, he has been good for our border concerns. He is trying to help us deal with the severe problem of illegal immigration. He is doing that by trying to make sure that we have the help we need in the border States to meet these terrible issues that are of such concern to our country right now.

So we are saying goodbye today to our Senate leader, a man who has proven his mettle time and time and time again; a man who understands what America is all about and who has voluntarily said that he would rather be going out across this great country talking to the people who are working, who know what the problems and concerns are for the heartland of America. He would rather be out there talking to them one on one, listening to their concerns and telling them what he would like to do to make their lives better. He has chosen that over the traffic of Washington, DC.

He has his priorities straight. He wants to keep the American dream—his dream that every child in this country will have the same opportunities that he did to reach his or her full potential, and he means to make America a place that will allow that to happen.

So we are saying farewell to a Senate leader today, but we are saying farewell to a leader of this group so that he can take on the greater challenge with his spirit and his integrity of leading our great Nation in the free world.

We wish him farewell, and we will be with him out in the heartland of America talking to the concerns of the people of this country.

Thank you, Mr. President.

Mr. NICKLES. Mr. President, I thank our colleague from Texas for a beautiful statement.

I now yield 5 minutes to the Senator from Colorado, Senator CAMPBELL.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Thank you, Mr. President.

Mr. President, it is a great honor for me today to join my colleagues in recognizing the outstanding accomplishments of one of the greatest Senators in this great institution: BOB DOLE.

This is a special day in history for those of us gathered here in this Senate Chamber. For on this day in 1775, the Continental Congress did something this body has been doing ever since—it appointed a committee. We have come a long way since then. But this committee's job was to write the Declaration of Independence which has protected our freedom and liberty ever since. The committee was composed of Thomas Jefferson, Benjamin Franklin, John Adams, Robert Livingston, and Roger Sherman. While no congressional committee has ever done a more important job, BOB DOLE's service of 36 years in Congress as legislator, Finance Committee chairman, and majority leader has had a profound impact on the course of our Nation.

Although he has worked on behalf of countless individuals, families and communities, BOB DOLE has stood out as a champion of veterans in Congress.

Therefore, as a member of the Veterans' Affairs Committee, I rise today and join with veterans from across the country and throughout this Congress in honoring a lifetime of achievement by my friend—a warrior, a leader, a hero.

In modern times, the word "hero" is often bandied around a great deal. But after much reflection, perhaps Ralph Waldo Emerson's perception of heroism best describes how so many of us feel about BOB DOLE. Emerson said: "The characteristic of heroism is its persistency. The heroic cannot be the common, nor the common heroic."

BOB DOLE is a man who has risen to uncommon and heroic heights. And, as it is with most heroes, he seldom speaks of his accomplishments.

He represents, I guess, the best of our country's warriors and heroes. The story of what he went through in 1943 while attending Kansas University and joining the U.S. Army is legendary. As a second lieutenant platoon leader, he went into training with the 10th Mountain Division, which was based in my State of Colorado. Perhaps his only mistake at that time was not buying the land around the training site, because that has become what we know as Aspen today. But certainly it was that highly trained infantry of the 10th Mountain Division that began the final attack April 14, 1945, which led to his wounds of World War II. He went off to war to defend the Nation and our freedoms. And, as a result of that wound, of course, he went through nine operations, which several other Senators have told about, and 2 years of recovery.

I guess, just to talk about wounds and recovery is one thing, but the Germans have a saying. They say, "He who laughs at scars has suffered no wounds."

When we think of the time it cost and the terrible pain Senator DOLE must have gone through, through that recovery time, we know there is a difference between talking about it and actually going through it.

BOB DOLE's legacy as a warrior, hero, and statesman reminds us of another outstanding American leader, President Dwight D. Eisenhower. Senator DOLE, then a member of the Kansas House of Representatives, first met General Eisenhower on a rain-soaked day in the spring of 1952 when the General returned home to Abilene, KS, to officially launch his Presidential campaign. It was most fitting, therefore, when Senator DOLE was awarded the Eisenhower Leadership Prize in 1995 by the Eisenhower World Affairs Institute for lifetime accomplishments which reflect Eisenhower's legacy of integrity and leadership.

As President Eisenhower said 41 years ago:

> Of the nations of today the future will say that there were two kinds: Those that were intelligent, courageous, decisive and tireless in their support of high principles—and those that disappeared from the earth. The true patriots give their best to assure that our country will also be found in the first of these categories.

BOB DOLE clearly stands among the true patriots.

As a decorated World War II veteran, his service on behalf of our Nation's veterans can be seen in four major areas: benefits, POW/MIA issues, education, and health care.

Veterans who have served their country deserve and have earned quality benefits. Toward this end, the Dole GI bill, introduced in 1995, revamps the veterans benefit program and brings it up to date and in line with the needs of veterans today.

He also authored legislation in 1996 to create the Veterans Transition Benefit Commission. Its purpose is to ensure that veterans leaving the military due to downsizing have access to the necessary assistance to return to civilian life in the most productive manner.

On the difficult POW/MIA issue, BOB DOLE has been in the forefront, seeking answers and helping families who do not know the fate of their loved ones. BOB DOLE is considered the 1970 founder of the POW/MIA League of Families. Since then, he has continued to assist families to get a full accounting and disclosure of the fate of their loved ones.

This past Memorial Day over 100,000 veterans converged in D.C. on The Mall, as they do every Memorial Day, angry in their belief that many people in government have abandoned them. BOB DOLE has not abandoned them, nor will he ever abandon the veterans of the United States.

In the area of veterans health, BOB DOLE has a special and deeply personal understanding of the importance of quality health care and the power of rehabilitation. He has worked to provide a service-connected presumption for certain diseases, expand the number of disorders for which former POW's could receive disability compensation.

Although we served in different wars, Senator DOLE in World War II and myself in Korea, we share with all veterans a unique perspective on life and country. If war teaches you anything, it is that the world is a mixture of vulnerability and enduring strength, and that it is the job of the human spirit to strike the balance we call peace. BOB DOLE has never wavered from the pursuit of peace.

This courageous leader understands so much about the price of freedom, and as he goes forth from this Chamber, let him know that our hearts, our prayers, and the hopes of all America's veterans go with him.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank Senator CAMPBELL for his outstanding statement.

Next, I yield to Senator THOMAS, from Wyoming, 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise today to join in the tribute to Senator BOB DOLE. Certainly, his accomplishments extend over many areas, but I want to limit my remarks specifically to health care.

His record is one that truly demonstrates compassion, dedication and selflessness. This is not a man who simply talks about quality health care. He knows the importance of it firsthand.

Of course, we all know the story, BOB DOLE's valiant service in World War II. He spent 4 agonizing years in a hospital bed. It was this experience that led to his commitment to give each and every American the security of knowing health care is there today and will be there tomorrow.

Proof of such dedication is reflected, not just in the way he votes on major issues, but also in smaller efforts like helping to keep a 12-bed hospital in rural Kansas open, or creating employment opportunities for persons with disabilities. These are little things that do not always receive a lot of fanfare, but over the course of 35 years, they build a solid legislative record.

As the Wyoming State chair for the Senator's 1988 Presidential bid, I came to know and understand the person who has so willingly fought the good fight to make insurance more affordable and accessible to all. For instance, during the 1970's, when many policymakers were advocating a nationalized health care system, it was BOB DOLE who recognized the flaws of such an approach. Rather than let the Federal Government be in control of individual medical decisions, he coauthored a more simple, practical piece of legislation, the 1979 Dole-Danforth-Domenici health insurance bill. The initiative aimed to improve access to health care, but in a manner that did not turn the reins over to Washington, DC. He had the foresight back then to keep reform affordable and free of Federal mandates. This same philosophy continues.

A few years ago when the Congress considered the Clinton health care plan, it was BOB DOLE who warned against the ill effects of federalizing our health care system. As an experienced legislator, he reminded Congress that increased taxes and price controls are not the way to improve coverage for the uninsured.

But, before I reflect on the Senator's more recent accomplishments, I want to highlight an issue near and dear to the hearts of Wyoming people—rural health care. In the 1980's, hospital closures were plaguing rural America and providers were vacating these communities for urban practices. To be exact, 237 rural hospitals closed during the

decade. There would have been more if not for BOB DOLE's commitment to a notable package of rural health care reforms. Reforms that improved Medicare reimbursement rates to small hospitals, created primary care centers, and recruited vital family practitioners. These solutions helped to revitalize our communities and gave rural families the same access to quality medical care as their urban counterparts.

As someone who hails from a town of 500-people, I know the importance of such measures. If a rural hospitals closes, it often devastates a community. Jobs are lost and individuals are left without care during times of a medical emergency.

Establishing a successful rural health care delivery system can be very difficult. Yet Senator DOLE and his staff have helped make that goal more plausible.

I am sure I speak for many members of the Rural Health Care Caucus when I say, "Thank you."

Mr. President, BOB DOLE's commitment to quality health care extends to senior citizens as well. Last year, when Medicare was projected to be bankrupt in 2002, it was our leader who fought to preserve the program well into the next century. His plan provided thoughtful solutions to complex problems while still maintaining spending increases for every senior citizen. Unfortunately, the President rejected the proposal, not because it did not do enough, but because it was politically expedient thing to do.

Despite the administration's refusal to save Medicare from insolvency, BOB DOLE continues to work on behalf of the elderly. Just 1 month ago, before he announced his intention to leave the Senate, he steered passage of an amendment to the Health Insurance Reform Act. The measure helps alleviate the burden of long-term care costs, which is becoming all the more important as nursing home expenses rise.

Mr. President, these are a few of the many accomplishments of BOB DOLE. Unfortunately, time does not permit me to list them all. But the purpose of reciting his achievements is not to boast about our longest serving Republican leader. Rather, it is to provide insight into the man who represents the State of Kansas.

He has served his State and his country well. He is one of the most effective and wise legislators of our time.

Great legislators should be measured by their actions, not by their words. BOB DOLE's actions on health care clearly state where his priorities are. So my friend, BOB DOLE, good luck. It has been a pleasure serving with you and I know you will continue to serve our country in the future.

I yield the floor.

Mr. NICKLES. Mr. President, I thank Senator THOMAS, from Wyoming, for his remarks.

I yield to the Senator from Rhode Island, Senator CHAFEE, 5 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I wish to comment briefly today upon BOB DOLE's record in an area where I have devoted a considerable amount of time, namely the environment. Under BOB DOLE's leadership, we have been able to continue the proud tradition, the Republican tradition, of protecting our environment. That is a tradition that dates back to Teddy Roosevelt. It is interesting to note that BOB DOLE came to the Senate in 1969. Shortly thereafter the modern era of environmental law began to take shape.

In 1970, he supported President Nixon's creation of the Environmental Protection Agency, and he has supported every major environmental law since he arrived in the Senate; all of which have come about in the past 25 years.

What are some of these laws? The National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act, Superfund, the Resource Conservation and Recovery Act to control hazardous waste, and on the list goes.

Mr. President, those bipartisan efforts have brought about an extraordinary, tangible change in our Nation. The successful protection of the environment has been called the greatest social achievement of the United States of the past quarter century. Let us consider briefly the successes we have had under the laws that were enacted with the help and support of BOB DOLE.

In the 15 years 1975 to 1990, automobile miles traveled in the United States increased by 70 percent. They went to 2.2 trillion vehicle miles per year in those 5 years—increased by 70 percent. But in the same period, hydrocarbon emissions were cut in half. Lead in the air, for example, has a terrible effect on the mental development of children, especially in congested inner cities. Because in the mid-1970's we mandated the use of unleaded gasoline, lead in the air has declined by 98 percent. That is an extraordinary achievement.

EPA has just completed a study showing that the positive effects of air pollution controls have been enormous. The study found that, in 1990, Americans received roughly $20 of value in reduced risks of death and illness and other adverse effects, $20 of value for every $1 of expenditure spent on air pollution control.

What about clean water? In 1970, only one-third of the lakes, rivers and streams in the United States of America were considered fishable and swimmable. Now, not one-third but two-thirds of the lakes, rivers and streams in America are considered fishable and swimmable, and the percentage continues to rise every year.

Since its enactment in 1973 by a vote of 99 to nothing, the Endangered Species Act has achieved remarkable results. Populations of whooping cranes, brown pelicans, peregrine falcons and many other formerly endangered species have come back from near extinction. So there is a lot of good news out there, and much of that success is due to BOB DOLE's leadership in this Senate.

Senator DOLE recognized early on the importance of dealing with the threats to our global environment. Under his leadership, the Senate approved, in 1987, the Montreal protocol, dealing with substances that deplete the ozone layer. Then that was followed by the 1990 London amendments to eliminate the production and use of chlorofluorocarbons, CFC's, and other chemicals that destroy our protective ozone layer.

Last year, BOB DOLE cosponsored a bill that was developed by the Committee on Environment to amend the Safe Drinking Water Act. The result was approval by the Senate in a recorded vote of 99 to nothing, and that is a tribute to BOB DOLE's leadership.

He was a key architect of this year's farm bill which demonstrated his interest and commitment to protecting the environment. The 1996 farm bill produced one of the most significant conservation packages ever enacted into law, and BOB DOLE was a key player in every step of that farm bill.

BOB was a champion of the free-market approach to controlling acid rain in the 1990 Clean Air Act amendments, and that free-market approach is working.

With his support, we are exploring similar approaches to protecting wetlands through mitigation banking and to create incentives for private landowners to protect endangered species—use the free-market approach.

Eighty-six years ago, the first of the great environmental Presidents, Teddy Roosevelt, said the following:

> Of all the questions which can come before this Nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us.

We have seen from his work in the Senate that those are sentiments that BOB DOLE heartily agrees with.

On a personal note, may I say it has been a joyful experience for me to have been associated with BOB DOLE for the past 20 years here in the Senate.

May success and happiness be in his future, and we wish him Godspeed. I thank the Chair.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Rhode Island for his excellent remarks.

I now yield 5 minutes to Senator GRAMM from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, by his skill and courage, BOB DOLE has earned a place in history, alongside the modern giants like Lyndon Johnson and Bob Taft, as one of the greatest leaders in the history of the Senate.

I think it is fair to say that of all the people who I have worked with in my service in the House and the Senate, BOB DOLE is the greatest legislator, and I am very proud to have served with BOB DOLE in a period which inevitably will be called in the history books the "DOLE era."

BOB DOLE has my strong support and my deep affection as he leaves the Senate he loves to fight for the leadership of a nation that he loves even more. I think for many of us here today, this is a sad moment. BOB DOLE has been the leader of the Republicans in the Senate every day that I have served in the Senate. My first vote that I cast 12 years ago when I came to the Senate was a vote to make BOB DOLE the majority leader.

I have known him as an ally and an adversary. I think I can say I know BOB DOLE pretty well. I know that he is a good and great man. I know that as Americans get to know him in the coming months that they are going to conclude that he has the leadership and the convictions that we need to change America.

So as he leaves us in the Senate, I am delighted that he is leaving us to seek higher service, and I am confident that he is going to get an opportunity to provide that service. I am very proud to join his colleagues today in paying tribute to him, the greatest legislator of his era, as he serves his last day in the Senate.

I yield the time that is remaining back to the Senator from Oklahoma.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment Senator GRAMM for an outstanding and very strong statement.

I now yield to Senator SNOWE from Maine 5 minutes.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I thank the Senator from Oklahoma for yielding this time.

I rise today to join my colleagues in honoring the preeminent Republican leader in the history of the U.S. Senate, Senator BOB DOLE. Throughout his distinguished career, Senator DOLE has served the people of Kansas, as well as this Nation, with honor, distinction, and integrity.

We gather on this bittersweet occasion to pay tribute to a remarkable man for his lifelong commitment to America, as well as his unparalleled leadership in this august institution. As President Reagan said so eloquently in describing Senator DOLE as a leader, "It's not just a job description, it's a description of the man."

His leadership has touched virtually every aspect of public policy, but I would like to speak specifically on a topic that has been of paramount importance to me throughout my career—an area where Senator DOLE has been a champion, an area where he has made a difference, and that is on behalf of America's women.

Mr. President, Senator DOLE's commitment to ensuring fairness and opportunity for America's women is not a newfound phenomenon. In fact, it has always been an integral part of who BOB DOLE is. Throughout his career, Senator DOLE has fought to make America what Susan B. Anthony called the "true Republic: men, their rights and nothing more; women, their rights and nothing less."

In his personal and professional life, BOB DOLE has been guided by a singular belief that every individual—regardless of gender—has the right to fulfill his or her God-given potential.

BOB DOLE has always known that we cannot have a truly representative democracy unless women are represented at every level of government and society. Not content just to rely on words, he has taken action.

As chairman of the Republican Party, over two decades ago, he appointed the first woman in the history of the party as deputy chair. As Senate majority leader, he appointed the first woman as Secretary of the Senate. And he was the first Senate leader in history, Republican or Democrat, to select a woman, whom we all have known, the extraordinarily capable and talented Sheila Burke, as his chief of staff.

It is not just women on the Hill who have benefited from Senator DOLE's efforts. The lives of women in small towns, big cities, and everywhere in between in America have been improved as a result of Senator DOLE's leadership.

From his Retirement Equity Act of 1983, which protected women from an arbitrary pension system that left them without a pension after their husbands died before retirement age, to his Sexual Assault Prevention Act, which finally expanded the rights of women after years of taking a back seat to criminals in our justice system, BOB DOLE was at the forefront of the fight to guarantee economic opportunity and personal safety.

BOB DOLE recognized that 2.5 million women are battered annually, the single greatest cause of injury to American women, and he saw that as being unconscionable. It was under his leadership that the Violence Against Women Act was fully funded for the first time ever.

But his leadership did not end there. Senator DOLE also recognized that the highest echelons of corporate America did not reflect the true landscape of this Nation. Where others did not or would not, BOB DOLE saw barriers which are rarely penetrated by women, and he believed those lines were made for crossing. As Senator DOLE himself has said, "The issues boil down to equal access and equal opportunity." BOB DOLE knows there is something wrong when women are not represented in the upper levels of management in corporate America, and that is why he authored the Glass Ceiling Commission, the first ever Federal commission that created the most comprehensive report on how business could make full use of our Nation's human capital.

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

Mr. NICKLES. Mr. President, I yield the Senator from Maine an additional 2 minutes.

Ms. SNOWE. Mr. President, Senator DOLE's commitment to women goes beyond the workplace. Under his leadership, the Senate passed legislation to provide Medicare coverage of a drug that was proven effective in the fight against breast cancer. He created a tax credit for expenses associated with the long-term care of elderly spouses who are sick or family members, especially important for women because they represent 78 percent of our Nation's primary caregivers.

For those who found themselves in need of a helping hand, BOB DOLE has been the driving force behind meaningful, compassionate welfare reform, to transfer welfare into workfare and move people from the welfare rolls to the payrolls. He made sure it was not done on the backs of children by ensuring that we inserted $3 billion in additional child care funding, and this bill passed the Senate with 87 votes.

In another commitment to women and families, he joined with me in providing for tough child support enforcement provisions to send a message to deadbeat parents that the days of parental irresponsibility are over.

The bottom line is, Mr. President, the record goes on and on. The record shows that when it comes to America's women, you can count on BOB DOLE.

Finally, on a personal level, I would like to express my deepest appreciation for Senator DOLE's friendship and wise counsel over the years, not only here in the U.S. Senate but throughout my years in the House of Representatives. As he takes leave of this institution he loves so much, he and Elizabeth take with them our profound respect, our great admiration, our heartfelt friendship, our deep gratitude and our prayers for Godspeed as he and Elizabeth embark on an exciting and historic new chapter in their lives.

I am reminded of what Winston Churchill said when the tide had

turned in favor of the allies. He said this:

This is not the end. It is not even the beginning of the end. But it is, rather, the end of the beginning.

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

Mr. NICKLES. Mr. President, I thank Senator SNOWE for her outstanding comments.

I now yield 5 minutes to the senior Senator from Wyoming, Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it is my great pleasure to comment about my friend BOB DOLE. We have heard all of the facts and the extraordinary history of the man's life and his life in the Senate, and it indeed is extraordinary. We all have known that. He is the very best—the very, very best.

I will be saying much about this man in the next months, for this is a leader, a real leader, not just in the title he held but way down inside, and that is a gift. That is the ability to lead, to engender trust and loyalty and the admiration—even grudging sometimes—of your toughest adversaries, and he has had that and it will serve him well.

One of the great and singular honors in my life was to serve as his assistant for 10 years. I was his first lieutenant. He was the captain. We had a pretty good platoon, a good company, too, and a good battalion. It was one wonderful run. I must say that some joy of it was lost, was sometimes when we took our work too seriously—but we never took ourselves too seriously. When you have a couple of gentlemen with a rather spirited sense of humor, it does spark up and brighten the day. I love those types.

I learned much from this man. I learned not to judge, to try to make things work, to have ultimate patience. That is what I really have not learned yet. It is out there though. He gave me some good tips. In those times, I found this man to be true, honest, and so natural, a very remarkable gentleman. By taking leave from here in this honorable way, the American people will come to see him as we do, as I do—fair, strong, firm, a man of great resolve.

With this extraordinary woman Elizabeth at his side, Elizabeth Hanford Dole, they will surely captivate and unite this country in their quest, for she is a person of great personal faith and an inspiration to many of us. And his daughter Robin too, what a fine woman, making a fine impression all over America, as she is deeply involved in the campaign activities. Those are the things we will see the BOB DOLE family doing in these months to come.

A legislator, a listener, a loyalist. No one served President George Bush with more loyalty than BOB DOLE. He was always supporting the man who defeated him, supporting him to the hilt. That is class.

I have no sadness. No, I am excited to know that this man will be out there in America, and that the people of America will see what we here have always seen in this man, a man of deep, personal conviction, a man of deep moral fortitude, guts, always telling the truth, and the strong leadership—a man who can make a decision and stick with it. Bold and courageous are other examples of his leadership—purposeful, direct, and decisive.

So here we go. He will seek this job in the same way he has sought everything in his life, with that great energy, from that spirit. He has great capability, so very competent, and we will all see this man as a deeply sensitive man, a decent—very decent—and caring man. I think America is longing for that.

I wish him well, with this magnificent woman of charm and grace at his side. God bless them both for, indeed—he is all the man there is.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank Senator SIMPSON for his comments and for the excellent working relationship that he has enjoyed with Senator DOLE over the years. As all of us know, he is retiring as well. Certainly, he will be missed. His wit and wisdom will be missed in this body, as well.

I yield 5 minutes to the Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, today the Senate loses its leader, but our Nation and its people gain a leader. What this country needs at this time is to see a good example coming from its political leaders. What this country needs is moral leadership. It is truly lacking, of course, in the current White House. I have been speaking out on this subject of lack of moral leadership, with several specific examples of that failed leadership by the President and First Lady, since March 19.

It is not enough to call BOB DOLE a friend, a steady presence in the Senate, an ally. It is more important to know his qualities. These qualities are what make BOB DOLE a leader. Above all else, BOB DOLE has earned respect. You gain respect, Mr. President, by first showing respect for others. He has done so. He has shown respect for his fellow Kansans, for working men and women of America, for America's farmers, for the small business entrepreneur, to his colleagues, for his party, but, most of all, respect for America.

When you get BOB DOLE, you get someone who will do what he says he will do. That means you get a man of integrity. You get a person of accountability. He does not point the finger. The buck stops with BOB DOLE. He takes responsibility for his actions. That is important, Mr. President, because this is what America needs and needs right now. At a time when public cynicism is riding a crest, fueled by the actions from current leaders in the White House, we need BOB DOLE's tie of leadership, because historically, the best leaders are those who have integrity, who demonstrate fairness, and who have compassion.

If I have learned nothing else about BOB DOLE in my 16 years serving with him in the U.S. Senate, it is that he is a person of integrity, a person who treats people fairly, and a person who has and demonstrates compassion. One of the best experiences I have had with BOB DOLE was campaigning with him in my State of Iowa. The first time was in 1988. The next time was this year. Whenever I introduced BOB DOLE to the people of Iowa, I introduced him as one of us. Iowans knew right away exactly what I meant. It meant that BOB DOLE has the same roots as we have—Midwestern, small town, rural, traditional values. He never forgot where he came from and how he got there. That is the mark of a humble public servant. That is what our country so desperately needs today.

Yes, I will miss BOB DOLE as a friend and a political ally. I will miss him more as a leader. I take comfort in the fact that in losing a leader, the country is gaining one. For that, I can only be truly grateful.

I say to citizen DOLE, your new journey of a thousand miles begins with this first step that you are taking today of leaving the Senate, saying goodbye to the people's branch of Government, and going out among the people themselves. I wish you, BOB DOLE, great success as our future leader.

Mr. NICKLES. Mr. President, I wish to thank Senator GRASSLEY from Iowa for an outstanding statement.

I yield 6 minutes to the Senator from Oklahoma, Senator INHOFE.

Mr. INHOFE. Mr. President, while I was presiding, I listened to the accolades and the very warm remarks that have been aimed toward our leader, BOB DOLE, and so richly deserved by Senator DOLE. I could think of only two characteristics that have not been brought up yet. They came from two experiences that I had.

One was back when I was a very fresh, new, freshman Senator. I happened to have been supporting PHIL GRAMM for President of the United States, who was a primary opponent of BOB DOLE's, only to find that he and I had a trip to take together from Washington out to Independence, KS, since we had been active in getting a very significant product liability bill passed that put America back into making airplanes again. I got to thinking of traveling all the way with a guy when I was actually opposing him. I was very uncomfortable about it. I can tell you during the entire trip, you would have

thought I was his, BOB DOLE's, chairman. I have never seen a person so absolute in his forgiveness and understanding.

Second, a couple of years ago I can remember when BOB DOLE was coming in to do a fundraiser for me at 7:30 in the morning in Tulsa, OK. By coincidence, it happened to be the morning after the night they considered President Clinton's soft-on-crime bill. BOB DOLE was really wrapped up in that. That was one of the disappointments he had. He lost it by one vote.

He got on a plane, it had to be sometime after midnight, came all the way to Oklahoma in a driving rainstorm, and was there at 7:30 in the morning. His staff was exhausted. He looked like he was just showing up for his first prom.

I have never seen a guy with energy like he has. The two characteristics, boundless energy and compassionate forgiveness, are two characteristics that will serve America in a grander way. What a guy.

Mr. NICKLES. I thank Senator INHOFE, my colleague, for his statement.

I now yield 5 minutes to the Senator from Washington, Senator GORTON.

Mr. GORTON. Mr. President, nothing I can say here today can add to the richness or the depth of the picture that has already been presented over the course of the last 2 weeks or so by other Members of this body and by those outside of this body with respect to our candidate for President and our retiring majority leader, Senator BOB DOLE. All I can do is to take that photograph from a very slightly different angle and, I hope, make it at least a slightly deeper photograph of a great man.

This is important, however, because the BOB DOLE we, who have worked with him for a year or for a decade, know is not the BOB DOLE as he has been pictured to our fellow citizens all across the United States. It is exactly for that reason, of course, that he is leaving us and his magnificent and, I believe, rewarding career in this body to share his real character, his real personality with all of the people of the United States in his quest for the Presidency.

BOB DOLE is, I think, first of all, a man of extraordinary patience—perhaps the single most significant requirement for a leader of a body of 99 other Members, all of whom most of the time feel that they are in possession of absolute truth or the precise way in which the Senate should conduct its business.

BOB DOLE seems never to have lost a sunny equanimity, even under the most difficult circumstances. His wit seems never to have deserted him. His willingness to listen to advice and counsel—almost always unsolicited—seems to have been infinite, and at the same time that he has been willing to listen and been willing to consider the views from disparate sectors, he has been possessed by a deep dedication to principle, to direction, and to love of country.

On the one hand, people in politics are criticized for being too rigid and not understanding and, on the other hand, for being too compromising. BOB DOLE is neither. He has that rare combination of a dedication to principle and a willingness to listen and to accommodate the principles and ideas of others, which has made him a great success, has caused him to be the longest-serving leader of this party in the history of the U.S. Senate.

And so because of those winning traits of personality and those deeper traits of character and principle, each of us who remain here in the Senate will be slightly the lesser by reason of his leaving. He, on the other hand, will be the better for it—for this surprising and principled decision, for his willingness to present himself to the American people without the protection of any office on which to fall back.

I believe, Mr. President—and I believe firmly—that this open risk-taking, courageous BOB DOLE, whom we have known for as long as each of us has been in the Senate, and whom his friends, neighbors, and family have known from his youth, will become increasingly known by, respected by, and loved by the people of the United States as he presents these traits of character and personality to them during the balance of this campaign.

So we wish him bon voyage, the best of good luck, and we wish to the American people a new President with all of these wonderful characteristics for leadership and for making our country a better and stronger place in which to live.

Mr. NICKLES. Mr. President, I thank Senator GORTON from Washington for an outstanding statement.

I yield 5 minutes to Senator ASHCROFT from Missouri.

Mr. ASHCROFT. Mr. President, when Abraham Lincoln walked onto the battlefield at Gettysburg to commemorate what had been done there, he succinctly encapsulated the understanding that deeds far surpass words in terms of value. He said, "The world will little note nor long remember what we say here, but it can never forget what they did here."

We are not talking this morning just to be talking, to be saying things, but it is a way of helping people understand what BOB DOLE has done, who he has been, the depth of his care, and the breadth of his knowledge of how we need to proceed in America. It has been properly said that the world does not care how much you know until they know how much you care. And because BOB DOLE has not been a person to sound his own trumpet, to tell people about himself, I think people have mistaken him. They have not understood how much he cared, because BOB DOLE has been a person who has answered the call every time the call has come. He has not only answered the call, he has answered the call with everything—everything—at his disposal, the entirety of his existence.

In 1945, BOB DOLE nearly gave up his life—and there would have been those who said it was gone—to the call of duty. And, today, he relinquishes the power and prerogatives of policy development in the Senate because he, similarly, will pursue a call from his country, a call that we are pleased that he hears, a call to shape the tomorrows in which we live, a call to reestablish the fundamental values of American greatness, to align himself with the virtues of the American people, rather than the vices of a system that has really guided us down the wrong path.

In 1945, Lt. BOB DOLE volunteered to lead his company to take out a German machinegun nest. He scrambled out of a shell hole in order to rescue a fallen comrade. The Germans sighted DOLE and blew apart the right side of his back. Few people would have had the courage to live as he has lived. He willed himself to recovery, with God's help, and with the help of his neighbors. He willed himself to law school, and he willed himself to run for office.

Many of the medical experts at the time had given up on BOB DOLE. A doctor from Chicago decided to try some things that were virtually experimental and gave his services. The people of Russell, KS, donated their nickels, dimes, quarters, and dollars in the cigar box at the pharmacy down on the corner to cover the expenses.

BOB DOLE made a commitment that he would be an individual of service. We need that kind of determination. We need that kind of grit. We need individuals who have looked the very most serious of all circumstances in the face and have said, "With God's help, we can overcome, we can prevail." And that is BOB DOLE.

Well, America needed BOB DOLE when, in 1945, he was willing to give himself totally. They needed him when he went to the U.S. House of Representatives, they needed him when he became a Senator, and it needs him today.

All of us know the statistics. A child born today will end up paying $187,000 in interest on the national debt if we do not do something about it. BOB DOLE has devoted himself not just to a balanced budget—sure, he sent two balanced budgets to the President this year—but to the structure of a balanced budget; that is a balanced budget amendment to the Constitution.

BOB DOLE knows that American families spent about 3 percent of their income on taxes in the 1950's, and now we spend almost 40 percent. He understands that Americans have an ability

to spend on themselves and to do for themselves, if Government will stand aside. He understands that, for a long time, Washington has acted as if Government were the answer—faith in Government, governmentalism. He knows that is not the solution, that Washington's one-size-fits-all solution is not the way to solve this Nation's problems. He knows that when we placed that faith in Government, instead of ourselves, we injured ourselves.

BOB DOLE really is going to go to the American people and say: You have the quality, the character, and the capacity to do those things that are necessary to shape the next century constructively. I am delighted that he has so much commitment to this responsibility that he would say, "I walk away from the U.S. Senate in order to offer myself to the American people."

When the American people learn about BOB DOLE and get to know him the way we in the Senate know him, they will ask and demand that he be President of the United States. It will be a pleasure, as a Member of the U.S. Senate, to remember his outstanding service to the people, not just in the military, in the House and the Senate, but as the leader of this Republic. I am grateful for the opportunity to make these remarks regarding our majority leader.

I yield the floor.

Mr. NICKLES. Mr. President, I compliment the Senator from Missouri. That was a truly outstanding statement. I want to announce to my colleagues that I have several colleagues seeking a lot more time than we have available. I hate to disappoint colleagues because I know many wanted to speak prior to Senator DOLE's speech at noon. We may not be able to accommodate everybody. I cannot accommodate everybody on the floor, and that disappoints me greatly. If I stay on the order of requests, the Senator from New Mexico actually has been here for some time, and I know the Senator from Arizona has also. We actually have a unanimous-consent request that would allow Senator BYRD to speak at 11:30. And the Senator from Virginia and the Senator from New Jersey would like to speak. That makes it very difficult.

I would call on the Senator from New Mexico. I yield 5 minutes to the Senator from New Mexico.

If my colleagues could not spend all of that time it would be greatly appreciated.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Thank you very much.

Mr. President, fellow Senators, I think what I will do is start with wit. I think everybody remembers BOB DOLE for a lot of things. I am going to mention five or six that make him my great friend. But I want to hearken back to a budget debate in 1990 that was a brief moment when we were going to have a shutdown even back then for a very short period of time. And the tourists in the community were all kind of in turmoil because of various things that were going to be closed. And Senator DOLE said the following: "If you are hanging around with nothing to do and the zoo is closed, come over to the Senate. You will get the same kind of feeling, and you will not have to pay for it."

Mr. President, nobody should think that a statement like that in any way denigrates this great man.

I am really at a loss to say goodbye to him. But I am quite convinced that he is leaving as a legend. He leaves a legacy of leadership second to none in the entire history of the U.S. Senate. He leaves a legacy of laws and concerns that are so broad and so deep that I am doubtful whether his story ends in looking over the entire panorama of Senators from the beginning. I am very doubtful that they will find a Senator with such a legacy.

Let me start with senior citizens. In 1983, Social Security was going bankrupt. Who took the lead in the Senate to make it solvent for 30 to 40 years? Senator BOB DOLE. When it comes to the young people of America, some people choose to talk about programs. I choose to say BOB DOLE's deep and abiding concern for our young people is epitomized by his constant fight to live within our means so that we do not have to have our children and grandchildren pay our bills. Everything, from seniors to children and everything in between, has received the attention of this great man.

In fact, I will find it difficult. I think my feet will find me walking down that hall and my feet will find me going into that office because I have done that so many times when we needed leadership.

The legacy of leadership that he leaves will be sorely missed, and only history will indicate its true depth. Besides having wit, without which it is tough to run the Senate, he had courage. Can anyone forget the night when we wheeled Pete Wilson in? He had an appendectomy. We brought him in here from the hospital bed so we could get the vote, and so that Vice President Bush voting from the Chair could assure us of what would have been a balanced budget long before today that failed not because of BOB DOLE's leadership but because of something else.

So anybody following him better know that they better be honest; they better tell the Senate the truth for he knew no other way.

As he leaves, there is a bit of sorrow and even sadness, at least in my heart. But in a very real sense I am very, very happy because I think the American people now have a chance to meet, to know, and to understand the BOB DOLE that we know. If they get that chance, he will be the next President. He will be the next President of this great land where the same leadership that he gave to us will be there for everyone.

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

Mr. DOMENICI. I yield the floor.

Mr. SPECTER. Mr. President, I join my many colleagues in expressing my congratulations to Senator DOLE for a historic career in the Congress of the United States, which ended with his resignation today, and I also express my regrets that we will no longer have ROBERT J. DOLE as our majority leader and as our Republican leader.

I speak for both the Commonwealth of Pennsylvania, which I represent, and in a sense, also for Russell, KS, because Senator DOLE and I both grew up in Russell, KS. I moved to Russell from Wichita when I was 12 years old, so I have known Senator DOLE for a good many years. My father, Harry Specter, was a friend of his father, Doran Dole. My dad was in the junk business, and the only scale big enough at the time to weigh the junk yard truck was the Dole scale and elevator run by BOB DOLE's father. Our brothers, Kenny Dole and Morton Specter, both passed away at the same time, approximately 3 years ago.

Senator DOLE's story is a story like Horatio Alger, except that BOB DOLE's story, compared to Horatio Alger, looks like Horatio Alger was born with a silver spoon in his mouth. Both the Doles and the Specters, figuratively, lived on the wrong side of the tracks. It is a true story that the Dole family, during the depression, moved out of the first floor of their home to live in the basement to help defray expenses at a very tough time when Kansas was a dust bowl. BOB DOLE grew up and worked at Dawson Drugs at the soda fountain. There is sort of a legendary and famous story about how he would flip the ice cream and catch it behind his back. I recounted that story not long ago on a campaign appearance for the Presidency in Delaware County. BOB added that sometimes when the ice cream fell to the floor, it became a chocolate shake. He went to college—a tough thing to do in the early 1940's. Russell High School had the State debating championship, but BOB DOLE chose not to be a debater. He was a renowned high school athlete. And then we all know of his heroics during World War II, and of his injuries and how he laid his life on the line. He did not suffer loss of life but did suffer loss of limb, and came back with a phenomenal rehabilitation. So he has a real understanding of what it is like to pull yourself up by your bootstraps when you have neither bootstraps nor arms to pull yourself up by; and has a real feeling for the disabled; and a real understanding of the need for medical

care; and a real understanding of what it is like to be an underdog. That historic, monumental rehabilitation has been recounted on many occasions.

Then he became a State legislator while going to law school. He came back and was county attorney, in Russell, KS. He told the story today about how his parents had been Democrats and how he became a Republican, checking the local registrations. I originally heard the story in Russell, about how he was courted by both parties to become their nominee for county attorney and then checked the registration in Russell County and found it was 2 to 1 Republican. And as Senator DOLE has said previously, as a matter of conscience he instantly became a Republican. And then so much of the rest is history: Elected to the House of Representatives in 1960 serving four terms, and then to the U.S. Senate in 1969.

I have had the privilege of serving with him in this body for the last 15½ years. I watched him, as the chairman of the Finance Committee, and he did a really extraordinary job in that capacity. It was in that capacity that I think Senator DOLE earned the confidence of his colleagues for the leadership position that he sought in 1984.

I recall the 1982 tax bill, when Senator Baker, then the majority leader, stood at the leadership position, and at 11:45 p.m. on that complex bill said that there were 63 amendments pending, amendments like mushrooms grew overnight, and that we were going to plow ahead. Standing beside him was Senator DOLE, the chairman of the Finance Committee. Senator Baker said Senator DOLE thought we ought to persevere. We worked through the night, as it was Senator Baker's custom to do on occasion. There were, perhaps, half a dozen rollcall votes, many more voice votes, many amendments dropped. At 6:30 a.m. we walked out of the Chamber having finished an extraordinary bill, which showed BOB DOLE's leadership.

Then we had the extraordinary election for majority leader in 1984, contested by Senator TED STEVENS and Senator PETE DOMENICI and Senator DICK LUGAR and Senator Jim McClure. We had to have a series of ballots. First one dropped and then the next and then the next. And finally—and I happened to be sitting next to Senator DOLE on the left-hand side of the Chamber in the rear of the whole Senate when Senator DOLE won by a narrow margin of 28 to 25; two votes changed and Senator DOLE went on to be the leader. I was in the photo in the scene when Senator DOLE shook hands.

He was an extraordinary leader in many, many ways. Always a conciliator, always with a velvet touch. Some of us were not too easy to lead, in terms of the votes. But never a demand, never a ruffled feeling, never a sense of pressure or, certainly, not undue pressure.

I recall legislation changing the Grove City decision by the Supreme Court of the United States, as illustrative of what Senator DOLE would do. Senator Packwood and Senator HATCH were on opposite ends of the issue. Suddenly Senator DOLE came up with compromise language. In unison, Bob Packwood and ORRIN HATCH said, "But that is unsatisfactory because it will leave the issue open to controversy as to what it means." Senator DOLE smiled and said, "That's the perfect solution." It wasn't quite that language, but Senator DOLE got it worked out.

Today's speech by Senator DOLE, I think, was historic. I hope he can continue to speak with the same easygoing manner, the same light touch, the same sense of substance, and at the same time, the same sense of humor. Because I think if Senator DOLE does that, he will really establish a rapport with the American people for his next challenge.

In a sense, Senator DOLE's farewell address to the Senate has significant similarity to George Washington's farewell address. It was a different time, a different tempo, different tenor, but I think it was a historic farewell address. This Chamber was filled with respect and admiration, and, really, love.

I do not know, if on prior Senate occasions, there has been a recording of the time sequence for the length of applause, but that event speaks for itself as Senator DOLE moved from one part of the Chamber to the other, surrounded by his colleagues, both Democrats and Republicans; many of the colleagues expressing themselves on more than one occasion.

Then a few of us who were privileged to be his fellow Republicans in the Republican caucus had an opportunity to hear Senator DOLE's last speech in the Mansfield Room. The balcony, now named for Senator DOLE, as we have paid tribute to a few of our colleagues by memorializing their presence, became that accolade.

Then, at 3 or a little after 3, a number of us were waiting outside in the boiling Sun to watch him walk down the Senate steps for the last time, at least the last time on the day of his resignation. The steps were filled with well-wishers, staff, and citizens from all walks of life. He came down and it was a symbolic transition from the U.S. Senate, where he had achieved such heights, walking out as citizen DOLE, to see the people of America.

When he finished saying goodbye to his colleagues on the steps, he moved across the yard to greet Americans who were waiting to see him, smell him, touch him. From there he moved over to the large crowd that was assembled between the two chambers. I think it was a very, very significant and a symbolic move, as he has left the U.S. Senate in his quest for the Presidency of the United States.

It was obviously not an easy decision for ROBERT J. DOLE to make, to leave the embellishments and accouterments of office, as majority leader, one of the loftiest positions in the Government of the United States or in the world. But he did so in his quest for what he saw as a higher calling.

In the contemporaneous time period with his departure, he addressed one of the toughest issues in America, the issue of abortion, which has been the most divisive issue facing America since the Civil War, with his characteristic and traditional Solomon-like judgment. It is a political issue, but worthy of a moment or two, leaving the Republican platform intact to accommodate one segment of the party and offering the olive branch, the spirit of tolerance and the big tent to another segment of the party. Almost, in a sense, squaring the circle and accommodating almost seemingly irreconcilable differences. But that has been the life of Senator DOLE. That has been his tradition as a young man growing up on the plains of Kansas where he learned, really, fundamental American values—accountability, integrity, honor, and trust, serving his Nation so well in war and serving his Nation so well in peace.

Seeing him go is a tough thing for all of us who have known him, in many ways over the years. We wish him the very best as he continues in his quest to serve America.

I ask unanimous consent that my comments appear in the CONGRESSIONAL RECORD in advance of Senator DOLE's statements. All of us could not be recognized in the limited time before he spoke today, and although it is obvious on the face of my comments that they were made after he spoke, I would ask they appear in advance of his text, including my unanimous-consent request, so the sequence makes some semblance of sense.

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

Mr. BOND. Mr. President, today we pay tribute to a man who has served his country ably and well for well over 50 years, and who will be remembered for his leadership of an institution that is not easily led.

From his humble beginnings in the town of Russell, KS, BOB DOLE has taken seriously, and has exercised responsibly, his call to serve. While those of us who have served with him in this institution are disappointed to see him go, and will miss him, he has greater challenges and rewards ahead. I believe BOB DOLE will go on to engage this Nation in a critical debate over the next few months about where America is headed as we approach the turn of the century. The United States, and the office of the Presidency, need BOB DOLE's leadership desperately. The words "noble" and "man of integrity" are not often used to describe the current occupant of the White House. Yet they are

words that come to mind immediately to describe BOB DOLE.

BOB DOLE did not shirk his responsibility to fight for his country during World War II. He accepted it, fought bravely in Italy, and nearly paid the ultimate price—his life, for his country. BOB DOLE is now willing to sacrifice his political career in order to meet the challenge of defeating Bill Clinton, restoring fiscal sanity to American Government, and restoring honor to the office of the Presidency.

BOB DOLE has been well prepared through 27 years of Senate service to assume the Presidency. He has led Republicans through long years in the minority, and has more recently led us to some significant accomplishments in our effort to roll back Government and ever-increasing Government spending.

BOB DOLE's skills are not well known to most Americans, because many Americans are unfamiliar with what it takes to make this side of Congress work. The Founding Fathers set up the U.S. Senate as an institution to protect the rights of the minority. This is a place where, in fact, a Senator adhering to minority viewpoint has much greater power in many ways than a Senator whose view reflects the will of the majority party. One Senator can hold up landmark legislation simply by taking to the floor and refusing to relinquish it. A significant minority, 41 Senators of 100, can thwart the will of the majority party simply by refusing to cut off debate.

BOB DOLE understands these challenges. As minority leader for many of the 9 years I have been in the Senate, he used the rules effectively to protect the rights of a significant minority. This was referred to in the media as gridlock, but it is really the way the institution was designed, to protect the Nation from the passions of the moment and to provide for reasoned, reflective debate.

Since assuming the role of majority leader, he has managed to overcome challenges raised by the Democratic minority, and hold his troops together to pass significant legislation. Under his watch, the Senate has passed and sent to the President the first balanced budget in a generation, meaningful welfare reform, the Congressional Accountability Act, legislation preventing unfunded mandates on State and local entities, and regulatory relief. The President has vetoed the two most significant of these initiatives: namely a balanced budget and welfare reform.

The speeches we give today in honor of BOB DOLE sound a lot like eulogies, but they are in reality reminiscences of a stage in BOB DOLE's life. He will go on to do even greater things. He will continue his long and distinguished career of service to country by holding its highest office, and will restore to that office the respect and honor of the American people.

Mr. FAIRCLOTH. Mr. President, as we all know, BOB DOLE will resign from the Senate to run for the Presidency today.

It was a courageous decision—but also a sad one for the Senate.

I am personally proud of Senator DOLE. I think it is the right decision.

I strongly believe that when the American people are given the chance to know Senator DOLE and his wife Elizabeth better—the polls will change dramatically—and he will be elected President.

Senator DOLE was raised in an era in America when hard work and strong values were rewarded. This is an era that we can have once again in America, if BOB DOLE is elected President.

When Senator DOLE's country called on him to serve—he went, and almost gave his life. He didn't flee the country and protest against it from overseas.

When his family struggled in the depression—they didn't seek a Government handout—instead they rented their own home and lived in the basement to get by.

He didn't allow his war injuries to sideline him in a hospital for the remainder of his life—instead he picked himself up and rose to one of the highest positions in the Government and became a candidate for Vice President and now a candidate for President.

BOB DOLE will bring to the Office of President the values of his upbringing. He will not spend the taxpayers' money irresponsibly. He will not put this country further into debt. He will not coddle criminals that threaten our communities. He will not tolerate drug use in the White House or tolerate a disrespect for our Armed Forces.

This is the BOB DOLE that has been our majority leader. And, I am confident this is the man that American people will want to be their President.

Ms. MIKULSKI. Mr. President, I want to echo my colleagues' gratitude to a remarkable Senator and majority leader, BOB DOLE. Few Members of Congress can boast similar years of commitment to our country. In fact, Senator DOLE's entire life has been dedicated to public service; from his brave service in World War II, to his service in the Kansas State Legislature, the U.S. House, and for the past 27 years our U.S. Senate. He has devoted his life to serving the people of Kansas and our country. I truly admire his agility in handling the people's business in this body, the U.S. Senate.

It will be difficult to imagine the Senate floor without BOB DOLE. We have always had a cordial and collegial working relationship. I have admired his wily way of moving legislation. He often commented on my way with a quip.

I think it's fair to say that members of both parties have learned from BOB DOLE. His mastery of Senate procedure, and his skill at moving legislation, are matched by few in this Chamber.

I thank Senator DOLE for his service in the Senate. In an age when over half of married couples can't stay dedicated to each other for 10 years, it's remarkable for someone to stay dedicated to an institution as tempestuous as the U.S. Senate for 27 years.

With deep admiration and respect for a trusted colleague, I wish Senator DOLE all the best.

Mrs. FEINSTEIN. Mr. President, BOB DOLE first came to Congress at a time when the world—and he himself—was still recovering from the wounds of war, and America, catapulted into world leadership, was about to enter one of the most difficult periods in our young history as our Nation became bitterly divided over the Vietnam conflict.

These events shaped the man who came to Washington to represent his home State of Kansas back in 1960. And, from my experience in working with him over the last few years in the U.S. Senate, it is clear that BOB DOLE never forgot the values those experiences taught him. He has left an imprint on this body that deserves our recognition and our thanks.

Having nearly given his life for his country in the battle for freedom, BOB DOLE brought strong convictions about honor and public service with him to the U.S. Congress.

And, having seen this Nation spill blood in battling its own conscience, he understood that—even in the rough and tumble world of politics—we can not afford to forget the warnings of our predecessors: United we stand; divided we fall. BOB DOLE'S tenure as majority leader reflected these convictions.

He leaves the Senate having made an indelible mark on this body with his ability as a leader, his skill as a statesman, and his commitment to the service of his country.

I have not always agreed with BOB DOLE, but I have never found his door closed. That, to me, says more about the man than anything else. In my view, the mark of a true statesman is his willingness to listen to all sides of an issue in a search for common ground. But the mark of a leader is the ability to move people forward in spite of our differences in search of progress.

Although I have not known BOB DOLE for very long—I came to this body in 1993 and worked with him, first as minority leader, then as majority leader—I have come to hold high respect for him, and think of him fondly. These are very tumultous times, and his was no easy task.

I have been particularly struck, time and again, by his willingness to seek solutions by forging agreements—even in circumstances where he had the votes to win on an issue and did not need to regotiate.

I remember when the issue of moving the United States Embassy in Israel to Jerusalem arose last year in Congress.

Senator DOLE had all the votes he needed to pass a resolution supporting the move. And yet, he listened to those of us who had concerns about the impact the wording of this resolution would have on what, at the time, was a very delicate phase of the peace negotiations in the Middle East.

He did not have to listen. He chose to listen, and he chose to address our concerns. And we passed better legislation as a result. That is leadership.

I have been struck by his forthrightness as majority leader—his word was his commitment, and his commitment was a matter of honor. These have been difficult times. But, although he and I did not always end up on the same side of an issue, I knew BOB DOLE cared more about the integrity of the democratic process than he cared about short term political gain, and that he respected each and every Senator's place in that process—because we represent the America people.

No, we did not always agree. But even on issues where we disagreed, I always knew where I stood, and I knew I could trust his word.

ROBERT DOLE will be remembered for his lifetime of service to the American people, and for helping to shape the course of our Nation during some of the most pivotal times.

He deserves our praise and our thanks, and we wish him and Elizabeth well.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, next in order for appearance, I know on the unanimous-consent request Senator BYRD had this time. He is not here right now. I yield to the Senator from Arizona 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, when Americans came home from World War Two the time reserved for celebrating their hard won victory was of necessity brief. Joyous though those celebrations were, they had to give way quickly to the hard work of repairing the damage done to families and communities by the long separations and tragic losses which war visits on the victors as well as the vanquished.

But Americans, having defeated the Axis Powers, were upon the moment of that success obliged to assume the new responsibility of leading the free world's resistance to the imperial ambitions of our former ally, the Soviet Union. By so doing, they undertook a mission of immense proportions and difficulty, but great historic significance and nobility.

For it was the Americans who fought so valiantly from Guadalcanal to Normandy who would then devote their lives to ensuring that the second half of this century not collapse into the bloody calamities or succumb to the aggression of freedom's adversaries that made this century one of the most violent and tragic times in recorded human history. At both the mid point and the end of the 20th century, these Americans ranked among the greatest generations of our countrymen. They are accorded that distinction for their dedication to their country's cause and humanity's hope, and for the dimensions of the victories won by their devotion, selflessness, ingenuity and courage.

Even in this distinguished company, BOB DOLE stands out. When he returned from war he could not, as many of his comrades could, immediately pursue the veteran's dream of building a peaceful and prosperous life. He had to first rebuild himself. The exemplary courage and determination he brought to his own recovery is the stuff legends are made of. And they are also America's good fortune for they are the same virtues he offered in his subsequent years of service to the advancement of our country.

In these days when more and more young Americans are attracted to the mores of the detached and indifferent cynic, to the affectations of Hollywood anti-heroes, BOB DOLE's life is a rebuke to those corrupting influences on our popular culture. When I am asked by anxious parents: where are today's American heroes by whose example I can instruct my children?; the list of such Americans I can offer in response is still a long one. But I can identify no better example than the man to whom we wish good luck today. BOB DOLE is what an American hero is supposed to be.

His sacrifice in war and his hard road to recovery earned BOB DOLE the peace and quiet to live a life of personal pursuits, of individual attainment and success. But he chose instead to chase his country's dreams. And in America's historical mission to contain and defeat Soviet imperialism and to wrench from this violent century some greater hope for humanity's progress in the next. BOB DOLE brought the patriotic optimism of the young soldier off to war, but he brought also the veteran's appreciation for the dimension and seriousness of the task before us. He enlisted again in the war against totalitarians, and again he is in the front ranks of those who earned the victory.

BOB DOLE'S Senate leadership was essential to the efforts of Presidents Reagan and Bush to win the cold war. He built majority coalitions for the defense build up of the 1980's, helping to restore the readiness and modernization of our Armed Forces which had been so badly neglected in the previous decade.

He has been a consistent and skillful advocate for ballistic missile defense beginning in 1973 with his support for the Sam-D, the predecessor to the Patriot missile, continuing with his support for SDI and ending most recently with his sponsorship of the Defend America Act. In his determination to provide Americans with an affordable and adequate defense from the greatest danger facing our country, BOB DOLE has shown the vision and the will required to meet the security threats that will confront policymakers in the 21st century.

Senator DOLE organized congressional support for Reagan Doctrine policies which gave critical assistance to freedom fighters confronting Soviet aggression from Nicaragua to Afghanistan. Together with his support for our defense build up and a strategic defense system, Senator DOLE's commitment to sustaining the front line resistance to Soviet imperialism hastened the collapse of the Soviet Union, and made possible the liberation of millions whose rights had long been denied them as citizens of captive nations.

As cracks in the Soviet empire became the breech that brought down the Berlin Wall, BOB DOLE hastened the final dissolution of the Soviet Union by sponsoring the Direct Aid to the Republics Act which provided direct assistance and trade relations to the Soviet Republics, bypassing Moscow, and further weakening the Kremlin's control over its subject peoples.

In the first crisis of the post-cold-war world, Iraq's invasion of Kuwait, BOB DOLE cautioned President Bush to seek congressional authority for Operation Desert Storm, and then employed his peerless legislative skills to win majority support for authorization over a very determined opposition, sending a message of American unity to Saddam Hussein.

More recently, BOB DOLE's consistent, principled support for the legitimate Government of Bosnia and the strong Senate majority he built for his position forced our own Government and our allies to replace their previous indecision and indifference with the resolve to enable the Bosnian people to resist aggression, and determine for themselves their nation's fate.

Mr. President, my time is nearly up, and the brevity of this tribute his required me to offer only an abbreviated, very incomplete list of BOB DOLE's many important contributions to the security of the United States. Suffice it to say, that BOB DOLE is a statesman who has worked tirelessly and effectively to protect other Americans from having to pay as a high a price for love of country as he was once asked to pay.

Before I close, Mr. President, I would like to offer a personal expression of gratitude to my leader.

I have had the honor in my life of being commanded by a great many brave, resourceful, and decent leaders, but none more so than our friend, BOB DOLE. A long time ago, in another walk of life, I lived for a period of time without liberty. I and a great many men whose courage and honor enabled me to

endure that experience wanted nothing more than to keep faith with our country and for our country to keep faith with us. When well-intentioned Members of this institution unwittingly attempted to break faith with us by denying support for the war necessary to ensure our eventual liberation, BOB DOLE led the opposition to that effort. For 7 weeks he forcefully debated a cutoff of funding while so many of America's sons remained the prisoners of our enemies. All the while he waged that debate, BOB DOLE wore a bracelet that bore my name. I have never properly thanked him for the great honor he did me. I wish to do so now. For myself, for my comrades who came home with me, and for the many thousands who did not, thank you, BOB, for the honor of your concern and support for us. We fought in different wars, but we kept the same faith.

BOB DOLE leaves the Senate now, and all of us, Democrat and Republican alike, know in our hearts we will not soon see his like again in our ranks. But he leaves only to continue his service to America from another office. I take considerable comfort from that. For I know that the tasks that confront us as we consolidate our cold war victories and make for our children and our children's children another, better world than the one in which we lived most of our lives require the service of an American who appreciates from his experience and from his heart the indispensability of American leadership. This is a daunting responsibility, which is shared by all of us. But I am reassured that we will not be found wanting in our assignment by my confidence that BOB DOLE will soon be our leader again and that our Nation will still benefit from the service of this honorable man.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I compliment Senator MCCAIN for an outstanding, moving, inspirational speech that I hope my colleagues will have a chance to review.

I ask unanimous consent to postpone the time allocated to Senator BYRD and Senator DASCHLE to 11:45.

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

Mr. NICKLES. I yield to the Senator from New Jersey, 2 minutes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, today BOB DOLE will leave the Senate. I have served with him for nearly 18 years, during which time, at different times, he has been the ranking member and chairman of the Finance Committee, minority leader, and majority leader.

Over the years I have disagreed with him often, but I have also worked with him on many things, from one of my first amendments in the Senate on the strategic petroleum reserve to closing tax loopholes in 1982 to tax reform in 1986 to maternal and child health care issues to GATT agreements to aid to the Bosnian Moslems and countless other issues.

BOB DOLE is a good man and an extraordinary legislator. Although he is personally shy, he knows how to build a political consensus, use power, make things happen. He keeps his word, which is an essential ingredient in building trust. He listens well, a trait of the very best legislators.

Any time you are trying to build a bipartisan majority, which is more the way it used to be in the Senate than the way it is now, you have to be able to listen. You have to understand intuitively where someone's bottom line is. And when an agreement will not be reached, you cannot view the other person as flawed, corrupt, and stupid, and expect that tomorrow they will forget your attitude. I do not remember BOB DOLE ever acting out of a grudge or perhaps even harboring one. He never burned his bridges.

One afternoon in my office more than a few years ago, Senator DOLE and I visited with a Russian politician named Boris Yeltsin whose visit I was sponsoring. Yeltsin had been over an hour late and we were 25 minutes into our discussion when one of his aides informed him he was an hour late for a meeting with Secretary of State Baker, to which Yeltsin responded by saying, "Humph, who cares about an appointed minister when I am meeting with those who are elected by the people."

To which DOLE responded, "He's got his priorities right."

That was the voice of BOB DOLE, the democrat, the man who has a deep and abiding respect for the will of the people. Time and time again the people of Kansas gave him their votes. Although Senator DOLE has given his life to public service, I sense he would be one of the first in this body to admit that a legislator's accomplishments are like sand castles built at the edge of the ocean surf—short-lived and often forgotten.

Therefore, the only thing that any of us as Senators have is whether those who worked with us gave us their respect, and those who elected us felt well-served. In Senator DOLE's case, I think the answer to each is yes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, last year I indicated to my colleague from West Virginia, Senator BYRD, that one of the real privileges of my being able to serve in the U.S. Senate was to serve here while he served in the U.S. Senate. I told Senator BYRD that. I was thinking last evening that I feel the same way about Senator DOLE. It has been an enormous privilege to serve in the Senate at the same time that Senator DOLE has served in this Senate. He has demonstrated an enduring commitment to public service that represents the kind of public service that we owe a substantial debt for in our country. He is truly the Cal Ripken of public service in the Senate year after year after year, doing his job and doing it the way the American people hope public servants will do their jobs.

I am here today only to say I wish Senator ROBERT DOLE well. The Senate will miss him. Those of us who have had the privilege of working with him honor his commitment to public service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I thank my colleague from North Dakota, and I yield 2 minutes to the Senator from Virginia.

Mr. WARNER. Mr. President, from his earliest days on the sports fields through his military career to his days in the Senate, BOB DOLE's destiny was and is leadership. How greatly has he enriched the lives of all of us here in the U.S. Senate. Like my good friend, Senator BRADLEY, I was there on the Yeltsin trip. I remember that. I also remember accompanying Senator DOLE to a hilltop in Italy, near the small village where he was struck down by enemy fire. But the hand of destiny reached down, the hand of Providence, and brought him back to serve this great Nation, to serve the world, and to become a great leader.

He will take his place—modestly, he might not acknowledge this—but he will take his place with Everett Dirksen, with whom our distinguished senior colleague, Mr. BYRD, served; with Howard Baker and with Hugh Scott. In that row of great Republican leaders, he has earned his spot.

Commander in Chief, a position to which he aspires, and a position in the Constitution of the United States he has fought to preserve on the floor of this Senate from the first day that he stepped entered this Chamber, irrespective of who has been in that office. He has been a staunch defender of the prerogatives of the Commander in Chief. I was proud to join with him on January 12, 1991, when we stood together for the Persian Gulf resolution, to give the Commander in Chief the authority to use force in the gulf. That was a hard-fought battle, a debate ending in a vote of 52 to 47.

Most recently, in my own endeavors, he stood beside me. He did not have to do it. He stood beside one of his colleagues in the name of friendship and he said, "It's not all politics. It's friendship."

Mr. President, I close by reading a brief quotation that I carry with me at all times. It relates to BOB DOLE. Thomas Jefferson once said:

I had laid it down as law to myself, to take no notice of the thousands of insults issued against me but to trust my character to my own conduct and to the good sense and candor of my fellow citizens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I compliment my colleague from Virginia and now recognize the Senator from West Virginia, Senator BYRD.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise to say farewell to my friend and longstanding colleague, the able Senator from Kansas, the Senate majority leader, BOB DOLE. BOB DOLE has responded to the call of duty throughout all of his adult life, and we are all the richer for his dedication and his work. His life and his service have made a difference.

American politics is a rough and tumble occupation, and we in this Chamber are all too familiar with the savagery, the criticism, the negativity that have so infected political life in our day. But there are times when politics must be put aside, and the honest, heartfelt contributions that we each and all make as servants of the people must be acknowledged.

I congratulate the majority leader on his long and distinguished service in the Senate, and before that in the House of Representatives, and before that, in the Kansas Legislature, to which he was elected at the young age of 26. As one of his fellow Americans, I thank him for his service and his bravery during World War II.

It has been a privilege and it has been a pleasure to work with Senator DOLE in the leadership positions given to both of us by our colleagues, first when he was majority leader and I was minority leader, and then when our roles were reversed.

Senator DOLE and I are the only floor leaders in Senate history to move from majority leader to minority leader and then back again to majority leader. I guess it is a classic case of what comes around goes around; or what goes around, comes around. Often, I have pondered this turning of the Senate wheel, a continuing rotation of individuals of different temperaments and talents, of opposing beliefs and varied backgrounds.

I have been honored to serve in the Congress of the United States for almost 44 years. I have witnessed the comings and I have witnessed the goings of many fine men and women. Some were extraordinary leaders, like Joe Martin, of Massachusetts; Sam Rayburn, of Texas; Lyndon Johnson, of Texas; Everett Dirksen, of Illinois; Hugh Scott, of Pennsylvania; and Howard Baker, of Tennessee; and Mike Mansfield, of Montana; who served as Senate majority leader for 16 years. Many made outstanding contributions to their country and were considered irreplaceable in their time. And yet our brief appearance upon the Senate stage is only temporary. It is applauded, remarked upon and then forgotten, washed away like footprints in the sand by the next turn of the wheel and the next wave of events.

But through it all, the Senate endures and goes on like Tennyson's brook—forever. It is far, far greater than the sum of its 100 parts.

Senator DOLE, in his four terms in the House and five in the Senate, has been a serious and successful legislator. He was the 1,645th person to have taken the oath of U.S. Senator. He has served as leader of his party in the Senate longer than any other Republican—10 years, 11 months and 20 days, today. BOB DOLE has served longer as a Republican in Congress—35 years, 5 months and 8 days—than any other current Republican Member of the Senate and House. Additionally, he is the only Kansas Senator to have chaired the Senate Finance Committee.

He has earned the respect of his colleagues. He has been a hands-on leader, often working personally with other Senators and staff to craft legislative compromises and solutions to difficult national questions.

As Republican leader, both when he served as majority leader and as minority leader, he was always available to work on solutions to problems of both a national and international nature. He gave his time, including the hours spent away from the Chamber and the Hill, wrestling with those solutions.

I have fond memories of the time that we worked together in the 100th Congress, when I served as majority leader and he was the minority leader, and we succeeded in crafting important legislation, including the landmark Omnibus Trade and Competitiveness Act of 1988. Together, we developed a new trade tool for the United States called "the super 301 law," which required annual reviews of foreign trade practices, the identification of priority foreign country practices against American products, and the triggering of automatic investigations against such countries' practices.

Senator DOLE has been particularly attentive and active in the foreign policy and national security areas. While we have not always agreed on specific policies, he has been a major contributor to our Nation's policies regarding the Soviet Union before its collapse, arms control, Bosnia, and the Gulf war with Iraq, to name a few important examples.

When he was majority leader in 1985 and I was minority leader, together we created the arms control observer group to monitor arms control negotiations and treaties with the Soviet Union. Together, we led a Senate delegation to the opening of United States-Soviet arms control negotiations in Geneva that year. We also traveled together at the request of President Reagan to Moscow to celebrate the historic exchange of instruments by Presidents Reagan and Gorbachev ratifying the INF treaty.

In the order of domestic policy, Senator DOLE has been a long-time central figure on farm legislation. He has amassed an impressive record of service on behalf of the disabled and the handicapped. He has particularly advanced the cause of handicapped children.

While I have enjoyed working together with BOB DOLE, and sometimes have equally enjoyed working at odds with him on various issues, I am saddened that he is leaving the Senate. He will cast a long shadow as he goes.

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

So when a man does a deed that you really admire,
Don't leave a kind word unsaid.
In fear to do so will make him vain
And cause him to lose his head.
But reach out your hand and tell him, "Well done,"
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

And so I say to my friend, BOB DOLE, "Well done."

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me begin by complimenting the distinguished Senator from West Virginia for his eloquence. Following his words is a very difficult task.

Senator DOLE has said that he wants to be judged now as just a man. But I think history will judge him as something more—a good leader, a good Senator, a good American. When you are from a small State in the Midwest, there seems to be a sense of pride in someone who makes it to the top the hard way, with hard work, with fairness, with adherence to principle.

Regardless of politics, religion or education, when someone starts at the lower rung and makes it all the way up, there is a pervasive feeling of ownership, of affinity that he is one of our own, a Midwestern sense of self-respect that he is like us, and now just look at where he is, what he has done and how he has done it. That is especially true when adversity hits. When someone rises above adversity to make it against the odds, the admiration grows greater. The greater the adversity, the greater the adherence to principle and decency, the greater the admiration.

Maybe that is why someone from South Dakota, someone of different politics, different religion, different education can reflect on the admiration that I hold for BOB DOLE with the sincerity that I do now.

I have had the good fortune to work closely with the majority leader now for 18 months. The conditions for a good working relationship could not have been much worse. We had just lost the majority. He was the likely nominee to run against a Democratic President, and the House Republican leadership, now also in the majority, had proposed a Contract With America. Of course, the events over the past year and a half could easily have led to bitterness and personal animosity of major consequence. I have no doubt that in virtually any other set of circumstances, there would have been no other result.

The fact that it did not occur, and in spite of it all we remained friendly, is due to BOB DOLE and who he is. His civility, his pragmatism, his quick wit, his self-effacing humor have not only served him well these past 45 years of public life, but have served his colleagues and his country well, too. His sense of fairness and decency is a standard by which all people in public life should be held. He believes in the institutions of democracy and has helped guide his party and this body in a way that has enhanced them, too.

While our philosophical differences are great, his willingness to do what is difficult has been a source of admiration and respect for us all. His courage in standing for principle has been evident from the start.

It was there when he broke ranks with his party to support the landmark civil rights measures of the 1960's, most notably the Civil Rights Act of 1964 and the Voting Rights Acts of 1965 and 1982.

It was there when he championed landmark nutrition programs with a visionary leader and a giant from South Dakota whose name was George McGovern.

It was there in 1991 when he and our colleague, TOM HARKIN, arguably did more for the disabled than anyone in our Nation's history.

And it was there in this Congress when, against all political advice, he fashioned a resolution on Bosnia that led to broad support for our troops being stationed there.

I am grateful to Senator DOLE for that leadership, for the decency and fairness he has demonstrated to me over these past 18 months. I have learned from him. It has been an invaluable education.

It has always impressed me that BOB DOLE would come to my office for a meeting—the seasoned leader coming to the newcomer, the majority leader, coming to the minority leader's office. I thought it was yet another demonstration of BOB DOLE's grace and demeanor. I know now that it was. I also learned that in doing so, this man, with the experience of thousands of such meetings, could always be the one to determine when the meeting was over.

I regret that we did not accomplish more together in these last 2 years. Obviously, bad timing was a factor. Our accomplishments have been eclipsed by our partisanship in the eyes of the American people. Still, nothing should cloud America's view of just a man from Kansas who began with little, who in fighting for this country lost almost all that he had, who came back to help lead his party and his country with courage and civility, who leaves this place with the gratitude of us all.

While I cannot wish him ultimate success at his next political venture, Linda and I wish Elizabeth and BOB DOLE well in their new life ahead. May it be filled with good health and much happiness. I yield the floor.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. The able Senator from Oklahoma is recognized.

Mr. NICKLES. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I rise on behalf of all my colleagues in the Senate, Democrat and Republican, to say thank you to Senator DOLE for his years of service in Congress, House and Senate, but especially the Senate, especially for his leadership, for his willingness to really embody what leadership is all about.

The man from Russell, KS, has indeed done very well. The man from Russell, KS, has overcome a lot of difficulties, and truly been a national hero. I was with Senator WARNER, Senator MACK, and Senator DOLE in Italy where Senator DOLE nearly lost his life in Castel Diano, and I realized what real leadership was all about, that a young man from Russell, KS, risked his life, almost gave his life, to reestablish freedom in a faraway land. I saw the love and respect that the people had in northern Italy for Senator DOLE, and my respect and admiration for him only grew. It has grown as we have shared many fine years in serving together, and I thought about this, most of our colleagues here have only known Senator DOLE as the leader or minority leader. Some have had the pleasure of serving with Senator Baker and Senator BYRD, as majority leader, but to our leader, we want to say thank you for your service not only to Kansas but to our country, for reaching out in bipartisan fashion and making great changes for this country.

I remember when you were elected chairman of the Finance Committee, tax rates were 70 percent. When you were finished, they were 28 percent. The economy really grew. You forged bipartisan working relationships with everyone. You are well liked by every Member in this body.

I want to apologize to my friends and colleagues that have been coming to me for the last hours, saying, "I want to speak," because we could not accommodate all the requests. I ask unanimous consent following the swearing in of Senator FRAHM, that we will keep the RECORD open for the remainder of the day so that remarks can be added to the remarks made earlier this morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NICKLES. To our leader, I say that you embody what we think is great about a leader. That is character. That is integrity. That is loyalty. You have earned the respect not only of your colleagues, you have earned the respect of all Americans.

To our leader, again, a man from Russell, KS, you are our friend. You will always be our friend. We wish you and Elizabeth every success this year.

THE ROBERT J. DOLE BALCONY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Senate Resolution 258 that I now send to the desk.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The Assistant Secretary of the Senate read as follows:

A resolution (S. Res. 258) to designate the balcony adjacent to rooms S–230 and S–231 of the United States Capitol Building as the "Robert J. Dole Balcony."

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the resolution?

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

Mr. NICKLES. Mr. President, the resolution that I now send to the desk on behalf of myself and Senator DASCHLE is a resolution that follows a great tradition in the Senate where we name rooms, sometimes buildings, after our colleagues. We have buildings—the Russell Building, Hart, and Dirksen, all named after outstanding Senators.

On the first floor of this building we have the Hugh Scott Room named after a former Republican leader, and down the hall the Mansfield Room, another great leader who served the longest as Senate majority leader, and we also have the Howard Baker Room that is now the Office of Senator DOLE. All these honors were a very fine and noble tribute.

But the tribute we name today, or the one we are making today is naming the balcony adjacent to the Office of the Republican Leader as the Robert J. Dole Balcony. It was Senator DOLE who asked this balcony be made accessible to legislators and to the leaders. I can

tell you that there has been a lot of good legislative work done on that balcony. I can also tell you that sometimes the balcony is called "the DOLE Beach."

To our leader, we wanted to have a lasting remembrance, because you are part of this Capitol. You are part of this institution. You are one of the reasons why this institution is greatly respected, because of the respect we have for you.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 258) was agreed to, as follows:

S. RES. 258

Resolved, That the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert J. Dole Balcony".

The PRESIDENT pro tempore. The able majority leader, Senator DOLE of Kansas, is recognized.

Mr. DOLE. I appreciate very much the resolution just passed. Will it be in big letters or neon? I know it cannot have any political advertising on it. Just have the name out there in lights the next few months. I thank all of my colleagues.

FAREWELL ADDRESS OF SENATOR ROBERT J. DOLE

Mr. DOLE. Mr. President, I want to go back 136 years ago this summer. A committee arrived in Springfield, IL—Senator SIMON probably knows the story—and it formally notified Abraham Lincoln that the Republican Party had nominated him to run for President. History records that Lincoln's formal reply to the news was just two sentences long. And then as he surveyed the crowd of friends gathered outside his home, as I survey the crowd of friends here in the galleries and on the floor, he said, "Now I will no longer defer the pleasure of taking each of you by the hand." So I guess, as Lincoln said then, 136 years ago, if all of us who are leaving this year—and I am only one, and I know we have the same thoughts and the same emotions—if we can all go out and shake hands with all the people who were responsible for us being here, it would take a long time.

You begin with your family. You, obviously, begin with your parents, your brothers, your sisters, and you think about all the support they have provided and all the good things that happened. And you think about the Senate. You think about your family, your remarkable, wonderful wife and daughter, who have seen victories and seen defeats and have put up with, as all our spouses and children do around here, with late hours, not being home on weekends, and all the demands that go with serving in the Senate.

So I am very honored to have my wife Elizabeth and my daughter Robin in the gallery today.

[Applause.]

I know they join me in expressing our deep appreciation to everyone here and the people of Kansas. As all of us go back who are leaving this year, thinking about leaving in a couple of years, or whatever, you think about the people who sent you here and the people who tried not to send you here—once you are here, you forget about those. [Laughter.]

And they are all your constituents, whether Democrats, Republicans, or Independents. And four times, my friends in Kansas, Republicans and Democrats and Independents, I believe, gave me their votes for the House of Representatives and five times they have given me their votes to the U.S. Senate. I think to all of us, such trust is perhaps the greatest gift that can come to any citizen in our democracy, and I know I will be forever grateful, as everyone here will be forever grateful, to our friends and our supporters who never gave up on us, who never lost their confidence in us. Maybe they did not like some of our votes, or maybe they did not like other things, but when the chips were down, they were there. We all think of all the phone calls and all the letters and all the visits of people who come to your office with big problems and small. Or you think about the town meetings you have attended. I have attended, as have some others here, town meetings all over America. They are pretty much the same. They are good people, they have real questions, and they like real answers.

I always thought that differences were a healthy thing and that is why we are all so healthy, because we have a lot of differences in this Chamber. I have never seen a healthier group in my life. [Laughter.]

And then there are those on our staff. Sometimes we forget to say thank you. I have had one member of my staff for 30 years, and others for 19, and so on. They have been great, and they have been loyal, and they have been enthusiastic. Their idealism and intelligence and loyalty have certainly meant a lot to me, and I think a lot to other people in this body, and other staff members, and the people they work with on a daily basis. Many are on the Senate floor or in the gallery today. I just say, thank you very much. We have had a little fun along the way, too. It gets kind of dull around here from time to time, so you have to have a little fun. When you really want to have fun to get away, you can go out to the beach—which is now my "beach," and I will try to pack it up this afternoon. All of those who served in the Senate—and I see some of my former colleagues here today—and all those who serve the Senate, whether the Parliamentarian or the page, I thank you for all of us for your tireless service.

I do not want my friends in the press gallery to fall out of their seats in shock. But let me add in acknowledgment of those who have worked here in this building I also salute you. I think it is fair to say that we do not always agree with everything you said or wrote, but I know that what you do off this floor is as vital to American democracy as anything we do on it. And we have to keep that in mind.

So I say that it has been a great ride. There have been a few bumps along the way. I have learned a lot from people in this room. I have even gone to Senator BYRD when I was the majority leader to ask his advice on how to defeat him on an issue. If you know ROBERT BYRD as I do, he gave me the answer. But it was not easy. I mean, this man is determined. I know that in his first book, his great works about the Senate, he writes about when I became the majority leader. He very candidly writes in his book that he had his doubts about this BOB DOLE because I might be too partisan, or I might not work with the minority leader. But I have heard him say a number of times since that I demonstrated that I was not that partisan. And if I understood one thing, as my successor will understand, it is that unless the two leaders are working together, nothing is going to happen in this place. We have to trust each other, as Senator DASCHLE and I have, as Senator Mitchell and I have, as Senator BYRD and I have. And I also have great respect for Senator Mansfield and Senator Baker, though I did not have the privilege of being in the leadership at that time.

I say to all those who have been in the leadership positions, it is a difficult life. After 2 o'clock today when somebody calls me about bringing up their amendment, I will say that it is all right with me; bring it up any time you want, and I will not stand in your way. [Laughter and Applause.]

I am looking at one of the giants in the Senate right now, Senator THURMOND. And I looked at others on the way in, like Senator BYRD. I thought about Senators Baker, Dirksen, Russell, and many, many more, Democrats and Republicans, who love this place, who have made it work. I repeat frequently the statement of Senator Dirksen—and I do not know whether he made it on the floor—who said, "A billion here, a billion there, and soon it will add up to real money." If only he could come back today, it would be "a trillion here and a trillion there."

Then there was Hubert Humphrey. Nobody ever understood how BOB DOLE and Hubert Humphrey could be such good friends. We did not have a problem at all. And he used to say of his own speeches, "I never thought they

were too long. I enjoyed every minute." [Laughter.]

I remember we were in the hallway one day talking about the talk shows. And, of course, I was only watching them in those days, but he was on one every Sunday. It used to be issues and answers for the normal guest. But for Hubert it was issue and answer—then the time was up.

And then there was Senator Mansfield in just the reverse. When he was on a Sunday talk show, it was "yep," "nope," "maybe." Ten minutes into the program, they were out of questions. [Laughter.]

I remember Russell Long. I remember during the Reagan landslide, I was going to be chairman of the Finance Committee. I did not know how to tell Russell—and I did not. I said, "Who is going to tell Russell?" Nobody was going to tell Russell. Dave Durenberger was there, and I remember the first vote we had. I got to sit in the chair, but when they called the roll, they called the minority side first and then the other side. They said, "Mr. Chairman,"—this was my first time—and he voted "aye."

It is a true story. Then there is Phil Hart and DAN INOUYE. We all met in Battle Creek, MI, at the Percy Jones General Hospital—Lieutenant Colonel Hart, Lieutenant INOUYE, and Lieutenant DOLE. We were all patriots. The best bridge player at Percy Jones Hospital was DAN INOUYE. Probably one of the best men I ever knew was Phil Hart. He had a flesh wound in his right elbow area, and from morning to night he spent his time running errands or getting tickets for patients to the Detroit Tigers games. His wife was Jane Briggs. It was Briggs Stadium—Briggs owned the Tigers at that time. There was not anything that Phil Hart would not do—not only there but when he came to the U.S. Senate. So I left my proxy with the last of the Percy Jones General Hospital caucus, with DAN INOUYE. I wrote him a letter today, I said you've got my proxy. If anything comes up regarding Percy Jones General Hospital, which is closed——

[Laughter.]

vote me present.

[Laughter.]

I could go on and on. I am not like Senator BYRD because nobody can do it the way Senator BYRD does it.

But I think of all of these people who have come and gone and of all of the new bright stars that are here today on both sides of the aisle, and there is one thing that you do know for certain. This is a great institution.

I have learned another thing that we have all learned in this Chamber and this town. Your word is your bond. If you do not keep your word around here, it does not make much difference what your amendment may be, or whatever it may be. And it is important to all of us. As far as I know everybody that I know on either side observed that rule. It is true in any business or in any profession. It is more true in politics because the American people are looking at us, and they want us to tell the truth. It does not mean that we have to agree. It does not mean we cannot have different motivations. I learned that leadership is a combination of background and backbone. I learned a lot about that from the likes of Senator BYRD and others that I watched and watched.

I know that Senator WARNER is the first person to ever mention to me—one day we were at the same place having lunch. He said, "You ought to think about running for leader." I said, "Me?" So I thought about it. [Laughter.]

I thought TED STEVENS was going to be the leader. Where is TED? Something happened on the way to the vote. [Laughter.]

I walked out of there surprised. When Howard Greene held up his hand, I knew that I must be the leader.

So I would just say that we all know how the political process works. Some people are cynical. Some people think it is awful. Some people do not trust us. But the people who watch this thing day in and day out have a better understanding.

Some people ask me. I remember the Speaker—the Speaker is present—telling me just 10 minutes ago, he really understands now more about the Senate. We have different rules. I love the House of Representatives. I never wanted to be in the House of Representatives. I wanted to be in the Senate. I wanted to be in the Senate where you can have unlimited debate, where any Senator on either side on any issue can stand up and talk until they drop.

The record is held by the Presiding Officer, Senator THURMOND.

The PRESIDENT pro tempore. Twenty-four hours and eighteen minutes. [Laughter and Applause.]

Mr. DOLE. That is why you are seldom asked to be an after dinner speaker. [Laughter.]

Mr. President, I think sometimes around here we think we have to have everything. "We have to have total victory. I will not settle for less. It has to be my way, or no way." Well, Ronald Reagan said once, "If I can get 90 percent of what I want, I would call that a pretty good deal." Ninety percent is not bad. You can get the other 10 percent later. It is a small amendment then. [Laughter.]

Better understand that—take the 90 and then work on the 10.

I want to say, too, that I read that my resignation and my decision to leave caused astonishment in some quarters, and I do not begrudge anyone their surprise. But I would just want to disabuse anybody about the Senate. This is the great opportunity, and there are hundreds and hundreds and thousands and thousands of people who would give anything they had to be a Member of this body. That is the way it should be. It is very competitive.

So I have said the truth is that I would no more distance myself from the Senate than I would from the United States itself. This is a body that is the reflection of America. It is what America is all about. We come from different States and different backgrounds with different opportunities and different challenges in our lives. And, yes, the institution has its imperfections and occasional inefficiencies. We are like America; we are still a work in progress in the U.S. Senate.

So I would say to my colleagues that I remember way back when I ran for the Kansas Legislature. We had a Democratic law librarian who thought young people ought to get involved in politics. She found two Republicans and two Democrats, and talked us into running for the State legislature. We did not know anything about politics. We did not know what party we were in. We were students; veterans going to school under the GI bill. I thought about which party to belong to. I have said in jest, from time to time I went back to my hometown and went up to the courthouse and found out there were more Republicans than Democrats. And I became a committed Republican. [Laughter.]

It is not quite accurate. But my parents were Democrats.

I remember the first time I was ever approached by a reporter. Here I was a brandnew law student, a brand new legislator. I did not know anything about anything. They said, "Well, what are you going to do now for your district?" Or something of that case. I said, "I am going to sit around and watch for a couple of days, and then stand up for what is right."

Well, that is what we all do around here. I hope I have done it over the years.

I will take a minute or two to indulge in some of the things that we all have different interests in. I have been deeply involved in agriculture, as many of you have here, because Kansas is a farm State. When I came to Congress, I was on the House Agriculture Committee. I have been on the Senate Agriculture Committee ever since. So I am proud of having served the farm families of Kansas and around America who make a lot of sacrifices.

This year we did not have a wheat crop, hardly at all, in Kansas because of the drought. I am advised by Senator DORGAN that they are not going to have much of one because of the rains and the water.

So farmers make a lot of sacrifices. I remember back during the Vietnam debate. Some of us were here. Some were on each side of the issue. The so-called Cooper-Church amendment that went

on and on and on, week after week after week on whether we ought to withdraw our troops, or shut off funding, which I thought was wrong. As I look back on it, I think I was right because we had courageous men like BOB KERREY, JOHN MCCAIN, and others in this Chamber who were risking their lives, and they deserved our support. That was a big debate at the time.

I have also been proud to be involved in nutrition programs. Somebody mentioned that earlier today. I remember working with Senator McGovern on that, and there was a conservative article saying I cannot be a conservative because I know George McGovern. I think George McGovern is a gentleman and has always been a gentleman. But we worked together on food stamps. I will confess, when I made my first tour with George McGovern, I said, "This guy is running for President." I was not convinced. There were a lot of skeptics in this Chamber; probably some on each side. You cannot have truer motives. It is always something political. But after being on that trip about 2 or 3 days, I changed my mind. Senator HOLLINGS from South Carolina was in the forefront of that effort. He remembers how bad it was.

So we worked together on food stamps, the WIC Program, and the School Lunch Program, particularly when it affected poorer Americans. I think, as I look at it, that no first-class democracy would treat its people like second-class citizens.

I remember standing on this floor managing the Martin Luther King holiday bill. We had the majority. It was a proud day for me. It is now a national holiday.

The first speech I ever made on the floor was April 14, 1969, about disabled Americans. There are a lot of people in this room who have worked on this program. I know Senator KENNEDY and Senator HARKIN and Senator Durenberger, when he was here, and Senator Jennings Randolph before—maybe before many of you came—was in the forefront. We stood with many who could not stand on their own, and the highlight was passing the Americans With Disabilities Act. Forty-three million Americans—they are not all seriously disabled, but there are many in wheelchairs, many who cannot even sit up. It was a very impressive sight to be at the White House the day that bill was signed by President Bush, and I am forever grateful. I know Senator KENNEDY and Senator HARKIN are. Have you ever seen so many wheelchairs at the White House at a signing ceremony? Never. And now more and more Americans with disabilities are full participants in the process. They are in the mainstream.

So, I remember in 1983—I know PAT MOYNIHAN remembers—we were standing right over in this aisle. We had a bipartisan commission on Social Security. We had met week after week, month after month. It was about to go down the drain. We had about given up. Everybody was disgusted. We were getting short-tempered. We were Democrats and Republicans. At the time the late John Heinz was a member of the commission. As member of the Finance Committee, I was a member. Senator MOYNIHAN was a member. And Senator MOYNIHAN—I think just by chance or fate or whatever—and I happened to meet in this aisle on my right. We said we have to try one more time to rescue Social Security—one more time.

It was not a partisan issue. And we did. That afternoon we convened three more people, we had five of the commission, and it was not long until we were back on track. We finally made it happen, and 37 million people have gotten their checks on time.

I think I read in the Washington Post just this weekend, Social Security is going to be in pretty good shape until the year 2029. So that is a pretty good fix. Maybe, as I said earlier in the day, that is a pattern we can follow for Medicare for the long-term solution: Take it out of politics as we did on Social Security, make it work, make it solvent. And the people who get the credit are the people who get the checks—37 million of them. So, we reached across partisan lines.

So, I worry a little about the future. I worry about our defenses. I know there are a lot of very talented people here who are going to continue to do that. I am not here to make a partisan speech or even a partisan reference, but I would hope that we would keep in mind there are still threats around the world and also keep in mind that we are the envy of the world.

I learned, meeting with a lot of leaders, foreign leaders, as leaders get to do in this business—the chairmen of the Foreign Relations Committee, Senators HELMS and PELL and others, Senator LUGAR when he was chairman—I remember when the Berlin Wall came down and the Soviet empire collapsed, a lot of people started coming to America. They were leaders. They were young and they were old and they were men and they were women, and they did not come for foreign aid. The cynics said, "Oh, they are coming after more of our money." They knew we did not have any. But for the first time in 70 years, in some cases, they had a right to travel. They could get on an airplane without checking with the government and waiting for a year or 2 years or 3 years. They could go to church, they could vote—all these basic rights that we take for granted. And they came to America.

Some are now Presidents, like Lech Walesa, some are leaders of their party. As they came to our offices, and I am certain it was true in every other office, they did not ask for money. They wanted to come to America to see America. They wanted to take a look at America. And I can recall almost everyone who left my office, sometimes with tears streaming down their cheeks, saying, "We want to be like America."

We are the envy of the world. That is why so many people want to be like we are.

So, we have lit Liberty's torch with a glow that can truly light the world. That is what America is all about. We are much more than a place on a map. We are the United States, and we are a beacon of hope. We are a magnet for the oppressed and a shield against those who would put the soul itself in bondage.

I think we did that in Kuwait, and we may be called on to do it again. But I would guess one thing. I would hope, when they catalog all the amendments and all the bills and do all the commentaries, whenever it is all over for us here, that we have left our children something other than a legacy of debt. Our children are important. None of us have a perfect solution, but there has to be some solution here where we can come together, Republicans and Democrats, because everybody loves their children. Everybody loves their grandchildren. We have all these young pages here. We have an example every day of young people who want to get ahead, who are willing to work. They just want the opportunity.

I think, if I could hope that anything might happen, it probably will not happen today, but this year or next year—I felt strongly about the balanced budget, but not enough people did. But that will be around.

So I would close with, again, thanking all of my colleagues. I do not believe—I am just trying to think back—I do not believe we have ever had any real disagreements. I remember one time, I remind the Democratic leader, that I offered an amendment that you thought you were going to offer, and I made a mistake. I was not trying to one-up the Senator from South Dakota. So I withdraw my amendment. Then he offered the amendment. I think that is called civility.

So, I would close with the words of my hero, Dwight Eisenhower, because he was our supreme commander. He also came from Abilene, KS; born in Texas but quickly moved to Kansas. He was only 2 years old. It took a while. But, in any event—this is his quote.

> As we peer into society's future, we—you and I—and our Government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow.
>
> We cannot mortgage the material assets of our grandchildren without risking the loss of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow.

I think those words are just as good today as they were 35 years ago when

President Eisenhower spoke them. We can lead or we can mislead as the people's Representatives, but whatever we do, we will be held responsible. We are going to be held responsible and accountable. I am not talking about 1996. I am talking about any time over the next century.

So the Bible tells us that to everything there is a season, and I think my season in the Senate is about to come to an end. But the new season makes this moment far less the closing of one chapter than the opening of another. We all take pride in the past, but we all live for the future.

I agree with prairie poet Carl Sandburg, who told us:

Yesterday is wind gone down,
a sun dropped in the West.
I tell you that there is nothing in the world,
Only an ocean of tomorrows,
A sky of tomorrows.

Like everybody here, I am an optimist. I believe our best tomorrows are yet to be lived. So I, again, thank you.

God bless America, and God bless the U.S. Senate.

[Applause, Senators rising.]

RECESS

The PRESIDENT pro tempore. Under the previous order, the Senate now stands in recess until 2:15 p.m.

Thereupon, at 12:51 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. BROWN].

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

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

The PRESIDING OFFICER [Mr. COATS]. Without objection, it is so ordered.

Mr. LOTT. I believe, Mr. President, momentarily we will have the introduction and swearing in of the new Senator from Kansas.

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

The VICE PRESIDENT. Without objection, it is so ordered.

CREDENTIALS—RESIGNATION AND APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate a letter of resignation from the Honorable ROBERT J. DOLE, a Senator from the State of Kansas.

Without objection, it will be considered as read.

The letter is as follows:

UNITED STATES SENATE,
OFFICE OF THE REPUBLICAN LEADER,
Washington, DC, June 11, 1996.

Hon. AL GORE,
President of the U.S. Senate,
United States Capitol, Washington, DC.

DEAR MR. VICE PRESIDENT: I hereby resign my office as a United States Senator from Kansas effective June 11, 1996 at 2:00 p.m. eastern daylight time.

Sincerely,

BOB DOLE.

The VICE PRESIDENT. The Chair lays before the Senate the credentials of SHEILA FRAHM, appointed a Senator by the Governor of the State of Kansas on June 11, 1996, to represent such State in the Senate of the United States until the vacancy of the term ending January 3, 1999, caused by the resignation of the Honorable ROBERT J. DOLE, is filled by election as provided by law.

Without objection, it will be considered read.

The Certificate of Appointment is as follows:

State of Kansas, Office of the Governor

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Kansas, I, Bill Graves, the Governor of Kansas, do hereby appoint Sheila Frahm a Senator from Kansas to represent Kansas in the Senate of the United States until the vacancy therein, caused by the resignation of Bob Dole, is filled by election as provided by law.

Witness: His excellency our Governor Bill Graves, and our seal hereto affixed at Topeka, Kansas, this 11th day of June, in the year of our Lord 1996.

By the Governor:

BILL GRAVES,
Governor.
RON THORNBURGH,
Secretary of State.

CEREMONY OF ADMINISTRATION OF OATH OF OFFICE TO SHEILA FRAHM AS SENATOR FROM THE STATE OF KANSAS

The VICE PRESIDENT. The new Senator will now present herself at the desk for the administration of the oath of office.

Mrs. FRAHM, escorted by Mr. DOLE and Mrs. KASSEBAUM, advanced to the desk of the Vice President; the oath prescribed by law was administered to her by the Vice President; and she subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

(Mrs. HUTCHISON assumed the chair.)

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

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

MORNING BUSINESS

Mr. LOTT. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each until the hour of 3:30 p.m.

Mr. EXON. Reserving the right to object, and I do not intend to object. Is it the Senator's intention that we would go to the budget then at 3:30? Is that the plan?

Mr. LOTT. Madam President, if I can respond to the distinguished Senator from Nebraska, it is our hope that the Senate could consume much of the 10 hours allocated to the budget conference report this afternoon. That is provided, of course, under the statute. We would be able to set the final vote on the conference report for midafternoon on Wednesday, in all probability. Certainly, we are now consulting with the Democratic leader, and he is making sure that that is agreeable.

We hope to have a unanimous-consent request on that in, hopefully, a few minutes. Between now and 3:30, since a number of Senators did not have an opportunity to speak this morning in tribute to Senator DOLE, we hope that can be done in this hour. Then we hope to begin on the budget resolution.

Mr. EXON. I have no objection whatsoever. This Senator was one of those, also, who wishes to speak. I will be seeking 5 minutes of my own time for that subject during the next hour.

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

TRIBUTE TO SENATOR BOB DOLE

Mr. LOTT. Madam President, there is no question that some of the most eloquent speeches I have heard since I have been in the Senate were presented this morning by Senators on both sides of the aisle as a tribute to our good friend and majority leader, BOB DOLE. They really were very impressive in terms of the relationship that Senators have had with Senator DOLE and their love for him and for this institution. Many Senators have enjoyed working with Senator DOLE and have learned a great deal from him. Certainly, I am one of those that has been studying at the feet of BOB DOLE. It has been something to behold. He is truly a master of how to get things done. We can all learn from that. I hope that I am one that has learned and will remember those lessons.

I served in the House for a number of years after having worked for a Democratic Congressman named Bill Colmer, the chairman of the Rules Committee. Until this very day, when I remember the lessons I should have learned from that old gentleman, I do well. When I forget those lessons, I usually get in trouble. So I think that as we go through life and as we go through political life, as we work in Government, and as we go through our daily activities in the Senate, there are certain giants like BOB DOLE that we can and should all learn from.

Madam President, there is a little known custom, I guess, in the Senate for Members to carve their names in the drawers of their desks. In fact, when constituents come on the floor when we are not in session, that is one of the things they find most interesting. They pull the drawers out and see who signed these desks.

When you look into some of these desks, you find the great—and sometimes not so great—names of the past. They are a veritable rollcall of our country's history.

In 28 years in the Senate, BOB DOLE did more than make his mark upon a congressional desk. He made his mark upon this institution, not just its legislation, but more importantly, its character.

He devoted most of his career to the Senate, but not because this Chamber and its business were an end in itself. For BOB DOLE, serving the Senate was serving his country.

That service took precedence over most other considerations in his life.

Indeed, it took precedence over his Presidential campaign—until today.

The reason BOB DOLE will not be with us on the Senate floor after today is no great secret.

The reason is that he was convinced he would better serve his country by restoring leadership to its Presidency than by handling the day to day affairs of the Congress.

We all know it was hard for him to leave, and it was hard for us to see him leave. It affected us all, and it reminded us once again who we are and what we are about in this institution. Those who really know BOB DOLE know that he is leaving not out of ambition for higher rank, but out of determination to finish the fight and be in a position to do all that he can do for his country.

That fight, in terms of his country's future, is every bit as important as the fight which gravely injured the young BOB DOLE in 1944.

There are some who think of duty as a burden, heavy to bear and best shrugged off onto someone else.

There are others who embrace duty, and carry it proudly, and do not put it down until the journey is done.

In walking out of this Chamber today, BOB DOLE carries with him a lifetime of duty.

As we saw him exit this door, we all felt an emotional surge, and every Member of this Senate knows he will not put that responsibility and duty down.

No one would understand better than BOB that not every Senator wants him to succeed in his present mission. Indeed, a goodly part of this body will move Heaven and Earth to prevent that success.

That is not perfidy. It is democracy. It is something BOB DOLE went to war to defend, and something he still can appreciate more than most of us.

But I dare say, despite the political and partisan divisions on this Senate floor, as we quite often experience, all of us understand something historic is happening here today.

Something none of us will soon forget.

It brings to my mind two other reluctant departures in our Nation's past.

The first would be Washington's reluctant leaving of Mount Vernon to assume a position he did not seek, but which his countrymen insisted he take.

The second would be Lee's agonized departure from his post of military honor to fulfill what he considered a higher duty.

Were he here, BOB DOLE would modestly dismiss any comparison with Washington or Lee—or any other of American's great statesmen of the past.

He would rather let the future judge such things, and so should we.

Whatever the outcome of this year, whatever the course of its conflicts and controversies, the future holds a place for BOB DOLE as a giant of the Senate, a man set apart from most by a quiet passion for his country that we are only now beginning to understand.

But Lord willing, we will benefit from it for years to come.

I yield the floor, Mr. President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Nebraska.

Mr. EXON. Mr. President, I thank the Chair. I wish to associate myself with the remarks by the distinguished Senator from Mississippi.

I just want to say a few words about my friend BOB DOLE. I suspect my feelings are not significantly different by what has been thought and what has been said by my colleagues on both sides of the aisle. So aside from the BOB DOLE that we all know so very, very well, I just want to say that I was pleased to be here and to hear that excellent speech that Senator DOLE gave as his farewell address in the U.S. Senate. It was sad in lots of ways, and yet it was so reassuring to see someone of the integrity, the ability, the character, and the good nature of BOB DOLE spelled out in that speech so very, very well. I hope that many, many people in the United States heard that speech by my friend and colleague, the man from Kansas.

I have worked with him so very, very long on so many issues. Many times we have been on the same side, but on many of the items we have been on opposite sides. But never, as Senator DOLE mentioned in his speech this morning, has he ever, to my knowledge, violated that cardinal rule of the U.S. Senate—unwritten, which is just as effective: A man's word or a woman's word is their bond. In all of these nearly 18 years that I have had the pleasure of my association with BOB DOLE, I have never known Bob even to give a hint of breaking his word, because if there was ever a man in the U.S. Senate for whom we all know his word is his bond, that is BOB DOLE.

On a personal note, I just want to say when I saw Bob walk out after his address, it took me back to times in all of our lives when there have been breakups. I suppose the first was when we graduated from grade school and that old gang of ours broke up and went on through our educational process. And certainly it is true. When you left the service of the United States of America, that old gang was broken up. That old gang that BOB DOLE was with was suddenly broken up when he nearly gave his life in combat, in defense of the national security interests of the United States of America and the free world. But I thought of that breakup when I saw BOB walk out that door an hour or so ago.

BOB DOLE meant so much to me because, despite our differences from time to time, we always had an excellent personal working relationship. He came into Nebraska on two or three occasions to support my opponent in one of my races. But never did BOB DOLE say anything bad about JIM EXON, even though he could have probably found some legitimate things that he could and maybe should have said. But that was not BOB's way. BOB came into Nebraska, and he campaigned for my Republican opponent—not against JIM EXON. I think that is the mark of not only a great statesman but a very effective leader, which he was of his party as majority leader on that side, but also someone that you could be truly proud of and call your friend.

Little known outside the Senate, I suspect, was BOB's strongest characteristic, and that was his sense of humor. I am not sure that the public at large has understood that. But I have had an ongoing relationship—very friendly—with BOB DOLE on many, many occasions. In fact, this year when he was running for President of the United States, I suggested to him—and he knew it was facetious—that I might consider a draft to be his Vice Presidential running mate, if he was interested in that. BOB knows that I am a Democrat—always have been and always will be, and we had lots of jokes about that. But over the years of friendship, over the years of serving on

very tough issues, sometimes we were maybe at sword's point, one would think, when we were debating a measure of some importance on the floor of the U.S. Senate. BOB DOLE never lost his sense of humor. He never forgot his sense of humor. And I think that is what helped carry him through probably that life-threatening wound that he received in battle and probably through some of the more heated debates that have taken place here on the Senate floor. I have never seen BOB DOLE do anything but smile when someone said something or told him something that he thought was humor.

So I am saddened by the fact that a coworker for whom I have great respect, has made a choice that I think was the right choice for him to make, especially with regard to the heavy responsibility that he carries for his party, and he will carry in the Presidential election this year. In that regard, maybe I can sum up my feelings, friendship, and understanding with BOB DOLE by a statement that I made to him in one of our more humorous conversations maybe 6 months ago right in the heat of those very tough Republican primaries for President of the United States. I said to BOB DOLE, "You know, BOB, if we have to have a Republican President"—then I repeated it—"if we have to have a Republican President, I hope it is you." People that do not understand humor might think that was a cutting thing for JIM EXON to say, but BOB DOLE knew what I was saying. BOB DOLE knows that myself and all, likely, on both sides of the aisle respect not only the man's talent but the man's sense of responsibility and his sense of humor which has endeared him to those of us on both sides of the aisle.

Godspeed, BOB DOLE, to you and your wonderful wife, Elizabeth. You are a great couple. And whatever the future holds, we will always hold you in high esteem.

I thank the Chair. I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

TRIBUTE TO SENATOR BOB DOLE

Mr. HATCH. Mr. President, I thank my colleague from Nebraska for his kind remarks about our friend BOB DOLE, which were very eloquent. I think he expressed it beautifully for a lot of Democrats. I think everyone in this body has tremendous esteem and affection and love for BOB DOLE. He is one of the all-time great Senators. There is no question about it. He will go down in history as one of the all-time great Senators.

Mr. President, 20 years ago, when I was first sworn in as the junior Senator from Utah, BOB DOLE was among the first of my Republican colleagues to come up and put his arm around me, and helped guide me and helped me to learn the ropes.

I rise today to thank him for that, and for his extraordinary leadership in the years since. When the citizens from Kansas elected BOB DOLE as their Senator, they chose a man who epitomizes the qualities of mainstream America, a team player, a war hero who demonstrated tremendous courage and perseverance both on the battlefield and afterward, a hard worker and an honest and decent man, a man whom all Americans can look up to.

By now, most of us are aware of the wounds Lieutenant DOLE suffered on that April morning in 1945. That was about the same time that my brother was killed in the Second World War. BOB DOLE could have been killed too, and almost was.

We have also heard about his amazing and long recovery. But less is known about how BOB DOLE was injured. Richard Ben Cramer's book, "What it Takes," tells us how:

> Dole got his men down to the low stone wall. Dole could have stayed in the middle [of the platoon]. But he knew his job, and he did it. He was out in front, with the lead squad.
>
> They were pinned down quick. They were pinned down in the field, when a farmhouse on the left opened fire: a Jerry machine-gun nest . . . the men in the field were hamburger.
>
> Dole had to get that machine gun. The lead squad was going to have to flank that house and get that nest of Krauts [sic]. Sergeant Carafa assumed he'd be going out with the squad, but Dole said, "Sergeant, I'll take 'em."

BOB DOLE saw many men die trying to knock out that machine gun. It was that morning, trying to take it out, that he was wounded. BOB DOLE could have let someone else go out with the squad. BOB DOLE could have stayed behind and provided cover. BOB DOLE could have stayed in the middle. Instead, BOB DOLE was out in front.

BOB DOLE has been out in front ever since. He became a skillful legislator. He knew how to get things done around here. But he also knew that duty required him to take action when it wasn't always in his own best interest or when he saw public policy going down the wrong path.

Take, for example, his leadership on addressing the crime issue. Throughout his career, BOB DOLE consistently supported legislation to fight crime and help the victims of crime. From the Organized Crime Control Act of 1969 to the 1996 Antiterrorism and Effective Death Penalty Act, BOB DOLE has fought to bring accountability to the criminal justice system. But, in 1994, Senator DOLE stood up for what he thought was right and opposed the so-called Crime Control Act of 1994 because it was a pork-laden, big dollar, Great Society social spending boondoggle. Some of our colleagues thought we had lost our minds when we opposed a so-called crime bill in an election year. But BOB DOLE did it because it was the right thing to do.

He worked tirelessly for comprehensive habeas corpus reform. He worked to crack down on frivolous inmate lawsuits and was at the forefront of reform when, in 1984, he cosponsored the Sentencing Reform Act, which brought truth-in-sentencing to the Federal system.

Mr. President, Senator DOLE has been a leader and a fighter for civil rights from the beginning of his career. Senator DOLE knows full well that prejudice and artificial barriers can hold a person down. As a Member of the other body, he voted for landmark legislation including the Civil Rights Act of 1964 and the Voting Rights Act of 1965. He was a leader in the effort to extend the Voting Rights Act in 1982. In 1967, then Congressman DOLE voted for the Age Discrimination in Employment Act. In 1990, Senator DOLE supported the expansion and clarification of this law to protect older workers from the loss of their employee benefits.

Senator DOLE led the passage of the Martin Luther King holiday bill. It was a bill I voted against, and I consider it the worst mistake I have made in my 20 years here. I thought that we should not add another holiday due to both the public and private sector costs involved. But, frankly, in hindsight, I made a mistake.

BOB DOLE, however, did what was right, and he brought that bill up and helped to pass it.

He played a key leadership role in enacting the landmark Americans With Disabilities Act. I worked hard on that bill, and I know what he did. I was in the late night meetings. As the ranking Republican on the Labor and Human Resources Committee, I was in the leadership meetings. I have to tell you, without BOB DOLE, that bill would not have passed. The ADA extended civil rights protections and opportunities to millions of Americans with disabilities. I can remember when it passed, he and I had tears in our eyes because it was such a monumental day.

Yes, BOB DOLE has been there for the big fights, let me tell you.

BOB DOLE recognizes that rights inhere in individuals, not groups. In 1995, he introduced the Equal Opportunity Act, which prohibits racial, ethnic, and gender preferences in Federal employment, Federal contacting, and federally administered programs. He sparked a healthy and timely national debate on affirmative action. In his view, every American should be treated with equal rights under the law, without preference based on race, ethnicity, or gender.

BOB DOLE helped build the Republican Party that we have today. He helped build the Republican majority we have today. There were no litmus tests under BOB DOLE's leadership. He

successfully knit together Senators from Alaska to Virginia to form a working team whose sole purpose was to achieve the goals for America that we all held in common—goals that I personally believe we hold in common with the American people.

We are going to miss BOB DOLE in the U.S. Senate. I suspect even his worthy adversaries on the Democratic side have come to admire his determination, skill, and faithfulness to the people he represents. I believe there is unanimous agreement in this body that BOB DOLE served with honor and distinction as one of the greatest Senators in the history of this Federal Republic.

I have to say something here that I am sure BOB DOLE does not know, but I am going to say it publicly because it means so much to me. My brother died shortly before BOB DOLE got wounded in the Second World War. My brother was very dear to me. I was only 10 years old when he died. When we received the news, I immediately got a white streak of hair on the right side of my forehead because it was such a shock to me.

He was killed in the Ploiesti oil raid, which, of course, was the pivotal oil raid of the European war because it knocked out all of the Vienna-Austrian oilfields that Hitler depended on. But Jess' death was a tremendous shock to us.

When I came to the Senate, BOB DOLE put his arm around me. He looked like my brother, to a large degree. My brother had the same color hair, was about the same height, about the same build. My brother was a football player as well. He looked a lot like my brother. I have always considered BOB DOLE, for good or bad, to be my brother.

I have tremendous respect and admiration for this man, this fellow who has given so much to his country and who, if everybody in America knew him—knew him like we do—there would be no question that he would be the next President of the United States.

I have to say I love BOB DOLE. Elaine does, too. We love his wife Liddy. She is a tremendous human being. As both chairman and ranking member of the Labor Committee, I worked with Liddy Dole, who served as President Bush's Secretary of Labor. I have to tell you I appreciated those days and appreciated her kindnesses to me and her great work for the country.

Today, BOB DOLE is leaving the Senate to pursue a different calling. Yet it still is the calling of public service. He did not have to leave the Senate. Nobody could have pushed him out of here. It would have been safer to stay. But we have already learned that BOB DOLE does not stay safely in the foxholes. That is not what we expect of our leaders, and BOB DOLE, in my opinion, has what it takes.

Whatever the future may hold for BOB and Elizabeth Dole, I just want to wish them both happiness and Godspeed.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The President pro tempore of the Senate, the distinguished Senator from South Carolina, is recognized.

Mr. THURMOND. Mr. President, in recent years, many in the media, the public, and even some Members of Congress, have come to regard those who seek positions in the public sector with some amount of contempt and mistrust. Most of us in this Chamber know such characterizations are not only unfair and inaccurate, but do much to harm the sanctity and reputation of a body dedicated to debate and providing for the Nation.

The large majority of those who become Government officials are honorable individuals, but there are a handful of Senators in particular whose conduct and dedication to service are above reproach, and who stand as living contradictions to those who believe that this is an ineffective and partisan body. These Senators are men and women of principle who are dedicated to the noble cause of working to benefit all the people of the United States. Today, it is with great regret that I mark the departure of a man who sets a standard for service to the Senate and the Nation that is truly unmatched—the majority leader and Senator from Kansas BOB DOLE.

I doubt it came as a surprise to anyone in Russell, KS, when BOB DOLE first ran for elected office in 1951. The bright young war veteran and attorney had already established a well-deserved reputation for courage and hard work when he declared his candidacy for a seat in that State's House of Representatives. It was these two simple attributes that not only help BOB DOLE to win that election, but have helped to guide him through life of challenges, hardships, and accomplishments.

The heartlands of the Kansan prairies are where BOB DOLE learned about being tough and not giving in when in the same situation the average person might simply give up the fight. While this is a region of simple beauty, kind people, and strong values, during the time of BOB DOLE's youth it was also a place that was rife with hardships for those who lived there. It was a place where hard work was not a virtue, it was a necessity for survival, especially during the Nation's most severe economic crisis, the Great Depression.

In his hometown of Russell, KS, BOB DOLE also learned about things such as patriotism and a commitment to serving the Nation. He was taught that these words represented more than mere ideas or ideals, they were part of the responsibilities of citizenship in this great land. During World War II, BOB DOLE served his country as an officer in the Army, and when he was ordered to lead an attack on a German-held hill in Italy, Lt. BOB DOLE never had any question about his duty. It was this dedication to duty, a commitment to serving the Nation, and pure, unadulterated courage that sent Lieutenant DOLE up that hill, and it was those same qualities that not only saved his life after being gravely wounded by hostile fire, but gave his life purpose in the years following his near life-ending injuries.

As he lay in a hospital bed, it took a man of fortitude, determination, and courage to face 39 months of surgery, convalescence, and rehabilitation. It took courage, fortitude, and determination for BOB DOLE to face the fact that his dream of becoming a doctor and helping others had ended. It took courage, fortitude, and determination for him to make the decision to not make his disabilities a handicap, but to force forward with life and to dedicate himself to serving others through public service rather than medicine. It took a man of fortitude, determination, and courage to learn again how to do all the things that you and I take for granted; to go back to school in order to finish his undergraduate degree and earn a law degree; and, to begin his career. Simply put, it took grit to survive what BOB DOLE survived and to essentially start life anew.

Since entering politics and public service, BOB DOLE has never looked back and he has never faltered in his duties. He has approached each position he has held with enthusiasm and has earned a reputation for thoroughness, fairness, and honesty. These qualities, along with those outlined earlier, endeared him to his fellow Kansans who sent him on to positions of progressively more importance and responsibility. From the Kansas Legislature, he served as Russell County attorney, and then as a U.S. Congressman for four terms before coming to the U.S. Senate in 1968. It is here that I met BOB DOLE and immediately took a liking to this serious-minded fellow veteran who had a pragmatic approach to the issues before the Nation, and a fire in him to serve.

Over the next 28 years, I became quite fond of Senator DOLE as a colleague and a friend. I was pleased to watch him grow into his position as a Senator and to become one of the leading spokesmen for our party not only in this body, but throughout the Nation. His abilities as a public servant did not escape many, including President Gerald Ford, who selected Senator DOLE to be his running mate in 1976. The longer BOB DOLE served in the Senate, the more prominent and critical his role became in the legislative process. His razor sharp mind gave him an encyclopedic familiarity with legislation and legislative procedure, both which he put to good use as he ascended the ladder of Senate leadership.

Furthermore, his years of experience as a Member of Congress gave him an insight into the affairs or the Nation that could be matched by a few with whom he served, and made him a valued advisor to fellow Senators, and to Presidents. In short, BOB DOLE was, and continues to be, a man of tremendous abilities and background whose experience allows him to have an impact on the governing of the United States that is unique and nothing short of beneficial.

It seems hard to believe that BOB DOLE is leaving the Senate. After almost 30 years of prominent and dedicated service, he seems as much a part of this building as the statute of Armed Freedom which sits atop the Capitol and guards the District and the Nation. More important and significant than merely enduring the rigors and battles of the Senate for almost three decades is that during his life and in his tenure in Congress, BOB DOLE has made a difference in the history of the United States. Among other things, he has stood tall for a budget that will not saddle future generations with an unfair debt; he has fought hard to give our men and women in uniform the resources they need to keep America free and safe; he remained firm on the need for drawing the line against the crime and criminals that prey on innocent Americans; he did not flinch in working to contain our former Communist enemies; and, he has worked hard to ensure that the United States maintains the most dynamic economy in the world. Time and time again, BOB DOLE has been on the right side of the issues, working to create legislation and policy that is beneficial to the citizens of this Nation, and leading this body toward a vision of an America that is safe, wealthy, and full of opportunity as long as there is a United States. It is with no small regret that I say I will miss my colleague, my leader, and most importantly, my friend, BOB DOLE. I wish him well and thank him for his service, and for the example he has set for selflessness, patriotism, and humility.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, today a giant in the annals of the U.S. Senate, Senator ROBERT DOLE of Kansas, the Republican leader, has chosen to leave this great institution to pursue and, I believe to win the Presidency of the United States. The Senate will never be quit the same; for Senator DOLE has that rare and admired quality of making things happen, getting things done, and moving this tradition-layered institution forward.

All of BOB DOLE'S adult life had been spent in service to the American public and today he has not ended that service. He is just entering the final phase of his public service—campaigning for the highest office in the land.

Mr. President, for the past 16 years, I have been privileged to represent the people of the State of Alaska in the Senate. And throughout my tenure in the Senate, BOB DOLE has been a friend to the people of Alaska and a leader who has always been sensitive to the special needs of our young State.

BOB has traveled extensively in Alaska. And he understands that unlike States that entered the Union in the 18th and 19th centuries, Alaska, which has only been a State since 1959, is far more dependent than other States on decisions made in Washington.

Almost 70 percent of Alaska is owned by the Federal Government. Fifty-four million acres of Park Service land is in Alaska—68 percent of all Park Service land in the Nation. Fifty-seven million acres of designated wilderness is located in Alaska. That's over 60 percent of all wilderness lands in the country.

And 76 million acres of Fish and Wildlife Service land is in Alaska—That's 85 percent of all Fish and Wildlife Service land in the United States.

The purpose in providing these statistics is to reiterate to my fellow Senators that almost any economic activity that is done in Alaska can only get started if the Federal Government does not stand in the way. BOB DOLE has always understood that.

BOB DOLE also understands that our natural resources can be developed in a responsible manner using our best technology without harming our environment.

BOB DOLE does not sell America's technology and ingenuity short—he believes that it is better to harvest our abundant resources in an environmentally responsible manner rather than sending our dollars and jobs overseas by importing resources.

Mr. President, BOB DOLE has served as the Republican leader for more than 11 years-longer than any Republican leader in history. He has had to juggle and balance the interests of States as different as Florida and Alaska in order to get legislation from the drawing boards to President's desk.

Throughout all of the time I have known BOB, he has never sacrificed what is important to Alaska's 600,000 citizens in order to get a piece of legislation adopted. In fact, it was BOB DOLE'S leadership that ensured that for the first time last year, Congress authorized oil exploration in ANWR.

And when BOB DOLE moves to the White House next year. Alaskans can be assured that the roadblock to our economic development will finally be removed. He knows that America's economic security cannot be assured so long as we are dependent on foreign countries for more than 50 percent of our energy needs.

Mr. President, Alaskans will miss Senator DOLE'S leadership and sensitivity to our State's needs. I will miss him as a person and friend that I have grown accustomed to talking with every day. BOB DOLE'S destiny will take him to even greater challenges and responsibilities next year. And I know he will always keep Alaska's special needs in mind whenever he makes decisions on economic policy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, we have just said goodbye to the majority leader, who has just retired. He has left the Senate with great support from those of us who have known him and really do have a great love for BOB DOLE.

I have known him since he was a Member of the House. I was not a Member of the House, but I knew he was there in the House. BOB DOLE and I came to the Senate at the same time. As he leaves today, I am, as he just said, the sole survivor of the class of 1968. He has been a great friend of mine. I have been on the floor before to say how I felt about BOB DOLE.

I have also remarked about the fact that he has also been a great friend of the State I represent. He assisted us greatly in the passage of the Alaska Native Land Claims Settlement Act, which paved the way for the trans-Alaska pipeline. He assisted me many times in matters pertaining to the oceans—the Fishery Conservation Act, which protects the fisheries off our shores. He voted with us on the Alaska Lands Act, on issues that we tried to change in that bill in 1980. He and Elizabeth Dole were very helpful in assisting us on the Alaska Railroad transfer. As a matter of fact, as I have told many of my friends, their Christmas card that year was the photograph of the Secretary of Transportation and her husband standing at the back of the superintendent's car on the Alaska Railroad. That was Elizabeth's trip to Alaska, and BOB was traveling with his wife in her official capacity. He was of great assistance to me at the time that we had the terrible disaster of the *Exxon Valdez* oilspill. I could go on and on and talk about things that BOB has done with me.

What I really want to talk about, though, today is BOB DOLE as a leader.

As he said to some of us today, he believed that, as the leader, he tried to reach out to those of us here in the Senate who might disagree with him, and reach out to Americans. Recently, we had a report of a poll in my State that showed BOB DOLE is more popular than almost any of us who are elected officials in Alaska. He is well known in the north country because they know that he has gone out of the way on the campaign trail to go as far away as Alaska. I am one of those.

There are not very many of us remaining here now who saw service in World War II. Part of my role has been to work as chairman of the Defense Appropriations Subcommittee to assure that we keep the mandate we received from the Constitution to provide for the common defense.

BOB DOLE has never, ever voted against those of us who believe in a strong defense. He joined all of us who worked together in the Reagan years to see to it that we could rebuild our national defenses—really our total military capability—at the time that the Soviets were going into an enormous military monolithic Communist dictatorship. He was quite successful in getting the Senate to help President George Bush at the time of the Desert Storm victory. He knows the value of defense. One of the issues he is talking about now, as he leaves us, is our missile defense system.

He has told us himself today about his role in the Disabilities Act. He has worked with us in child nutrition, and he certainly has been responsible for the family tax credits coming back to where they should be. We hope to really increase those in the future. As was remarked here on the floor by our leader, he has reduced the tax rates in our country from a maximum of 90 percent to a maximum of just over 30 percent—for most Americans, 28 percent.

But I am really full of memories today as we have seen our leader leave us because, as he mentioned in his statement, in 1984, I, too, was a candidate to become the leader of the Senate. After several votes, it came down to a contest between Senator DOLE and myself. During the counting of the vote, he came over and congratulated me and thought that I had won. To the contrary. He won the election by a narrow vote. At that time, I asked for recognition and asked Senate Republicans to vote unanimously for Senator DOLE because it was clear we needed a united Republican group in the Senate to move forward. In retrospect, I think that was probably one of the smartest moves I ever made and one of the best votes I cast—to assure that BOB DOLE was elected the leader of the Republican side unanimously. He has shown us what he can do.

I want the Senate to know how much he demonstrated his philosophy of reaching out. After that election, he asked me to come see him, and he told me that he had some things in mind. For instance, one of the things he wanted to do was have the Senate more involved in the oversight of the arms control negotiations that were going on at that time. He asked me to chair the arms control observers group which he created at that time. He got the support of the minority, and we created a bipartisan group that played, I think, a very successful role in working on arms control negotiations.

He also came to me—I think this is probably not too well known in the Senate—and said that he was disappointed that the move to bring television to the Senate had failed, and he asked me if I would work with others in the Senate to bring that about. It was at that time a privilege, really, to represent the leader in meeting with Senators from the other side and on our side of the aisle. There were some Senators who changed their positions when they realized that the new leader was very sincere and wanted to have the American public know what was going on in the Senate.

I think that the Senate has been changed by television coverage in the Senate—some good and some bad, but mostly good. I believe it has demonstrated for the country what is ahead of us if BOB DOLE is successful in his new quest, because he does reach out for people. He makes sure that everyone involved around him has a meaningful role and listens. He listens to advice. If there is one thing that I think can be assured in the days ahead, it is that candidate DOLE is going to listen to America and America is going to listen to candidate DOLE. For myself, I can think of no better thing for the country than to know that we go to the beginning of the new millennium with a new President.

So I hope, Mr. President, that this day, this decision that my good friend has made to leave this Senate, which he loves and we all love, proves to be the right decision for him and for the country. I know that he has not left our hearts because those of us who know him will be with him all the way along the trail.

As the statement made by Theodore Roosevelt was read today in our meeting, as we gave him the bust of Teddy Roosevelt, BOB DOLE has known both victory and defeat, and he has shown his courage and his ability to stay the course. I believe he has what it takes. I hope he will know victory in the days ahead.

Mr. FEINGOLD. Mr. President, I rise to salute the energy, intelligence, and personal strength of a man who is leaving a remarkable career in the U.S. Senate, the majority leader, Senator ROBERT DOLE.

Many of my colleagues have worked with Senator DOLE far longer than I, but it didn't take me long after I arrived here in 1993 to develop a healthy respect for his skill as a legislator and for his ability to lead his Republican colleagues. Moreover, it quickly became clear to me that Senator DOLE is a man shaped and defined by his ability to meet challenges without flinching and to overcome them.

He has been accorded well-deserved praise from both sides of the aisle, and his colleagues on the other side have demonstrated their respect for his abilities by making him the longest-serving Republican majority leader in the Senate's history.

Mr. President, Senator DOLE's government career since he joined the Senate in 1968 is widely known and respected. He has played a pivotal role in the passage of several pieces of important legislation, including, for example, the landmark Americans With Disabilities Act in 1990.

For many years, Senator DOLE was a supporter of legislation to protect civil rights. For example, his efforts were crucial in the passage of the renewal of the Voting Rights Act in 1982.

His imprint is also on the Food Stamp Program, on Social Security, and other important measures.

One legislative achievement that may not get much notice, but which helps some of our Nation's most vulnerable people, is Senator DOLE's support for the Program of All-Inclusive Care for the Elderly, or PACE. Senator DOLE and I share an interest in this innovative long-term care program, which is a nationwide effort to integrate services for certain elderly Medicare and Medicaid patients. PACE has managed to provide an extensive array of services while saving money, both laudable goals.

On another issue—committing United States forces to Bosnia—Senator DOLE and I were in disagreement, but even though we were on opposite sides of the final vote to send American troops there, I recognized his efforts to work for bipartisanship and to take a risk to support what he regarded as the necessary action in this area.

Mr. President, it is unfortunate that, during an election year, the Senate is so often consumed by partisan tensions and maneuvers. Nevertheless, the U.S. Senate is an institution where it is possible to reach across the aisle and find common ground.

Senator DOLE has devoted many, many years to the Senate and to working on issues of enormous public interest. He has earned the respect and admiration of all of his colleagues, Republicans and Democrats alike.

Mr. President, BOB DOLE will be long-remembered in the U.S. Senate, and this Chamber will simply not be the same without him.

Mr. LEVIN. Mr. President, today the Senate loses one of its true legislative craftsmen. When I came to the Senate, BOB DOLE had already earned a reputation as a legislator, a Republican who

could cross the aisle to work with Democrats to solve problems and reach compromise. This is the essence of the Senate. I soon learned that the reputation of the Senator from Kansas was well earned. Over the years my respect for his ability to craft a legislative solution has grown. We will all miss his skill.

We will also miss BOB DOLE for his sense of humor. The Senate can be a place of high drama, high pressure, and sometimes high dudgeon. BOB DOLE, who has himself shown a real bite from time to time, and who is a tough fighter for his point of view, more often than not is able to defuse the situation, and sometimes disarm his opponents with a quip or a flash of his wit which leaves them laughing.

But, most of all, Mr. President, BOB DOLE will be remembered in the Senate as a man of his word. There is no greater compliment which one Senator can pay to another.

In this body, a Senator is only as good, only as reliable, only as effective, as his or her word. Senator ROBERT DOLE has earned the respect of all who have served with him in this Senate.

Mr. COHEN. Mr. President, there are few true heroes in this country, but one who has lived in our midst for many years is BOB DOLE, who has accomplished so much in his life and is going off to accomplish more. He was a hero in war who now and forever will bear the scars of his service to his country. And he is a hero in peace—a man who can maneuver through the legislative trenches with grace and daring, avoiding minefields and pitfalls, running the gauntlet while dodging bomb blasts from his opponents.

He leaves us today to enter a new battleground, where, I have no doubt, he will prevail with the same creativity and tenacity that had made him such an able Senate leader.

BOB DOLE has the experience, the temperament, and the judgment to be President. He is a man of honor and courage who understands the workings of Government at the highest levels but has never lost his understanding of common men and women. That's because he is a common man, who through the sheer force of his intellect and industry has reached uncommon heights.

There are, of course, many stories that could be told to illustrate the spirit and fortitude that has brought BOB DOLE to such heights, but two of my favorites date to 1952, the year he was elected county attorney in Russell, KS, and began his political career.

One night after Bob was elected, a man named Huck Boyd was driving through Russell after midnight and saw the light still on at the county courthouse. Huck Boyd was editor of a weekly newspaper and thought there might be a break-in, so he pulled over to investigate. It turns out that BOB DOLE, the new county attorney, was still working at his desk. And it also turns out that Huck Boyd was Kansas' member of the Republican National Committee, and was so impressed by this hard-working young man that he started talking him up throughout Kansas as a future political superstar.

But the quote I like best comes from the story of the 1952 county attorney election itself. Two young men who had come back from World War II were running—BOB DOLE and Dean Ostrum. Dean was a bright young man who had enjoyed many of life's advantages and was the son of perhaps the best lawyer in Russell. BOB DOLE didn't have all the advantages of life, had seen more adversity in 29 years than most people see in a lifetime, and was the son of Doran Dole who worked in a local creamery. As the campaign wore on, Bob outthought and outhustled his opponent, won by 200 votes, and launched his political career. The quote I like is from Dean Ostrum years after the campaign was over:

"How long was my day? I don't know, but it wasn't as long as BOB DOLE's I'm sure of that."

Forty-four years later that statement still rings true. No one I know has ever outworked BOB DOLE.

One of the reasons I believe so strongly in BOB DOLE's candidacy is because we share common views and values. We believe that consensus and compromise make for good government. We believe that rigid ideas and hardened positions drive people apart and lead to stalemate and paralysis. We believe in Ronald Reagan's theory of the big tent—that the Republican Party is a caring and compassionate organization that welcomes people of all backgrounds, a party that does not demean minorities by ridiculing their ancestry, a party that speaks of hope and promise and does not exploit fears and anxieties.

We believe in a strong national defense, that America cannot be the world's policeman, but neither can we afford to become a prisoner of world events. Some want to walk away from the world, but BOB DOLE knows the world won't walk away from us.

We believe that the best protection for American industry and workers is to open up our minds through education, training, and competition—not by shutting down our ports. We believe we must prevent illegal immigration but not punish those who seek the blessings of America by complying with our laws.

BOB DOLE, like Ronald Reagan before him, has dedicated his life in public service to tearing walls down around the world and not putting them up around America.

We also share a common belief that for government to operate most effectively—or in this day and age some might say to operate at all—it is necessary for policymakers to understand that goals cannot always be achieved at once. Progress must often come in small steps. BOB DOLE understands that principle better than most and he has the judgment, gleaned from years of experience, to know when those steps can be taken safely—or when one more step will send us hurtling over a dangerous precipice.

BOB DOLE understands that power and responsibility must be returned to the States. We have a $5 trillion debt that is gobbling up our children's economic future, and we know we have to slay this monster or it will surely slay us.

The man who stood for so many years beside us in the Senate does not appear to be wearing armor. But he is. It's made of a composite stronger than anything that can be manufactured by campaign strategists, pollsters, or spin-meisters. It's made of a belief in God, country, family, honor, and duty.

I have known BOB DOLE for more than 20 years as both a friend and a leader. He is a man of good heart and good humor who calls forth the better angels of our nature.

As President of the United States, he will make America safe and sound for us and our children. As President of the United States, he will help make the world safe for America.

Mr. LUGAR. Mr. President, as BOB DOLE leaves the U.S. Senate today, we are participating in a celebration unlike anything we have witnessed in the Senate for many years, and are unlikely to see again in this century. The abundant flow of affection in the midst of applause and tears are testimony to our recognition of BOB DOLE's investment in the Senate, our recognition of the hold his leadership has on our perceptions of the Senate, and the meaning of statesmanship, public service, and patriotism.

Senator BOB DOLE of Kansas was easily reelected to a fifth term in the U.S. Senate. After 8 years of service in the U.S. House of Representatives, he is in his 28th year of Senate service. On most days in the U.S. Senate and in most battles, BOB DOLE has been the voice and the very visible, energetic leader of the Republican Party.

BOB DOLE is the personification of hard work, constructive intelligence, personal loyalty and the determination to succeed against all odds.

His life has been filled with honors and recognition for significant achievements. But perhaps the defining moments of his life were those he spent on a mountainous Italian battlefield.

The troops he led as an Army infantry lieutenant were exposed to deadly enemy machine gun fire. He led the charge to eliminate the enemy emplacement. He absorbed withering fire which tore his body and almost ended his life.

His heroism was recognized promptly. But his ability to force feeling and

movement into his wounded body, to restore some hope that he could feed himself, dress himself, and function as a working, contributing man, took years of agonizing treatment, therapy, and persistence beyond comprehension.

BOB DOLE is intellectually and physically tough because his very life and being have depended upon that toughness. But those same fateful experiences have undergirded his compassionate championship of all handicapped Americans who have counted upon him to extend a strong hand back to pull them into the fullness of life in America.

From his early days in Russell, KS, BOB DOLE has understood the struggle of many families to keep food on the table. He has been the Senate champion for thoughtful nutrition programs, including comprehensive knowledge about food stamp distribution and a host of food programs for the working poor of our country.

I first met BOB DOLE when he was Chairman of our national party, and later as our Vice Presidential nominee in 1976. In the days following that election, I called BOB DOLE to thank him for his leadership and to ask for his help in fulfilling my first Senate campaign pledge, namely, to seek a seat on the Agriculture Committee. Even at a time of his own personal discouragement, he was characteristically helpful to me. I was seated at the end of the minority side of the table as the most junior member. I have witnessed for 20 years the mastery of BOB DOLE as a farm legislator.

His energy level is astonishing. His capacity to entertain new ideas and his generous ability to boost other people have strengthened my enthusiasm for this remarkable Kansan.

He deserves the opportunity to serve our Nation as its President. The Nation deserves his Presidency, which could be a term of remarkable achievement based on his innate courage and wisdom, and his universal experience with public persons and public issues.

I will be one who strives to help him realize new dimensions of leadership, because I have witnessed his integrity and I have confidence in his judgment. For the moment, I believe it is most important simply to recognize that to applaud BOB DOLE is to applaud the vitally important concept that good people arise in America to assume great responsibilities. Our country is stronger because this Senator always saw his duty and inspired so many Americans to follow him.

Mr. KENNEDY. Mr. President, I join in wishing the majority leader well—but not too well—as he takes his leave of the Senate.

He and I have differed on many occasions on many issues during the many years we have served together. But we have also been able to find many opportunities to work well together on many different issues of both foreign and domestic policy, and I have great respect for his ability as a Senator and Senate leader.

Of course, I liked it better when he was minority leader instead of majority leader.

In fact, we have worked closely on many significant issues over the years. I think particularly of the Americans With Disabilities Act in recent years. Senator DOLE was a strong supporter from the beginning. He stepped in early and often, and prevented many abrasive confrontations on that bill. As a result, it was enacted with broad bipartisan support in Congress, and has become one of Senator DOLE's and Congress' most notable achievements.

Senator DOLE and I also worked well together on other civil rights bills, on voting rights bills, on child nutrition legislation, and a range of other issues. In addition, we served together on the Senate Judiciary Committee for 6 years at the end of the 1970's and the beginning of the 1980's, and I was consistently impressed with his day-to-day ability on the issues and his tireless energy and dedication.

I also have many warm memories of the daily radio debates we did together for 4 years in the 1980's on our program called "Face Off." We were usually, but not always, facing in opposite directions on the issues, but Senator DOLE's intelligence and wit always shone through, and helped make the daily analyses both enlightening and enjoyable.

Often, even in the most contentious debates in the Senate, his excellent sense of humor was particularly effective, and he used it skillfully to defuse the tensest moments.

Now, Senator DOLE leaves the Senate with a record of many accomplishments that have served the Senate well, the Congress well, the State of Kansas well, and the people of America well.

I join Senators on both sides of the aisle who have found it a great privilege, a great honor, and a great education to work with Senator DOLE over the years. We admire his leadership and statesmanship, and we value his friendship. We respect him, and we will miss him very much in the months and years ahead.

Mr. FRIST. Mr. President, I rise today, as have my Senate colleagues, to pay tribute to the distinguished Senate majority leader, Senator ROBERT DOLE of Kansas.

Mr. President, the great American patriot Henry Clay, who also served as a Member of the House and the Senate, once said, "Of all the properties which belong to honorable men, not one is so highly prized as that of character."

He was right. As imperfect beings, we all strive to cultivate virtuous qualities—we endeavor to be kind; we are mindful to be courteous; in trying times, we struggle to maintain a sense of humor, but character, as the fiery turn-of-the-century evangelist, Dwight L. Moody, once so bluntly defined it, "is what you are in the dark."

Character is not something one can put on, like a new set of clothes. It is not something one trots out on special occasions, like courtly manners. It is not something one can pretend to possess. Yet, despite its ethereal quality, character is unmistakably apparent. It is the steady hand in times of crisis, the quiet voice in times of stress. It is courage in the face of adversity, strength of purpose, when all else seems to fail. It is a "property," as Henry Clay put it, whose value is beyond measure, a characteristic no amount of money can buy.

Mr. President, ROBERT DOLE is a man of character. A man who has remained true to his convictions; a man unafraid to defend his beliefs; a man who says what he thinks, and means what he says. He is a doer, not a talker; a fighter, not an equivocator; a leader not a dodger.

Today he leaves the U.S. Senate and the battlefield he's loved so well for so many years, the Senate floor. But he goes not gentle into the good night. He leaves on one last mission. He leaves to engage perhaps the most important battle he will ever fight—a battle not just for the heart and soul of America, but—more importantly—for the future of America. A battle that will lose or save America for the next generation; a battle to accomplish what all generations except ours have done before us—leave America a better place for our children and our grandchildren.

Mr. President, it is a battle that must be fought; a battle that must be won. And I can think of no one better to lead the mission than BOB DOLE.

Mr. COATS. Mr. President, today Senator DOLE becomes citizen DOLE. He has every right to be proud of that hard, courageous decision. We in the Senate have every reason to be sorry for it.

Senator DOLE leaves a legacy of lasting influence. He led this body to historic accomplishments, including the rescue of Social Security and the first balanced budget in a generation. He led his party, 2 years ago, to historic victory. And now he has accepted one more opportunity to serve—one more chance to lead.

This is the common thread that runs through an uncommon life—leadership. He has provided a definition of the term.

Senator DOLE has mastered the art of consensus. He knows when a breakthrough depends on one well-placed word. He knows how to cool tempers and emphasize agreement. He knows how to turn the chaos of this process into tangible achievements. These are rare and important qualities.

But this is only half of the story. I have seen another side of Senator

DOLE's leadership. He once put it this way:

I believe there is a place for honest negotiation in politics. It is an essential part of Democracy. Every political movement, and every public official, however, must locate a place where compromise ends—a core of conviction where we keep our conscience. There comes a time when even practical leaders must refuse to bend or yield.

For Senator DOLE that core of conviction is basic and clear, permanent and solid: safe streets, strong families, military strength, fiscal responsibility, a decent public culture. These commitments are nothing new and everything important. They are rooted deeply in the soil of the midwest in the lessons of a small town in his experiences of suffering and service. BOB DOLE understands the secret strength of America, because he embodies it.

Senator DOLE understands that Americans value freedom and responsibility, but must still care for one another in times of crisis and need. He understands the fears at the edge of poverty, because he felt them in his youth. He understands the price of liberty, because he paid it himself. He fights strongly, because he believes deeply. We have come to depend on this core of conviction, based on the lessons of a life.

In his legislative career, Senator DOLE has displayed both elements of true leadership: consensus and conscience, flexibility and firmness. He is an example to all of us who work with him—who follow him—who respect him. Leaving the security of the Senate is just another example of the moral courage we have come to know the essence of leadership at the moment of testing.

T.S. Eliot wrote, "in my end is my beginning." This is the end of a distinguished legislative career. It is the beginning of a new mission. That mission takes Senator DOLE beyond this body, and we regret it. But I am convinced it will take him to the White House. Senator DOLE—citizen DOLE—has only begun his service to this Nation.

Mr. CRAIG. Mr. President, I rise to honor and remember our distinguished majority leader, our colleague, and our friend, BOB DOLE, as he prepares to leave the Senate.

When you work with or around BOB DOLE, you soon realize: He has consistent values and an unwavering commitment to them.

He's been in there fighting for a balanced budget—not because of some green eyeshade interest in the numbers, but because he knows its a moral issue.

He's been fighting for years, consistently, for a balanced budget constitutional amendment because he understands this is a principle of fundamental fairness, and he understands how the Constitution really works, protecting the basic rights of the people by preventing the Government from abusing its powers.

I've worked with BOB DOLE on other constitutional issues, from protection of second amendment rights to private property rights.

When Congress passes the 28th amendment—the balanced budget amendment—some time in the near future, even though he will have left the Senate, it will be, in part, a monument to Senator DOLE's years of hard work.

I remember many events, many battles, high points and defeats, as BOB DOLE and I have worked together for the balanced budget amendment.

When I was in the House, in the early 1980s, CHARLIE STENHOLM, a Democrat from Texas, and I started CLUBB—Congressional Leaders United for a Balanced Budget.

Pete Wilson was our Senate Co-Chair and BOB DOLE was a charter member.

When we met with taxpayer groups, and stood on the steps of the Capitol with mail bags full of hundreds of thousands of letters and petitions from Americans everywhere—BOB DOLE was always there with us, promoting the balanced budget amendment.

CLUBB worked with taxpayer groups to schedule Members of Congress around the country to meet with local leaders, State legislatures, and others on behalf of the balanced budget amendment.

I remember back to 1985–86 and how it impressed me that, here was the majority leader of the U.S. Senate, a man busy with every issue before Congress—and he took the time and effort to travel whenever he could, wherever he could, to bring the balanced budget crusade to Americans everywhere.

And last year, after our constitutional amendment fell one vote short, and then again this year, he showed that the Senate could break with history and make history, could muster enough courage, under his leadership, to actually produce a balanced budget.

Citizen, Senator, Majority Leader BOB DOLE has worked, fought, and spoken to the Nation for the balanced budget amendment because he cares about the future of our Nation; because he cares about our children, and what kind of opportunity we leave for them; because he cares about having a country that provides for the security of our seniors and the best possible jobs for our working men and women.

Many, many aspects of BOB DOLE's life have demonstrated how much he cares about people, especially the helpless, and about our country.

Much has been said about his record as a war hero and his war injuries. And, of course, much has been said about his public service.

Unlike many in politics, he has not just sympathized with people's pain, he has been there.

Doctors first said he would not live because of his war injuries. Then they said he would never walk again.

But he did much more than walk—he soared on the wings of self-sacrifice and service to others.

Because of the values he learned growing up in Russell, KS, because of the lessons of life, he understands people and cares about people.

This understanding has shown through in his leadership here in the Senate, where he has been perceptive about the strengths of his colleagues and what things are important to them.

It has particularly struck me how he, as leader, has always looked to match those strengths and interests with the tasks at hand to give his colleagues leadership opportunities, and to accomplish something good for the Nation.

The Senate will miss his leadership, his dedication, his integrity, and how he cares about people.

And in the coming months the Nation will learn much more about those qualities, and will call upon him for one more heroic mission.

Mr. SANTORUM. Mr. President, I rise today to join my colleagues in paying tribute to the Senator from Kansas.

The significance of this day should not be diminished by reference to or discussion of the gentleman's future pursuits. They should more importantly reflect the tenure and service that he has already given his State of Kansas, the office of majority leader, the institution of Congress, and this country as a whole.

Mr. President, I remember my first direct interaction with BOB DOLE in 1993 as we crafted fundamental entitlement reform to the supplemental security income system. I could talk today of our work in shaping the direction of our Nation's social policies, more recently during a very intense debate here last fall on a comprehensive welfare reform package. I was honored to have been of assistance to him in managing the floor discussion, and it was during this debate that Senator DOLE's guiding hand was once again exhibited in maneuvering this body through one of the more contentious and important discussions of national policy.

As the youngest member of this body, however, it is with a different perspective that I would like to focus my remarks today. Many of BOB DOLE's most significant experiences, especially his service in defending this country in World War II, largely precede my 38 years. His 35 years of service and leadership in Congress roughly bridges the span of my life. And while I have only had the honor to serve under his direct leadership in the Senate for a year and a half, I have indirectly benefited from BOB DOLE's sacrifices, courage, and convictions for the better part of my life.

Today's speeches have been filled with personal reflections, tributes to service, and legislative and policy histories that all have been influenced by the gentleman from Kansas. As moving

and genuine as these reflections have been, time and history will truly capture and attest to the magnitude of Senator DOLE's service and the importance of his departure.

Rapid change in the character and makeup of both Chambers has marked my 6-year service in the U.S. Congress. Since my election in 1990, the U.S. Congress has experienced not only one of the largest single year turnovers since the 1974 elections, but has also ushered in a historic change in the majority parties of both houses.

And in the midst of this profound change, individuals like the Senator from Kansas have remained a stabilizing force to this institution. As it is far too easy to get lost in the direction of our own careers, we must not allow ourselves to lose sense of those who have shaped the institution of Congress and those who have left a lasting imprint on the direction of our Nation. History will undoubtedly record Senator DOLE as one of those people.

As the longest serving majority leader in the U.S. Senate, Senator DOLE possesses an instinctive ability to navigate the Senate's process of forced compromise. While at times during this session these abilities have served as a source of personal consternation, I readily acknowledge that these are qualities that a leader must exhibit to carry out the duties and responsibilities of this Chamber. These are qualities that a leader must espouse to bridge the ideological differences that manifest themselves in the direction of our policies.

Clearly, the history and service of Senator DOLE's 35 years in Congress is an inspiration to all of us and a challenge as we, in his absence, try to foster and maintain the integrity and direction of the institution of the Senate.

The hallways of the Senate will long be filled with the images of Senator DOLE's presence and the echoes of his trademark late night walks from this Chamber, through the Vice President's lobby, and to the majority leaders office overlooking America's Mall of monuments to this Nation—the view across what will now be known as the BOB DOLE balcony.

Mr. President, it is indeed a distinct honor to congratulate and thank the Senator from Kansas for his service to our country. I rise with the distinction of being a U.S. Senator from Pennsylvania and the honor of being a colleague of the Senator from Kansas. I rise with the privilege of representing 12 million Pennsylvanians in the rich tradition and history of Senators Hugh Scott, John Heinz, and Harris Wofford, who have had the honor to serve with Senator DOLE at this very desk before me, and have been enriched by the shared service and experiences. But most importantly, I rise as a personal beneficiary of the Senator's sacrifice, his service, his steadfastness, and his wisdom.

In closing, Mr. President, I stand today with the privilege of speaking in some small way for those Pennsylvania voices in sharing our blessing for the continued strength, courage, and conviction in life's pursuits for Mr. DOLE and his family.

Mr. D'AMATO. Mr. President, I rise for a final, heartfelt tribute to Senator DOLE.

In another unselfish act on behalf of his country, Senator DOLE will leave the Senate where he has so well served the people of Kansas in order to better serve the American people as our next President.

Mr. President, by any definition, BOB DOLE is a great man—a man whose entire life has been dedicated to serving his country with honor, with courage, and with integrity.

BOB DOLE is an American hero. He fought to defend this country during times of war. And throughout his career he has fought for policies to ensure prosperity and security at home and peace around the world.

Mr. President, BOB DOLE has remained dedicated to the same causes and principles that led him into public service over 40 years ago. He is a man certain of his core values, and anchored to his unwavering principles of service to country, honoring individual freedom, and bettering the lives of every American.

Mr. President, BOB DOLE represents what's right about America: integrity, courage, compassion, and patriotism.

Mr. President, it will be difficult to imagine the Senate without BOB DOLE's strong presence and skillful leadership. BOB DOLE's monumental legislative achievements—first as a legislator and now as leader—are the direct result of his strongly held convictions, his forceful advocacy, his skill at debate, and his respect and tolerance for other Senators' views, perspectives, and experiences.

His native State of Kansas and the many noble causes he has championed over the years have benefited from his legislative skills. As his colleagues, we know—and history will record—that he has had an indelible influence on this body, our Government, our people, and our times that will be felt well into the next century. He will leave an imprint deeper and stronger than few Senators in history can rival.

Mr. President, some personal comments on Senator DOLE are unavoidable at this moment. How could a Midwestern-Kansas conservative from a rural and agricultural State become friends and have so much in common with an ethnic second-generation Italian from Long Island?

In BOB DOLE's own words:

Al D'Amato and Bob Dole—at first glance it seems like an unlikely friendship. One was raised on his mother's pasta in the heart of America's largest city. And the other was raised on his mother's fried chicken on the plains of rural Kansas. But when New Yorkers sent Al to the United States Senate in 1980, it didn't take me long to discover that we had a great deal in common.

Both of us call them like we see them. Both of us believe in the neighborhood values that made America great—values like hard work and personal responsibility. Both of us don't give up without a fight. And both of us have never forgotten from where we came.

Mr. President, these insightful words are from BOB DOLE's introduction to my book. They reveal BOB DOLE's basic decency, his solid foundations, and his strong character. These are the qualities that attract people to BOB DOLE and the reasons he is so admired.

Mr. President, as my dear friend, colleague, and leader, BOB DOLE, departs the Senate to pursue the Presidency; he leaves with my continued admiration and support. His unique and historic journey has taken an unexpected but necessary turn. With his beloved Elizabeth beside him in his quest for the Presidency, I know my friend has made the right choice.

Mr. President, the Senate will miss BOB DOLE and I will certainly miss my friend.

Mr. MOYNIHAN. Mr. President, one of the stories BOB DOLE likes to tell in speeches and interviews has to do with the events in the first 2 weeks of 1983 when, quite literally, the Social Security system was saved. As with many tales told on political campaign trails, it is not one hundred percent accurate. We all recall that opening passage from Huckleberry Finn in which Huck tells us that we will recognize him from the book about Tom Sawyer which was written by Mr. Mark Twain, "and he told the truth mainly."

Which BOB DOLE does. The only part of the tale he leaves out is his own role. It could not have happened without him. To the contrary, he made it happen.

I was there. I so attest. It was January 3, 1983. A new Congress was convening. I had just been sworn in for a second term. This was agreeable enough, indeed, hugely so, but there was a cloud over the occasion. I had gone on to the Finance Committee in 1977 and had worked on the Social Security Amendments of that year, under the superb leadership of Gaylord Nelson. We had realized the actuarial troubles the Social Security Trust Fund would face with the curious demography of the baby boom on the still-distant but recognizable horizon. We put in place a number of F.I.C.A. tax increases to provide for this. And thought our work was done. Then came the second oil shock and the great inflation of the late 1970's. For the first time in our history price increases ran ahead of wage increases. The Trust Funds sank to the point of approaching insolvency. In 1981, the new director of the Office of

Management and Budget, David Stockman, warned the country to expect the "world's largest bankruptcy" on a date certain in the near future. It wasn't as bad as that, but Robert J. Myers, the former chief actuary, knew it was bad enough and he passed this on. President Reagan called for and Congress created a Commission on Social Security Reform, headed by Alan Greenspan. We met all through 1982, but could come to no agreement on what to do. The year ended, the Commission ended, an inconsequential report was drafted.

But something had, in fact, happened. BOB DOLE, a member of the Commission, had listened. He always listens, as Senators know. But this time he was listening to information quite at odds with all he had ever heard. That Social Security was not a crazy New Deal Ponzi scheme certain to go broke one day. That day being at hand. Which is what so many members of his party were willing to believe. No; he learned, largely from Myers, there were difficulties but they could be resolved and should be resolved.

On that January 3 morning, Senator DOLE had an op-ed article in The New York Times. I ask unanimous consent that it be reprinted in the RECORD.

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

[From the New York Times, Jan. 3, 1983]

REAGAN'S FAITHFUL ALLIES

(By Bob Dole)

WASHINGTON.—In this city, which makes history but prefers headlines, today's hottest story is President Reagan's problem with his allies on Capitol Hill. But those who believe that they see a divisive split between the President and Congressional Republicans ignore Ronald Reagan's many achievements, misunderstand the role of Congress, and exaggerate the tension between the Presidency and Congress that has naturally existed since the Founding Fathers found room for both in the Constitution.

It is important to understand that Presidents of both parties have always had differences with their friends on Capitol Hill. Thomas Jefferson had to endure a Speaker of the House who was not only a fellow Democrat but his own son-in-law and who had the irritating habit of publicly charging members of the Jefferson Administration with corrupt land speculation.

Abraham Lincoln found his military decisions criticized by his own party's select committee on the conduct of the war, and his nascent plans for Reconstruction roadblocked by the so-called radical Republicans.

Theodore Roosevelt's pioneering efforts to regulate commerce and preserve the natural splendors of the West ran counter to the property-loving instincts of Republican legislators.

Franklin Delano Roosevelt saw the wave of his personal popularity crest in 1937, when disgruntled Democrats shot down his plan to pack the United States Supreme Court.

Lyndon B. Johnson failed to unite Democrats behind the Vietnam war and, in the end, abdicated. So did Richard M. Nixon when many of his strongest supporters made clear their distaste for his handling of Watergate. Earlier still, Mr. Nixon watched as two Supreme Court nominees were torpedoed by Republican Senators.

Jimmy Carter's term was rendered all but irrelevant by Democrats of the Kennedy stripe. Now, after two years of remarkable leadership, the equal of anything seen in this city since the heyday of Lyndon Johnson's Great Society, it has become fashionable to claim that Ronald Reagan's mastery over Congress has become frayed and that his options for future guidance have narrowed to little more than graceful acquiescence.

Much of this is the product of journalistic boredom or perhaps, Democratic wishful thinking. Those interested in the sounds of genuine partisan division ought to pitch their hearing to the tunes of Mondale and Glenn and Hart and Hollings and Askew and Cranston.

What's more, those now debating responsibility for next year's agenda all too easily overlook Ronald Reagan's achievement in setting the decade's agenda. They forget that the President has already engineered a major shift in relations between the individual and his Government. And, in their own preoccupation with current headlines, they obscure a personal history of political resourcefulness and a gift for compromise familiar to anyone who has examined Ronald Reagan's Governorship in California.

So, before Republicans start believing the fashionable theory of a White House-Capitol Hill split, we ought to remind ourselves that we are led by a persuasive chief executive, that we enjoy strong, experienced leadership in both houses of Congress and that the issues confronting us present as much opportunity as peril.

Social Security is a case in point. With 116 million workers supporting it and 36 million beneficiaries relying on it, Social Security overwhelms every other domestic priority. Through a combination of relatively modest steps, including some acceleration of already scheduled taxes and some reduction in the rate of future benefit increases, the system can be saved. When it is, much of the credit, rightfully, will belong to this President and his party.

Similarly, the mashed-potato circuit echoes to the plaintive cries of born-again protectionists who address the symptoms and not the illness plaguing our economy. Whether through local-content legislation or export subsidies, they would scuttle free trade and risk a global war, with tariffs and other trade barriers as lethal weapons. Wrong as they may be in their prescription, these new economic isolationists have struck a responsive chord in a nation deeply worried about present and future employment. Again, the trade issues provide Republicans at both ends of Pennsylvania Avenue with the potential to reach out to working people, to demonstrate not only verbal concern but practical solutions.

The nation's headline writers like to call President Reagan The Great Communicator. Historians, I'm convinced, will label him the Great Reformer. It is his willingness to question this city's conventional (and costly) wisdom that Republicans must emulate as we tackle priorities too pressing to put off. No one is more eager to extend the Reagan revolution and to avoid political trench warfare in the coming session than Congressional Republicans.

The atmosphere within which the new Congress convenes will be shaped by perceptions that, in politics, are sometimes the equivalent of reality. And it is as a supporter of the President's objectives that I express concern about perceptions of his program. Clearly, they will not be improved so long as the Congress, public and news media discern an imbalance between human needs and military hardware. When the Constitution mandated the Federal Government to provide for the general welfare, it said nothing about the generals' welfare.

The problem of perception might also be improved by a closer partnership between the White House and its natural allies on Capitol Hill. A modest but useful first step would be more frequent and constructive give-and-take sessions with G.O.P. leaders. For we, no less than his own department Secretaries and other personnel, belong to the President's official family. And we, no less than they, wish the next two years to be as successful as the last two.

Certainly, tackling Social Security and trade issues will engender controversy. But the alternative is momentum surrendered and an anxious public disillusioned. This President has always insisted that purely political considerations will not affect his judgment. That is one more reason why he is free to propose and achieve reforms on a historic scale. By doing so, he insures that he will not have to wait for history to express gratitude.

Those who say that the bloom is off the rose for Ronald Reagan forget that the rose is a perennial. With a little imaginative gardening now, it will blossom handsomely in 1984.

Mr. MOYNIHAN. Mr. President, note that paragraph about Social Security. ". . . The system can be saved."

I had read it. I went up to Senator DOLE on the floor and said, "Bob, if you think that, and I think you are right, oughtn't we give it one more try?" He asked me if I could meet with him the next day. Both of us were planning vacations, but this came first. At 4 o'clock next, Tuesday, January 4, we met in his office. I give you now the events of the next 13 days. They are written from my daily schedule, but think Bob DOLE all along.

Tuesday, January 4, 1983, 4:30 p.m.: Senators Dole and Moynihan meet with Robert J. Myers re Social Security.

Wednesday, January 5, 2:00 p.m.: Senator Moynihan meets privately with Alan Greenspan, Congressman Conable and Robert J. Myers re Social Security.

4:30 p.m.: Meeting at James Baker's residence with Senator Dole, Cong. Conable, Robert J. Myers and Alan Greenspan.

Friday, January 7, 8:30 a.m.: Meeting at Blair House re Social Security.

2:30 p.m.: Senators Dole and Moynihan meet with Robert J. Myers.

Saturday, January 8, 9:30 a.m.: All-day confidential meeting at residence of James Baker—also with Richard Darman.

Tuesday, January 11, 5:15 p.m.: Confidential meeting at Blair House.

Wednesday, January 12, 3:15 p.m.: Meeting re Social Security at Blair House.

Friday, January 14, 10:30 a.m.: Meeting with David Stockman, Richard Darman and Robert Myers in Senator Moynihan's office.

Saturday, January 15, 11:00 a.m.: All-day meeting re Social Security at Blair House—Agreement reached.

Monday, January 17, 7:10 a.m.: Senators Dole and Moynihan, and James Baker interviewed on ABC "Good Morning America" re Social Security.

Indeed, I have a handwritten note in my Economist Diary, "Noon Jan. 3, 10:00 p.m., Jan. 15, 13 days."

Thirteen days that changed the world for a good many Americans. They were Dole days and should never be forgotten.

Mr. KERRY. Mr. President, though I cannot join my Republican colleagues in wishing Senator DOLE success in his next endeavor, I join with Senator DASCHLE and all of my colleagues in wishing the distinguished majority leader and his wife and daughter good health and every happiness in the future. To leave his beloved institution after such a long and illustrious public service career—for whatever reason—is, I am sure, difficult, but there is no greater reward than the legacy of honorable public service.

Though we may not have agreed on many issues in the time we have served together in this body, there is one in particular we agreed on and we worked together to make it happen. The Brockton, MA Little League became a national model for the establishment of a challenge division for little leaguers with disabilities, thanks to the efforts of Senator DOLE. He is a fellow veteran and a man of proven personal courage and deep political conviction. He has been an integral part of the history of this institution and he will be missed.

Whatever our politics, whatever our philosophy of Government, this Nation, the democratic process, and the U.S. Senate are well served by those who have both the courage to survive against the odds in the face of extraordinary personal hardship, and the common sense to seek reasonable compromise for the survival of the Nation. The distinguished majority leader's life has indeed been one of personal courage and political compromise. His record of public service speaks for itself, and as he leaves here today, we wish him well. As colleagues, we must put politics aside for a moment, remember the man and his career, and say to the distinguished major leader: Thank you for the lesson in service and democracy that you have given us.

"THE MEASURE OF A MAN"

Mr. NICKLES. Mr. President, today we recognize the departure of a great friend and colleague, Majority Leader ROBERT DOLE, from the U.S. Senate. In honor of his departure, I ask unanimous consent to have printed in the RECORD a poem by Albert Caswell, a longtime guide for the U.S. Capitol, which pays tribute Majority Leader ROBERT DOLE.

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

THE MEASURE OF A MAN

(By Albert Caswell)

What is the measure of a man?
Today, high atop the Senate we sit and understand.
What is the measure of a man?
It's not power, wealth, or looks, but how we conduct our lives.
This alone, is what put us in the record books.
What is the measure of a man?
In the Senate this day, comes a great leader of character and class,
Who climbed every mountain the Lord put in his path.
What is the measure of a man?
For against all odds, time and again, his back to the wall,
One Robert Dole, heart of a lion, has always stood tall.
What is the measure of a man?
Yet for all his strength and all his glory,
His warmth, kindness, and humor tell the story.
What is the measure of a man?
He walks in, stillness in the gallery, listen closely, hear the silent tears.
Historians and friends sadly know, a man of his stature will not come our way for many years.
What is the measure of a man?
For on this day, June 11, 1996, Robert Dole gives up his greatest love of all,
To answer our nation's cry for leadership, he hears the call.
Today, we see and understand,
What is truly the measure of a man.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

UNANIMOUS-CONSENT REQUEST—H. CON. RES. 178

Mr. LOTT. Mr. President, I ask unanimous consent that debate now begin on the conference report to accompany the current budget resolution, House Concurrent Resolution 178, and that once the Senate receives the conference report, it be considered as having been read and all time consumed be considered used as part of the statutory 10-hour time limit.

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

Mr. LOTT. Mr. President, I ask unanimous consent that request be vitiated. We need to get one final clearance on that.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, for the information of all Senators, we are hoping that the Senate can momentarily begin debate on the budget resolution and conference report. All interested Senators, interested in coming to debate the budget conference report, are encouraged to do so this afternoon. Hopefully, we will have an agreement here momentarily where we can get started. I know the distinguished Senator from Nebraska is ready to begin the discussion. I know the chairman of the Budget Committee is going to be here momentarily. We hope to go ahead and start discussing this very important conference report.

It is our intention to adjourn this evening, if we can get an agreement worked out, at a relatively early hour, 7:30 perhaps, or earlier, if no further Senators would be seeking time to debate on the floor at that time. We do not anticipate any further rollcall votes occurring during the remainder of today's session. We expect that there will be a rollcall vote at some time to be determined on Wednesday. The two leaders will be talking with the ranking members on the Budget Committee to get a time specific.

As soon as we get final approval, we will ask consent to go ahead and begin that debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO SENATOR ROBERT DOLE

Mr. SHELBY. Mr. President, today has been a very interesting day for our former leader, BOB DOLE. While the U.S. Senate suffers what I believe is a tremendous loss today with the departure of the majority leader, Senator ROBERT DOLE, I can tell you it is a great day for America. I believe that. For, while Senator DOLE leaves behind a legacy of extraordinary leadership and commitment to this institution, his departure promises the American people a much more important commitment to this country. But, perhaps more important, his departure gives the American people a better opportunity to learn more about a man that I and many of my colleagues greatly admire and have come to know. So I would like to spend just a few minutes to describe the man that I have come to know, with whom I have worked, and I hope the American people will come to know over the next few months.

BOB DOLE, Senator DOLE, is a man of his word. You can trust him. He is a plain speaker and not one for flowery oratory. He believes in what he says. He means what he says. He does not try to be everything to everybody. He stands for a few important principles—not everything.

Senator DOLE is honest and he is very straightforward. He is loyal. He is a

doer and he is not a talker. His values are constant; they do not change from day to day. He knows who he is, where he comes from, where he wants to go, and his word is his honor. He is a man who chose sacrifice over self, finding strength at an age when others sought the leisure of self-expression.

Briefly, BOB DOLE is a man of courage, a man of character, a man of integrity. These measures of the man are what sets Bob DOLE apart and what has led his colleagues in the Senate to entrust him with leadership time after time.

It will be these same characteristics that will distinguish for the American people who they should trust to lead them in the years ahead. While it may be easy for others to constantly change what they stand for in order to distinguish themselves on the issues, character, courage, and integrity are not mantles of convenience. They cannot be adopted at will, converted by choice, or otherwise assumed. They are bedrock principles.

They are like a fingerprint, intractably a part of you, easy to trace and difficult to fake.

Over the next few months it will be for the American people to ask the same question that the Senate has, who do they trust to lead this Nation? I believe the answer will be the same ultimately. It will be Senator DOLE.

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. DOMENICI. 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. DOMENICI. Mr. President, we will shortly be moving to the budget resolution, but I understand the Senator desires to speak up to 5 minutes as in morning business on a statement regarding Senator DOLE.

Mr. DEWINE. That is correct. It could be 7 minutes.

Mr. DOMENICI. I ask unanimous consent that he be granted 7 minutes as in morning business.

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

A LEGISLATIVE GIANT

Mr. DEWINE. Mr. President, I thank my colleague from New Mexico. On behalf of the people of Ohio, I join all my colleagues in paying tribute to a legislative giant who left the stage of the U.S. Senate just a few moments ago.

The BOB DOLE America saw earlier today is a person we all in the Senate know: A man of character, a man of integrity and a man of utter devotion to the future of this country.

It is strange in politics, it is really an oddity in politics that a person's public image sometimes differs from his or her true qualities. That sometimes is the case with BOB DOLE.

I have watched some of his press conferences earlier in the campaign and particularly read some of the earlier stories and newspaper articles about him. When I did that, I realized there was something missing, that this really was not the BOB DOLE that I have seen for the last 18 months.

The BOB DOLE that I have seen was the real Bob DOLE, the individual, the leader, the war hero, the consensus builder and a man of enormous compassion. In listening to his speech earlier today on this floor, I did see those qualities clearly on public display, as did the American people. This is BOB DOLE, many times a man of few words, but a man who shows tremendous character and leadership in his actions.

Upon joining the Senate a little over a year ago, I became a BOB DOLE watcher. I had the opportunity as a Member of the House for 8 years to watch him from afar, but I have had the opportunity now for a little over a year to see him up close and watch how he operates and watch how he gets things done. I have seen him, as we all have, preside over four different meetings at once, moving from room to room to room and never lose track of what is going on.

BOB DOLE is someone who keeps in mind the big picture. I think the majority leader of the U.S. Senate always has to keep the big picture in mind. Yes, he has to understand details, he has to understand the nuances of legislation, how you get bills passed, but he also has to keep in mind the big picture: That you have to ultimately get the job done, that you ultimately have to get the bill passed, that you ultimately have to get things to happen.

This is the BOB DOLE I saw earlier today. Earlier today, BOB DOLE told how he and Senator MOYNIHAN and others made the last, brave attempt to reform Social Security in 1983, with the result that Social Security is safe for another generation.

That leadership ability is still there. I had the opportunity to see that many, many times in the last year, year and a half, but my favorite example that I use to illustrate BOB DOLE's leadership is the welfare reform bill that we passed. Unfortunately, the President ultimately vetoed the welfare bill, but the bill we passed in the Senate, BOB DOLE was able to get 87 votes for.

I do not think anyone in this Chamber, anyone in this country, none of the political experts a year ago, a year and a half ago, if we had been talking about welfare reform, would have thought BOB DOLE could have brought a welfare reform bill to this Senate and could have gotten 87 votes. What an achievement—what an achievement.

BOB DOLE was able to deal with the Governors, trying to put that together, certainly no easy task, and the Senate, equally difficult. And he put together a fair and balanced welfare reform measure. He was able to accomplish this amazing feat, because he never lost sight of the need to ultimately reform a system that has long failed the people it was intended to help.

Mr. President, here is a man who is capable of making tough decisions and right decisions. As he pointed out in his speech earlier today, the Senate is not like the House of Representatives. The Senate leader has fewer tools to control the Senate than the House Speaker possesses in the House. The Senate leader rules—not rules—really leads by consensus. He cannot dictate, he must lead, and I have seen, as we all have in this Chamber, BOB DOLE lead.

I have been to more than one meeting with Senators, and Senators only, where a Senator complained that he or she had not been consulted on an issue or had some other complaint to the leader, Senator DOLE, about how things were going, what he had done, not done. I had seen BOB DOLE look at them, as only BOB DOLE can, and say, "Well, if you want someone else to lead, if you want someone else to be a leader, that's fine, but you elected me to lead. As long as I am the leader, I intend to do just that." And that was the end of the conversation. That is BOB DOLE. That is leadership.

But, Mr. President, my admiration for BOB DOLE goes far beyond his ability as a majority leader. It is personal as well. BOB DOLE has the insight born of someone who suffered an enormous and unexpected tragedy. He was a star athlete who went off to war and came back with crippling injuries. This is not campaign hype of anything. Senator DOLE would rather downplay, and always has throughout his life, the struggles that he encountered when he came back and what he had to go through when he came back from World War II. He would rather downplay what he struggles with every day, since he was literally blown apart in World War II.

We all expect in life to lose our parents, even a spouse. Certain things you expect to happen, but there are other defining tragedies that go beyond the normal course of events, that go beyond what we are taught to expect. I have thought about this often since suffering the loss of our daughter, Becky. I, too, am also very reticent to talk about such a deep and personal tragedy, but I cannot help but admire the way BOB DOLE has worked through his own suffering. He understands daily pain, and I take great comfort from seeing this in him. He understands that life is not fair. Through dealing with pain, he has learned to understand himself, and these, Mr. President, are not bad qualities to have in a leader or in a President.

The President who comes to mind who reminds me the most of BOB DOLE in some ways is Franklin Roosevelt, who also faced physical disability with silent courage. Like Roosevelt, BOB DOLE's identity and his understanding of life were forged by pain. When Senator DOLE made the historic announcement last month that he would leave the Senate, the room was very crowded. It was so crowded that where I was, I could not see the expression on his face as he made the speech, but I could hear the emotion in his voice. BOB DOLE has the two seemingly opposite qualities of toughness and compassion. He had to be tough to leave the Senate. Most people do not leave voluntarily after spending a lifetime to get here. But he showed his more emotional side, too, when he made his announcement. His voice quivered during his announcement, not an easy public display for him, and he was even more emotional when he broke up during an earlier private meeting with us.

But as difficult as this decision was for him, I believe he will find it liberating to have left the Senate. I recall my own decision to make a second run for the Senate after losing the first time. I realized at that point that if I lost the second bid that my political career was over. If I lose this race, what happens? The same is now true for BOB DOLE who said he has "nowhere to go but the White House or home."

BOB DOLE had fixed in his own mind that his time as majority leader had passed and that the time had come for another challenge. Once he made the mental leap from the Senate Chamber, it was time to act.

This is the real BOB DOLE. And as he said goodbye to us then and again today, his friends and coworkers, BOB DOLE looked like a leader. He looked like a President.

Mr. President, I, like the rest of my colleagues, will always remember the demeanor and courage of this great statesman as he said farewell to the U.S. Senate.

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

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

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I believe we have now reached an agreement with reference to how we will handle this conference report in terms of timing and the vote. I will proceed with a unanimous-consent request. I ask unanimous consent that debate now begin on the conference report 104–612 to accompany the concurrent budget resolution, House Concurrent Resolution 178, and once the Senate receives the conference report, it be considered as having been read.

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

Mr. DOMENICI. I further ask if the Senate has received the papers by 3:30 p.m. on Wednesday, June 12, then the Senate proceed to vote on adoption of the conference report at that time. I further ask if the Senate has not received the papers by that time, then the vote occur on Thursday, June 13, at a time to be determined by the majority leader after consultation with the Democratic leader.

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

Mr. DOMENICI. For the information of all Senators, the Senate will now begin debate on the budget. All Senators interested in debating the budget conference report are urged to speak this afternoon.

It is the intention of the leadership to adjourn the Senate at approximately 7:30 p.m. this evening or earlier if no further Senators are seeking floor for debate. Therefore, no rollcall votes will occur during the remainder of today's session. The next rollcall vote will occur at 3:30 p.m., on Wednesday, June 12.

Mr. EXON. Mr. President, I just want to clarify, I understood you said we would vote by 3:30 tomorrow if it is here; is that right?

Mr. DOMENICI. Yes.

Mr. EXON. That would be Wednesday. If we do not vote then, we vote when?

Mr. DOMENICI. I said if the papers are not here, we cannot vote tomorrow by 3:30; then we will vote on the following day, which is Thursday, at a time to be determined by the majority leader in consultation with the minority.

Mr. EXON. We have no objection.

Mr. DOMENICI. Mr. President, there is a unanimous-consent request I want to make that has been cleared with the other side. There is an error in section 103(b) of House Concurrent Resolution 178 with respect to the levels of outlays in the Social Security Program. Therefore, I ask unanimous consent that the correct levels be printed in the RECORD at this point and they be deemed the appropriate levels for the purposes of enforcement of this budget resolution and the Congressional Budget Act.

I send a copy of the appropriate levels to the desk and ask that it be printed in the RECORD.

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

Corrections to section 103(b) of H. Con. Res. 178:

	Outlays
Fiscal year:	
1997	$310,400,000,000
1998	323,000,000,000
1999	335,900,000,000
2000	349,300,000,000
2001	363,900,000,000
2002	378,800,000,000

Mr. DOMENICI. Now, Mr. President, Senator EXON has cleared this, too. There are a number of errors contained in the statement of managers which accompany House Concurrent Resolution 178 with respect to the tables displaying the budget authority and the outlay allocations to the committees of the Senate for purposes of section 302(a) of the Budget Act. I, therefore, ask unanimous consent that the correct tables be printed in the RECORD at this point. These tables will be considered to be the allocations to the committees for the purposes of enforcement of this budget resolution and the Congressional Budget Act.

I send a copy of the correct tables to the desk and ask unanimous consent they be printed in the RECORD.

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

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FOR FISCAL YEAR 1997

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	791,195	832,273		
Appropriations (Violent Crime Trust Fund)	4,683	3,073		
Agriculture, Nutrition, and Forestry	6,017	2,990	10,068	8,492
Armed Services	40,058	39,929		
Banking, Housing, and Urban Affairs	5,881	−9,017		
Commerce, Science, and Transportation	7,429	4,799	605	602
Energy and Natural Resources	143	222	52	54
Environment and Public Works	23,969	3,201		
Finance	627,429	624,564	130,818	130,886
Foreign Relations	11,429	12,859		
Governmental Affairs	54,093	53,017		
Judiciary	2,429	2,373	239	238
Labor and Human Resources	5,534	5,009	1,412	1,412

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FOR FISCAL YEAR 1997—Continued

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Rules and Administration	95	25		
Veterans' Affairs	1,309	1,456	19,688	19,731
Small Business	3	−296		
Select Indian Affairs	392	362		
Select Intelligence				
Not allocated to committees	−267,328	−265,828		
Total	1,314,760	1,311,011	162,882	161,415

SENATE COMMITTEE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT FIVE-YEAR TOTAL: 1997–2001

[In millions of dollars]

Committee	Direct spending jurisdiction		Entitlements funded in annual appropriations	
	Budget authority	Outlays	Budget authority	Outlays
Agriculture, Nutrition, and Forestry	17,361	2,652	81,443	48,025
Armed Services	223,276	222,626		
Banking, Housing, and Urban Affairs	35,375	−18,628		
Commerce, Science, and Transportation	31,876	18,051	3,352	3,334
Energy and Natural Resources	5,219	5,067	252	276
Environment and Public Works	128,545	10,883		
Finance	3,282,774	3,268,828	776,267	776,549
Foreign Relations	50,945	56,772		
Governmental Affairs	294,435	288,737		
Judiciary	19,705	19,386	1,257	1,254
Labor and Human Resources	30,605	28,251	7,499	7,499
Rules and Administration	486	402		
Veterans' Affairs	2,552	3,908	103,415	103,285
Small Business	9	−1,264		
Select Indian Affairs	1,965	1,832		
Select Intelligence	2			

Mr. DOMENICI. Mr. President, there are some additional errors within the narrative of the statement of managers. I therefore ask unanimous consent that the following corrections to the statement of managers be printed in the RECORD at this point. I send an attachment, along with a table, to the desk in compliance with that request and ask unanimous consent they be printed in the RECORD.

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

Corrections to the text of the joint explanatory statement in H. Rpt. 104–612:

(1) On page 58, for function 150, International Affairs, the 1997 budget authority figure should be $131 million.

(2) On page 59, for function 370, Commerce and Housing Credit, the 1997 budget authority figure should be $3,092 million; the 1997 outlay figure should be $2,990 million; the size-year budget authority total should be $17,789 million; the six-year outlay total should be $16,879 million.

(3) On page 88, the table includes the incorrect levels for nondefense discretionary budget authority and outlays because it fails to include the levels from the Violent Crime Reduction Trust Fund. Section 301 of the budget resolution establishes a cap on nondefense discretionary spending, which includes spending from the Crime Fund. The following table includes funding from the Crime Fund and provides the correct levels for nondefense and total discretionary spending.

DEFENSE/NONDEFENSE LIMITS

[In millions of dollars]

	1997	1998	1999	2000	2001	2002
Defense:						
Budget authority	266,362	268,971	271,500	274,024	276,672	279,459
Outlays	264,968	263,862	267,048	270,657	269,744	269,608
General Purpose Nondefense:						
Budget authority	226,305	219,646	213,718	218,515	214,445	221,133
Outlays	270,571	258,492	252,981	248,847	246,479	244,611
Violent Crime Reduction Trust fund:						
Budget authority	4,683	5,100	6,050	6,050		
Outlays	3,073	4,664	5,456	5,747		
Subtotal Nondefense:						
Budget authority	230,988	224,746	219,768	224,565	214,445	221,133
Outlays	273,644	263,093	258,437	254,594	246,479	244,611
Total Discretionary:						
Budget authority	497,350	493,717	491,268	498,589	491,117	500,592
Outlays	538,612	526,955	525,485	525,251	516,223	514,219

Mr. DOMENICI. There are some Senators who want to be heard on the Dole departure, but I believe I have used enough time.

I will yield to you, Senator EXON, if you would like to open now, at your convenience.

Mr. EXON. I say to my friend and colleague from New Mexico, the Senator on this side has been trying to accommodate Democratic Senators who wanted to speak on the budget. I had a Senator scheduled for 4:30. I set him back to 5 o'clock. I thought we had agreed, and I used time in the 1 hour, for salutes to Senator DOLE.

All I am saying is it is very difficult for me to schedule speakers on the matter at hand if we keep setting these things back. I wish to accommodate all Senators. When you accommodate one Senator, you "disaccommodate" someone else.

How many speakers do we have that wish to speak on the Dole matter?

Mr. DOMENICI. Mr. President, Senator HATFIELD has indicated he wants to speak for 3 minutes, 10 minutes for Senator KEMPTHORNE, and 5 minutes for Senator COVERDELL.

I will yield them my 18 minutes as if I were making an opening statement, and that will be the end of my opening statement. Then it will be your turn, and you can yield to some Democrat Senators after that.

Mr. President, I yield to Senator MARK HATFIELD 3 minutes, I yield 10 minutes to Senator KEMPTHORNE, and I yield 5 minutes to Senator COVERDELL. I yield in that order at this point. Then I will be gone from the floor. When

they finish, we will return to Senator EXON.

Mr. HATFIELD. Mr. President, I am happy to yield to the Senator from Idaho who was on the floor before me. I will follow the Senator from Idaho. I ask unanimous consent for that.

Mr. KEMPTHORNE. I thank the Senator from Oregon for his courtesy.

TRIBUTE TO SENATOR BOB DOLE

Mr. KEMPTHORNE. Mr. President, 15 months ago I told BOB DOLE I would enthusiastically support his quest for the Presidency of the United States. We see in his quest for the Presidency that he now has left the Senate of the United States. I think all of us have so many emotions that we are feeling today. I know the Nation, the Senate, and I would regret the day when the clerk would call the roll and the name of BOB DOLE would no longer be called. That day has now arrived.

It would be easy to dwell on the truth that the Senate will lose a man that history will hold in a place of great honor. Rather, I think it is more important that we celebrate BOB DOLE's victories, his leadership, his humor, and his ability to get things done.

Mr. President, I want to discuss for a moment, then, a personal experience that I had with Senator DOLE. It was with great pride and honor when Senator DOLE designated my legislation to stop unfunded Federal mandates, S. 1. As we all know, the significance, of course, is that this denotes a majority leader's stamp of approval in his priority on legislation. A majority leader does not want his bill that he has designated "No. 1" to fail.

Having said that, it is all the more remarkable that he chose my legislation because I had only been here 2 years. I had no track record. It would have been far safer for Senator DOLE to choose some of the seasoned veteran Senators, such as Senator DOMENICI, Senator ROTH, or Senator HATFIELD, to carry this type of legislation. Not only did he choose my legislation, but he then designated me to be the floor manager, a responsibility I had never, ever done before.

I say this not in any way to somehow bring attention to myself, because I say this with all humility, to make it clear that BOB DOLE was not taking the normal course of action. It was indicative of his leadership of reaching out to others who may not have had all of the credentials, all of the experience, but who do have a passion to get something positive done.

He transfers his belief in a person so that that person will not ever want to let BOB DOLE down. I believe that is what he will do for all of America. He will tap that spirit in others and help them to reach new heights. It is one thing to have the ability to do something yourself, as BOB DOLE has that great ability, but it is a greater achievement to instill in others that same can-do spirit and then go and do it. But you must have someone who believes in you.

BOB DOLE believes in people. BOB DOLE believes in America. He instills in others that desire to reach within yourself and to do something great. It is a high honor to be elected by your fellow citizens to serve in the U.S. Senate. To then have been able to serve while BOB DOLE was here magnifies that honor.

When we had the debate on Senate bill 1, Senator ROBERT C. BYRD described the new majority leader, BOB DOLE, to his Democratic colleagues by saying, "The leader over there is tough. Wait and see. He will use the rules on me, and I respect that, and I admire that."

Well, yes, BOB DOLE is tough. He is tough, but he is also wise. When duty calls for him to be bipartisan, the man knows how to be bipartisan. But he also knows when it is time to be partisan, and he can be partisan. He is tireless. How many times have we been here on the floor of the U.S. Senate at midnight, and many of us are starting to find that our energies are sagging, and there is BOB DOLE, crisp, with his humor that props us up, keeps us going. There is BOB DOLE, who has a solution.

I am going to miss hearing BOB DOLE telling Senators to work it out, work it out, work it out. If it could not be worked out, he would always say, "Do you have the votes? Let us vote." For my part, BOB DOLE taught me the importance of working with and listening to all Senators and of seeking solutions that do not abandon principle. I want my children, Heather and Jeff, to learn from BOB DOLE that they can overcome any adversity—any adversity that comes their way. I cannot think of a more honorable man that I would entrust the future of my children to.

Finally, a word to Elizabeth and BOB DOLE. I hope you leave the Senate with a deep and abiding satisfaction of mission accomplished, job well done. My wife Patricia and I will keep you in our prayers in the coming months, and we will ask for God's peace and protection for your family. We look forward to working with you—you, who I believe will be the next President and First Lady of this great country.

With that, Mr. President, I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, I join my colleagues today in wishing our majority leader a senatorial farewell. His contributions are well known, his integrity is unquestioned, and his service has been an example for each one of us on both sides of the aisle.

I want to just comment about the service factor in his life and how we are all drawn to those who serve—whether it is a Boy Scout who walks a hobbling grandmother across the street, or a community clothing drive, raising money for charity, or a PTA member spending hours at local meetings. Service we admire, service we respect, and service from our elected officials we always expect.

Majority Leader DOLE is no exception. Kansans expect him to represent their interests. Republicans expect him to lead the party, and Senators—well, we expect him to guide us through the joys and trials of partisan politics. So, as a U.S. Senator, I have often expected him to serve me as well. Long before leaving this Senate, BOB DOLE had my admiration. Long before he led this Senate, he had my respect, and I am led to believe that long before he was decorated as a war hero, I would have wanted Bob DOLE as my friend.

The issues we debate during the 104th Congress we have debated before. Like a pendulum, important issues swing away from us, and eventually they swing back. Every so often, we see a leader who is able to stop the pendulum, who is able to lead us into a solution that gives the pendulum a bit of a rest. For the causes of the disadvantaged and disabled Americans, Senator DOLE has proven to be such a leader. And for the need to reduce our deficit, he has few equals.

As chairman of the Appropriations Committee, I have seen the work that he has done. I have seen the money come in and, with greater detail, I have seen the money go out. Senator DOLE's legacy is his willingness to fight for the welfare of today while just as eagerly vying for the welfare of our children and our grandchildren for the future.

So, in 1968, he joined the ranks of this body, and in 1996 he leaves. I shall not wish him a happy retirement, for no matter what lies ahead, he will not retire. I expect his service will always continue. I wish him well. Antoinette and I both pray that BOB and Elizabeth's future will be strewn with God's blessing.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, not far from the Capitol, on Constitution, across from the Navy Memorial, is a building that houses the Declaration of Independence and the Constitution of the United States and other major artifacts of our beginning. On the outside of the building, it says, "The Past is Prolog."

As I have heard the eloquent statements throughout the day and throughout the past several weeks about our majority leader, this has come to mind, because the future is always guided and shaped by the past.

BOB DOLE is a man of this century. BOB DOLE's life experience is that of a giant figure in American history. The experiences of his life are immeasurable. The knowledge that has been accomplished by it would be hard to calculate. The capacity that it represents has a far and long reach. So when the Senator from Kansas came at midday and gave us his farewell address, you could measure some of the energy and reach and capacity of this world figure, of this American figure, by the response that he received on both sides of the aisle, and throughout America, I am sure.

I have always said that whenever I think of BOB DOLE, I think of the heart and soul of America. I think we saw that expressed over these last several days. He truly is the embodiment of everything that we have come to think of as America—the fortitude to overcome adversity, perseverance, patience, strength, agility, entrepreneurship, problem solving, getting things done. He leaves with the love of his family of colleagues, all who have wished him a safe and secure journey. He characterizes what is yet before him as "one more mission." I think that statement properly casts what lies before him, but it also reminds us of what he has endured. He is a man who has endured and built the American mission. He brings to his task, as I have said, immeasurable resources.

I believe, as Senator SIMPSON alluded, that as Americans come to know him as his colleagues do, they will readily embrace this man and his mission and his love for America. I loved it when he gave that famous address as he announced that he would retire from the Senate. He said, with no disrespect to the Congress, that his life had not been about the Congress. He said, "My life has been about America." Gratefully, it still is. So I join those in wishing him a safe journey and Godspeed.

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

Mr. DOMENICI. Mr. President, I ask that the time be charged equally. Senator EXON will be right along. He is going to speak next.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. EXON. Mr. President, I yield myself such time as I may need off of our 5 hours. I believe it is the first time charged to us. We are now proceeding as I understand it with debate on the conference report on the budget.

Mr. EXON. Mr. President, we are on the final leg of this Republican budget's journey, and it is a fruitless one. It does not lead our Nation to any new horizons. It blazes no new paths. It offers no compromise to break the budget deadlock. This Republican budget makes a beeline, it pains me to say, to another dead end.

Dead ends are becoming an all-too-familiar haunt for my Republican colleagues if they want to move ahead to something that is workable. Thanks to their intransigence and their extremist budget, that is where we spent most of last year. And it looks as though we will waste another session of Congress trying to back out of yet another dead end.

The majority has held the Senate hostage for almost 2 years with basically the same budget. Perhaps they are hoping that the Stockholm syndrome will set in and Democrats will start identifying with their captors. They are wrong. Our will and our vision are strong.

The chairman of the Senate Budget Committee did his best to repair the damage from last year's budget debacle. I compliment him for the fine job he did. In the hopes of attracting some unsuspecting buyers, the 1997 Republican budget has been spruced up in places. But if this budget were a house, it would still be condemned as unfit. It is still out of touch with mainstream America and I suggest that it should be rejected.

All of the efforts of the Republican majority to portray their budget as a moderate one are in vain. The Republican majority have done a superb job to airbrush their budget, but the American people can see the real thing—warts and all.

It retains the same unflattering profile as its predecessor: unnecessary reductions in Medicare and Medicaid paying for tax breaks for the wealthy. This is in fact the Newt Gingrich Budget.

The agenda has included a $50-billion-plus rehash of star wars that not even the Pentagon wants. And we have frittered away precious time reconsidering the balanced budget amendment to the Constitution. I have consistently voted for the balanced budget amendment, but could not cast my vote for it this time because the Republicans fouled the fiscal nest with senseless and in my opinion, irresponsible tax cuts if we are going to balance the budget fairly.

I am baffled by the inconsistency. It is enough to give a prudent man pause. One moment the Republicans bring back to the floor the balanced budget amendment to the Constitution, the next he resurrects discredited supply-side economics with tax breaks that could turn into the hundreds of billions of dollars.

Mr. President, all of this is a great concern to this Senator who has been trying to be bipartisan in my approach to the concerns that all of us have.

I had hoped that we could have used the good will engendered by the majority leader's departure to pass something meaningful for the American people. I ask with all sincerity, "What has happened to the priorities that matter most to American families?" What happened to the minimum wage? What happened to the modest health insurance reform package that passed the Senate 100 to zero? What happened to welfare reform? And the big question, we should be asking today, what happened to a balanced budget that all Americans could support?

One bill after another has been shackled to failed Republican dogma.

This rehashed budget is a prime example. It is part and parcel of the Republican strategy of no-work and all-political-play. Like ancient Gaul, the Republicans divided their budget reconciliation bill into three parts. They wanted to ram through—I emphasize ram through—their failed and stale political agenda and confront the President at every turn of this crooked legislative road. Worst of all, two of these baby reconciliation bills will be devoted largely to cutting taxes—an act that will worsen the deficit without any sense of being responsible or reasonable.

We are already seeing the House voodoo work its way in this conference report. At least the Senate language required that all the entitlement spending reductions be enacted into law before—I emphasize before—we considered the tax breaks. The House, not surpisingly, shamelessly tossed that requirement out the window and the Senate concurred in conference. What a fiscal sham all of this is.

The first reconciliation bill contains Medicaid, welfare, and tax breaks. Yes. Mr. President and tax breaks. So much for performing deficit reduction before doling out the tax breaks. So much for fiscal conservatism. The first reconciliation bill will reduce the deficit by just $2 billion, if it reduces the deficit at all. This is as plain as the light of day. The majority now want to eliminate the Medicaid guarantee of meaningful health care benefits for 18 million children, 6 million disabled Americans, millions of nursing home residents, 36 million people in all, to fund their tax breaks.

The conferees assume a net tax cut of $122 billion, yet Chairman KASICH maintains that the cuts will be as large as $180 billion. You can look but you will not find a single specific mention of closing tax loopholes or of ending corporate tax giveaways. The same budget that eagerly reduces funding for our Medicare and Medicaid Programs

cannot find the courage to call upon the special interests to assume any of the burden of balancing the budget. By contrast, President Clinton has proposed that $40 billion be raised from corporate reform and loophole-closers, money that keeps the President's tax cut within reason. This Senator would prefer no tax cut at all until we truly balance the budget.

Experience also shows that once the tax-break game begins, the bidding keeps increasing with no thought to the consequences. Chairman DOMENICI says that the Finance Committee can use tax increases to offset additional tax breaks, and he is well aware that $35 billion is readily available simply by extending three excise taxes. But that won't be enough to satisfy their tax cut appetite and I predict that, like last year, the Republicans will soon be proposing to raid pension funds for working families to pay for the tax breaks that primarily benefit those earning above $100,000 a year. Fiscal insanity is galloping through this Chamber, and we do not have enough votes, unfortunately, to rein it in.

One thing that has not changed in the conference report are the deep reductions in Medicare and Medicaid. The Republican budget would reduce Medicare spending growth per-beneficiary far below projected private-sector growth rates. It would diminish quality and access to health care for millions of middle-class Americans. Doctors and hospitals will be able to charge seniors for the entire balance of the charges above the Medicare payment. The Republican majority may assert that premiums are not going up, but they cannot make the same claim about seniors' out-of-pocket expenses, and that is where, primarily, the seniors are going to be hit.

The $123 billion reduction of Medicare hospital insurance spending will devastate rural and some urban hospitals as well. The Republicans assert that it is necessary to preserve the solvency of the trust fund through 2006. That is bending the truth to fit their agenda. Funny, is it not, if that is humor, that the net tax breaks—at $122 billion—are almost exactly equal to the cuts in Medicare part A—at $123 billion?

President Clinton's budget proposal extends the life of the trust fund without such deep reductions. The Republican-appointed CBO Director has certified that the administration's proposals would extend the life of the Medicare hospital insurance trust fund until 2005.

And if the recent alarm over the date of insolvency tells us anything, it is not that we should reduce Medicare more to pay for tax breaks for the wealthy. That is truly Medi-Scare. The trustees' report is a call for the majority to come back to the bargaining table to work with the President on an acceptable compromise plan that is within reach with just a little effort.

And what about Medicaid? Instead of attempting to reform Medicaid in a manner that would be acceptable to mainstream America, the Republican majority put a hard edge to their proposal.

I believe you would take a whole nation by surprise if you told them that Republican Medicaid reform might mean that middle-class, working American families might have to pay thousands of dollars out of their own pockets for nursing home care for a loved one. Or that millions of low-income children might have their health care jeopardized.

In other words, reform means conform to their way of thinking, even if it means taking out a second mortgage on your home to pay for nursing home care for a sick or elderly parent. With a $72 billion reduction in Medicaid from projected spending, combined with a block grant approach, that may well be the scenario.

I would like to conclude my remarks with an observation on this and the previous Republican budgets. I am reminded of an old print I once saw. It showed a man on a horse-drawn sleigh being chased by a pack of wolves. With the horses galloping as fast as they can, the driver is tossing out everything that is in the sleigh. If he does not lighten the load, the wolves will catch him. A pack of hungry wolves focuses the mind wonderfully on what is truly important. So should this debate on balancing the budget.

The problem with Republican budget after Republican budget is that they will not give up on what is not important. What is important to the American people—and they have said it time after time, is balancing the budget and balancing it fairly. They would far rather jettison the tax breaks but maintain a first-rate health care system, and balance the budget than run the risk of deficits in the years ahead, eating into the future of their children.

But my Republican colleagues cling to the tax breaks—the tax breaks that fuel the reductions in Medicare and Medicaid and divide our great Nation. That is why they and this budget will ultimately fail. And that is not only a tragedy for the departing majority leader but for the American people as well.

It is sad to have to conclude on this note, but this is clearly a failed budget. Once it passes, as it will, we will be starting over again on what we went through last year—meeting after meeting, crisis after crisis, and not a workable budget that can be supported by the President, by the minority in both the House and the Senate, and certainly not by the American people. When, oh, when, will they learn?

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I wonder, since nobody else is seeking recognition, if I might ask the Senate if they would mind my yielding up to 5 minutes to Senator ABRAHAM for comments on Senator DOLE, to be taken off my time.

Mr. EXON. We have no objection.

Mr. DOMENICI. I so request and so yield.

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

The Senator from Michigan is recognized.

TRIBUTE TO SENATOR BOB DOLE

Mr. ABRAHAM. Mr. President, I rise at this time to speak in concert with so many others who have spoken today about the career of Senator BOB DOLE who today moved on to a new role and new responsibilities and left behind a legacy that is virtually unsurpassed in the history of the Senate. Obviously, the accomplishments that BOB DOLE achieved, both as a leader in the Senate as well, in his earlier career, as a Member of the House of Representatives, have been chronicled pretty thoroughly both by the media as well as by Senator DOLE himself today. It is a legislative record that any of us would be, I think, immensely proud to have at the end of our careers here in this institution.

So, what I thought I might do instead was to just spend a minute or two talking about the personal side of BOB DOLE, the side that many of us here in the Senate know but which is maybe not as well known to the American people.

I have certainly come to know BOB DOLE as a friend. He is somebody who, from the very day that I arrived in the Senate, had a door that was open to me, and I know it was open to others in the freshman class that makes up this 104th Congress. He is a man who did not view himself as a senior Member and we as, somehow, junior Members not to be on the same playing field, but somebody who viewed us all as Members of this institution, as equals, who treated us that way, as he treats everybody.

He is a man of great compassion, a person who, through his own life's experiences, I think, probably cares about and sympathizes and understands the problems that his fellow citizens have more than virtually anybody else in national leadership. He is a person who, I think, personifies the words trust and honesty and integrity more than anybody I have ever worked with in the political process or in the private sector. I have never known anybody who has served with BOB DOLE who has not said that his word was good, that his word was always one that you could count on. That is clearly a reason why he is held in such high

esteem on both sides of the political aisle.

These qualities, his capacity to be a good friend, his compassion for his fellow citizens, the honesty, the trust and the integrity that he brought to his service here in the Congress of the United States, make him a giant, in my opinion, a giant who will be remembered far beyond the balcony which today was named after him. But he will be remembered along with the names of Webster and Clay, Johnson, Mansfield, and others who have served and who are remembered as the important ingredients in the formation of our democracy and its continuation.

I would just say this. Although my tenure in the Senate has lasted only a year and a half, I am extraordinarily proud that I had the chance for that year and a half to serve with BOB DOLE. I happen to be one of those who believes that his career in public service is not coming to an end today but that in just a few months he will be back in a different role, working together with us. But I am proud that I had the chance to serve as a fellow Member of the U.S. Senate with him.

Some people come to this Chamber and perhaps never are given the opportunity to work closely with one of the giants of our Nation's history and of the Senate's history. I feel very lucky and fortunate to have had that chance, even if it was only for a year and a half.

I wish him and his family great good fortune as they move on to a new challenge in this political campaign, and the best of luck and best wishes for the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, just for purposes of some kind of accounting, how much time has Senator EXON used and how much have I used, with all of that which I asked that I yield and asked be credited to me even though the speeches were on Senator DOLE?

The PRESIDING OFFICER. The Senator from New Mexico has used 28 minutes; the Senator from Nebraska has used 17 minutes.

Mr. DOMENICI. Mr. President, I ask Senator EXON if he has any other Senators coming down this afternoon.

Mr. EXON. I advise my friend, I am expecting Senator KENNEDY momentarily. I have no certainty beyond Senator KENNEDY, but I am certain Senator KENNEDY will be here very shortly, and I will yield to him such time as he needs when he comes. Other than that, I know of no Senator on this side who will be speaking tonight, but we have had surprises before, as you know.

Mr. DOMENICI. Mr. President, I will just ask again if there are any Republican Senators desiring to speak on this budget resolution or ask any questions regarding it. While there will be some time tomorrow—I am not at all sure how much time there will be—to speak on the resolution. I think we are going to be here—

Mr. EXON. I might advise my colleague that Senator KENNEDY will be using approximately 30 minutes when he arrives, and I have just been advised Senator SIMON, a member of the Budget Committee, wishes 15 minutes. So that is about 45 minutes that I know of for Senators at this juncture.

Mr. DOMENICI. Mr. President, I repeat for Senators on this side, if they would like to speak this evening—I know it is somewhat of an imposition since we have already announced there are no votes for the remainder of the day—there will be some time this evening and there will be some time tomorrow. Clearly, there will be some Members who would like to be heard.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did not get to hear all the remarks of the distinguished Senator from Nebraska, but I believe I know generally what his criticism is, and I would like to address my views and my beliefs with reference to this budget.

First, Medicare, the trust fund for the senior citizens' hospital protection—and I do not say this with any joy in my voice—is going broke. I do not know how else to say it. This is not partisanship that determines that the trust fund is going bankrupt. It is not Republicans predicting it, it is not Democrats predicting it, in the sense of elected Members of Congress.

The trustees who are in charge of telling the American people the truth about the trust fund and making recommendations have, once again, reported—I do not say this to frighten anyone; it is just true—we are now spending more money out of the trust fund for senior citizens than is coming into the trust fund. In fact, we started doing that last year by a small amount. It is growing this year, that is, the amount that is spent in excess of what is coming in, and the next year after that it is more, and the trustees say in 5 years—in 5 years, not 30, not 20; 5 years—there will not be any money in the trust fund to pay the hospital bills for senior citizens.

No one has violated the trust fund. Congress has not taken money out of the Medicare fund. All of the money in those payroll deductions is going into that trust fund. The problem is that the hospital costs and home health care costs which are in that trust fund are growing more rapidly than the money that comes in.

Can you believe that when we try to fix it and save money that somebody says we are doing this because we want to cut taxes? I do not know how else to present it. When the trust fund is going bankrupt and you say, "Let's save money for the trust fund", and then you save the money for the trust fund and the trust fund gets more solvent, and over on the side you are cutting taxes, how in the world can it be said that saving the trust fund is being done so you can cut taxes?

What if you did not cut any taxes? Would the trust fund be any more solvent? What if you said, no tax breaks for families with children—which we want to do—does that make the trust fund solvent? Not at all. It has none, zero, impact on the trust fund. If the trust fund continues to spend more than it takes in, it continues bit by bit to go bankrupt.

Everyone knows that, and yet time after time, as we move along and say, "Let's fix the trust fund and let's fix the insurance program for seniors," as soon as you say you are doing that, somebody says, "You're doing it to cut taxes."

The President is cutting taxes. In fact, he made another announcement recently of another tax cut. Are we running around saying that he is doing that because he is reforming Medicare to try to save it, albeit he is not doing very much? He is doing it more than a few billion dollars' worth of savings, of reforms. Can it be said then that the President is doing that so he can cut taxes? Of course not. They are not even related.

That is bad enough, but then we hear it is not changed no matter what we do to this budget. It is the same song and dance: "You're cutting taxes for the rich."

I want to repeat one more time, and I defy anyone who reads budgets to say this is not true, taxes are reduced in the next 6 years by the sum total of $122 billion. That means, as best you can calculate, taxes were going to be *X* billions of dollars over the next 6 years. We have said, "Let's assume they will be $122 billion less." What more can we do than to say in a budget resolution that $122 billion shall be used for, what? For up to $500 child credit for 46 million American families. That is what the $122 billion is for.

Is that for the rich of America, or is that because we are worried about families in America? Is that Republicans cutting taxes for the rich of America, or is it to say that it is very tough to raise two or three children with the tax deductions you get because they have not kept pace with the demands and the needs and the moneys required to raise children?

If they want to say, "Republicans are trying to give families with children a $500 credit for each child," we will stand up and say, "We are guilty."

Right? We will say, "We are guilty as charged." But then to then turn around and say, "That's not the case, you're helping rich Americans"?

Mr. President, look at the budget. Read the budget, and that is what it says. It says precisely what I have just done, and I ask for Senators who will come to the floor and say you are reducing the expenditures and the outlays under Medicare so you can cut taxes, I ask one question: What if you do not cut any taxes, does the Medicare fund get any better? Does it last 10 years instead of going bankrupt in 5? Of course not. You have to reduce expenditures within the trust fund or increase taxes that go into the trust fund to give it more longevity and a longer life.

Having said that, does the President of the United States not propose to save Medicare? If he does, must he not think it is going bankrupt? I believe he uses the same principles we use. But I want to stay on this subject for just a couple more minutes.

The President has a very, very strange way of saving Medicare, and let me explain it. Frankly, the President of the United States plays games with Medicare and the taxpayers of America when it comes to Medicare for the future. Now let me tell you how.

The President says, "Yes, my trustees," four of whom are part of his Cabinet or appointed by him to run Social Security and Medicare, "have told us this trust fund is going to be bankrupt in 5 years."

So the President says, "Let's fix it." Now, how does he fix it? If this is not a sham, then I have never seen one. If this is not smoke and mirrors, then I have not been around when smoke and mirrors were perpetrated as part of a budget. He says, "Let's just take $55 billion of the current expenditures under that trust fund of the current obligations, just take them out." What does he take out?

He says, "Let's take out the fastest growing item in Medicare, take it out of the trust fund, and not pay for it out of the trust fund anymore. Magic. What is the fastest one? Home health care. Home health care has been part of the trust fund for a long, long time. So seniors expect their home health care bills and their hospital bills to be paid for out of that trust fund. Sort of like magic. What is the word? Abracadabra. I am making it $55 billion more solvent because it does not have to pay those obligations anymore. I just take them out of there and let somebody else pay for them.

Who is the somebody else? The President says the taxpayer will pay for it. They do not even know it. They are about to be given a big gift by the President. The gift is, you taxpayers pay $55 billion for the home health part of Medicare, which I just relieved the Medicare trust fund of, so that I can say it is getting solvent.

What is happening to America? It may be getting solvent, but America is getting whacked for $55 billion in taxes that a couple sitting around at their table one morning, wondering about how much taxes they are paying and will it ever stop, they just got a new present. The present is another tax burden, because the President wants to claim he is fixing Medicare by letting that couple, who are paying income taxes on their hard earned money, let them pay.

Is that the right way to fix Medicare? I ask in all honesty, if you brought before the U.S. Senate a proposal, freestanding, just put one up here one of these days, and resolve that henceforth $55 billion over the next 6 years of Medicare expenditures will be paid for by the general tax coffers of America, and then vote. I surmise there may be 10 Senators that vote for it, but we have never voted to put general tax money in Medicare part A or in Social Security, because we understand those are trust funds that should be paid for by the revenues dedicated to those entrusted funds, not by the general taxpayer. But this is being done in this bill, and at the same time the President and my good friend from Nebraska can run away and say it is the Republicans who are restraining and cutting back on Medicare, not the President.

What do we do? We say how much money is necessary to make it solvent in the next decade, and keep it solvent for 10 years. We are told how. We have said, "Let's reform the system, give seniors options to have their coverage in different ways," but always they can keep what they have, the same system they have, and let us ratchet back on how providers are paid and hospitals are paid and save enough money to make it solvent. We have not increased 1 cent of cost to the senior citizens, yet we are making it solvent for 10 years.

Frankly, when we say we are doing that and Democrats and the President say you do not have to do that, we have done it another way. I just told you the other way. This is a very short-term fix. Medicare will be growing at an annual rate of 6.2 percent—not cut. The per capita expenditure for seniors will not go down. It will go from about $5,200 to $7,000, an $1,800 increase over that 6-year period. All of that in the name of doing what is right, for which we are accused of harming seniors, of doing this so we can cut taxes, when it will be insolvent whether you cut taxes or whether you do not cut taxes.

Let me move for a minute quickly to how we treat two big other items in the budget. The President of the United States produced another very interesting phenomenon in his budget, 1997, which will be appropriated before October of this year, an election year. The President of the United States says for all of the discretionary accounts, the non-Social Security, the non-Medicare, the nondefense domestic accounts, the President says, "I think I want to balance the budget, but I think for 1997 I better increase spending." So he increases it $15 billion. The discretionary accounts are increased $15 billion. But, Mr. President, only for 1997. After all, we have to balance this budget.

Then read the Broder article on Sunday where Senator BOND is making the case that after you get the $15 billion increase, and then you still say you are going to balance by the year 2002, you let the discretionary spending just fall off the log, $72 billion in cuts in the last year in discretionary accounts, but not in the year of the budget, not in the year of the election. Then you get Cabinet Members telling the public of the United States that the President is not serious about that. After all, he is not going to cut veterans that much, even though if you look at where that leads you, veterans get scalped.

But they are saying, "We will take it 1 year at a time." How, 1 year at a time, when the dollar numbers keep going down, how are you going to fit them all in with an increase? Something will get cut. They would like to let the American people think it is only Republicans that have to make these cuts.

What do we propose? We propose a freeze, fellow Americans. In a year we are really trying to get a budget, if we cannot live with a freeze in domestic spending, we will never get the budget balanced. So we are not cutting this year. The conference report that comes back has a freeze in budget authority. Program authority for all domestic bills freeze at exactly the level we are now spending for all of these programs. I believe that is a fair approach in a difficult year. I hope we produce these appropriations bills at a freeze level, one after another. I hope there will be no strings attached and no riders, and we will see whether the President wants to close down Government based upon a freeze, especially if he has to say we want $15 billion more to keep it open. We will not mind that battle this time. We will not mind that battle this time.

Which do you really want? Are you serious about a balanced budget? We will give you a freeze. No harm, no gain. Or do you want to spend $15 billion more? Those are the basic elements. I have given the tax proposals. I have given Medicare. Medicaid will grow at 6.2 percent a year on average, not be cut, but more power is going home to our Governors and to our legislators to see if we cannot streamline and make the programs more efficient.

From my standpoint, I do not think it matters what we change in this budget and how it is different from last year or the year before. We will hear the same broken-down medley, "hurting senior citizens, helping the rich

with tax cuts, hurting the poor with Medicare cuts," when, as a matter of fact, what we are really trying to do is help seniors, keep the fund from going bankrupt, and do little or no harm to them. We have the exact same dollar amount of savings for the insurance program for senior citizens as the President. He found he needed $44 billion. We got the same amount.

When you are all finished, clearly, there is a lot of politics surrounding all of this. I wish it was not the case. Sooner or later we have to fix Medicare, fix Medicaid. We have to save money on both programs. We have to reduce taxes on working families in the United States significantly, sooner or later. We think this is the right year to do it.

I yield the floor.

Mr. GRAMS. Mr. President, under the leadership of a Congress committed to fundamental reform of the Federal Government, we have once again delivered a balanced budget to the American people. I have no doubt that this budget is a blueprint that will protect the future of every American child.

Last year, Mr. President, the debate on the budget was mainly focused on whether we should have a balanced budget by 2002. Today, all sides, including President Clinton, have agreed that we should and can balance our budget by 2002, while we provide tax relief to middle-class American families. The remaining question is how.

In my view, our budget priorities should reflect traditional American values: a smaller government, less spending and more savings, and helping those who want to help themselves. Mr. President, I must say that this budget resolution moves us confidently in that direction. The budget resolution will balance our budget in 6 years, yielding a $5 billion surplus in 2002. It will also create more jobs, provide more affordable education, make Medicare more secure, and offer real welfare and Medicaid reform.

Mr. President, I am particularly pleased that this resolution has kept our promise to the American people to provide meaningful tax relief for middle-class Americans. The resolution explicitly recommends that this should include a tax credit of $500 per child. I am proud that this provision, which I have made a priority since my election to Congress, remains at the heart of our efforts to balance the budget while reducing the tax burden on working families.

The tax burden has become increasingly unbearable for middle-class Americans. This year, the average American worked from January 1 until May 7 to pay his or her tax bill. Only after paying the Government more than one-third of their earnings can the taxpayers then spend to meet their own needs. If we do not impose discipline in our budget, children born today would have to pay as high as 84 percent of their lifetime earnings for our Government spending and national debt. This is simply outrageous. We must provide tax relief for middle-class families to reduce their financial burden, and encourage saving and investment.

It is my belief, Mr. President, that the $500-per-child tax credit is essential. Cutting taxes creates more real spending power for Americans. It would allow more than 201,000 families in my home State of Minnesota with 437,000 children to save or spend more of their own money—money that should not have been taken from them in the first place. The $500 per-child tax credit would return $297 million to the taxpayers of Minnesota, $45 million to the taxpayers of South Dakota, $39 million to the taxpayers of North Dakota, $329 million to the taxpayers of Wisconsin, and $180 million to the taxpayers of Iowa.

Mr. President, we not only need to eliminate wasteful and unnecessary spending, but we also must reform and control our entitlement programs. Without responsible reforms, entitlement spending will consume all Federal spending in 2015, leaving nothing for education, environment, defense, and other domestic discretionary programs.

I am therefore pleased, Mr. President, that this budget resolution has included my amendment on long-term trends in budget estimates. In the past, budget estimates were projected for only 5 years. My amendment requires both CBO and OMB to provide a 30-year projection of the budget impact on entitlements. This is good policy and will help Congress and the American taxpayer understand the long-term commitments were are imposing on future generations. My amendment also requires the President to include long-term economic projections in his budget. Entitlement programs can then be reviewed and analyzed for their economic impact today and for generations to come.

Mr. President, although I personally would prefer more cuts in Federal spending and more tax relief for working American families, this budget resolution is a well-balanced one. While it reduces Federal spending by $580 billion over 6 years, it has kept vital programs such as law enforcement and crime prevention, education, veterans' benefits, R&D, and environmental protection as national priorities. In my view, this budget resolution is a credible, workable and no-gimmicks plan for getting our fiscal house in order.

If we want to rebuild the financial integrity of this Nation, avert the Nation from fiscal disaster, and leave our children a viable government, we must pass this balanced budget to control government spending and reduce the burden for our children.

Mr. President, I believe strongly that it is the responsibility and duty of this Congress to ensure our children and grandchildren a strong economy, a good education, a clean environment, and a debt-free future. Let us fulfill that responsibility and pass the balanced budget resolution conference report.

Mr. DOMENICI. Senator EXON, can we accommodate a couple speakers on Senator DOLE statements?

Mr. PRESSLER. Mr. President, I would like 5 minutes.

Mr. MCCONNELL. Mr. President, I would like 2 minutes.

Mrs. KASSEBAUM. Mr. President, I wish to speak on the health insurance reform legislation. So I am happy to wait my turn.

Mr. DOMENICI. We have an arrangement that the Senator from Massachusetts will go next. It is your turn.

Mr. EXON. With the understanding, I might say, that the Senator from Massachusetts has been very patient. I scheduled him at 4:30, the best I could.

Mr. KENNEDY. That is fine.

Mr. EXON. We understand that you will have 7 minutes for other matters, and then we will yield to the Senator from Massachusetts, is that correct?

Mr. DOMENICI. That is exactly what I hope and agree to.

Mr. EXON. We agree with that.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes; following that, the Senator from Kentucky will be recognized for 2 minutes; then the Senator from Massachusetts will be recognized for such time as the Senator from Nebraska may yield him.

The Chair recognizes the Senator from South Dakota.

TRIBUTE TO BOB DOLE

Mr. PRESSLER. Mr. President, I rise to pay tribute to our friend, BOB DOLE. It has been my pleasure over the years to hold over 30 joint meetings with him in my State, in my time as a Congressman and as a Senator and when he was running for South Dakota's early primary. There were at least 30 meetings. I learned a great deal from BOB'S service, and I learned that his tireless energy was always an inspiration to me. In fact, he would always shake hands with everybody at the end of those meetings, regardless of how long it took. But he offered a great deal of substance when somebody asked him a complicated question. He would give the full Senate answer, so to speak. I believe that he will go down as one of the great Members of this Chamber, in terms of legislative accomplishments and contributions.

I was one of the first Senators to commit to him for majority leader or minority leader—whichever was the case, because at the time we did not know for sure. I was one of the first

Senators to endorse him for President. I think his career in the Senate represents the best of Senate life. I guess everybody knows about his wit and his determination. I could never believe or comprehend how he had so much energy. He literally went 7 days a week. He would be as energetic on Sunday night when he was coming back to Washington.

I also visited at least 15 States with him during the time he was a Presidential candidate or chairman of the party or when I was a Congressman, and he did the same thing there, too. He was not a golfer or a tennis player. He just worked all the time. I have never seen anything like it. He would fill up the whole weekend with work and visits. To him, it was service. I just would not have that much energy because I need a day off now and then. I pay tribute to him because he is one of the great Members of this Chamber that I have served with, and it has been my pleasure to work side by side with him.

I have a number of other reminiscences, which I will place in the RECORD. During this short time, let me also say that I have felt a great deal of friendship and still feel a great deal of friendship with BOB DOLE. He is a person with whom I could always talk to if I was struggling in some of my campaigns, or whatever. He would always be there to help. Just recently, he invited me along on four stops in several States with him. His energy is as great as it has ever been.

BOB DOLE is a great man. He will be a great President, and I will miss him very much here in the Senate. It feels lonely around here without him already, without his quips, and so forth. I came in a little late at lunch today and he said, "You are late, PRESSLER. We are going to count you late." He was full of quips all the time. I pay tribute to my friend, BOB DOLE, a great U.S. Senator, who will be a great President.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, we witnessed today the departure from the Senate of one of the giants of American history. On a day like this, obviously, all of your memories come back to you. I remember the first time I met BOB DOLE. It was in this room in the early part of 1969. I was a fuzzy-cheeked staffer back here on what was then these big stuffed couches. BOB DOLE was a freshman Senator. Since desks on the floor of the Senate were assigned on the basis of seniority, he sat near the back. I remember him as being the most popular of the freshman Republicans with the staff. Why? Because he was nice to us. This is a place where, as many know, some Senators are a little full of themselves and frequently are not all that nice to staff. BOB DOLE was not only nice to us, his humor was often practiced on us before he related some of it on the floor.

In short, you could sense from the beginning, from the day BOB DOLE walked in here, that he was something special, that he was not going to be just your average Senator. So like everybody else, I watched his development over the years. I left as a staffer and went back home to do my own thing. My next recollection of BOB DOLE was in 1980, his first campaign for President, which was not conspicuously successful. I remember picking him up one day in Kentucky and taking him to a meeting and watching him tirelessly work the crowd. He had to have a sense that his campaign was failing. But as Woody Allen said, "Eighty percent of life is showing up." BOB DOLE was driven. He always showed up. He continued to push.

The next time I saw him was in 1984, 3 days before the Senate race in Kentucky. All of a sudden, the word had spread around that this challenger in the Senate race in Kentucky might have a shot. BOB and Elizabeth Dole came in, and we wheeled around the State in their plane, and they gave me the boost I needed at the end to get over the finish line.

In short, like everybody else here, I have had a number of reminiscences of this great American. On a day like this, they all come back. It seems like there is a giant sort of gap here in the Senate with his departure. Today was a bittersweet day for all of us. I think it is kind of a mixture of exhilaration for him that he goes out on this new challenge, undeterred by all of the restraints that are obvious here, but at the same time he regretted his departure. I only add: Godspeed, BOB DOLE. I think we will be seeing you in Government once again.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is recognized.

Mr. EXON. I yield to the Senator from Massachusetts whatever time he needs off of our 5 hours.

Mr. KENNEDY. I thank the Senator from Nebraska. I see the Senator from Kansas on the floor, who was here earlier than I was. She has indicated that she has just a short comment to make. I am glad, if it is agreeable with the Senator from Nebraska, to yield to her to speak briefly.

Mr. EXON. I will yield whatever time she needs from our time.

The PRESIDING OFFICER. The Senator from Kansas.

HEALTH INSURANCE REFORM

Mrs. KASSEBAUM. I very much appreciate the Senator from Massachusetts giving me some time at this moment. I would have been happy to wait. But both the Senator from Massachusetts and myself have worked for many months on health insurance reform. I very much appreciated Senator KENNEDY, the ranking member of the Labor and Human Resources Committee—his efforts to help us achieve what the Senate voted on 100 to 0 for some very important health insurance reform measures.

Today, I want to speak for a moment about where we stand on this issue. First, because I heard the chairman of the Budget Committee speak on the budget resolution before us, I want to speak with respect to the admiration I have for Senator DOMENICI and his honesty and vision regarding what is needed in our budget. Both he and Senator EXON from Nebraska, who is the ranking member, have worked many years on budget matters, and I am sure that at some point there must be a certain weariness that sets in as yet one more budget resolution comes before the Senate. But it takes dedication, which I greatly admire, on the part of the Senator from New Mexico through the years to speak to what he feels. I strongly support the vision that he has and that is required of us today.

Speaking to health insurance reform, which both Senator KENNEDY and myself feel is very important, negotiations are still going on. The agreement that was reached last night on this measure represents a consensus among Republican members, who have been meeting informally for some weeks. Both myself and Senator KENNEDY have been in conference and negotiations ourselves to see if this issue cannot be advanced.

As a participant in the process of informal negotiations among Republicans Members, I would say much was given up by Members who feel very strongly about particular provisions. For example, Members of the House of Representatives agreed to drop provisions on medical malpractice reform, which many Members there strongly supported and which was in the House-passed measure, and the multiple employer welfare arrangement, MEWA's, which would have most certainly led to a Presidential veto.

Likewise, as I am sure, all realize more was added—particularly with respect to medical savings accounts—that others would like to see. I count myself among those who would have preferred a more focused bill. We added here in the Senate parity for mental illness insurance, which many here strongly support, and many in the House support. But to come to some agreement for those who question whether we can do that at this time, or not, meant that provision was dropped as well.

However, I have been around here long enough to know that no one gets everything they prefer. I listened very carefully to my colleagues in the House, and it is my assessment that the proposal now on the table is what

it will take to bring our efforts to fruition. There may have to be—and I guess there would be—some more minor adjustments. I want to speak particularly to the medical saving accounts provision because that is what has been perhaps the hardest and biggest hurdle to get over, and to what I believe represents a fair and credible approach to this issue. Briefly, beginning in January of next year, the medical savings accounts will be available to the self-employed and to employees of businesses with 50 or fewer employees.

A study regarding the effect in the small group market on adverse collections, health cost, use of preventive care, and consumer cost would be conducted over a 2-year period.

Mr. President, I believe that starting with the small group market where many of the most important issues with respect to MSA's have been raised will provide Congress with the most accurate assessment of their advantages or disadvantages on how perhaps MSA plans should be drawn that would be the best devised plan possible for medical savings accounts. This is the group where concerns have been raised about the possibility of adverse collections and where States have developed the greatest expertise in providing insurance access to small businesses. The proposal goes on to extend MSA's to individuals and employers with 50 or more employees on January 1 in the year 2000. Unless the Congress acts to delay or repeal the expansion, separate votes would be guaranteed on both the individual and large employer expansion.

In addition, the proposal includes new means for consumer protection standards as a condition of deductibility. These provisions assure that the consumers will have sufficient information to judge this new product, and they can take into account a recent Rand study showing that adverse collections can be minimized by limiting the level of MSA deductibles.

First, MSA plans would be required to disclose the information about cost-sharing requirements, deductibles, and limitations on coverage, if any, under the plan.

Second, MSA plans could have a maximum deductible of $5,000 for individuals, or $7,500 for family coverage, indexed for medical inflation. That is a high deductible, but it would, we thought, be better than a floor being placed and that a ceiling should be placed.

Third, once deductible limits are reached, individuals would be required to pay on average no more than 30 percent cost sharing for their health benefits.

In addition, six adjustments to the structure of the House MSA provisions were made in response to recommendations by the administration. These modifications could tighten tax rules regarding any possible abuse.

Finally, it should not be forgotten that there are core elements of the health insurance bill. Those dealing with portability and preexisting conditions are firmly in place. Those are provisions which we all agreed on were very important, Mr. President. They are the ones Senator KENNEDY cared about and that I cared about. We argued no amendment should be added in order to achieve those core provisions. But then that is not the way the House and Senate worked their will. Amendments were added in both Houses.

In addition, of course, the agreement includes Senate provisions dealing with deductibility and long-term care insurance, which will make health insurance not only more portable but also more affordable for millions of Americans.

These are important changes, and I am confident that further reflection on this proposal will produce a public law, I am absolutely confident, that we can come to an agreement on both sides of the aisle on with the administration to achieve health insurance reform which will benefit millions of Americans. I recognize that compromise is always difficult. It was a difficult process in committee and on the Senate floor. As an even broader range of issues were put on the table by the House, it became even more of a challenge to find common ground among disparate views. Nevertheless, I think that each of us recognize the need to compromise, and I believe this proposal will strike a fair and equitable balance which will put meaningful health care reform within our grasp.

Mr. President, I have had concerns about the medical savings accounts. I think we need to go slow and understand them—understand where there may be difficulties and how to achieve them in a way that will benefit many Americans, particularly those who have not had any other access to health insurance. But, by doing it slowly and phasing it in and studying it carefully, I think it can and should be achieved.

So I hope that as we continue negotiations, we can actually, over time, achieve some agreements on the proposals in health insurance reform that will allow us to succeed in efforts that we know will benefit many, many.

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

Mr. DOMENICI. Mr. President, may I have a little dialog with Senator KASSEBAUM regarding that bill?

Mr. KENNEDY. Please do.

Mr. DOMENICI. I do not choose tonight to go into an indepth analysis of the bill as it pertains to the severely mentally ill or those who need mental health care in America. I do want to suggest as one of the prime sponsors of amendment, which will be dropped, that I believe we should not have a commission in this bill—a commission getting bigger and bigger and broader and broader and more and more issues. Frankly, I think we would rather have an opportunity to address this issue one more time in another manner. I do not think a commission is going to solve many of the issues that we think need to be solved, at least in any of the iterations we have seen on the commission. I would ask that it not be included. I mean, I think it is no compromise for us, and we just should not have it, and let us get on with this fight in another way.

So I personally will ask them not to put it in. I will return to my office and advise the House lead conferees that I personally would like not to have the commission in it.

I see my cosponsor on the floor.

Mr. WELLSTONE. Might I indulge the Senator for a moment on a comment on this?

Mr. KENNEDY. Sure.

Mr. WELLSTONE. I have a different perspective. I also feel it is not much of a compromise. I just wanted to say, having been a cosponsor of this amendment with my colleague from New Mexico, that when the medical savings accounts—I am all for working out an agreement—came to the floor of the Senate, that amendment was defeated. Then we talked about compromises. I know the Senator from Massachusetts will talk about that. The mental health amendment, I think, passed with 68 votes. Then we worked very hard to pare this down. What we came up with was a very reasonable formulation, if you want to talk about a compromise, which dealt with lifetime annuals; just have the same cap parity with that, which would have been so important to families to get under.

I urge my colleagues, as we get into negotiations, I would like for that to continue to be in the mix. It was a very reasonable formulation. The Congressional Budget Office projection was like two-tenths of 1 percent increase. To me it is just unconscionable that this cannot be accepted. I mean it passed by 68 votes. I do not believe that this should now be knocked out of the mix.

I have urged my colleagues on the Democratic side to please hang in there on this. The White House supports this. The Democrats support this. I know many Republicans do. I do not know anyone who has worked harder on this than Senator DOMENICI.

I urge my colleague from Kansas, whom I believe in, and certainly my colleague from Massachusetts, please, as we go forward with these negotiations, do not just simply cancel us out. By the way, the "us" is not Senator DOMENICI and myself. The "us" are citizens all across this country who thought finally that they were going to see a time come when the U.S. Congress would put an end to some of this

discrimination and do something very good and very positive and very helpful for families all across the country.

Do not shut us out.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, if I may say so, I know that there is no one who cares more about this than Senator KENNEDY, as well, and Senator DOMENICI and Senator WELLSTONE went a long way in proposing something which many of us hoped would work and be successful in compromise. At this point, it has not been. But it has been probably the question of how much further we can get in negotiations.

I very much appreciate the Senator from Massachusetts giving some time to discuss the health insurance reform effort, and I appreciate all that he is doing and continues to do to try to help achieve a successful resolution.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Kansas for her comments. I appreciate her addressing the Senate on this particular measure about the state of negotiations. Initially, I have to respond to my good friend from New Mexico as well as Senator WELLSTONE. It is not my purview about whether this matter will be in or outside the compromise. It appears that whatever has been recommended by the Republican leadership has at this time included a study in the proposal. I myself, as Senator WELLSTONE has pointed out, strongly believe that what would have been a reasonable compromise of perhaps extending mental health to Federal employees would have had included a comprehensive program of up to another 10 million without affecting businesses' bottom lines. But that was not to be considered.

Then I supported strongly the position that has been outlined here in terms of the yearly inclusion and the yearly caps of the longer lifetime caps for the funding of mental health programs. But that has been dismissed. I think the bottom line is just to dismiss those proposals or to have a study.

I come down on the side of the Senator from New Mexico because I fear, if we do a study, that may very well be utilized as a way to compromise further progress in addressing mental health down the road on some future health care proposal.

I for one hope very much that, if we are able to get this particular proposal, the Kassebaum-Kennedy bill, forward, the health issue will go back on the agenda. Mental health being as important as it is, we may very well have a real opportunity to move ahead on that in another Congress.

Not that I would find it persuasive personally, but maybe there would be others who would: not to debate this issue since we are doing this comprehensive study over a period of years, and therefore let us wait until the study results are known.

But I hear the Senators. They have spoken well on this issue, and we will, to the extent we can, pass on their observations and their strong views to the conferees.

Just very briefly, I thank my friend, Senator KASSEBAUM, for her explanation as to what was basically included in a proposal that has now gathered the support of the Republican leadership in the House and the Senate. As I have said many times, I admire her continued leadership in moving this whole debate so far forward that there still is, I would hope, real opportunity of enacting the core legislation. We have some difference on the proposal which has been outlined. But there still is a very strong desire, I believe, on everyone's part, as there should be, to try to achieve the desired outcome of legislation.

The concept of the legislation Senator KASSEBAUM has outlined on other occasions, which goes back to the end of the 1994 congressional debates on health care reform, pulled together the various proposals that were advanced, Republican and Democrat, and included many of Senator DOLE's proposals. It was spoken of as an issue of importance by Senator DOLE at that time, and he has reiterated those comments in a number of statements in recent days.

So this really was a very important proposal, a modest step but a very important one, a vital one to the 25 to 27 million Americans who have preexisting conditions and other millions of Americans who would be able to take advantage of the portability provisions.

So I stand with the Senator from Kansas in hoping we will be able to work the will of the Senate and be able to achieve those objectives. The principal concern that I had in the proposal as outlined here this evening, and that has been reported previously, is that, first of all, we would be including not just a test, we would be immediately including about a third of the work force in an untried and untested program, which would inevitably include the entire work force in just three short years unless the Congress acts to prevent it.

So the signal very clearly is, let us move forward with a national program that would include the MSA concept. What many of us have believed is that this idea is untested and untried, and sufficient questions have been raised about it. For example, the Urban Institute, which the Senator refers to, has pointed out that, at a $1,500 deduction, evidence of adverse selection is not quite evident. But once you move to $2,500, adverse selection becomes a major factor and a major force. In this proposal, we are talking about a $5,000 deductible as a possibility.

So the underlying concept that all of us have had in urging the Kassebaum-Kennedy proposal has been, when it comes to MSA's: Let us do no harm. Let us do no harm to the existing health insurance system. Let us do no harm.

Now as to the issue on malpractice. It is an issue we have debated and discussed on many different occasions and will again. It was not something that was so special, so unique to this occasion that an independent bill could not come over here on that measure. It was before the Congress earlier in the session and it was set aside for, I think, very, very sound reasons, which we will be glad to debate at another time.

The issue of MEWA's was not really a new idea. That has been around for a number of years. The problem with the MEWA's in the early 1980's is that they were so involved in fraud that by 1982 it was the judgment of both the Federal and the State governments that State enforcement against fraud and abuse should be put into effect. That was under a Republican Congress, and that was put into effect.

Now, without really any review, without any kind of hearings, without any kind of examination, we want to take the State enforcement away. That is a very important policy issue to debate, but that is certainly something that we could do tomorrow or do the next day. There ought to be hearings. We ought to find out about the role of the State and the Federal Government in terms of the enforcement.

The fact is, enforcement by the States on MEWA's has worked well. It has reduced significantly the instances of fraud and abuse. I would be quite interested in listening to those on the floor of the Senate try to persuade the Senate why that is a good idea, to go back to a time when States were not providing oversight and regulations to protect working families.

So we saw those two elements dropped. I think, as I say, I would have hoped they could have been dropped and we could have debated them at another time. They were dropped. But I find it very difficult to be convinced that these were major elements of a major proposal that were given up in order to try to reach common ground with the Senate—when the Senator from Kansas understands very well that what she has fashioned and what has been supported here was really a unique, special, targeted effort to deal with the preexisting conditions and portability, which is really a new way of trying to come to grips with the health care needs of many of our citizens.

At the same time, as was pointed out, another area where I think there

is broad agreement in terms of considering in parallel mental illness as well as other physical illness was completely set aside. That would have been new ground that was being broken. But that, for the financial cost, was really too much. I regret it. I am personally convinced, as we have seen with many insurance companies, that those companies that have effective mental health as well as physical health programs actually see a reduction in the outlays for the physical conditions because of the programs that they have there that are available in mental health. Actually, it is going to save money over a period of time.

We have not been able to make that case in a convincing way, although I am, frankly, convinced. I know Senator WELLSTONE is convinced as well. But we have the basis of a very strong indication from a number of the insurance companies. But we are too late in the session to have been able really to consider that. I regret it.

So I thought it made a good deal of sense that we have some kind of test of the MSA's, and we had advanced three different proposals. The White House had advanced proposals. Those were effectively dismissed. Then there were proposals that were discussed last week by Republican leadership and then further refined over the course of the weekend.

So there is where we are. One of the features I mentioned to the Senator from Kansas is that the evaluation for all these programs is going to be as a result of the chairman of the Finance Committee and the chairman of the Ways and Means Committee naming the committee that is going to do the evaluation. I think that was sort of a nonstarter, but there may be Members who would differ with that. If we are going to get the kind of clear evaluation which is needed, and which has been outlined, in fairness, by the Senator from Kansas, the types of things that should be considered are a review by an independent body to give reports. That would be very, very important.

Another item in the proposal is, with the acceptance of the deductibility for small business only going up to 80 percent, here you have 100 percent in MSA's, so you have a skewed condition just to get started with any kind of comparison. We phase in the 80 percent up to the year 2000. They would go into an MSA immediately in terms of 100 percent. So you are obviously skewing this in terms of what is included in the other parts of the legislation.

These are the kinds of things which I think people who would have a chance to review these issues and get into matters could address. But the most basic and fundamental part of it is putting in place an untested and untried program in which many of those groups that have looked at it, in all fairness, have felt it would be particularly threatening. To whom? To our seniors, to working families, to children for prevention, and consumers generally.

Those who are supporting it primarily have been those—I know there are individual Members, and I respect their views—but, frankly, the outside interests that have been talked about have been the particular companies who have been involved in these programs that have been involved in some of the greatest abuses of the health care system.

So I think when you have the Joint Tax Committee talking about the cost, if we get to 1 million people, it will cost $3 billion over a 10-year period. Here we are talking, at the outside, 40 million people. It raises some questions about what the cost would be. When you have the Urban Institute talking about what would happen in terms of adverse selection and moving from $1,500 to $2,500 in deductibility—this goes all the way to $5,000—I think you can say there is certainly some reasonable kind of questions about who would become involved in this program, whether it would be, as many of us believe, the wealthiest and healthiest individuals.

When you have the refusal of the insurance companies that are involved in this process making available to the Academy of Actuaries the kinds of numbers—not the proprietary information —but just the numbers in terms of markets and getting some kind of fair evaluation of what is happening in the industry and not only the particular golden door industry, but others involved in it, being turned down on that issue raises questions. There have been CBO studies, as well. I referred to those at other times, and I will not take the time to do so now.

So, Mr. President, this issue is not going to go away. We will have it, and we will be required to address it. I am personally convinced that we will be successful in passing the core legislation in this Congress, because it is not going to go away. It is too powerful. There are too many families that will be affected by it. We may have some rocky roads and bumps along the way until we get there, but I think this issue is too important for families to give way on it.

I know I and others and I know Senator KASSEBAUM is still strongly committed to achieving the objectives. We will just have to work this process through.

But I thank the Senator very much, and I look forward to continuing to work very closely with her.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. KENNEDY. Mr. President, I know there are others who want to address the Senate. I want to speak to the Senate on two issues, briefly: the first being where we are on the budget proposal for education.

There have been a number of representations about where we are going with current funding, how we are going along with the continued baseline expenditures, that we are going to see a continuing commitment in the area of education.

I want to review for the Senate very briefly, because I see other colleagues on the floor who wish to address the Senate, where we are in the area of education funding and why this budget proposal continues to run contrary to what I believe is the fundamental commitment of this Nation, which should be in the area of education.

We can start off with the fact that just spending resources and money does not solve all of our Nation's problems, but it is a pretty clear indication what a nation's priorities are all about. I believe in education and I believe that it is important that we continue to make a strong investment in the area of education and the young people of this country. If the programs are faulty, we should correct them; if programs are successful, we ought to expand them. We ought to be in a period of constant review of many of these programs.

We did have the opportunity in the previous Congress to review a number of the programs—whether it was in the Head Start Program, title I, or Goals 2000—to provide reforms and funding to the local school level—90 percent of the funding went to the local school level that could be used by parents, teachers, the business community to expand education and academic achievement—the School-to-Work Program which was as a result of America's Choice, an excellent report reviewing many of the programs that were taking place in other parts of the world. Three-fourths of the children who go to high school do not continue on to college. That is an extremely important area for this Nation if we want to both provide the opportunities for the young children of this country and also to ensure that our country is going to be strong in the next century.

And then the Direct Loan Program, the simplification of the efforts for young people. I see my friend and colleague, Senator SIMON, who was such a leader of that program over a period of years.

So we have here, Mr. President, the 1997 education funding in the Republican budget compared to a true freeze. This represents a compilation of all the discretionary education programs, those programs K through 12, and those programs that go on to higher education.

If we go back to 1995, we will see the figure on this chart of about $39.5 billion. We heard a great deal as we went on into 1996, "Let's get back to 1995,"

and there is this freeze of current funding. Let us look at what has actually happened over this period of time. The total amount of budget authority in 1995 is $39.5 billion.

Then under the omnibus appropriations, that figure was reduced to $38.8. Of course, even $38.8 billion, $700 million below fiscal year 1995, was only reached after a long fight to preserve education funding.

It took a lot of shifting of funds to get close to fiscal year 1995 in fiscal year 1996. A good deal of funds that were uncommitted, or not spent, were spent in fiscal year 1996 to make up for the draconian cuts proposed to education—to get as close to the funding level of 1995 as possible. In April, education was finally funded just about $700 million below fiscal year 1995.

Then we had the budget resolution that was passed based on the so-called freeze at $36.3 billion. Actually, this freeze does not take into account the addbacks made for fiscal year 1996 alone, and leaves education funding $3.2 billion below fiscal year 1995.

The Senate budget resolution, with the Domenici amendment, added $5 billion to discretionary funding—of which $1.7 billion was earmarked for education—came right back up to $38 billion, still $1.5 billion below the 1995 level. Then the bill went to conference and $500 million more were lost—$500 million were lost in the conference. They added $1.2 billion to the original budget resolution, but cut $500 million from the Senate resolution.

Every time we close the doors of negotiations on education funding, the commitment to young Americans go down. It is only when we are out here on the floor of the U.S. Senate, when we are battling in front of the public, whether it has been on the various votes Members remember—the Snowe-Simon amendments or the Specter-Harkin amendment—that we restore some of the funds. But once you close the office doors and begin to conference funding bills, education is one of the first to get cut.

This is where we are in this resolution, right on our way back down again. The Domenici amendment increases education funding—though leaves it well below current funding—and then $500 million were cut in conference.

We have to ask ourselves what is happening to the total number of students at this time. The number of students was about 46 million in 1990 and will increase to 54.6 million by the year 2002. The student population is gradually increasing by 7 percent. Even with a freeze at the current funding level, you are falling behind, because you are not dealing with the expansion of the student population and inflation.

Last year alone, it would have meant 100,000 additional teachers just to hold even, 50,000 for the makeup of those numbers of teachers that were being lost, and 50,000 more to take into consideration the expansion of the school population.

That is something we have to understand. The school population for kids in grades K through 12 is gradually increasing by 7 percent, and for college-age youth it is increasing 12 percent. Do you think there is any effort in the budget resolution conference report to take into consideration the expansion of college students or expansion of student population in grades K through 12? Absolutely none, absolutely none. The President has talked about a 33-percent increase in the Pell grants. This proposal would be a $6.7 billion reduction over the period of time in the Pell grants targeted to the neediest students over there. The list goes on and on.

Mr. President, I speak for those who are committed, as I know many in this body are committed, toward education. It is only fair to point out what this budget does to our commitment to the young people in this country, for the Head Start programs, the title I programs, the math and science programs, the new technology programs to try to provide the best kind of new technology to our students in schools that train our teachers, to the school to work program that tries to bring young people into the private sector to make sure they will get decent jobs, and then actually is phased out over a period of time once those links and once those paths are created.

(Ms. SNOWE assumed the chair.)

Mr. KENNEDY. In the conference report, education is cut by 20 percent in real terms from where we were in 1995. I find that is highly unacceptable. When we had the chance to let the Senate, Republicans and Democrats, vote on these matters, we restored education funding.

I see in the chair the distinguished Senator from Maine, who has been a strong advocate for education and for meeting this Nation's commitment when we have the expansion of college and K-12 populations.

Madam President, I find this is a dangerous trend. It is complicated by the fact that in this legislation we have set aside the billions of dollars for tax cuts for wealthy individuals. That is what makes it completely unacceptable: we are cutting crucial education programs in order to pay for the tax breaks for the wealthy. That is intolerable. That is wrong. That is unacceptable.

I see others on the floor who want to address this. I intended to speak about the Medicare proposals, as well. I will yield now and hope perhaps maybe I will get a few minutes tomorrow at the convenience of the floor managers to address the Senate briefly on that. That is an issue of enormous importance as well and should be addressed. The Senator from Nebraska has been very kind in allocating time.

I yield the floor.

Mr. EXON. Madam President, I thank the Senator from Massachusetts for his excellent statement. There will be time tomorrow if he wishes to get into the Medicare matter. We discussed that to some extent already, and I think we should be discussing it further. There will be some time tomorrow, and I would be delighted to yield whatever time the Senator from Massachusetts wishes.

I will shortly yield 15 minutes to the Senator from Illinois who has been waiting patiently. However, I want to elaborate a little bit on what the Senator from Massachusetts has been saying about projected growth costs featuring education. The same thing is true with Medicare, and the same thing is true with Medicaid.

We have been bamboozled around here, I say to my friend from Massachusetts and my friend from Illinois. We have been bamboozled by the statements that an increase is a decrease only in the Nation's Capital. What we are talking about here are not increases in education funding, net, or increases in Medicare funding, net. What we are talking about is trying to disguise the honest dollar amount that keeps the level of the programs where they are today. Yet there has been a hue and cry across the Nation that the Republican budget does not cut Medicare, it provides more money for Medicare. It does provide more money for Medicare. The facts are it does not provide enough money to meet the real needs of the increased population, the longevity of senior citizens and more and more people who will rely on Medicare. You can see it is not a cut in real dollars, but it is a cut in real needs and what the real costs will be for people who are depending on it. Therefore, it is a cut. We get all tied up with semantics around here.

Let me point this out. I had made reference earlier, Madam President, to the fact that Medicare costs were going to outstrip what the Republican budget provides for Medicare. An example: The projected rate of growth in private-sector health care costs over the period that we are talking about would be 7.1 percent per person. Yet the Republican budget on a per-person basis allows Medicare spending to grow only by 4.7 percent. Now, the difference between the projected costs and the Republican budget is 34 percent. Yet the Republicans are saying their increase is reasonable and provides more money.

Plainly, Medicare spending will not be keeping up with inflation in the Republican budget when you consider what the inflation is going to be in the private sector and how many more people are going to have to come into this program. We are being bamboozled here, and the American public know that, even if the U.S. Senate majority does not want to address it.

I say also that the distinguished chairman of the Budget Committee attributes the steep reductions in planned Medicare spending in his budget to an effort to save Medicare. He neglects to note that the Republicans sought to reduce Medicare spending by $270 billion even before last year's Medicare trustees' report came out. He also neglects to mention that the President's budget guarantees the solvency of the Medicare trust fund through the year 2005, without making the deep reductions planned in Medicare spending.

To back that up, Madam President, I ask unanimous consent to have printed in the RECORD a letter of May 9, 1996, addressed to myself, the ranking minority member of the Committee on the Budget.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 1996.

Hon. J. JAMES EXON,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has examined the effects of the Administration's budgetary proposals on the Hospital Insurance (HI) trust fund. Under current law, the HI trust fund is projected to become insolvent in 2001. CBO estimates that the Administration's proposals would postpone this date to 2005.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. EXON. I drive home the point that the President is looking at this realistically and should not be put down for that effort.

One more thing, and then I will yield to my friend from Illinois. The chairman of the committee complains about how steep the cuts in domestic discretionary programs are in the President's budget. Yes, it is true the President does achieve substantial savings from discretionary spending, but the President still maintains these domestic investments at a rate of $60 billion higher than the Republican budget in the year 2002. If the chairman believes that the President's cuts are steep, then the chairman would also have to agree that the cuts that he is endorsing in his particular budget are absolutely fatal.

The difference between the two budgets is that the Republican budget also cuts taxes so much more. The $122 billion that the chairman mentioned is just the tip of the iceberg. The real iceberg is much larger than that. The chairman of the House Budget Committee, JOHN KASICH, promises $180 billion in tax breaks.

The chairman promised, "We would have our own tax cut that we originally said we would have—that there will be a capital gains tax, that there will be a full child tax credit * * * and there will be a host of other tax relief measures."

Who is kidding whom? I simply say that to keep honest, we have to be reasonable. We have to recognize if you are going to provide massive tax cuts primarily to benefit the wealthiest among us, something in the budget is going to have to pay for it. That is essentially why, along with the other details, that we will continue to oppose this Republican budget.

I yield 15 minutes to my friend and colleague from Illinois.

Mr. SIMON. Madam President, I thank my colleague from Nebraska. I see my colleague from Iowa here, and I will try not to use the whole 15 minutes.

I am going to join Senator EXON in opposing this budget resolution for several reasons. First, we have tax cuts in here. Now, I recognize that leadership of both parties is saying we ought to go ahead with a tax cut. I do not think it makes any sense whatsoever when we have a deficit. It is like when we say we are going to have a 7-year glidepath to a balanced budget, but we are going to start off with a tax cut. That is like having a New Year's resolution that you are going to diet and then you start off with a great big dessert. It is not a very propitious way of doing it. And both parties are saving the tough things, the tough decisions, to the end of the 7 years. That is why we need the constitutional amendment for a balanced budget, in order to really move in that direction.

Second, in the area of defense, the conference is $11.3 billion over what the Pentagon requested. No other agency gets more than they request, but the Defense Department does. I think it is unrealistic. Let us compare it to the next function, function 150, international affairs. The United States, in terms of our budget, is behind every country in Western Europe and Japan in terms of the percentage of our budget that we now use to help in foreign economic assistance—behind every one. But we are ahead of every one in the percentage of our budget that we put in defense.

Frankly, what other countries question about us in the area of the military and in the area of foreign affairs is not our weapons systems, but our backbone. A few people are killed in Somalia and we get out. In Bosnia, we make speeches for a long time before we do anything.

The budget, I think, is unrealistic in terms of international need and how we get stability in other nations. But, primarily, I want to talk about an area where Senator OLYMPIA SNOWE has provided leadership, and I am grateful to her for that, and that is in the area of education. We are now $4.4 billion from where the President requested. We are down $2.5 billion from where it was when it passed the Senate. Now, every study done of this country, every study for the State of Nebraska, or the State of Iowa, or the State of Maine, or the State of Illinois, done by conservatives, liberals, you name it, every economist says we are going to have to do better in education. In higher education, we are ahead of other countries, but the gap is narrowing. In elementary and secondary and preschool education, we are behind most of the other developed nations.

Among the 18 top industrial nations of the world, in terms of expenditures for elementary and secondary, we are 14th. There are some basic things we ought to do. For example, I was able to get, in the last Elementary and Secondary Education Act, a paltry $90 million—paltry in terms of its need—to encourage schools, to give a little bit of a carrot to schools to go longer than 180 days. If you go to school in Japan, you go 243 days a year. In Germany, they go 240 days a year. When you go to school in the United States, you go 180 days a year. Can we learn as much in 180 days as our friends in Germany, Japan, and in other countries do with longer school years? Of course, we cannot. Why do we go 180 days? In theory, it is so our children can go out and harvest the crops. Well, I say to the Presiding Officer and my colleagues, I live at Route 1, Makanda, IL, population 402. Even in Makanda, IL, the young people do not go out and harvest the crops anymore. That was a different era. We have to adjust. If we just moved from 180 days to 210, by the time you finish 12th grade, that would be the equivalent of 2 additional years of school, and we would still be, in a major way, behind other countries.

But Senator KENNEDY made the point a few minutes ago that when you look at these cuts, what you have to look at, also, is the growth in student population. And so it is doubly devastating. I remember visiting a Head Start Program, and almost all Head Start Programs have waiting lists, in Rock Island, IL. On Monday morning, one group of kids come in; on Tuesday morning, a second group comes in; on Wednesday morning, a third group comes in, and so on. I asked the woman in charge, "What if you could have these children here 5 days a week?" She smiled and said, "You cannot believe the difference it would make in their lives." We are not doing it, and we save money with a budget like this? You save money like building a house and you do not put a roof on it. Very, very shortsighted.

We make great speeches on prisons in this body. Oh, I have heard speeches about crime and how we put people in prison and everything. Eighty-two percent of the people in our prisons and jails are high school dropouts. You should not have to be an Einstein to figure out that maybe if we invested a little more in education, we would not have to put so many people into prison, and maybe we would be a much better

country if we did. That is the kind of thing we ought to do.

This budget takes a step backward in the field of education, rather than a step forward. I am not going to be around here next year, and my good friend from Nebraska is not going to be around here next year. I hope that whoever sits in this body will listen to the Presiding Officer when she stands on this floor and says that we have to do better in the field of education, as she has done many times. And while it is true you are not going to solve problems by just throwing money at them, I do not hear that same argument used in the Defense Department. And while money alone is not going to solve the problem in the field of education, without additional resources, we are not going to solve the problem.

That is the simple reality. We ought to be asking how do we build a better America as we put a budget together. When you ask that question, I think you will come to the conclusion that we ought to be doing more in the field of education.

I yield the balance of my time back to the Senator from Nebraska.

Mr. EXON. Madam President, I am not sure we have any more speakers. We may have some more. I note that Senator GRASSLEY is waiting. I have talked with him, and he is not going to talk on the budget per se. I simply inquire of the Republican side, are there any other speakers on the budget? Senator GRASSLEY has another subject he would like to address as in morning business. Senator SMITH is on the floor. Is he here to talk about the budget or another matter?

Mr. SMITH. Madam President, I am here to talk about Senator DOLE when the Senator is finished on the budget matter.

Mr. EXON. All right. I will just pose a question to the leadership on that side of the aisle. Since there are other Senators wishing to proceed on other matters, maybe we could close down the debate on the budget and proceed as in morning business.

Mr. GRASSLEY. If the Senator will yield, I had a discussion with Senator DOMENICI on that point. He asked me if I was going to be here. It was his understanding on our side of the aisle that there was no more reason to speak. He spoke of two or three people on your side of the aisle. When that was done, he figured that the debate on the budget was done for today.

Mr. EXON. Well, I have just been handed a note that Senator LAUTENBERG is on the way over. I would like to close off debate on the budget, if I might. I do not want to cut people off. I guess the best thing for me to do to protect my colleagues is to say that why do we not temporarily go off of the budget to allow the Senator from Iowa and Senator SMITH to proceed as they see fit. If, when they have finished, we do not have any more speakers, we can put the budget debate over until tomorrow.

I ask unanimous consent that we temporarily go off the budget matter before us and allow the two Senators on the Republican side, who wish to address other matters, to be able to proceed as in morning business, if that is their request.

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

The Senator from Iowa is recognized.

THE ROAD NOT TAKEN: DRUG POLICY AND LEADERSHIP

Mr. GRASSLEY. Madam President, I have spoken a number of times, last year and this year, on the need for a sound drug policy. We have entered a time, of course, when more teenagers are using drugs. It is a very serious problem. When more teenagers see no serious harm or wrong in using drugs, it seems to me that we cannot simply accept these facts in silence. We need to ask ourselves if we are prepared to see a repeat of the drug epidemic of the late 1960's and 1970's that claimed so many lives. It was an epidemic that destroyed so many young people and, of course, it brought a cycle of enduring pain to their respective families.

Of course, I do not believe that we can afford to remain silent. It is not a responsible policy to be silent. It certainly is not effective leadership to preside over a repeat of what we know to have been a social disaster of epic proportions. To today's ears, this may sound like exaggeration, but a brief reminder might serve to make the memory fresh in our thinking.

Before the 1960's, we had virtually no major problems in this country with illegal drug use. Then, beginning in the mid 1960's, the notion became current that drug use was not so bad, that drugs were your friend. It became common to hear the refrain that drug use was a personal choice that did no harm to anyone. That drugs could be used responsibly. That making drugs legal would end crime.

Hollywood picked up this theme and replayed it in countless movies. Music and cultural leaders made drugs fashionable and exciting. Even government got into the act. By the mid and late 1970's, a number of States had decriminalized marijuana use and lowered the drinking age to 18. Federal authorities began to talk about responsible drug use. Government experts accepted the notion that cocaine was not addictive. That marijuana use did not lead to so-called harder drugs. As the chorus on the wonders of drugs increased, dissenting voices were drowned out. Contrary opinions were overruled as unenlightened holdovers of a repressive past that had to be dismissed.

As a consequence, we decided to walk down a path that encouraged people, young people especially, to believe that drugs were okay. The result was the de facto legalization of drugs in this country. It was a vast social experiment based on wholly foolish notions about the dangers of large-scale drug use and its anticipated consequences. It relied on creating in the mind's eye some mythical drug user of heroic proportions, an everyman, someone who could use drugs with no ill affects, someone whose mind and consciousness would expand to include new horizons of enlightenment, someone who would be a better citizen. It was a form of a collective delusion. We found that the path we had chosen led to a dead end.

In the space of a few years, we went from having virtually no drug problem to having over 70 million people who had tried drugs and at least 6 million addicts. When you stop to consider that the vast majority of those addicts came from among kids, then the scale of the disaster becomes more apparent. We had an explosion of emergency room admissions and a plague of drug-related deaths and violence. In the very years that we stopped enforcing drug laws we saw a corresponding explosion in violent and property crimes. It is not wholly a coincidence that the explosion in drug use also accompanied the explosion in crime throughout America. It is no coincidence that the devastation of our inner cities, already suffering a host of problems, was a product of crack.

We learned, the hard way, that there was no heroic individual drug user. There were just people. Ordinary people. Most of them kids. We found that they listened to what adults said. We found, to our sorrow, that drugs worked. We discovered that when you make drugs widely appealing in large quantities at affordable prices more people will use drugs. Being a commercial and trading people, this should not have been a surprise, but under the spell of the drug culture, we ignored our experience.

We learned, to our profound regret, that dangerous drugs were illegal for a reason. We learned that they were illegal because they were dangerous, not dangerous because they were illegal. We learned that increased use leads to more addiction and to all of the collective woes that come with it. We learned these lessons because we ignored reality. we disparaged common sense. And we paid the price.

The first people to recognize the true extent of the consequences were parents. It was not some mythical Everyman that was using drugs, it was their kids. In alarming numbers. Parents began to fight back. In doing so, they enlisted the government. Finally, beginning in the early 1980's, we made extraordinary strides in reducing use. That meant we got more kids to just say no to drugs. Remember that phrase? It may have been laughed at by some, but it worked.

We still had the horrible legacy of our misdirected and ill-informed past, but we made real strides in reducing use. By the earlier 1990's, we had a comprehensive strategy that addressed both supply and demand. We had succeeded in persuading rising generations of young people that drug use was both dangerous and wrong. Except for hardcore addicts—our legacy from accepting the lie that drugs are OK—we were winning the struggle against drugs. Then, somewhere, somehow, we lost our way.

Somewhere, the silence set in. We replaced "Just Say No" with "Just Say Nothing." We came to a crossroads and took a wrong turn. We have seen the consequences. In the past several years, drug use among kids is on the rise. More seriously, their attitudes about the dangers of drugs are changing—for the worse. An increasing number of kids no longer see drug use as dangerous or wrong. Moreover, to fill the silence, the tragic chorus of legalization has returned. Once again the airwaves are filled with the sounds of the wonders of drug use. Once again we are assured that drug use is a personal choice that harms no one. Once again we are told that enforcing our laws are the cause of our problems. Once again we hear the refrains of drugs are OK.

The question we ought to be asking ourselves, is how, after all the progress we were making, do we find ourselves back where we began? How is what we are doing today different from just a few years ago? Are we doing anything different? No matter what road you follow to get to the answers to these questions, it seems to me, that you come back to the same crossroads. We need to retrace our steps, to put our feet back on the right road.

Examining recent drug policy and efforts from the 1980's and early 1990's, several major differences emerge. Today's drug strategy funding is quite similar to its immediate predecessor. After the initial major increases in Federal drug funding in the first years of the Bush administration, the budget to fight the drug war has increased on average about 5 to 6 percent per year. This rate of increase holds true for both Democratic- and Republican-controlled Congresses. So, if funding has been fairly consistent, we need to look elsewhere for the changes in policy that might account for the dramatic changes in our domestic drug situation in the past 3 years. When we look at the problem from this perspective, what we see as the major changes come not in money but in emphasis. Emphasis on how the money is spent, and on the public posture of the administration on the drug issue.

Now, we need to ask ourselves if we intend to accomplish anything by the policies we pursue. If we do, then we ought to be able to look at the results and draw some conclusions about whether our efforts are producing the results we want. If they aren't, then we might conclude that something isn't working. It is important to examine the record of the administration's drug policy and what seems to be happening with the drug problem. We need to remind ourselves of where we were and the road we took to get where we are now. I have been detailing this issue in the past. The last time I did it was just before the Memorial Day recess. At that time, an esteemed colleague of mine asserted that I was using my remarks to play politics in an election year.

I do not want to question my colleague's motives for raising that particular concern. I trust that her remarks on the administration's records were made because she is concerned as well as I am with the issue and not with the circumstances. Certainly, in sponsoring very recently a legislative initiative that addressed a Clinton administration policy of letting drug smugglers go, she herself is aware of some of the shortcomings of that record. Unfortunately, in her remarks after I made my remarks that day 2 weeks ago, she did not address many of the issues that I raised. In addition, she, too, seems to have found it difficult to set the record straight based on the record. Many of her remarks dealt with administration initiatives that are only indirectly concerned with drug policy.

It is, therefore, useful to review the record of both actions and words that took us down the path that we are on today, in other words, the path that changed dramatically from the 1980's up until about 1991 or 1992.

Here we can see three major difference in present policy from our earlier successful efforts. First, at the beginning of the Clinton administration, we saw a decision to lower the profile of the drug czar's office. That was accomplished by firing over 80 percent of the staff in the first weeks of the new administration and by appointing a no-profile drug czar. We should ask ourselves if that decision tells us anything about the intent of a new administration.

Second, we saw a decision by this administration to shift the counter drug efforts away from interdiction and enforcement to treatment. This was, in fact, an upfront announced policy of this administration. It would seem to tell us something about priorities and about desired outcomes. The consequences of that decision have been a steady decline in our interdiction efforts and a decline in prosecutions of major drug offenders. It would seem we are getting what we should have expected.

Third, we saw a decision by the President to absent himself from the drug issue. In this regard, I have noted the need for clear, consistent leadership on this issue, but a number of our colleagues, both Democrat and Republican, have noted a deafening silence in the past, coming from the White House on the issue of drugs. This is in sharp contrast to previous administrations.

You can actually count on your fingers on one hand the number of times the President mentioned drugs in the first 3 years of his administration. We need to ask ourselves if this silence was accidental, was an oversight, or was a matter of deliberate policy. Even a policy defined by an absence of mind, however, is still a policy. And, of course, as we all know, choices have consequences.

Taken together, these decisions represent more than just a minor restructuring of programs that were working. Even though spending on counter drug efforts remained fairly steady, there was a significant shift in emphasis. There was a very significant dropoff in rhetoric about the drug problem, and there was a significant decline in interdiction and enforcement efforts. These have been documented in a number of news reports, a number of congressional studies, and even in information provided by this administration.

Leading Democrats and Republicans in the last several years have also noted the silence from the President on the drug issue. Their conclusion was that the bully pulpit lost its chief representative.

Unfortunately, as this silence progressed, the voices for legalization of drugs gathered steam. Silence at the White House, a maddening echo around the issue for legalization.

Not since the 1970's have we seen this much voice, this much effort about the clamor to make drugs more widely available. And, disturbingly, the renewed call for drug legalization comes first from within the administration itself. It came from no less a person than the Surgeon General of the United States, a position that carries great moral weight and an opportunity to lead.

At the time, the startling remarks of Joycelyn Elders may have received only a minor rebuke from the White House. Whatever might have been said or done to counter the efforts of the Surgeon General's remarks remain unsaid. Oh, yes, I know she was fired, but the rest, as they say, is history.

Now, if choices have consequences and if policies have purposes, we should ask ourselves what we see as a result of these choices and policies of recent years. Here is the current record.

After a decade of decline in drug use, we see startling new figures of returning use of drugs. Every survey, including the most recent hospital emergency room studies released just last week, show a returning drug problem. Teenage use is on the rise. Teenage attitudes about the dangers of drug use have changed for the worse. Emergency

room admissions are rising. Calls for drug legalization and efforts to accomplish it abound.

The bottom line is that more kids are starting to use drugs. Presumably, these outcomes were not the intent of the policies stated or left unstated, as I have mentioned. If that is true, then we are drawn to the conclusion that these efforts are either a failure or, at least, ineffective, and we have some further evidence that this view is shared by the administration.

In the last several months of an election year, the administration has changed its course very dramatically on drug policy. The President has named a new high-profile drug czar. He has agreed to restore the personnel, that 80 percent cut I spoke about that came in 1993 in the drug office, to restore that personnel. We have given the money to do that. He has agreed to beef up spending on interdiction and enforcement, and he has made himself more visible on the drug issue.

These changes may smack of an election-year conversion, but they correspond exactly to the problems in the policies that I noted earlier. They seem to indicate an awareness of a problem. I leave it to others to determine whether this shift is too little, too late. I leave it to others to decide whether the shift is as a result of political convenience in an election year. But what we all need to know and remember is that when it comes to drugs, we find ourselves back in a familiar and dangerous neighborhood. We took a wrong turn and have ended up on a dead-end street. We have been here before, and we cannot afford to stick around a dead-end street.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, if I understand the parliamentary situation, we went, temporarily, off the budget resolution so the Senator could speak as in morning business. Is that correct?

The PRESIDING OFFICER. That is correct.

UNANIMOUS CONSENT AGREEMENT

Mr. EXON. I have cleared this on both sides of the aisle. Following the remarks by the Senator from New Hampshire, I ask unanimous consent that we return to the budget resolution, and I yield 15 minutes at that juncture to the Senator from New Jersey.

Following the completion of the 15 minutes of the Senator from New Jersey, I ask unanimous consent that the remainder of time on both sides on the budget resolution be retained and set over until tomorrow, and that there be no further action following the remarks to be offered by the Senator from New Jersey.

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

Mr. EXON. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

TRIBUTE TO MY FRIEND, SENATOR BOB DOLE

Mr. SMITH. Madam President, today I rise to join so many of my colleagues in a tribute to my friend and my leader, Senator Bob DOLE, who, as we all know, is leaving the Senate today, June 11, 1996.

As a former history teacher, I could not help but sense the historical significance of this day. It really was a flashback to the old days of the great oratory that took place on the Senate floor, with the likes of Calhoun and Clay and others, when Bob DOLE took the podium that he so many times has stood at and addressed the U.S. Senate. You could hear a pin drop in the Chamber and in the gallery, not always the case here on the Senate floor, with a lot of hustling and bustling and talking and people not paying attention.

That was not the case today. Senator BOB DOLE took that podium, addressed the country, the Chair, his colleagues and friends, many, many staff in the galleries, and the Chamber was hushed and quiet and everybody was listening—as well they should, Madam President, because when the history books are written, they will write about the great Senators who have occupied this Chamber: Henry Clay, John C. Calhoun, Bob La Follette, Robert Taft and, yes, Daniel Webster. Daniel Webster used this very desk, Madam President, that I now have the privilege of speaking from.

It reminds me that we are just a brief blip on the radar screen of time; here for only an instant. But BOB DOLE is one of the great ones, and he will be remembered as one of the great ones.

As a history student, I tried to catch a sense of what was happening. I looked at faces, watched people in this Chamber, as I watched, at the same time, Senator DOLE. Without singling anybody out by name, I could not help but notice one page, a young lady, standing here on the floor of the Chamber during that speech and after the speech with tears running down her cheeks. It really was a very moving tribute to the kind of person BOB DOLE is, because he commands the respect of not only his colleagues but every single man, woman, youngster, page. He could talk to a page as easily as he could talk to a President or world leader. That is what makes him such a great man.

Today, he left the Senate to move on to other things. I remember many emotional private goodbyes that he shared with his colleagues. I remember when we had the meeting when he told us he was leaving. Most of us did not expect him to do it. If we were honest, we would say we did not expect him to say that. We thought he might leave the leadership post but not the Senate. But when he did it, and the way he told us, we knew it was the right thing. We knew it was right, because he needed to be out there debating, not other Senators on the floor of the Senate, but the President of the United States for the Presidency. We all knew that.

Today, I think you saw with the type of speech that BOB DOLE gave the kind of person he is: humble, gracious, and humorous, that great sense of humor. In all the tough battles we have here, he still finds that humor, which has always been a remarkable characteristic.

So he is leaving the Senate. But he left today after that speech with the longest applause that I have ever seen given anyone in this Chamber or in the House Chamber. I have seen Presidents when we have gone to the State of the Union—great Presidents—receive a lot of ovations. I have never seen anybody receive a longer ovation than BOB DOLE received here today, and that is a tribute to this great man who was elected to the House of Representatives where, Madam President, you and I both served together. He was elected in 1960 and served four terms in the House before he was elected to the U.S. Senate, which really has come to be, the past 27 years, his home.

But he gave nearly 36 years of service to the State of Kansas and to the people of the United States of America. When you think about that many years of public service and reflect on the fact there is not one word or taint of scandal in any way, shape, or form, an unblemished, perfect political record, it is remarkable.

He served his country and the Senate and the people with humor, with humility, and we will never forget him.

His wife, Elizabeth, who has been by his side for so many years, is such a gracious woman and such an asset to BOB DOLE. Those who serve here know how important the support of your family is as you put in the long, long hours that we have to endure in the Senate.

BOB DOLE said today in his remarks, "My word is my bond." That is what it is all about. It is character. It is integrity and character. If you leave here, the legacy you leave, if no one says anything about you other than when he gave his word he kept it, you cannot do any better than that.

I tried to think about what I might say here as my tribute in my own way, because so many people have so many wonderful things to say about this great man. I just want to share a couple of personal things, because they are important to me and I think it captures my feeling about BOB DOLE.

I come from a military family. My father served in World War II as a naval aviator and was killed at the end

of the war, leaving my mother as a widow to raise my brother and me. She did that alone. I lost my dad, as I say, in World War II, and BOB DOLE nearly lost his life in that same war. Severely injured, he had to fight his way back, not only from the brink of death but after that, paralysis, and became a U.S. Senator.

But we, the sons and daughters of that generation, those of us who had parents who were in that war, World War II, we know, we are grateful. Perhaps we know and are a little bit more grateful than others for what they did and the sacrifices they made and how important they were to save the world from tyranny. It took heroes like BOB DOLE—and he was a hero, he is a hero—it took heroes like BOB DOLE to make that happen. We owe him, and thousands of others like him, a huge debt of gratitude for their service and their sacrifice to our country, because when the call came, they stepped up and they stopped tyranny.

So BOB DOLE did not get here the easy way. We hear a lot of stories about how everybody in the Senate is rich and everybody gets here the easy way and you live this great life, but BOB DOLE made it the hard way. You cannot help but admire and respect a man like that.

I turned to him in 1993 to be a part of one of the most personal and meaningful experiences of my entire life, and I want to share that with my colleagues and with the American people.

When my father died in 1945, it was 2 days before my fourth birthday, so I only have two memories of my dad. My brother has no memories of our dad, because he was less than a year old. I had always wanted to have my father buried at Arlington, but I never wanted to bring that subject up with my mother because he was not buried at Arlington and I did not want to put my mother through that experience of having his remains moved from where he was buried in New Jersey to come here to Arlington where I believe he would have liked to have been laid to rest. So I put it off.

Then in May 1993, my mother passed away. She used to say she was a one-man woman, and she was. She never remarried after she lost my dad. But she always would go by the cemetery and she would say, "Put me there with him so that we can be together forever."

When I made the decision to bury my parents—both of them—at Arlington National Cemetery in May 1993, I asked Senator DOLE if he would have the time to come and give a few remarks at that service. Within a matter of minutes, the response came back: "Of course."

I asked BOB DOLE to say just a few words. I listened as this man made connections to my parents that I just could not believe anyone could do so spontaneously. He did not know my mother. He did not know my father. But I listened to BOB DOLE say very movingly of how my father had stood guard in the night and how he had made the ultimate sacrifice. I listened as he spoke of how my mother had stood guard here at home when my father went away to war. I listened, Madam President, and I knew how proud my father and mother were, looking down from Heaven to see this American hero, BOB DOLE, speaking at their memorial service in Arlington National Cemetery.

He even made the connection my dad served on the U.S.S. *Wichita*. He said, "Any man who would serve on the U.S.S. *Wichita*, named after a city in Kansas, had to be a great man." He made that ceremony so personal that many of my relatives came up to me afterwards and said, "Did Senator DOLE know your parents?" I said, "I think he did. I really think he did."

So holding BOB DOLE in the esteem I do, I was honored that only 8 months into my first term in the Senate, Senator DOLE selected me to be vice chairman of the Senate Select Committee on POW/MIA Affairs. It was a great honor for me to serve in that capacity. I shall always be grateful to BOB DOLE for giving me that opportunity. Of course, he also selected me for the Ethics Committee, and I may hold that against him for a little while.

But, Madam President, in 1994, I had another moving experience. I attended the 50th anniversary commemoration of D-day at Normandy. I saw there a sight that I will never ever forget. My wife Mary Jo and I went, and BOB DOLE went as well. He retraced his steps in Italy. To see him there back with those people who helped to save his life, and to walk those hills where he was wounded, and then to go to Normandy after he left Italy, to the beaches of Normandy with those rows and rows and rows of crosses, and to think of the sacrifices, and men in wheelchairs, men with lost limbs, hugging, saluting this man—it was a great honor just to be there for the celebration of Normandy, but to be there in the company of BOB DOLE, I shall always be grateful to Senator DOLE for giving me that opportunity. I have never seen such admiration, gratitude, respect, and love as there was for that man. They loved him. They absolutely loved him.

Another just little thing, but last summer I had two young interns, just college kids, Jennifer Kilgus and Greg Annis. They were walking down the corridor of the Capitol, just taking a walk. They decided to stop in to the majority leader's office just to say they went in there, hoping maybe they might have the chance to meet BOB DOLE.

Not only did he agree to see them with no appointment, but in the midst of a very busy schedule he spent 15 minutes talking to them, two young interns in his office, giving them the thrill of their lives. That is the kind of man BOB DOLE is. That is why there were tears in the eyes of that page when BOB DOLE said he was leaving.

Finally, Madam President, as the senior Senator from New Hampshire, I cannot help but note that somehow BOB DOLE has managed to spend quite a bit of time in New Hampshire over the past few years. He lost a tough primary in New Hampshire but went across the Nation with a stunning series of smashing primary victories as he won the Republican nomination for President. Gracious in defeat and gracious in victory.

He has been to New Hampshire just to enjoy its beautiful lakes and mountains and countrysides. Perhaps, Madam President, you never know, there might even be a summer White House in New Hampshire someplace.

Final anecdote. I remember Senator DOLE, I believe 2 years ago, saying to me, "You know, my Elizabeth would really like to go water-skiing. But we would really not like to have a crowd around. Could you arrange that so that we didn't have to have a bunch of people with cameras so she could relax and enjoy herself?" And we did. She is a great water-skier, too.

So, Madam President, I join my colleagues in saying farewell, but not goodbye, to BOB DOLE. The last thing I said to Senator BOB DOLE on the floor of the Senate, as I shook his hand after his remarks, was, "I'll see you at your swearing in for President on the West Front of the Capitol on January 20, 1997." He said, "I'll be there." I said, "I know you will, Mr. President." I have been proud to serve with BOB DOLE in the U.S. Senate. I will be prouder still next year to fight as a Senator to help President BOB DOLE pass the agenda that he dreams about for America.

Thank you, Madam President.

Madam President, I ask unanimous consent that the letter that Senator DOLE read at my parents' funeral be printed in the RECORD.

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

A TRIBUTE TO LT. COMMANDER DONALD SMITH AND MARGARET ELDRIDGE SMITH, ARLINGTON NATIONAL CEMETERY, BY SENATOR BOB DOLE, MAY 24, 1993

Members and friends of the Smith family; I never knew Lt. Commander Donald Smith, but we shared a great deal in common.

We were of the same generation. We served together in World War II—he flew the skies of the Pacific, and I walked the hills of Italy. And since I'm from Kansas, I note with pride that Lt. Commander Smith served aboard the U.S.S. *Wichita*.

The author Herman Wouk wrote that "If America is still the great beacon in dense gloom—then we still need heroes to stand guard in the night."

Like so many others before and after him, Lt. Commander Donald Smith stood guard in the night. And like so many others, he made the ultimate sacrifice.

He was and he is an American hero, and it is very fitting that he has been brought here, this final resting place of American heroes.

There is another name we add today to the list of heroes at Arlington. The name of Margaret Eldridge Smith.

Throughout our history, as American soldiers have "stood guard in the night," their family members have "stood guard" here at home, supporting their country and their military in countless ways.

When Margaret Eldridge married Donald Smith, she did so knowing there would be times when they would be separated by miles of land and ocean.

She also knew that the time might come, as it did in 1945, when they would be separated by more than just territorial limits.

And for the past half century, Margaret Smith honored her husband and her country by continuing to stand guard.

She raised a family on her own, bringing up two fine sons who would both serve their country in the military and in government.

She, too, is an American hero.

I am very honored to be here this afternoon, as these two heroes are reunited forever, and the best way we can honor them is to continue to love freedom, to love our country, and to always "stand guard through the night."

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank you, Madam President, for recognizing me for some comments on the budget reconciliation.

TRIBUTE TO BOB DOLE

Mr. LAUTENBERG. Madam President, I will take just a couple of minutes beyond that which was allocated to me by the Senator from Nebraska to say that I, too, listened very intently to Senator DOLE's remarks today. I was touched and moved by them.

I will not go into his record, and I will not go to any length, but I want to say that BOB DOLE is someone whom I have admired over the years, with whom I have worked very smoothly. When he said it, he meant it. When he meant it, he said it. That is the way he operated.

He is part of a generation, of which I also am, and that is the generation of World War II veterans, a dwindling group, I regret to say. This year we will see several leave because, in addition to Senator BOB DOLE, Senator HATFIELD, and Senator HEFLIN will leave, and the group tightens and shrinks. It is not a very pleasant prospect to contemplate. But, nevertheless, it is a decided loss to take away the experience, the knowledge, the reflection of those who served in World War II at a time when America was a much different place, at a time when the values were established by tightly knit families, by those who worried about the loss of a loved one or the injury of a family member in the war. It was a huge war with somewhere around 14, 15 million people from our country in uniform. It touched every family in America. There was not a family that did not have close contact with that war.

We were also the generation that benefited enormously—enormously—from an educational program called the GI bill that was afforded to people like me and many others who serve here, where it changed our lives. The military experience was one thing. I served in World War II, not under the same level of danger that Senator DOLE or Senator INOUYE served, but people in my unit were killed. It changed our lives because of the experience of the war, the fear, the danger, the detachment from family. When I enlisted in World War II, my father was already on his death bed, a man of just 43 years of age. And a family of four became a family of two virtually overnight.

But the experience of serving my country, the opportunity to do so, the opportunity to get an education, is something that ought to be firmly implanted in everybody's mind in this place and in this country, where an education can change one's life, as it did, I know for so many of my colleagues. Certainly, it did for me.

Without giving a personal biography, that is not my intent, just to say that we will miss BOB DOLE. We will miss his experience and we will miss his wisdom. I wish him well—not quite as well as the Senator from New Hampshire, but that is in terms of the upcoming Presidential election—I wish him, personally, well and I wish him and his family many good years of enjoyment and good health.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1997—CONFERENCE REPORT

Mr. LAUTENBERG. Madam President, if I may now take the time allotted to me by the Senator from Nebraska, I want to talk about the conference report on the budget resolution, this budget that makes such deep cuts in Medicare, Medicaid, education, and the environment. My view is we ought to reject it and start over.

Before I make specific comments about the budget, I want to frame it in terms of the historical perspective. The Federal budget over the last 15 years, what has happened with it? The fiscal records of Presidents Clinton, Bush, and Reagan could not be more different. Over a 12-year-period, the Reagan and Bush administrations incurred $2.3 trillion of debt. In fact, if we did not have to pay the interest on the debt racked up in these 12 years, the budget would be in balance this year. Not once did President Reagan or President Bush propose a balanced budget.

Fortunately, President Clinton's 4-year record is much different. President Clinton promised change in 1992 and he has produced it. Consider the following: The deficit has gone down for 4 straight years. The revised deficit figure for the fiscal 1996 year is now $130 billion—by no means a modest figure, but substantially down from where it was 4 years ago. It is 1.8 percent of our gross domestic product. That is the lowest percentage of any industrialized country. For example, Japan's deficit is more than 3 percent of its GDP; Britain, the U.K., is 7 percent of its GDP; Italy's percentage of debt is 9 percent of GDP.

Finally, President Clinton is the first President to put forward a balanced budget proposal in a full generation. Madam President, budgets are more than just numbers. A budget is a statement of values. We are not accountants sent to Washington to only crunch numbers. We are here to respond to our people's needs for health security, for seniors on Medicare, and Medicaid for those who have only that program to provide for their health needs.

We are here to encourage educational opportunities for our young people. We are here to be stewards of the environment so that the next generation can enjoy clean water, clean air, my grandchildren will know about fish in the water, and not be afraid to go to a tap to take a drink of water, or will not have to be told to stay out of the air when playing games or exercising.

We are here to provide help and vision for our people in the next century. Simply, we are here to protect our citizens' life quality, to protect our economy, to protect our Nation, to protect our society. This budget does not accomplish those objectives. It will hurt those aspirations.

Madam President, unfortunately, some in the other party believe Government is evil. I say this because a very distinguished Republican, a Republican House Member told a very distinguished Congressman, Congressman HENRY HYDE, as I read from the report, "I trust Hamas," this person said, "more than I trust my own Government." Hamas—a terrorist organization with programs designed to kill innocent people, men, women, and children. What an odious comparison. Madam President, what government is this person talking about? Could it be the American Government? Our democratically elected Government?

Excluding net interest, two-thirds of the Federal Government is Social Security, Medicare, Medicaid, veterans benefits, and national defense. These are the major programs of our Federal Government. I repeat, Social Security, Medicare, Medicaid, veterans, national defense. Are these evil programs? Are they equivalent to Hamas terrorist attacks? I do not get the connection, but I resent, terribly, the words that are used. Whatever one thinks about mistakes or poor performance of our Government, this Government and this country can never be compared to a terrorist organization.

Madam President, the question is no longer whether we will balance the budget. The question is, how? Who will win in programs that are in place? Who will lose if programs are canceled? Finally, whose side is Government on?

President Clinton has laid out the right way to balance the budget. His budget reaches balance within 6 years, as documented by CBO, but unlike the Republican version the President's budget, protects Medicare, Medicaid, education, and the environment, and it does not increase taxes on working families. The President's budget not only protects 37 million senior citizens from deep Medicare cuts contained in this budget, but it will also, despite reports to the contrary in recent days, it will also make the Medicare trust fund solvent until the year 2005. It preserves the guarantee of Medicaid for 36 million seniors and disabled persons who rely on those programs. It protects our Nation's environment by ensuring full funding for the implementation of the major environmental programs like clean air, clean water, and toxic waste cleanups. It makes critical investments in education and training, it provides increased funding for programs like Head Start, title I, and safe and drug-free schools.

Finally, the President's budget maintains the earned-income tax credit, which provides tax relief for working families who earn less than $28,000 a year. It allows them to maintain their family needs for basic essentials, for sustenance.

The Republican budget is much different. It is punitive to working families and senior citizens. In reality, this budget resolution ought to be entitled "Extremist Budget, Part II." The huge Medicare cuts in this budget, combined with the proposed structural changes will truly make Medicare wither on the vine. If the Republican budget is enacted, Medicare will become a second-class health care system. The Republican budget also eliminates the guarantees of Medicaid coverage for seniors, disabled, children, and pregnant women.

This budget contains a Republican assault on education. Over 7 years this budget cuts $60 billion in education and training, compared to the President's budget. This budget continues the Republican tragedy of the environment. The budget will cut environmental programs by 19 percent in the year 2002 and it will slow down toxic waste cleanups.

Finally, this budget continues the Republican war on working families. At the same time the GOP leadership is opposing an increase in the minimum wage, they are proposing to increase taxes on working families who earn under $28,000 a year—harsh and unfair. That is why this budget resolution ought to be called the extremist budget part II.

Last year, the President vetoed the Republican budget because it contained huge cuts in Medicare, Medicaid, education, and the environment. This budget does very much the same, and President Clinton will veto this budget as well.

So as soon as our Republican friends show that they can put forth a balanced budget like the President's, one that protects our priorities, we will have a balanced budget—but not until then.

I thank the Chair and yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(By unanimous consent, the remarks of Mr. SPECTER are printed at an earlier point in today's RECORD.)

TRIBUTE TO PAUL F. EATON, SR.

Mr. MOYNIHAN. Madam President, if I may ask the Senate's indulgence. On the 16th of this month, my friend and sometime counselor, Paul F. Eaton, Sr., of Walton, NY, will celebrate his 87th birthday. This is, of course, a happy occasion for Paul, his family and many friends, in our upstate Delaware County.

Both Paul Eaton and I came to reside in the foothills of the Catskills as adults. Paul came to practice law in the early 1930's. And Liz and I bought our farm in the early 1960's. And we have all stayed. The beauty of the place and the welcoming nature of its people have kept us there.

Paul made Walton his home; he was elected village police justice and later mayor; served in the Office of Price Administration during World War II; has spent over a half century as trustee of St. John the Baptist Church; married Frances Kellogg, raised a family; remained a loyal Democrat; played golf; and practiced law.

And if I may say, Madam President, he has practiced law, and continues to practice law, in a manner that brings nothing but honor to that profession. Paul Eaton is a general practitioner. He draws wills, handles real estate closings, tries cases, and counsels his clients. His reputation as a skillful lawyer is matched only by his reputation for honesty and integrity. He is still at it. For while we will celebrate his birthday on the 16th, he will be in his law office on the 17th. This is as it should be. We wish him well. Happy birthday Paul. Madam. President, I yield the floor.

DEBATE ON BALANCED BUDGET AMENDMENT

Mr. FORD. Madam President, on Friday the Senator from Oklahoma [Mr. INHOFE] and the Senator from North Dakota [Mr. DORGAN] and I had an exchange about the inaccuracy of certain statements made by the Senator from Oklahoma regarding the debate over the balanced budget amendment. During that exchange, the Senator from Oklahoma inserted into the RECORD copies of the original versions of Senate Joint Resolution 41 from the 103d Congress, and House Joint Resolution 1 from the 104th Congress. The Senator from Oklahoma represented that these were the two resolutions that we voted on—Senate Joint Resolution 41, in 1994, and House Joint Resolution 1, in 1996.

The distinguished Senator from North Dakota indicated that the two resolutions we voted on were not identical, since language known as the Nunn amendment was added to House Joint Resolution 1 regarding judicial review, and that this was new language from the resolution voted upon in 1994. The Senator from North Dakota asked unanimous consent to insert into the RECORD the language which was actually voted on by the Senate. After the Senator from Oklahoma twice reserved the right to object, the Senator from North Dakota withdrew his request.

I have since had time to review the RECORD, and found that Both resolutions inserted into the RECORD by the Senator from Oklahoma were incorrect. In other words, neither of the resolutions which he put into the RECORD were actually voted upon by the Senate. The Senator form Oklahoma put into the RECORD the balanced budget amendment proposals as introduced, in order to claim the Senate voted on identical proposals. However, both resolutions were subsequently amended in different ways. The 1994 resolution was modified to limit judicial remedies to declaratory judgments and other remedies authorized by Congress. This modification was dropped altogether in House Joint Resolution 1, as introduced in 1995. However, this resolution was then also amended by the Senate through the Nunn amendment, which prohibited judicial review entirely.

I ask unanimous consent that the resolutions which were actually voted upon by the Senate in 1994 and 1996—neither of which were inserted into the RECORD by the Senator from Oklahoma—be inserted at this point.

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

S.J. RES. 41, 103D CONGRESS—FINAL VERSION ON WHICH SENATE VOTED

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents

and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The power of any court to order relief pursuant to any case or controversy arising under this Article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2001 or with the second fiscal year beginning after its ratification, whichever is later."

HOUSE JOINT RESOLUTION 1, 104TH CONGRESS—FINAL VERSION ON WHICH SENATE VOTED

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION AS AMENDED BY SENATOR NUNN

ARTICLE —

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the phone shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect, the provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each house, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The judicial power of the United States shall not extend to any case of controversy arising under this Article except as may be specifically authorized by legislation adopted pursuant to this section.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

Mr. FORD. Second, Madam President, the Senator from Oklahoma and I had an exchange on the Senate floor because after I heard him quote from my 1994 floor statement, I believe he was quoting my statement in an inaccurate and distorting manner. The Senator from Oklahoma was quoting my statement in support of the Reid-Ford-Feinstein amendment which protected the Social Security trust funds, and making it sound like I was speaking in support of the underlying Simon-Hatch version of the legislation, which does not protect Social Security.

Madam President, after reading Friday's RECORD, I found that the Senator from Oklahoma's quoting of my 1994 statement was even more selective and misleading than I had first realized. I ask unanimous consent that my actual full statement, as reproduced in the CONGRESSIONAL RECORD on March 1, 1994, and the version quoted by the Senator from Oklahoma be printed in the RECORD.

Those who wish to read these can draw their own conclusions about whether I was quoted accurately.

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

SENATOR WENDELL FORD, ACTUAL FLOOR STATEMENT, MARCH 1, 1994

Mr. FORD. Mr. President, I have but a few minutes to speak this morning on behalf of the Reid-Ford-Feinstein balanced budget amendment. So I will concentrate my remarks this morning on trust.

The public trusts the Congress to keep the Nation's finances in order. Nowhere is that agreement and that trust more evident or more important than in governing the Social Security trust fund.

In the debate over our amendment and the Simon amendment, honesty and protection of the trust fund have played a very big role. Right now, surpluses in the trust funds are being used to hide the true amount of the deficit. The biggest example of this is in Social Security, but it is by no means alone in this distinction.

During the 1980's, we allowed the Federal trust funds to run up huge surpluses. We would collect a gasoline tax to fund highway construction but then not spend it all on highways, thus creating an accounting surplus. The problem is, we did spend money elsewhere creating masked deficit and budgetary illusions.

The Simon amendment will allow us to continue to do this. I have a speech in my folder that I made back in October of 1987 that addressed this very issue. This particular speech dealt with the Aviation trust fund. At the time, it represented a $6 billion surplus.

Mr. President, I say to my colleagues that that is only peanuts when compared to Social Security. According to OMB, from 1985, when the Social Security System started to run a surplus, to 1993, it singlehandedly covered up $366 billion in Government red ink. Social Security covered up $366 billion in Government red ink.

If you think that is bad, wait until we look to the future. From 1994 through the year 2001, the date that Senator Simon's amendment would likely take effect, CBO projects another $703 billion in budgetary chicanery, for a grand total of $1.69 trillion worth of deception.

When compared with that, the deficit hidden by the other trust funds are small potatoes—only another $35 to $40 billion. Pretty soon though, as we have heard in the past, it adds up to real money. We pat ourselves on the back and claim to cut spending and do what is right for our electorate, all the while our Social Security trust fund is full of IOU's.

Well, I, and those who support our amendment, mean to do something about that. Our amendment respects the pact our Nation made with its people many years ago. It reinforces it, makes it stronger, safer, and more secure. Social Security is exempt from our amendment, thus securing and fortifying its position as a separate trust fund. If you do not believe me, just listen to the Gray Panthers, and they will tell you themselves. I have here three letters to that effect. AARP, the National Alliance for Senior Citizens, and the National Committee to Preserve Social Security and Medicare, all endorse Social Security's treatment under this amendment.

Other trust funds will be treated honestly as well. They will be considered as a part of the capital budget that invests in infrastructure and development. Building highways and airports pays dividends in the future through higher productivity and job opportunity and growth. Social Security and these other trust funds did not cause the deficit, and under our amendment they will not be used to hide the deficit either. This is honest budgeting and a workable balanced budget amendment.

Mr. President, time is short and a vote on the Reid-Ford-Feinstein balanced budget amendment is near. Unfortunately, I fear that it is not near passage but defeat. Standing beside that defeat will be a good faith effort of those who are truly concerned about the world that we leave for future generations. Standing beside that defeat will be the last attempt of this Congress to face reality and tackle an ever-crippling debt and deficit problem. Standing beside that defeat will be faith in Government. I support the efforts of my friend and colleague from Illinois to take on this persistent fiscal dishonesty, but his version of the amendment will go down to defeat as well.

The Reid-Ford-Feinstein amendment is the only amendment that could stand the chance

of final passage. We all know that. Yet standing by the defeat of yet another balanced budget will be my colleagues from the other side of the aisle. Instead of getting what they could, they will go home proud of taking the supposed moral high ground. If that is what they want, they can have it. What I want and what 70 percent of our Nation's people want is a sound financial future. What they will get is more of the same under the Simon amendment, for standing tall at the end of the day will be disenchantment, dishonesty and fiscal irresponsibility.

I hear so much about "if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government."

Well, I give them an opportunity. I operated under it. It worked. We had a huge surplus when I left the Governor's office. We had an operating account. We had a capital account.

They say operate like you do at home. At home you have income, your salary. That is your operating account. You buy a car within your means. You pay that out of your operating account. You buy a home. You pay that out of your operating account. But your operating account is always balanced. And we have a time period in which to pay it off.

They say, "Oh, we will never implement that legislation." How do you know we will not? I have seen some amazing things come out of this Chamber. I have seen people work and do the right thing.

I think implementation of this amendment will work. I think we can make it work. But on the other hand, if we want an issue, fine. Stay with Senator SIMON and Senator HATCH. Stay with them and then have an issue when you go home.

But do you want a balanced budget amendment? There are enough votes with those who are supporting that amendment that we can get one.

Oh, I hear all this, "The House is going to make us do it." I have never seen us make the House do anything. I have never seen the House make us do anything. So when they pass their balanced budget amendment, what is it going to do? It is going to die between here and there. That is what is going to happen to it. It is going to die between here and there.

"Oh, we will be forced into it." Nope. The House will not do that to us. We will not do it to the House. So if you want a balanced budget amendment operated like Nebraska was operated, like Kentucky was operated, I will guarantee you that we can do the right thing.

That is what it is all about here today, to do the right thing. We have an operating budget. We are going to pay this in 10 years. The slice is in here. We have IOU's in the Social Security. We are going to buy it. It is in operating. We buy it, pay it off. So Social Security is sound. I do not understand why it takes a brain surgeon to understand how you operate a budget the away the States do.

And so, Mr. President, I would hope that we would reconsider between now and 3 o'clock this afternoon that this is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren.

I hear my distinguished friend say he is going to do it for his unborn grandchildren. I have five. The Senator is no "Lone Ranger". I am just as worried about my grandchildren as he is. And I think I have a pretty good idea I have had to work under it. I had to operate it. I understand how it works. There are few in this Chamber who do. You will find that most of those will vote for this amendment because it works.

Do it like the Governors do; pass the Reid amendment. Do it like you do at home and operate your own budget; pass the Reid amendment. It is just that simple, Mr. President.

I do not know how much time I have remaining, but I will reserve it.

SENATOR INHOFE: QUOTATION OF MARCH 1, 1994

STATEMENT OF SENATOR FORD, JUNE 7, 1996

So when the Senator from Kentucky came in—I had not quoted him, but I will now. He said this back on March 1, 1994. He said, "I support the efforts of my friend and colleague from Illinois"—talking about Senator SIMON, who is a very courageous guy, and one I complimented probably more than I have ever complimented anyone else on the floor yesterday. Senator FORD said, "I support the efforts of my friend and colleague from Illinois to take on this persistent fiscal dishonesty. I hear so much about if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government? I operated under it"—this is Senator FORD, who was a Governor of Kentucky—"and it worked. I think implementation of this amendment will work. I think we can make it work. I do not understand why it takes a brain surgeon to understand how you operate a budget the way the States do. This is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren."

Mr. FORD. Lastly, Madam President, let me just note that every provision of the Constitution is subject to interpretation. I am sure that the Senator from Oklahoma does not agree with every Supreme Court decision interpreting the words of the Constitution—even though it may involve different interpretations of the same language.

In 1994, the distinguished Senator from Illinois, Senator SIMON, gave specific assurances that he would work in support of, and even cosponsor, implementing legislation to require Congress to balance the budget without counting the annual Social Security surplus. He even submitted a memorandum from the Congressional Research Service with the opinion that it would be legal and appropriate for Congress to pass such legislation. This memorandum is reprinted in the March 1, 1994, CONGRESSIONAL RECORD along with the debate

By contrast, in 1995 we saw proposals from leading proponents of the balanced budget amendment spelling out how much of the Social Security surplus they would count year by year.

As I stated last year and again last week, this was an enormous shift in the interpretation of the resolution and a major factor in my decision to not support the balanced budget amendment without further assurances about Social Security.

It is my hope that debate on the Senate floor in the future will be conducted at a level which respects the opinions of fellow Senators on all issues. It is the least that our constituents expect of us.

FATHER BILL KENNY

Mr. REID. Madam President, one of the pleasures of working with this body is the opportunity to recognize the outstanding contributions that individuals have made in our respective States and in our country. I rise today to recognize such a person, Father Bill Kenny of Las Vegas.

Frequently, people are recognized for an heroic action on a specific occasion, or for a moment of self-sacrifice that may have saved the lives of people who were put in harms way. Father Kenny's achievement is different; he is a man who has devoted his entire life to helping others, and on a continual, daily basis, he gives his energy, his time, and his spirit to his community, to his parishioners, and to his church. On June 19, Father Kenny will celebrate the 25th anniversary of his ordainment as a Catholic Priest, and I am delighted to take this occasion to congratulate him on a lifetime of self-sacrifice.

Father Bill Kenny is truly an example of the American dream in action. Bill came to Las Vegas as a young boy and attended St. Joseph's Catholic School and Bishop Gorman High School. As a young altar boy, Bill often thought about becoming a priest. Inspired by his uncle John, a priest who also served in Las Vegas, Bill entered the seminary and afterwards completed his studies at the theological college of the Catholic University of America on a 3-year scholarship. He earned his B.A. in 1966 and his M.A. a year later, after which he was assigned for one year to the North American College in Rome, a residence for American students who study at the Pontifical Gregorian University. He resumed his studies at the theological college, and in 1971, he returned to Las Vegas for his ordination.

He was first assigned to serve as associate pastor at St. Annes and then, in 1976, at Our Lady of Las Vegas. The diocese intuitively knew that, in Father Kenny, they had a man of extraordinary talent and, in October of 1978, Father Bill was asked to start a new parish in a growing section of the city; he became the founding pastor of Christ the King Catholic Community, a parish that, under his tutelage, has grown to over 5,000 members.

I have had the good fortune to attend services at Father Kenny's church and to witness, first hand, the care and compassion he has engendered within his parish. I participated in one of the most moving ceremonies of my career when Father Bill invited me to take part in the opening of the national AIDS Quilt exhibit which he generously housed in the church's parish hall. We read the names of those whose lives were represented in the squares of the quilt, and I know there wasn't a dry eye in the crowd.

This is just one example of the compassion that Father Bill demonstrates on a continual basis; I know that there

are at least 5,000 more stories that reflect the influence that he has had on someone's life. I am glad that Father Bill chose to come back to his home in Las Vegas to fulfill his mission with the Catholic church, I am proud to have him as my friend, and I congratulate him for his 25 years of exemplary service to the people of Nevada. We are all better because of him.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday Monday, June 11, 1996, the Federal debt stood at $5,134,653,489,857.86.

On a per capita basis, every man, woman, and child in America owes $19,372.70 as his or her share of that debt.

MESSAGES FROM THE HOUSE

At 11:29 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3268. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

At 2:30 p.m., a message from the House of Representatives, delivered by Ms. Goetz, 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. 848. An act to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia.

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse."

H.R. 3060. An act to implement the Protocol on Environmental Protection to the Antarctic Treaty.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building."

H.R. 3364. An act to designate the Federal building and United States courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse."

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Hruska Federal building and United States Courthouse."

The message also announced that the House disagrees to the amendment of the Senate of the bill (H.R 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. ARCHER, Mr. THOMAS, Mr. BLILEY, Mr. BILIRAKIS, Mr. GOODLING, Mr. FAWELL, Mr. HYDE, Mr. MCCOLLUM, Mr. HASTERT, Mr. GIBBONS, Mr. STARK, Mr. DINGELL, Mr. WAXMAN, Mr. CLAY, Mr. CONYERS, and Mr. BONIOR as the managers of the conference on the part of the House.

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

H. Con. Res. 153. Concurrent resolution authorizing the use of the Capitol grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 172. Concurrent resolution authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 848. An act to increase the amount authorized to be appropriated for assistance for highway relocation regarding the Chickamauga and Chattanooga National Military Park in Georgia; to the Committee on Energy and Natural Resources.

H.R. 3029. An act to designate the United States courthouse in Washington, District of Columbia, as the "E. Barrett Prettyman United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3186. An act to designate the Federal building located at 1655 Woodson Road in Overland, Missouri, as the "Sammy L. Davis Federal Building"; to the Committee on Environment and Public Works.

H.R. 3364. An act to designate the Federal building and United States courthouse at 235 North Washington Avenue in Scranton, Pennsylvania, as the "William J. Nealon Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 3400. An act to designate the Federal building and United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, Nebraska, as the "Roman L. Kruska Federal building and United States Courthouse"; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3268. An act to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that act, and for other purposes.

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-2982. A communication from the Secretary of the Army and the Secretary of Agriculture, transmitting jointly, pursuant to law, notice of an intention relative to the Corps of Engineers project at Applegate Lake, Oregon; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2983. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "The Pork Promotion, Research, and Consumer Information Order," received on June 4, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2984. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "Papayas Grown in Hawaii," received on May 31, 1996; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2985. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the rule entitled "The Tobacco Inspection"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2986. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on retail fees and services of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-2987. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC-2988. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Groundfish Fishery of the Bering Sea and Aleutian Islands Area," received on June 4, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2989. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Striped Bass Fishery," (RIN0648-AH57) received on June 6, 1996; to the Committee on Commerce, Science, and Transportation.

EC-2990. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a rule relative to FM broadcast stations, received on June 5, 1996; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-575. A resolution adopted by the Senate of the Legislature of the State of Hawaii; to the Committee on Agriculture, Nutrition, and Forestry.

"SENATE RESOLUTION NO. 49

"Whereas, the Hawaiian islands are among the most environmentally sensitive areas in the world, containing unique and extremely fragile ecosystems; and

"Whereas, the State's 150 recognized ecosystems are home to more than one-third of the 526 plant species and 88 bird species on the United States endangered and threatened species list; and

"Whereas, conservationists call Hawaii the 'Endangered Species Capital of the World,' as three-fourths of the nation's extinct plant and bird species once lived only on our islands; and

"Whereas, alien pest species are considered the single greatest threat to the survival of our native Hawaiian plant and bird species; and

"Whereas, the island of Guam is now devoid of any and all avian life due to the devastation of a well-known alien pest, the brown tree snake; and

"Whereas, 19 new insect species found their way into the environment in 1994, even though the State Department of Agriculture inspected 13 million agricultural parcels entering the State and intercepted 131 alien insects and 183 illegal animals; and

"Whereas, on average, 20 new insect species arrive in Hawaii each year, of which ten become pests; and

"Whereas, federal quarantine law gives the United States Department of Agriculture the legal authority to inspect baggage and passengers bound for the mainland from Hawaii in order to protect the mainland's environment, but does not grant the same authority to inspect baggage and passengers bound for Hawaii from the mainland to protect Hawaii's environment; and

"Whereas, Governor Benjamin J. Cayetano established the 'Coordinating Group on Alien Pest Species' (CGAPS), a group comprised of representatives from the State Department of Agriculture, State Department of Transportation, Hawaii Farm Bureau Federation, Hawaii Visitors Bureau, Nature Conservancy of Hawaii, National Park Service, United States Department of Agriculture, United States Customs Service, United States Fish and Wildlife Service, United States Navy, United States Postal Inspection Service, and United States Postal Service; and

"Whereas, the Governor's Agriculture Coordinating, Committee provided funding for CGAPS efforts to focus public attention on the need to prevent new alien pest species from entering the State and to control pests which are already established; and

"Whereas, as a result of information obtained through CGAPS efforts, state departments may be proposing specific programs aimed at accelerating the eradication of established pest species and improving mechanisms to prevent the introduction of alien pest species; and

"Whereas, state budget concerns will have a serious impact on the agencies which contribute to these prevention and control efforts; and

"Whereas, the costs of these efforts pale in comparison to the price we would pay in terms of losses to industries such as tourism and agriculture which depend on environment quality, if our environment is not preserved and protected; and

"Whereas, in recognition of the long-term cost benefits of immediate action, funding for the implementation of those programs may be included in the budgets of those state departments; and

"Whereas, in addition to programs proposed by state departments, other CGAPS members may seek grants to accomplish the same purposes; and

"Whereas, the Legislature may appropriate funds for grants to those private conservation, agricultural, and tourism organizations; Now, therefore, be it

"*Resolved*, by the Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, That the Governor is respectfully urged to place a high administrative priority on existing pest eradication and prevention programs, as well as the development and implementation of new programs recommended by the CGAPS members; and

"*Be it further resolved*, That the President of the United States and the United States Congress are respectfully urged to advocate legislation and programs to eradicate pests and prevent their introduction into Hawaii; and

"*Be it further resolved*, That certified copies of this Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii."

POM-576. A concurrent resolution adopted by the Legislature of the State of Hawaii programs; to the Committee on Agriculture, Nutrition, and Forestry.

"HOUSE CONCURRENT RESOLUTION NO. 16

"Whereas, the Hawaiian islands are among the most environmentally sensitive areas in the world, containing unique and extremely fragile ecosystems; and

"Whereas, the State's 150 recognized ecosystems are home to more than one-third of the 526 plant species and 88 bird species on the United States endangered and threatened species list; and

"Whereas, conservationists call Hawaii the "Endangered Species Capital of the World," as three-fourths of the nation's extinct plant and bird species once lived only on our islands; and

"Whereas, alien pest species are considered the single greatest threat to the survival of our native Hawaiian plant and bird species; and

"Whereas, the island of Guam is now devoid of any and all avian life due to the devastation of a well-known alien pest, the brown tree snake; and

"Whereas, the economic impact of alien pest species in the State of Hawaii exceeds $400 million annually, yet the State spends only $25 million per annum on prevention; and

"Whereas, 19 new insect species found their way into the environment in 1994, even though the State Department of Agriculture inspected 13 million agricultural parcels entering the State and intercepted 131 alien insects and 183 illegal animals; and

"Whereas, on average, 20 new insect species arrive in Hawaii each year, of which ten become pests; and

"Whereas, federal quarantine law gives the United States Department of Agriculture the legal authority to inspect baggage and passengers bound for the mainland from Hawaii in order to protect the mainland's environment, but does not grant the same authority to inspect baggage and passengers bound for Hawaii from the mainland to protect Hawaii's environment; and

"Whereas, Governor Benjamin J. Cayetano established the 'Coordinating Group on Alien Pest Species' (CGAPS), a group comprised of representatives from the State Department of Agriculture, State Department of Health, State Department of Land and Natural Resources, State Department of Transportation, Hawaii Farm Bureau Federation, Hawaii Visitors Bureau, Nature Conservancy of Hawaii, National Park Service, United States Department of Agriculture, United States Custom Service, United States Fish and Wildlife Service, United States Navy, United States Postal Inspection Service, and United States Postal Service; and

"Whereas, the Governor's Agriculture Coordinating Committee provided funding for CGAPS efforts to focus public attention on the need to prevent new alien pest species from entering the State and to control pests which are already established; and

"Whereas, as a result of information obtained through CGAPS efforts, State Departments may be proposing specific programs aimed at accelerating the eradication of established pest species and improving mechanisms to prevent the introduction of alien pest species; and

"Whereas, State budget concerns will have a serious impact on the agencies which contribute to these prevention and control efforts; and

"Whereas, the costs of these efforts pale in comparison to the price we would pay if our environment, and therefore industries such as tourism and agriculture which depend on environmental quality, is not preserved and protected; and

"Whereas, in recognition of the long-term cost benefits of immediate action, funding for the implementation of those programs may be included in the budgets for those State departments; and

"Whereas, in addition to programs proposed by State departments, other CGAPS members may seek grants to accomplish the same purposes; and

"Whereas, the State Legislature may appropriate funds for grants to those private conservation, agricultural, and tourism organizations; Now, therefore, be it

"*Resolved*, by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, the Senate concurring, That the Governor is respectfully urged to place a high administrative priority on existing pest eradication and prevention programs, as well as the development and implementation of new programs recommended by the CGAPS members; and

"*Be it further resolved*, That the President of the United States and the United States Congress are respectfully urged to advocate legislation and programs to eradicate pests and prevent their introduction into Hawaii; and

"*Be it further resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Hawaii's congressional delegation, and the Governor of the State of Hawaii."

POM-577. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Armed Services.

"HOUSE CONCURRENT RESOLUTION NO. 20

"Whereas, since October 1, 1994, the HING DDR has conducted 155 activities utilizing 249 HING volunteers and 141 civilian volunteers to reduce the demand for drugs in the State of Hawaii; and

"Whereas, during a twelve-month period (October 1, 1994–September 30, 1995), DDR activities have reached a total audience of over 35,818 individuals; and

"Whereas, while working with the Honolulu Police Department's 'No Hope In Dope

Program,' HING DDR has provided positive role models to speak to elementary, intermediate, and high school youths throughout the State of Hawaii; and

"Whereas, HING DDR has coordinated with the Hawaii Air National Guard C-130 Squadron to provide airlift support to transport the 'No Hope In Dope Program' to the outer islands; and

"Whereas, HING DDR has coordinated with Hawaii Air and Army National Guard units to provide static displays at drug-free parades and concerts; and

"Whereas, HING DDR volunteers have trained community leaders, parents, and other individuals on being a mentor for the youths who have graduated from the Hawaii National Guard Youth Challenge Program; and

"Whereas, HING DDR volunteers have been involved with recruiting youths and mentors, and working with the Advisory Committee in support of the Hawaii National Guard Youth Challenge Program; and

"Whereas, HING DDR volunteers have started PRIDE Parent Training, a nine-hour seminar that will help parents identify the signs of possible drug use and gang activity and is designed for parents of youths between the ages of seven and seventeen years of age; and

"Whereas, HING DDR has an extensive video library on drugs and gangs which is available for home viewing; and

"Whereas, HING DDR has educational material and activity books on drugs, drug use, and peer pressure available for parents, teens, and children; and

"Whereas, HING DDR is a member of the Youth Gang Response System-Oahu Team which is a partnership of government; private agencies, and community groups working together to address youth gang and drug problems in Hawaii in a unified and holistic manner; and

"Whereas, HING DDR volunteers supported the Adult Friends For Youth-Moving Up Transition Convention by providing positive role models to escort youths for the day; and

"Whereas, HING DDR volunteers supported the PACT (Parents and Children Together) Kid's Day Newspaper Drive; and

"Whereas, the Hawaii National Guard's Drug Demand Reduction Program is committed to fighting this war on drugs through prevention and education in collaboration with the community; Now, therefore, be it

"*Resolved*, by the House of Representatives of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1996, the Senate concurring, That the United States Congress is hereby urged to support legislation to support the Hawaii National Guard's Drug Demand Reduction Program; and

"*Be it further resolved*, That certified copies of this concurrent resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegations."

POM-578. A joint resolution adopted by the Legislature of the State of Idaho to the Committee on Armed Services.

"HOUSE JOINT MEMORIAL NO. 8

"Whereas, the 366th Wing at Mountain Home Air Force Base, Idaho, is the Air Force's only air intervention composite wing providing lethal, integrated air power worldwide;

"Whereas, the 366th Wing is unique because it is a composite force already built and trained, ready to fight and intervene anytime, anywhere;

"Whereas, one of the primary benefits of a composite wing structure is the opportunity for aircrews to train every day under more realistic conditions, with a variety of aircraft flying multiple missions;

"Whereas, the 366th Wing exceeded all of Air Combat Command's tough standards at the wing's first Air Force inspection in July, 1995, the first ever for a composite wing and the largest in Air Force history; and

"Whereas, the opening of a training range near Mountain Home Air Force Base is essential to maintain the readiness and strike force capabilities of this unique military asset:

Now, therefore, be it "*Resolved*, by the members of the Second Regular Session of the Fifty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the Congress of the United States to pass necessary legislation to establish and fund the training range at the Mountain Home Air Force Base, Idaho.

"*Be it further resolved*, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-579. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Commerce, Science, and Transportation.

"RESOLVE NO. 39

"Whereas more fish were discarded in the federally managed fisheries of the North Pacific Ocean than were landed by American fishermen in the North Atlantic Ocean in 1992; and

"Whereas, in 1994, 25,881,596 kilograms of halibut and 1,866,272 kilograms of herring were discarded by fisheries in the North Pacific Ocean and the Bering Sea; and

"Whereas, in 1994, 15,459,253 crab were discarded by fisheries in the North Pacific Ocean and the Bering Sea; and

"Whereas, in 1994, 195,609 salmon were harvested in groundfish fisheries of the North Pacific Ocean and the Bering Sea; and

"Whereas these discarded herring, crab, and salmon are resources managed by the State of Alaska that were intercepted in offshore federal waters; and

"Whereas these resources are the economic and cultural lifeblood for many Alaskans who depend on the sea for their livelihoods and subsistence; and

"Whereas marine wildlife species in Alaska marine waters that depend on fish for food are faced with declining populations and a potential listing as endangered species; and

"Whereas this continued wanton waste undermines any long-term management strategy for sustained commercial, subsistence, and recreational fisheries, and places the rural communities of Alaska at risk; and

"Whereas efforts to implement severe penalties against vessels responsible for high bycatch and discard rates have failed; and

"Whereas minimizing the catch of undersized fish and reducing wanton waste will conserve fisheries resources for present and future generations of subsistence users, commercial and recreational fishermen, seafood industries, coastal communities, consumers, and the nation; and

"Whereas fisheries can technically or operationally reduce waste and the incidental taking of nontarget species if given economic incentives or if appropriate regulatory measures are applied; be it

"*Resolved*, by the Alaska State Legislature That the wanton waste now occurring in federal fisheries of the North Pacific Ocean and the Bering Sea is of utmost ecological, social, and economical importance; and be it

"*Further resolved*, That the Alaska State Legislature respectfully urges the Congress to amend the Magnuson Fishery Conservation and Management Act, or to enact other legislation, encompassing a broad range of measures to reduce wanton waste in North Pacific Ocean and Bering Sea fisheries, including harvest priority incentives for clean fishing practices and other management tools."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Select Committee on Intelligence, with amendments:

S. 1745. An original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 104-278).

By Mr. STEVENS, from the Committee on Governmental Affairs, without amendment:

S. 1488. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes.

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. DOLE (for himself, Mr. ROTH, Mr. SIMPSON, Mr. PRESSLER, Mr. HATCH, Mr. CHAFEE, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1856. A bill to establish a commission to study and provide recommendations on restoring solvency in the medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. DOLE:

S. 1857. A bill to establish a bipartisan commission on campaign practices and provide that its recommendations be given expedited consideration; to the Committee on Rules and Administration.

By Mr. GRAHAM (for himself, Mr. BAUCUS, and Mr. PRYOR):

S. 1858. A bill to provide for improved coordination, communication, and enforcement related to health care fraud, waste, and abuse; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. BAUCUS):

S. 1859. A bill to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Rules and Administration.

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. MOYNIHAN, and Mr. LIEBERMAN):

S. 1860. A bill to provide for legal reform and consumer compensation relating to motor vehicle tort systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Mr. DOLE):

S. 1861. A bill to provide for legal reform and consumer compensation, and for other purposes; to the Committee on the Judiciary.

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

S. 1862. A bill to permit the interstate distribution of state-inspected meat under appropriate circumstances; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:

S. 1863. A bill to require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, South Dakota, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. THURMOND, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 258. A resolution to designate the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building as the "Robert J. Dole Balcony"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE (for himself, Mr. ROTH, Mr. SIMPSON, Mr. PRESSLER, Mr. HATCH, Mr. CHAFEE, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 1856. A bill to establish a commission to study and provide recommendations on restoring solvency in the Medicare program under title XVIII of the Social Security Act; to the Committee on Finance.

THE MEDICARE RESTORATION ACT

Mr. DOLE. Mr. President, last Wednesday the Medicare trustees released their report on the state of the Medicare trust fund, and the report was grim. Instead of going bankrupt in 2002, as they previously forecasted, the trustees conclude that Medicare will go bankrupt in 2001—just 5 years from now.

For the past year and a half, this Republican Congress has attempted to deal honestly and forthrightly with the impending Medicare meltdown.

We put forward a budget that would protect, preserve, and strengthen Medicare by reducing its unsustainable rate of growth, while still allowing for a healthy growth rate.

We did not claim that our plan was perfect or that it solved the long-term problem. But it was a real attempt to alleviate a crisis that will immediately impact 37 million seniors and disabled Americans, and will have repercussions on tens of millions more.

In May 1995, I called for a bipartisan Commission to be set up to save Medicare similar to the one that saved Social Security. Unfortunately the White House dismissed the idea and decided to attack Republican plans to save the Medicare system.

That is why I rise today to introduce the Medicare Restoration Act to establish a blue-ribbon bipartisan advisory commission to help deal with this crisis.

In my view, leadership means more than just talking about problems. It also means doing something to solve them.

This Commission will be responsible for reviewing the current, short-term and long-term condition of the Medicare Trust funds. The Commission will be composed of 15 members appointed by the President, Senate, and House of Representatives. The members of this commission will be from both political parties, because it is clear to me that if we are to be successful we must put politics aside and work on a bipartisan basis.

Unfortunately, President Clinton has been unwilling to do that.

In February 1995, President Clinton submitted a budget that contained no provisions for saving Medicare.

In April 1995, the Medicare trustees—three of whom are members of his administration—issued their original report and urged "prompt, effective and decisive action." The administration instead chose to attack Republican plans to save the system.

Last March, the President submitted a budget which, according to the Congressional Budget Office, would only stave off Medicare's bankruptcy for one more year.

It is an undeniable fact that the Republican proposal allowed Medicare spending per beneficiary to increase from $4,800 per person to $7,200 per person over 7 years.

It is also an undeniable fact that in their ill-fated health care reform proposal, the Clinton administration advocated slowing Medicare's rate of growth.

Despite these facts, however, the President vetoed our Medicare proposal, and we have heard nothing but attacks on Republicans for slashing and cutting Medicare.

And when the President was asked, not long ago at a news conference, why he continued to use these terms even though they are not true, his response was essentially that the media made him do it.

With the release of the trustee's report, the inescapable conclusion is that while the rhetoric flew, Medicare was put at further risk.

And those who say that talk is cheap should know that 18 months of misleading rhetoric may have gained one side points in the opinion polls, it also put Medicare another $90 billion-plus in the red.

The bottom line is that the 37 million Americans who depend on Medicare deserve better. Future generations of Americans who will need Medicare deserve better.

I call on the President to come forward and support this bipartisan commission so we can preserve the Medicare Program and to join with Republicans on a bipartisan basis, as I have proposed before, to address this very serious problem.

I send the bill to the desk and ask it be appropriately referred. It is cosponsored by Senators ROTH, SIMPSON, PRESSLER, HATCH, CHAFEE, and MURKOWSKI, who are on the Senate Finance Committee. I certainly welcome additional cosponsors on either side of the aisle. This will be a bipartisan commission.

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. 1856

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 "Medicare Restoration Act of 1996".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Medicare Reform (referred to in this Act as the "Commission").

SEC. 3. FINDINGS.

The Congress finds that—

(1) the medicare program under title XVIII of the Social Security Act provides essential health care insurance to this Nation's senior citizens and to individuals with disabilities;

(2) the Federal Hospital Insurance Trust Fund will be bankrupt in the year 2001, and faces even greater solvency problems in the long-run with the aging of the baby boom generation;

(3) the trustees of the trust funds of the medicare program have reported that growth in spending within the Federal Supplementary Medical Insurance Trust Fund is unsustainable; and

(4) expeditious action is needed in order to restore the fiscal health of the medicare program and to maintain this Nation's commitment to senior citizens and to individuals with disabilities.

SEC. 4. DUTIES OF THE COMMISSION.

The Commission shall—

(1) review relevant analyses of the current, short-term, and long-term financial condition of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund under title XVIII of the Social Security Act;

(2) identify problems that threaten the solvency of such trust funds;

(3) analyze potential solutions to such problems that will both assure the financial integrity of the medicare program under such title and the provision of appropriate benefits under such program;

(4) make recommendations to restore the short-range and long-range solvency of the Federal Hospital Insurance Trust Fund, to provide for sustainable growth of the Supplementary Medical Insurance Trust Fund, and on related matters as the Commission deems appropriate; and

(5) review and analyze such other matters as the Commission deems appropriate.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 15 members, of whom—

(1) five shall be appointed by the President, of whom not more than 3 shall be of the same political party;

(2) five shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, of whom not more than 3 shall be of the same political party; and

(3) five shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, of whom not more than 3 shall be of the same political party.

(b) COMPTROLLER GENERAL.—The Comptroller General of the United States shall advise the Commission on the methodology to be used in identifying problems and analyzing potential solutions in accordance with section 4.

(c) TERM OF APPOINTMENT.—The members shall serve on the Commission for the life of the Commission.

(d) MEETINGS.—The Commission shall locate its headquarters in the District of Columbia, and shall meet at the call of the Chairperson.

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

(f) CHAIRPERSON AND VICE CHAIRPERSON.—Not later than 15 days after all the members of the Commission are appointed, such members shall designate a Chairperson and Vice Chairperson from among the members of the Commission.

(g) VACANCIES.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made not later than 30 days after the Commission is given notice of the vacancy.

(h) COMPENSATION.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(i) EXPENSES.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 6. STAFF AND SUPPORT SERVICES.

(a) DIRECTOR.—

(1) APPOINTMENT.—Upon consultation with the members of the Commission, the Chairperson shall appoint a Director of the Commission.

(2) COMPENSATION.—The Director shall be paid the rate of basic pay for level V of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, the Director may appoint such personnel as the Director considers appropriate.

(c) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(d) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission.

(f) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and agencies and elected representatives of the executive and legislative branches of the Federal Government. The Chairperson of the Commission shall make requests for such access in writing when necessary.

(g) PHYSICAL FACILITIES.—The Administrator of the General Services Administration shall locate suitable office space for the operation of the Commission. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may conduct public hearings or forums at the discretion of the Commission, at any time and place the Commission is able to secure facilities and witnesses, for the purpose of carrying out the duties of the Commission.

(b) DELEGATION OF AUTHORITY.—Any member or agent of the Commission may, if authorized by the Commission, take any action the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

SEC. 8. REPORTS.

Not later than June 30, 1997, the Commission shall submit a report to the President and to the Congress on the findings and conclusions of the Commission.

SEC. 9. TERMINATION.

The Commission shall terminate on the date which is 30 days after the date the Commission submits its report to the President and to the Congress under section 8.

SEC. 10. FUNDING.

The Secretary of Health and Human Services shall provide to the Commission, out of funds otherwise available to such Secretary, such sums as are necessary to carry out the purposes of the Commission.

Mr. ROTH. Mr. President, I rise as a cosponsor of legislation introduced by the majority leader to establish a National Commission on Medicare Reform.

According to the Medicare trustees' report released last Wednesday, June 5, the Medicare hospital insurance trust fund will be bankrupt earlier than expected. In fact, the trustees, of which three of the six trustees are members of President Clinton's Cabinet, indicate that the trust fund may run out of money as early as calendar year 2000.

Senator DOLE's proposal is consistent with the recommendations of the Medicare trustees. The trustees recommend:

> * * * the establishment of a national advisory group to examine the Medicare Program. The advisory group would collect and disseminate information and help develop recommendations for effective solutions to the long-term financing problem. This work will be of critical importance to the administration, the Congress and the American public in the extensive national discussion that any changes would require.

We are now 2 years closer to insolvency of the Medicare trust fund than we were at this time last year. We lost a year trying to address the problem, and the program is 1 more year closer to bankruptcy than we expected. Yet, I regret, we are miles away from reaching an agreement on a solution.

Given the very short time that Medicare will remain solvent, and given the large number of baby boomers who will be joining the Medicare Program in just a few years, we cannot afford more delay. It is time to put politics aside and find a solution.

What is happening to the Medicare trust fund is pretty basic. The program is paying out more than it is taking in. This simple dynamic, if left unchecked, will lead Medicare to bankruptcy in less than 5 years. And, simply put, bankruptcy of the trust fund means there will not be money to pay the hospital bills of our senior citizens and disabled individuals reliant on Medicare.

Again, I believe it is time to put politics aside. A Medicare Reform Commission is an important step in the right direction to bringing together a bipartisan, lasting agreement on resolving Medicare's fiscal crisis.

The 1983 National Commission on Social Security Reform was an essential catalyst to resolving the then-looming bankruptcy of Social Security. The 1983 Commission brought together people in a cooperative bipartisan spirit. Ultimately, the work of the Commission laid the ground for a solution to the solvency crisis. I believe a Medicare Reform Commission might be able to do the same today.

We are facing a crisis. A crisis requires action. We cannot be a government of empty promises. We must restore Medicare to robust health for our children and our grandchildren.

By Mr. DOLE:

S. 1857. A bill to establish a bipartisan commission on campaign practices and provide that its recommendations be given expedited consideration; to the Committee on Rules and Administration.

THE BIPARTISAN CAMPAIGN PRACTICES COMMISSION ACT OF 1996

Mr. DOLE. Mr. President, as I prepare to leave an institution in which I have served for over 35 years, I am mindful that in many ways the public has lost confidence in the ability of legislators to represent their interests, not special interests.

We should not allow this to continue. Representative Democracy, founded on fair and competitive elections, is at the core of what makes America great. Yet, concern over how we finance elections threatens to erode the trust the American people have in our elected officials.

As my colleagues know, Congress has tried repeatedly to grapple with this issue and largely failed. However, I continue to believe that the very nature of the problem makes it difficult to resolve in the normal give and take of the legislative process.

In 1990, for example, Senator Mitchell and I appointed a six-member commission of outside experts to look at this issue and report back to us, but the report was unfortunately ignored by Congress.

I suggested in 1994 and repeatedly since then that a similar commission be constituted to report back to Congress, but with an important difference. This time, the report should be in the form of recommended legislative language which provides a solution and Congress should have an opportunity for an up and down vote.

As my colleagues know, both President Clinton and Speaker GINGRICH endorsed a similar concept last year when they met in New Hampshire.

I therefore send to the desk a bill that establishes an eight-member commission of outside experts. They would have the broadest possible mandate to think through this problem, come up with solutions and report back to Congress not more than 30 days after the convening of the 105th Congress.

The commission will send Congress legislative language for those recommendations on which seven members agree. Congress will consider those recommendations under expedited procedures that mirror the fast-track authorities in our trade laws.

I know my colleagues will be grappling with this issue soon. However, I believe that it would be better to take this issue out of what is already a super-heated partisan atmosphere, and allow a bipartisan approach to be developed that Congress cannot ignore.

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. 1857

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 "Bipartisan Campaign Practices Commission Act of 1996".

SEC. 2. ESTABLISHMENT.

There is established a commission to be known as the "Bipartisan Commission on Campaign Practices" (referred to in this Act as the "Commission").

SEC. 3. DUTIES OF THE COMMISSION.

The Commission shall study the laws and regulations that affect how campaigns for Federal office are conducted and may make recommendations for change. In studying Federal campaign practices, the Commission shall consider—

(1) whether too much or too little money is spent trying to influence campaigns for Federal office and whether the funds that are spent are sufficiently disclosed;

(2) whether the current laws (including regulations) governing campaigns for Federal office encourage or discourage those most qualified to hold office from seeking it;

(3) whether the existing system of financing campaigns for Federal office promotes trust and confidence in the political process among the electorate;

(4) whether the rules governing access to media ensure that the electorate has the greatest possible opportunity to be informed of candidates' positions on the issues; and

(5) such other matters as the Commission considers appropriate.

SEC. 4. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 9 members of the private sector, as follows:

(1) Two shall be appointed by the Majority Leader of the Senate.

(2) Two shall be appointed by the Speaker of the House of Representatives.

(3) Two shall be appointed by the President.

(4) One shall be appointed by the Minority Leader of the Senate.

(5) One shall be appointed by the Minority Leader of the House of Representatives.

(6) A chairperson shall be appointed in accordance with subsection (b).

(b) CHAIRPERSON.—

(1) SELECTION.—Within 7 days after all the members described in section 3(a) (1) through (5) are appointed, those members shall meet and by majority vote select a chairperson.

(2) FAILURE TO MAKE SELECTION.—If, by the date that is 30 days after the date of the meeting described in subsection (b), the office of chairperson is still vacant, all current members of the Commission shall be discharged from further service as members of the Commission.

(c) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Each member of the Commission shall each be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Commission.

(e) QUORUM.—Six members of the Commission shall constitute a quorum, and any decision of the Commission shall require the affirmative vote of 6 members.

(f) MEETINGS.—The Commission shall meet at the call of the chairperson or at the request of 6 members of the Commission.

SEC. 5. STAFF OF COMMISSION; SERVICES.

Subject to such rules as may be adopted by the Commission, the chairperson, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classifications and General Schedule pay rates, may appoint such staff personnel as the chairperson considers necessary and procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code.

SEC. 6. RECOMMENDATION; FAST TRACK PROCEDURES.

(a) REPORT.—Not later than 30 days after the convening of the 105th Congress, the Commission shall submit to Congress a report describing the study conducted under section 3.

(b) RECOMMENDATIONS.—The report under subsection (a) may include any recommendations for changes in the laws (including regulations) governing the conduct of Federal campaigns, including any changes in the rules of the Senate or the House of Representatives, to which 6 or more members of the Commission may agree.

(c) PREPARATION OF BILLS.—If 7 or more members concur on 1 or more recommendations for changes in the way campaigns for Federal office are conducted, the members agreeing on each such recommendation shall prepare for each a bill that would implement the recommendation, and the implementing bill shall be submitted with the report under subsection (a).

(d) CONSIDERATION BY CONGRESS.—Each implementing bill submitted with the report under subsection (a) shall be given expedited consideration under the same provisions and in the same way as an implementing bill for a trade agreement under section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

SEC. 7. TERMINATION.

The Commission shall cease to exist 30 days after submission of the report under section 6.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $750,000 to carry out this Act.

By Mr. GRAHAM (for himself, Mr. BAUCUS and Mr. PRYOR):

S. 1858. A bill to provide for improved coordination, communication, and enforcement related to health care fraud, waste, and abuse; to the Committee on Finance.

THE MEDICARE ANTI-FRAUD ACT OF 1996

By Mr. GRAHAM (for himself, and Mr. BAUCUS):

S. 1859. A bill to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal hospital insurance trust fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Rules and Administration.

THE MEDICARE RESTORE TRUST ACT OF 1996

Mr. GRAHAM. Mr. President, I rise today to introduce timely legislation with Senators BAUCUS and PRYOR that addresses the problem of Medicare fraud and abuse. The two bills, entitled the "Medicare Anti-Fraud Act of 1996" and the "Medicare Restore Trust Act of 1996," would undertake serious and strong anti-fraud efforts by the Federal Government based in large part on the success of the administration's recent Medicare and antifraud effort called Operation Restore Trust and ensure that savings achieved from such efforts are returned to the Medicare trust fund.

Mr. President, we have heard in the last few days some very troubling reports about the impending insolvency of the Medicare trust fund. This legislation would have two direct contributions to reversing that move toward insolvency.

First, it would suture a hemorrhage of funds out of the Medicare trust fund which today are going for fraudulent bills, and not for service to American citizens; and, second, it would assure that any funds that were recovered as a result of these more effective investigations and prosecutions would go directly back into the Medicare trust fund in order to restore its financial base.

Mr. President, unfortunately the phrase "fraud, waste and abuse" has become discredited. It has been used so often as an excuse for not dealing with the more difficult and fundamental problems. Unfortunately, the area of Medicare waste, fraud, and abuse is a part of the fundamental problem. It has been estimated that of the $180 billion spent last year on Medicare and on approximately 36 million Americans' health care—$180 billion—10 percent, or $18 billion, was wasted in fraudulent activities.

You might ask why is there such a high level of fraud in this program of Medicare? Some of the reasons include: The amount of money that is being expended is huge—$180 billion and growing; that it is being spent largely on populations which have groups within it that are vulnerable to these fraudulent schemes; that those people who wish to perpetrate those schemes are sophisticated shysters and there has been lax enforcement.

First and foremost, the General Accounting Office estimates that the Medicare waste, fraud and abuse rip-off rate is about 10 percent. With fraud pilfering the health systems' resources, losses to Medicare and the federal share of Medicaid could be $30 billion annually. Using the most conservative of estimates, we could cover an additional 2 million seniors a year with funds lost just to Medicare waste, fraud, and abuse.

Two million additional Americans could be covered if those funds could be properly directed.

Although it is increasingly unlikely that a Medicare reform package will pass this year in Congress, it would be unconscionable to not pass a Medicare waste, fraud and abuse this year. Rather than putting Medicare beneficiaries at risk of losing coverage or access with the cuts envisioned in some legislative proposals during this Congress, we should act instead to combat Medicare fraud to protect the health care of beneficiaries and the Medicare trust fund.

As the Citizens Against Government Waste wrote in their August 23, 1995, report entitled "Medicare Fraud: Tales From the Gypped," "Preserving, protecting, and strengthening Medicare must be the number one priority for Congress and the administration." The organization details 89 examples in its report and advises that waste, fraud, and abuse is the first area of needed attack.

How did this get to be such a problem? According to the General Accounting Office in its February 1995 report entitled "Medicare Claims," "Physicians, supply companies, or diagnostic laboratories have about 3 chances out of 1,000 of having Medicare audit their billing practices in any given year. Moreover, Medicare pays more claims with less scrutiny today than at any other time over the past 5 years." The GAO continues, "In fiscal year 1993, Medicare processed almost 700 million claims, about 250 million more than it processed 5 years earlier. Despite the rising volume of claims, per-claim funding for antifraud and antiabuse activities declined between 1989 and 1993 by over 20 percent."

As a result, FBI Director Louis Freeh says cocaine distributors in south Florida and southern California are switching from drug dealing to health care fraud. The reason: more money with less risk. Drug dealers committing health care fraud know that law enforcement is not yet equipped with the laws needed to effectively attack the problem. With a program estimated by the Congressional Budget Office to be spending over $1.6 billion during the next 6 years and with lax laws to combat abuse, con artists, thieves, and opportunists know Medicare is where the easy money is.

As Republican Congressmen STEVEN SCHIFF and CHRIS SHAYS write, "currently there is no Federal crime of health care fraud. It is difficult to prosecute health care-related offenses because law enforcement must rely on wire and mail fraud statutes for their investigations and prosecutions."

Attacking fraud is crucial to the overall Medicare debate for the following reasons:

Fraud ought to be the first place we look when considering reductions in Medicare expenditures.

Fraud undermines public confidence in Medicare. We cannot "fix" Medicare while letting fraud erode the system.

One dollar spent against fraud and abuse can reduce Medicare Program costs by as much as 11 dollars, according to the Health Care Financing Administration [HCFA] and demonstrated by the administration's effort in Operation Restore Trust.

Solutions are available.

What can be done to solve this problem? To engage in a comprehensive assault on fraud, particularly within the Medicare Program, multiple agencies within the Federal Government will need additional resources. The Inspector General testified at a hearing before the Senate Finance Committee that "now is the time to implement new legal remedies and reverse the downward trend of funding for efforts to combat health care fraud and abuse." The legislation that I am introducing today will achieve both of these goals.

Operation Restore Trust is an effort currently underway in five States which brings together the HHS Office of Inspector General, Health Care Financing Administration, the Department of Justice, State Medicaid agencies, and State Medicaid fraud control units to combat fraud and abuse. This legislation would institutionalize these efforts in all 50 States.

The Department of Health and Human Services recently released results from the first year of Operation Restore Trust. The program had $4.09 million to work with and has added $43.2 million to the Medicare trust fund and U.S. Treasury: an 11-to-1 return. This program has been a great success, but I agree with June Gibbs Brown that this is the "tip of the iceberg."

To provide adequate resources to go after the fraud and abuse, we establish a Medicare anti-fraud account for the Inspector General (IG) and an anti-fraud control account for other government agency's use. Funds for the Medicare account would be provided by and returned to the Medicare trust fund. For every $1 spent on prevention, the IG uncovers at least $7 in fraud. By using trust fund dollars to augment IG operations, the legislation assures that the IG will continue to have the resources necessary to combat fraud and abuse without worrying about discretionary spending cuts.

This legislation enacts a broad-based Federal statute aimed at suppressing Medicare fraud. This enhances the protection of fraud victims and prescribe stiff penalties against those convicted of fraud. It institutes a policy, "one strike and you are out," one instance of Medicare fraud and you are out of the program for at least 5 years.

The second bill would establish a point of order against any piece of legislation that would divert savings from anti-fraud, waste and abuse enforcement activities for any other purpose—such as new Federal spending or tax breaks—other than saving the Medicare trust fund. This legislation would also ensure that any savings from anti-fraud, waste and abuse activities reimburse the up-front investment on enforcement and further strengthen the Medicare trust fund.

We have all promised to protect Medicare. We can do so by passing comprehensive Medicare waste, fraud, and abuse legislation and do it in 1996, thus ensuring savings achieved are used to protect Medicare and improve its solvency. The two bills we are introducing today—the Medicare Anti-Fraud Act of 1996 and the Medicare Restore Trust Act—would accomplish these goals.

Mr. President, I suggest these two pieces of legislation should get the immediate attention of this Senate. I am pleased to see that we have with us today the chairman of the Senate Finance Committee, which I assume will be the primary committee of reference for consideration of this legislation.

Every day that passes allows for further waste of Federal taxpayers money and further eroding of the solvency of the Medicare trust fund, further erosion of the confidence of the American people. We must take action now.

At the signing of the Medicare bill in Missouri 30 years ago, President Johnson said Medicare had been planted with "the seed of compassion and duty which have today flowered into care for the sick and serenity for the fearful." Medicare has lived up to the promise of President Johnson and President Truman. But fraud is rotting away at the Medicare system. We have the prescriptions to combat fraud. Now is the time to employ them if we want to save the integrity of Medicare for future generations.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Antifraud Act of 1996".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; references in act; table of contents.

TITLE I—FRAUD AND ABUSE CONTROL PROGRAM

Sec. 101. Fraud and abuse control program.
Sec. 102. Medicare benefit integrity system.
Sec. 103. Application of certain health anti-fraud and abuse sanctions to fraud and abuse against Federal health programs.
Sec. 104. Health care fraud and abuse provider guidance.
Sec. 105. Medicare/medicaid beneficiary protection program.
Sec. 106. Ensuring the integrity of the Federal Hospital Insurance Trust Fund.

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

Sec. 201. Mandatory exclusion from participation in medicare and State health care programs.
Sec. 202. Establishment of minimum period of exclusion for certain individuals and entities subject to permissive exclusion from medicare and State health care programs.
Sec. 203. Permissive exclusion of individuals with ownership or control interest in sanctioned entities.
Sec. 204. Sanctions against practitioners and persons for failure to comply with statutory obligations.
Sec. 205. Sanctions against providers for excessive fees or prices.
Sec. 206. Applicability of the Bankruptcy Code to program sanctions.
Sec. 207. Intermediate sanctions for medicare health maintenance organizations.
Sec. 208. Liability of medicare carriers and fiscal intermediaries and States for claims submitted by excluded providers.
Sec. 209. Effective date.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

Sec. 301. Establishment of the health care fraud and abuse data collection program.
Sec. 302. Inspector General access to additional practitioner data bank.
Sec. 303. Corporate whistleblower program.
Sec. 304. Home health billing, payment, and cost limit calculation to be based on site where service is furnished.
Sec. 305. Application of inherent reasonableness.
Sec. 306. Clarification of time and filing limitations.
Sec. 307. Clarification of liability of third party administrators.
Sec. 308. Clarification of payment amounts to medicare.
Sec. 309. Increased flexibility in contracting for medicare claims processing.

TITLE IV—CIVIL MONETARY PENALTIES

Sec. 401. Social Security Act civil monetary penalties.

TITLE V—AMENDMENTS TO CRIMINAL LAW

Sec. 501. Health care fraud.
Sec. 502. Forfeitures for Federal health care offenses.
Sec. 503. Injunctive relief relating to Federal health care offenses.
Sec. 504. Grand jury disclosure.
Sec. 505. False statements.
Sec. 506. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses.
Sec. 507. Theft or embezzlement.
Sec. 508. Laundering of monetary instruments.
Sec. 509. Authorized investigative demand procedures.

TITLE VI—STATE HEALTH CARE FRAUD CONTROL UNITS

Sec. 601. State health care fraud control units.

TITLE VII—MEDICARE/MEDICAID BILLING ABUSE PREVENTION

Sec. 701. Uniform medicare/medicaid application process.
Sec. 702. Standards for uniform claims.
Sec. 703. Unique provider identification code.
Sec. 704. Use of new procedures.
Sec. 705. Nondischargeability of certain medicare debts.

TITLE I—FRAUD AND ABUSE CONTROL PROGRAM

SEC. 101. FRAUD AND ABUSE CONTROL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1128B the following new section:

"FRAUD AND ABUSE CONTROL PROGRAM

"SEC. 1128C. (a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—Not later than January 1, 1997, the Secretary, acting through the Office of the Inspector General of the Department of Health and Human Services, and the Attorney General shall establish a program—

"(A) to coordinate Federal, State, and local law enforcement programs to control fraud and abuse with respect to health plans,

"(B) to conduct investigations, audits, evaluations, and inspections relating to the delivery of and payment for health care in the United States,

"(C) to facilitate the enforcement of the provisions of sections 1128, 1128A, and 1128B and other statutes applicable to health care fraud and abuse,

"(D) to provide for the modification and establishment of safe harbors and to issue advisory opinions and special fraud alerts pursuant to section 104 of the Medicare Antifraud Act of 1996, and

"(E) to provide for the reporting and disclosure of certain final adverse actions against health care providers, suppliers, or practitioners pursuant to the data collection system established under section 301 of such Act.

"(2) COORDINATION WITH HEALTH PLANS.—In carrying out the program established under paragraph (1), the Secretary and the Attorney General shall consult with, and arrange for the sharing of data with representatives of health plans.

"(3) GUIDELINES.—

"(A) IN GENERAL.—The Secretary and the Attorney General shall issue guidelines to carry out the program under paragraph (1). The provisions of sections 553, 556, and 557 of title 5, United States Code, shall not apply in the issuance of such guidelines.

"(B) INFORMATION GUIDELINES.—

"(i) IN GENERAL.—Guidelines issued under subparagraph (A) shall include guidelines relating to the furnishing of information by

health plans, providers, and others to enable the Secretary and the Attorney General to carry out the program (including coordination with health plans under paragraph (2)).

"(ii) CONFIDENTIALITY.—Guidelines issued under subparagraph (A) shall include procedures to assure that such information is provided and utilized in a manner that appropriately protects the confidentiality of the information and the privacy of individuals receiving health care services and items.

"(iii) QUALIFIED IMMUNITY FOR PROVIDING INFORMATION.—The provisions of section 1157(a) (relating to limitation on liability) shall apply to a person providing information to the Secretary or the Attorney General in conjunction with their performance of duties under this section.

"(4) ENSURING ACCESS TO DOCUMENTATION.—The Inspector General of the Department of Health and Human Services is authorized to exercise such authority described in paragraphs (3) through (9) of section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) as necessary with respect to the activities under the fraud and abuse control program established under this subsection.

"(5) AUTHORITY OF INSPECTOR GENERAL.—Nothing in this Act shall be construed to diminish the authority of any Inspector General, including such authority as is provided in the Inspector General Act of 1978 (5 U.S.C. App.).

"(b) ADDITIONAL USE OF FUNDS BY INSPECTOR GENERAL.—

"(1) REIMBURSEMENTS FOR INVESTIGATIONS.—The Inspector General of the Department of Health and Human Services is authorized to receive and retain for current use reimbursement for the costs of conducting investigations and audits and for monitoring compliance plans when such costs are ordered by a court, voluntarily agreed to by the payor, or otherwise.

"(2) CREDITING.—Funds received by the Inspector General under paragraph (1) as reimbursement for costs of conducting investigations shall be deposited to the credit of the appropriation from which initially paid, or to appropriations for similar purposes currently available at the time of deposit, and shall remain available for obligation for 1 year from the date of the deposit of such funds.

"(c) HEALTH PLAN DEFINED.—For purposes of this section, the term 'health plan' means a plan or program that provides health benefits, whether directly, through insurance, or otherwise, and includes—

"(1) a policy of health insurance;

"(2) a contract of a service benefit organization; and

"(3) a membership agreement with a health maintenance organization or other prepaid health plan.".

(b) ESTABLISHMENT OF HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT IN FEDERAL HOSPITAL INSURANCE TRUST FUND.—Section 1817 (42 U.S.C. 1395i) is amended by adding at the end the following new subsection:

"(k) HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—

"(1) ESTABLISHMENT.—There is hereby established in the Trust Fund an expenditure account to be known as the 'Health Care Fraud and Abuse Control Account' (in this subsection referred to as the 'Account').

"(2) APPROPRIATED AMOUNTS TO TRUST FUND.—

"(A) IN GENERAL.—There are hereby appropriated to the Trust Fund—

"(i) such gifts and bequests as may be made as provided in subparagraph (B);

"(ii) such amounts as may be deposited in the Trust Fund as provided in title XI; and

"(iii) such amounts as are transferred to the Trust Fund under subparagraph (C).

"(B) AUTHORIZATION TO ACCEPT GIFTS.—The Trust Fund is authorized to accept, on behalf of the United States, money gifts and bequests made unconditionally to the Trust Fund, for the benefit of the Account or any activity financed through the Account.

"(C) TRANSFER OF AMOUNTS.—The Managing Trustee shall transfer to the Trust Fund, under rules similar to the rules in section 9601 of the Internal Revenue Code of 1986, an amount equal to the sum of the following:

"(i) Criminal fines recovered in cases involving a Federal health care offense (as defined in section 982(a)(6)(B) of title 18, United States Code).

"(ii) Civil monetary penalties and assessments imposed in health care cases, including amounts recovered under titles XI, XVIII, and XIX, and chapter 38 of title 31, United States Code (except as otherwise provided by law).

"(iii) Amounts resulting from the forfeiture of property by reason of a Federal health care offense.

"(iv) Penalties and damages obtained and otherwise creditable to miscellaneous receipts of the general fund of the Treasury obtained under sections 3729 through 3733 of title 31, United States Code (known as the False Claims Act), in cases involving claims related to the provision of health care items and services (other than funds awarded to a relator, for restitution or otherwise authorized by law).

"(3) APPROPRIATED AMOUNTS TO ACCOUNT FOR FRAUD AND ABUSE CONTROL PROGRAM, ETC.—

"(A) DEPARTMENTS OF HEALTH AND HUMAN SERVICES AND JUSTICE.—

"(i) IN GENERAL.—There are hereby appropriated to the Account from the Trust Fund such sums as the Secretary and the Attorney General certify are necessary to carry out the purposes described in subparagraph (C), to be available without further appropriation, in an amount not to exceed—

"(I) for fiscal year 1997, $104,000,000;

"(II) for each of the fiscal years 1998 through 2003, the limit for the preceding fiscal year, increased by 15 percent; and

"(III) for each fiscal year after fiscal year 2003, the limit for fiscal year 2003.

"(ii) MEDICARE AND MEDICAID ACTIVITIES.—For each fiscal year, of the amount appropriated in clause (i), the following amounts shall be available only for the purposes of the activities of the Office of the Inspector General of the Department of Health and Human Services with respect to the medicare and medicaid programs—

"(I) for fiscal year 1997, not less than $60,000,000 and not more than $70,000,000;

"(II) for fiscal year 1998, not less than $80,000,000 and not more than $90,000,000;

"(III) for fiscal year 1999, not less than $90,000,000 and not more than $100,000,000;

"(IV) for fiscal year 2000, not less than $110,000,000 and not more than $120,000,000;

"(V) for fiscal year 2001, not less than $120,000,000 and not more than $130,000,000;

"(VI) for fiscal year 2002, not less than $140,000,000 and not more than $150,000,000; and

"(VII) for each fiscal year after fiscal year 2002, not less than $150,000,000 and not more than $160,000,000.

"(B) FEDERAL BUREAU OF INVESTIGATION.—There are hereby appropriated from the general fund of the United States Treasury and hereby appropriated to the Account for transfer to the Federal Bureau of Investigation to carry out the purposes described in subparagraph (C), to be available without further appropriation—

"(i) for fiscal year 1997, $47,000,000;

"(ii) for fiscal year 1998, $56,000,000;

"(iii) for fiscal year 1999, $66,000,000;

"(iv) for fiscal year 2000, $76,000,000;

"(v) for fiscal year 2001, $88,000,000;

"(vi) for fiscal year 2002, $101,000,000; and

"(vii) for each fiscal year after fiscal year 2002, $114,000,000.

"(C) USE OF FUNDS.—The purposes described in this subparagraph are to cover the costs (including equipment, salaries, benefits, travel, and training) of the administration and operation of the health care fraud and abuse control program established under section 1128C(a), including the costs of—

"(i) prosecuting health care matters (through criminal, civil, and administrative proceedings);

"(ii) investigations;

"(iii) financial and performance audits of health care programs and operations;

"(iv) inspections and other evaluations; and

"(v) provider and consumer education regarding compliance with the provisions of title XI.

"(4) APPROPRIATED AMOUNTS TO ACCOUNT FOR MEDICARE BENEFIT INTEGRITY SYSTEM.—

"(A) IN GENERAL.—There are hereby appropriated to the Account from the Trust Fund for each fiscal year such amounts as are necessary to carry out the Medicare Benefit Integrity System under section 1889, subject to subparagraph (B), to be available without further appropriation.

"(B) AMOUNTS SPECIFIED.—The amount appropriated under subparagraph (A) for a fiscal year is as follows:

"(i) For fiscal year 1997, such amount shall be not less than $430,000,000 and not more than $440,000,000.

"(ii) For fiscal year 1998, such amount shall be not less than $490,000,000 and not more than $500,000,000.

"(iii) For fiscal year 1999, such amount shall be not less than $550,000,000 and not more than $560,000,000.

"(iv) For fiscal year 2000, such amount shall be not less than $620,000,000 and not more than $630,000,000.

"(v) For fiscal year 2001, such amount shall be not less than $670,000,000 and not more than $680,000,000.

"(vi) For fiscal year 2002, such amount shall be not less than $690,000,000 and not more than $700,000,000.

"(vii) For each fiscal year after fiscal year 2002, such amount shall be not less than $710,000,000 and not more than $720,000,000.

"(5) ANNUAL REPORT.—The Secretary and the Attorney General shall submit jointly an annual report to Congress on the amount of revenue which is generated and disbursed, and the justification for such disbursements, by the Account in each fiscal year.".

SEC. 102. MEDICARE BENEFIT INTEGRITY SYSTEM.

Part C of title XVIII (42 U.S.C. 1395 et seq.) is amended by inserting after section 1888 the following new section:

"MEDICARE BENEFIT INTEGRITY CONTRACTS

"SEC. 1889. (a) AUTHORITY TO CONTRACT.—

"(1) IN GENERAL.—In order to improve the effectiveness of benefit quality assurance activities relating to programs under this title, and to enhance the Secretary's capability of carrying out program safeguard functions and related education activities to avoid the improper expenditure of assets of the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust

Fund, the Secretary shall enter into contracts with organizations or other entities having demonstrated the capability to carry out one or more benefit quality assurance activities. The provisions of sections 1816 and 1842 shall be inapplicable to contracts under this section.

"(2) NUMBER OF CONTRACTS.—The Secretary shall determine the number of separate contracts which are necessary to achieve, with the maximum degree of efficiency and cost-effectiveness, the objectives of this section. The Secretary may enter into contracts under this section at such time or times as are appropriate so long as not later than the fiscal year beginning October 1, 1998, and for each fiscal year thereafter, there are in effect contracts that, considered collectively, provide for benefit quality assurance activities with respect to all payments under this title.

"(b) CONTRACT REQUIREMENTS.—A benefit quality assurance contract entered into under subsection (a) must provide for one or more benefit quality assurance program activities. Each such contract shall include an agreement by the contractor to cooperate with the Inspector General of the Department of Health and Human Services, and the Attorney General, and other law enforcement agencies, as appropriate, in the investigation and deterrence of fraud and abuse in relation to this title and in other cases arising out of the activities described in such section, and shall contain such other provisions as the Secretary finds necessary or appropriate to achieve the purposes of this part. The provisions of section 1153(e)(1) shall apply to contracts and contracting authority under this section, except that competitive procedures must be used when entering into new contracts under this section, or at any other time when it is in the best interests of the United States. A contract under this section may be renewed from term to term without regard to any provision of law requiring competition if the contractor has met or exceeded the performance requirements established in the current contract.

"(c) LIMITATIONS.—

"(1) IN GENERAL.—In carrying out this section, the Secretary may not enter into a contract with an organization or other entity if the Secretary determines that such organization's or entity's financial holdings, interests, or relationships would interfere with its ability to perform the functions to be required by the contract in an effective and impartial manner.

"(2) LIMITATION OF LIABILITY.—The Secretary shall by regulation provide for the limitation of a contractor's liability for actions taken to carry out a contract under this section, and such regulations shall, to the extent the Secretary finds appropriate, employ the same or comparable standards and other substantive and procedural provisions as are contained in section 1157.".

SEC. 103. APPLICATION OF CERTAIN HEALTH ANTIFRAUD AND ABUSE SANCTIONS TO FRAUD AND ABUSE AGAINST FEDERAL HEALTH PROGRAMS.

(a) CRIMES.—

(1) SOCIAL SECURITY ACT.—Section 1128B (42 U.S.C. 1320a–7b) is amended as follows:

(A) In the heading, by striking "MEDICARE OR STATE HEALTH CARE PROGRAMS" and inserting "FEDERAL HEALTH CARE PROGRAMS".

(B) In subsection (a)(1), by striking "a program under title XVIII or a State health care program (as defined in section 1128(h))" and inserting "a Federal health care program (as defined in subsection (f))".

(C) In subsection (a)(5), by striking "a program under title XVIII or a State health care program" and inserting "a Federal health care program (as defined in subsection (f))".

(D) In the second sentence of subsection (a)—

(i) by striking "a State plan approved under title XIX" and inserting "a Federal health care program (as defined in subsection (f))"; and

(ii) by striking "the State may at its option (notwithstanding any other provision of that title or of such plan)" and inserting "the administrator of such program may at its option (notwithstanding any other provision of such program)".

(E) In subsection (b)—

(i) by striking "and willfully" each place it appears;

(ii) by striking "$25,000" each place it appears and inserting "$50,000";

(iii) by striking "title XVIII or a State health care program" each place it appears and inserting "Federal health care program (as defined in subsection (f))";

(iv) in paragraph (1) in the matter preceding subparagraph (A), by striking "kind—" and inserting "kind with intent to be influenced—";

(v) in paragraph (1)(A), by striking "in return for referring" and inserting "to refer";

(vi) in paragraph (1)(B), by striking "in return for purchasing, leasing, ordering, or arranging for or recommending" and inserting "to purchase, lease, order, or arrange for or recommend";

(vii) in paragraph (2) in the matter preceding subparagraph (A), by striking "to induce such person" and inserting "with intent to influence such person";

(viii) by adding at the end of paragraphs (1) and (2) the following sentence: "A violation exists under this paragraph if one or more purposes of the remuneration is unlawful under this paragraph.";

(ix) by redesignating paragraph (3) as paragraph (4);

(x) in paragraph (4) (as redesignated) in the matter preceding subparagraph (A), by striking "Paragraphs (1) and (2)" and inserting "Paragraphs (1), (2), and (3)"; and

(xi) by inserting after paragraph (2) the following new paragraph:

"(3)(A) The Attorney General may bring an action in the district courts to impose upon any person who carries out any activity in violation of this subsection a civil penalty of not less than $25,000 and not more than $50,000 for each such violation, plus three times the total remuneration offered, paid, solicited, or received.

"(B) A violation exists under this paragraph if one or more purposes of the remuneration is unlawful, and the damages shall be the full amount of such remuneration.

"(C) Section 3731 of title 31, United States Code, and the Federal Rules of Civil Procedure shall apply to actions brought under this paragraph.

"(D) The provisions of this paragraph do not affect the availability of other criminal and civil remedies for such violations.".

(F) In subsection (c), by inserting "(as defined in section 1128(h))" after "a State health care program".

(G) By adding at the end the following new subsections:

"(f) For purposes of this section, the term 'Federal health care program' means—

"(1) any plan or program that provides health benefits, whether directly, through insurance, or otherwise, which is funded, in whole or in part, by the United States Government; or

"(2) any State health care program, as defined in section 1128(h).

"(g)(1) The Inspector General of the departments and agencies with a Federal health care program may conduct an investigation or audit relating to violations of this section and claims within the jurisdiction of other Federal departments or agencies if the following conditions are satisfied:

"(A) The investigation or audit involves primarily claims submitted to the Federal health care programs of the department or agency conducting the investigation or audit.

"(B) The Inspector General of the department or agency conducting the investigation or audit gives notice and an opportunity to participate in the investigation or audit to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

"(2) If the conditions specified in paragraph (1) are fulfilled, the Inspector General of the department or agency conducting the investigation or audit may exercise all powers granted under the Inspector General Act of 1978 (5 U.S.C. App.) with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.".

(2) IDENTIFICATION OF COMMUNITY SERVICE OPPORTUNITIES.—Section 1128B (42 U.S.C. 1320a–7b), as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(h) The Secretary may—

"(1) in consultation with State and local health care officials, identify opportunities for the satisfaction of community service obligations that a court may impose upon the conviction of an offense under this section; and

"(2) make information concerning such opportunities available to Federal and State law enforcement officers and State and local health care officials.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997.

SEC. 104. HEALTH CARE FRAUD AND ABUSE PROVIDER GUIDANCE.

(a) SOLICITATION AND PUBLICATION OF MODIFICATIONS TO EXISTING SAFE HARBORS AND NEW SAFE HARBORS.—

(1) IN GENERAL.—

(A) SOLICITATION OF PROPOSALS FOR SAFE HARBORS.—Not later than January 1, 1997, and not less than annually thereafter, the Secretary shall publish a notice in the Federal Register soliciting proposals, which will be accepted during a 60-day period, for—

(i) modifications to existing safe harbors issued pursuant to section 14(a) of the Medicare Patient and Program Protection Act of 1987 (42 U.S.C. 1320a–7b note);

(ii) additional safe harbors specifying payment practices that shall not be treated as a criminal offense under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) and shall not serve as the basis for an exclusion under section 1128(b)(7) of such Act (42 U.S.C. 1320a–7(b)(7));

(iii) interpretive rulings to be issued pursuant to subsection (b); and

(iv) special fraud alerts to be issued pursuant to subsection (c).

(B) PUBLICATION OF PROPOSED MODIFICATIONS AND PROPOSED ADDITIONAL SAFE HARBORS.—After considering the proposals described in clauses (i) and (ii) of subparagraph (A), the Secretary, in consultation with the Attorney General, shall publish in the Federal Register proposed modifications to existing safe harbors and proposed additional

safe harbors, if appropriate, with a 60-day comment period. After considering any public comments received during this period, the Secretary shall issue final rules modifying the existing safe harbors and establishing new safe harbors, as appropriate.

(C) REPORT.—The Inspector General of the Department of Health and Human Services (in this section referred to as the "Inspector General") shall, in an annual report to Congress or as part of the year-end semiannual report required by section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), describe the proposals received under clauses (i) and (ii) of subparagraph (A) and explain which proposals were included in the publication described in subparagraph (B), which proposals were not included in that publication, and the reasons for the rejection of the proposals that were not included.

(2) CRITERIA FOR MODIFYING AND ESTABLISHING SAFE HARBORS.—In modifying and establishing safe harbors under paragraph (1)(B), the Secretary may consider the extent to which providing a safe harbor for the specified payment practice may result in any of the following:

(A) An increase or decrease in access to health care services.

(B) An increase or decrease in the quality of health care services.

(C) An increase or decrease in patient freedom of choice among health care providers.

(D) An increase or decrease in competition among health care providers.

(E) An increase or decrease in the ability of health care facilities to provide services in medically underserved areas or to medically underserved populations.

(F) An increase or decrease in the cost to Federal health care programs (as defined in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a-7b(f)).

(G) An increase or decrease in the potential overutilization of health care services.

(H) The existence or nonexistence of any potential financial benefit to a health care professional or provider which may vary based on their decisions of—

(i) whether to order a health care item or service; or

(ii) whether to arrange for a referral of health care items or services to a particular practitioner or provider.

(I) Any other factors the Secretary deems appropriate in the interest of preventing fraud and abuse in Federal health care programs (as so defined).

(b) INTERPRETIVE RULINGS.—

(1) IN GENERAL.—

(A) REQUEST FOR INTERPRETIVE RULING.—Any person may present, at any time, a request to the Inspector General for a statement of the Inspector General's current interpretation of the meaning of a specific aspect of the application of sections 1128A and 1128B of the Social Security Act (42 U.S.C. 1320a-7a and 1320a-7b) (in this section referred to as an "interpretive ruling").

(B) ISSUANCE AND EFFECT OF INTERPRETIVE RULING.—

(i) IN GENERAL.—If appropriate, the Inspector General shall in consultation with the Attorney General, issue an interpretive ruling not later than 120 days after receiving a request described in subparagraph (A). Interpretive rulings shall not have the force of law and shall be treated as an interpretive rule within the meaning of section 553(b) of title 5, United States Code. All interpretive rulings issued pursuant to this clause shall be published in the Federal Register or otherwise made available for public inspection.

(ii) REASONS FOR DENIAL.—If the Inspector General does not issue an interpretive ruling in response to a request described in subparagraph (A), the Inspector General shall notify the requesting party of such decision not later than 120 days after receiving such a request and shall identify the reasons for such decision.

(2) CRITERIA FOR INTERPRETIVE RULINGS.—

(A) IN GENERAL.—In determining whether to issue an interpretive ruling under paragraph (1)(B), the Inspector General may consider—

(i) whether and to what extent the request identifies an ambiguity within the language of the statute, the existing safe harbors, or previous interpretive rulings; and

(ii) whether the subject of the requested interpretive ruling can be adequately addressed by interpretation of the language of the statute, the existing safe harbor rules, or previous interpretive rulings, or whether the request would require a substantive ruling (as defined in section 552 of title 5, United States Code) not authorized under this subsection.

(B) NO RULINGS ON FACTUAL ISSUES.—The Inspector General shall not give an interpretive ruling on any factual issue, including the intent of the parties or the fair market value of particular leased space or equipment.

(c) SPECIAL FRAUD ALERTS.—

(1) IN GENERAL.—

(A) REQUEST FOR SPECIAL FRAUD ALERTS.—Any person may present, at any time, a request to the Inspector General for a notice which informs the public of practices which the Inspector General considers to be suspect or of particular concern under section 1128B(b) of the Social Security Act (42 U.S.C. 1320a-7b(b)) (in this subsection referred to as a "special fraud alert").

(B) ISSUANCE AND PUBLICATION OF SPECIAL FRAUD ALERTS.—Upon receipt of a request described in subparagraph (A), the Inspector General shall investigate the subject matter of the request to determine whether a special fraud alert should be issued. If appropriate, the Inspector General shall issue a special fraud alert in response to the request. All special fraud alerts issued pursuant to this subparagraph shall be published in the Federal Register.

(2) CRITERIA FOR SPECIAL FRAUD ALERTS.—In determining whether to issue a special fraud alert upon a request described in paragraph (1), the Inspector General may consider—

(A) whether and to what extent the practices that would be identified in the special fraud alert may result in any of the consequences described in subsection (a)(2); and

(B) the volume and frequency of the conduct that would be identified in the special fraud alert.

SEC. 105. MEDICARE/MEDICAID BENEFICIARY PROTECTION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Not later than January 1, 1997, the Secretary (through the Administrator of the Health Care Financing Administration and the Inspector General of the Department of Health and Human Services) shall establish the Medicare/Medicaid Beneficiary Protection Program. Under such program the Secretary shall—

(1) educate medicare and medicaid beneficiaries regarding—

(A) medicare and medicaid program coverage;

(B) fraudulent and abusive practices;

(C) medically unnecessary health care items and services; and

(D) substandard health care items and services;

(2) identify and publicize fraudulent and abusive practices with respect to the delivery of health care items and services; and

(3) establish a procedure for the reporting of fraudulent and abusive health care providers, practitioners, claims, items, and services to appropriate law enforcement and payer agencies.

(b) RECOGNITION AND PUBLICATION OF CONTRIBUTIONS.—The program established by the Secretary under this section shall recognize and publicize significant contributions made by individual health care patients toward the combating of health care fraud and abuse.

(c) DISSEMINATION OF INFORMATION.—The Secretary shall provide for the broad dissemination of information regarding the Medicare/Medicaid Beneficiary Protection Program.

SEC. 106. ENSURING THE INTEGRITY OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

(a) DETERMINATION.—Prior to the end of each fiscal year, the Secretary of Health and Human Services (in this section referred to as the "Secretary") and the Attorney General shall jointly determine—

(1) the portion of the costs charged during such fiscal year to any account established within the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program; and

(2) the amount of funds deposited into such account of such trust fund during such fiscal year that were attributable to enforcement activities that were intended to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program.

(b) CERTIFICATION.—If the portion determined under paragraph (1) of subsection (a) exceeds the amount determined under paragraph (2) of such subsection, the Secretary and the Attorney General shall certify to the Secretary of the Treasury the amount, which shall be equal to the amount of such excess, which should be transferred from the General Fund of the Treasury to such trust fund, in order to ensure that such trust fund is fully reimbursed for any expenditures made from the account described in subsection (a) that are not related to the administration of the medicare program under title XVIII of the Social Security Act.

(c) TRANSFER OF FUNDS.—The Secretary of the Treasury shall transfer to such trust fund from the General Fund of the Treasury, out of any funds in the General Fund that are not otherwise appropriated, an amount equal to the amount certified under subsection (b).

TITLE II—REVISIONS TO CURRENT SANCTIONS FOR FRAUD AND ABUSE

SEC. 201. MANDATORY EXCLUSION FROM PARTICIPATION IN MEDICARE AND STATE HEALTH CARE PROGRAMS.

(a) INDIVIDUAL CONVICTED OF FELONY RELATING TO HEALTH CARE FRAUD.—

(1) IN GENERAL.—Section 1128(a) (42 U.S.C. 1320a-7(a)) is amended by adding at the end the following new paragraph:

"(3) FELONY CONVICTION RELATING TO HEALTH CARE FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Medicare Antifraud Act of 1996, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program (other than those specifically described in paragraph (1)) operated by or financed in whole

or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of section 1128(b) (42 U.S.C. 1320a-7(b)) is amended to read as follows:

"(1) CONVICTION RELATING TO FRAUD.—Any individual or entity that has been convicted after the date of the enactment of the Medicare Antifraud Act of 1996, under Federal or State law—

"(A) of a criminal offense consisting of a misdemeanor relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct—

"(i) in connection with the delivery of a health care item or service, or

"(ii) with respect to any act or omission in a health care program (other than those specifically described in subsection (a)(1)) operated by or financed in whole or in part by any Federal, State, or local government agency; or

"(B) of a criminal offense relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct with respect to any act or omission in a program (other than a health care program) operated by or financed in whole or in part by any Federal, State, or local government agency.".

(b) INDIVIDUAL CONVICTED OF FELONY RELATING TO CONTROLLED SUBSTANCE.—

(1) IN GENERAL.—Section 1128(a) (42 U.S.C. 1320a-7(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

"(4) FELONY CONVICTION RELATING TO CONTROLLED SUBSTANCE.—Any individual or entity that has been convicted after the date of the enactment of the Medicare Antifraud Act of 1996, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.".

(2) CONFORMING AMENDMENT.—Section 1128(b)(3) (42 U.S.C. 1320a-7(b)(3)) is amended—

(A) in the heading, by striking "CONVICTION" and inserting "MISDEMEANOR CONVICTION"; and

(B) by striking "criminal offense" and inserting "criminal offense consisting of a misdemeanor".

SEC. 202. ESTABLISHMENT OF MINIMUM PERIOD OF EXCLUSION FOR CERTAIN INDIVIDUALS AND ENTITIES SUBJECT TO PERMISSIVE EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS.

Section 1128(c)(3) (42 U.S.C. 1320a-7(c)(3)) is amended by adding at the end the following new subparagraphs:

"(D) In the case of an exclusion of an individual or entity under paragraph (1), (2), or (3) of subsection (b), the period of the exclusion shall be 3 years, unless the Secretary determines in accordance with published regulations that a shorter period is appropriate because of mitigating circumstances or that a longer period is appropriate because of aggravating circumstances.

"(E) In the case of an exclusion of an individual or entity under paragraph (4) or (5) of subsection (b), the period of the exclusion shall not be less than the period during which the individual's or entity's license to provide health care is revoked, suspended, or surrendered, or the individual or the entity is excluded or suspended from a Federal or State health care program.

"(F) In the case of an exclusion of an individual or entity under subsection (b)(6)(B), the period of the exclusion shall be not less than 1 year.".

SEC. 203. PERMISSIVE EXCLUSION OF INDIVIDUALS WITH OWNERSHIP OR CONTROL INTEREST IN SANCTIONED ENTITIES.

Section 1128(b) (42 U.S.C. 1320a-7(b)) is amended by adding at the end the following new paragraph:

"(15) INDIVIDUALS CONTROLLING A SANCTIONED ENTITY.—Any individual who has a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity—

"(A) that has been convicted of any offense described in subsection (a) or in paragraph (1), (2), or (3) of this subsection; or

"(B) that has been excluded from participation under a program under title XVIII or under a State health care program (as defined in subsection (h)).".

SEC. 204. SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.

(a) MINIMUM PERIOD OF EXCLUSION FOR PRACTITIONERS AND PERSONS FAILING TO MEET STATUTORY OBLIGATIONS.—

(1) IN GENERAL.—The second sentence of section 1156(b)(1) (42 U.S.C. 1320c-5(b)(1)) is amended by striking "may prescribe)" and inserting "may prescribe, except that such period may not be less than 1 year)".

(2) CONFORMING AMENDMENT.—Section 1156(b)(2) (42 U.S.C. 1320c-5(b)(2)) is amended by striking "shall remain" and inserting "shall (subject to the minimum period specified in the second sentence of paragraph (1)) remain".

(b) REPEAL OF "UNWILLING OR UNABLE" CONDITION FOR IMPOSITION OF SANCTION.—Section 1156(b)(1) (42 U.S.C. 1320c-5(b)(1)) is amended—

(1) in the second sentence, by striking "and determines" and all that follows through "such obligations,"; and

(2) by striking the third sentence.

SEC. 205. SANCTIONS AGAINST PROVIDERS FOR EXCESSIVE FEES OR PRICES.

Section 1128(b)(6)(A) (42 U.S.C. 1320a-7(b)(6)(A)) is amended—

(1) by inserting "(as specified by the Secretary in regulations)" after "substantially in excess of such individual's or entity's usual charges"; and

(2) by striking "(or, in applicable cases, substantially in excess of such individual's or entity's costs)" and inserting ", costs or fees".

SEC. 206. APPLICABILITY OF THE BANKRUPTCY CODE TO PROGRAM SANCTIONS.

(a) EXCLUSION OF INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN FEDERAL HEALTH CARE PROGRAMS.—Section 1128 (42 U.S.C. 1320a-7) is amended by adding at the end the following new subsection:

"(j) APPLICABILITY OF BANKRUPTCY PROVISIONS.—An exclusion imposed under this section is not subject to the automatic stay imposed under section 362 of title 11, United States Code.".

(b) CIVIL MONETARY PENALTIES.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)) is amended by adding at the end the following sentence: "An exclusion imposed under this subsection is not subject to the automatic stay imposed under section 362 of title 11, United States Code, and any penalties and assessments imposed under this section shall be nondischargeable under the provisions of such title.".

(c) OFFSET OF PAYMENTS TO INDIVIDUALS.—Section 1892(a)(4) (42 U.S.C. 1395ccc(a)(4)) is amended by adding at the end the following sentence: "An exclusion imposed under paragraph (2)(C)(ii) or paragraph (3)(B) is not subject to the automatic stay imposed under section 362 of title 11, United States Code.".

SEC. 207. INTERMEDIATE SANCTIONS FOR MEDICARE HEALTH MAINTENANCE ORGANIZATIONS.

(a) APPLICATION OF INTERMEDIATE SANCTIONS FOR PROGRAM VIOLATIONS.—

(1) IN GENERAL.—Section 1876(i)(1) (42 U.S.C. 1395mm(i)(1)) is amended by striking "the Secretary may terminate" and all that follows and inserting "in accordance with procedures established under paragraph (9), the Secretary may at any time terminate any such contract or may impose the intermediate sanctions described in paragraph (6)(B) or (6)(C) (whichever is applicable) on the eligible organization if the Secretary determines that the organization—

"(A) has failed substantially to carry out the contract;

"(B) is carrying out the contract in a manner substantially inconsistent with the efficient and effective administration of this section; or

"(C) no longer substantially meets the applicable conditions of subsections (b), (c), (e), and (f).".

(2) OTHER INTERMEDIATE SANCTIONS FOR MISCELLANEOUS PROGRAM VIOLATIONS.—Section 1876(i)(6) (42 U.S.C. 1395mm(i)(6)) is amended by adding at the end the following new subparagraph:

"(C) In the case of an eligible organization for which the Secretary makes a determination under paragraph (1), the basis of which is not described in subparagraph (A), the Secretary may apply the following intermediate sanctions:

"(i) Civil money penalties of not more than $25,000 for each determination under paragraph (1) if the deficiency that is the basis of the determination has directly adversely affected (or has the substantial likelihood of adversely affecting) an individual covered under the organization's contract.

"(ii) Civil money penalties of not more than $10,000 for each week beginning after the initiation of procedures by the Secretary under paragraph (9) during which the deficiency that is the basis of a determination under paragraph (1) exists.

"(iii) Suspension of enrollment of individuals under this section after the date the Secretary notifies the organization of a determination under paragraph (1) and until the Secretary is satisfied that the deficiency that is the basis for the determination has been corrected and is not likely to recur.".

(3) PROCEDURES FOR IMPOSING SANCTIONS.—Section 1876(i) (42 U.S.C. 1395mm(i)) is amended by adding at the end the following new paragraph:

"(9) The Secretary may terminate a contract with an eligible organization under this section or may impose the intermediate sanctions described in paragraph (6) on the organization in accordance with formal investigation and compliance procedures established by the Secretary under which—

"(A) the Secretary first provides the organization with the reasonable opportunity to develop and implement a corrective action plan to correct the deficiencies that were the basis of the Secretary's determination under paragraph (1) and the organization fails to develop or implement such a plan;

"(B) in deciding whether to impose sanctions, the Secretary considers aggravating factors such as whether an entity has a history of deficiencies or has not taken action

to correct deficiencies the Secretary has brought to their attention;

"(C) there are no unreasonable or unnecessary delays between the finding of a deficiency and the imposition of sanctions; and

"(D) the Secretary provides the organization with reasonable notice and opportunity for hearing (including the right to appeal an initial decision) before imposing any sanction or terminating the contract.".

(4) CONFORMING AMENDMENTS.—Section 1876(i)(6)(B) (42 U.S.C. 1395mm(i)(6)(B)) is amended by striking the second sentence.

(b) AGREEMENTS WITH PEER REVIEW ORGANIZATIONS.—

(1) REQUIREMENT FOR WRITTEN AGREEMENT.—Section 1876(i)(7)(A) (42 U.S.C. 1395mm(i)(7)(A)) is amended by striking "an agreement" and inserting "a written agreement".

(2) DEVELOPMENT OF MODEL AGREEMENT.—Not later than July 1, 1997, the Secretary shall develop a model of the agreement that an eligible organization with a risk-sharing contract under section 1876 of the Social Security Act (42 U.S.C. 1395mm) must enter into with an entity providing peer review services with respect to services provided by the organization under section 1876(i)(7)(A) of such Act (42 U.S.C. 1395mm(i)(7)(A)).

(3) REPORT BY GAO.—

(A) STUDY.—The Comptroller General of the United States shall conduct a study of the costs incurred by eligible organizations with risk-sharing contracts under section 1876 of such Act (42 U.S.C. 1395mm(b)) of complying with the requirement of entering into a written agreement with an entity providing peer review services with respect to services provided by the organization, together with an analysis of how information generated by such entities is used by the Secretary to assess the quality of services provided by such eligible organizations.

(B) REPORT TO CONGRESS.—Not later than July 1, 1998, the Comptroller General shall submit a report to the Committee on Ways and Means and the Committee on Commerce of the House of Representatives and the Committee on Finance and the Special Committee on Aging of the Senate on the study conducted under subparagraph (A).

SEC. 208. LIABILITY OF MEDICARE CARRIERS AND FISCAL INTERMEDIARIES AND STATES FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.

(a) REIMBURSEMENT TO THE SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—

(1) REQUIREMENTS FOR FISCAL INTERMEDIARIES.—

(A) IN GENERAL.—Section 1816 (42 U.S.C. 1395h), is amended by adding at the end the following new subsection:

"(*l*) An agreement with an agency or organization under this section shall require that such agency or organization reimburse the Secretary for any amounts paid for a service under this title which is furnished, directed, or prescribed by an individual or entity during any period for which the individual or entity is excluded pursuant to section 1128, 1128A, or 1156, from participation in the program under this title, if the amounts are paid after the Secretary notifies the agency or organization of the exclusion.".

(B) CONFORMING AMENDMENT.—Section 1816(i) (42 U.S.C. 1395h(i)) is amended by adding at the end the following new paragraph:

"(4) Nothing in this subsection shall be construed to prohibit reimbursement by an agency or organization under subsection (*l*).".

(2) REQUIREMENTS FOR CARRIERS.—Section 1842(b)(3) (42 U.S.C. 1395u(b)(3)) is amended—

(A) by striking "and" at the end of subparagraph (I); and

(B) by inserting after subparagraph (I) the following new subparagraph:

"(J) will reimburse the Secretary for any amounts paid for an item or service under this part which is furnished, directed, or prescribed by an individual or entity during any period for which the individual or entity is excluded pursuant to section 1128, 1128A, or 1156 from participation in the program under this title, if the amounts are paid after the Secretary notifies the carrier of the exclusion; and".

(3) REQUIREMENTS FOR STATES.—Section 1902(a)(39) (42 U.S.C. 1396a(a)(39)) is amended by striking the semicolon at the end and inserting ", and provide further for reimbursement to the Secretary of any payments made under the plan for any item or service furnished, directed, or prescribed by the excluded individual or entity during such period, after the Secretary notifies the State of such exclusion;".

(b) CONFORMING REPEAL OF MANDATORY PAYMENT RULE.—Section 1862(e)(2) (42 U.S.C. 1395y(e)(2)) is amended to read as follows:

"(2) No individual or entity may bill (or collect any amount from) any individual for any item or service for which payment is denied under paragraph (1). No person is liable for payment of any amounts billed for such an item or service in violation of the previous sentence.".

SEC. 209. EFFECTIVE DATE.

The amendments made by this title shall take effect January 1, 1997.

TITLE III—ADMINISTRATIVE AND MISCELLANEOUS PROVISIONS

SEC. 301. ESTABLISHMENT OF THE HEALTH CARE FRAUD AND ABUSE DATA COLLECTION PROGRAM.

(a) GENERAL PURPOSE.—Not later than January 1, 1997, the Secretary shall establish a national health care fraud and abuse data collection program for the reporting of final adverse actions (not including settlements in which no findings of liability have been made) against health care providers, suppliers, or practitioners as required by subsection (b), with access as set forth in subsection (c), and shall maintain a database of the information collected under this section.

(b) REPORTING OF INFORMATION.—

(1) IN GENERAL.—Each Government agency and health plan shall report any final adverse action (not including settlements in which no findings of liability have been made) taken against a health care provider, supplier, or practitioner.

(2) INFORMATION TO BE REPORTED.—The information to be reported under paragraph (1) includes the following:

(A) The name and TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) of any health care provider, supplier, or practitioner who is the subject of a final adverse action.

(B) The name (if known) of any health care entity with which a health care provider, supplier, or practitioner, who is the subject of a final adverse action, is affiliated or associated.

(C) The nature of the final adverse action and whether such action is on appeal.

(D) A description of the acts or omissions and injuries upon which the final adverse action was based, and such other information as the Secretary determines by regulation is required for appropriate interpretation of information reported under this section.

(3) CONFIDENTIALITY.—In determining what information is required, the Secretary shall include procedures to assure that the privacy of individuals receiving health care services is appropriately protected.

(4) TIMING AND FORM OF REPORTING.—The information required to be reported under this subsection shall be reported regularly (but not less often than monthly) and in such form and manner as the Secretary of Health and Human Services (in this section referred to as the "Secretary") prescribes. Such information shall first be required to be reported on a date specified by the Secretary.

(5) TO WHOM REPORTED.—The information required to be reported under this subsection shall be reported to the Secretary.

(c) DISCLOSURE AND CORRECTION OF INFORMATION.—

(1) DISCLOSURE.—With respect to the information about final adverse actions (not including settlements in which no findings of liability have been made) reported to the Secretary under this section with respect to a health care provider, supplier, or practitioner, the Secretary shall, by regulation, provide for—

(A) disclosure of the information, upon request, to the health care provider, supplier, or licensed practitioner, and

(B) procedures in the case of disputed accuracy of the information.

(2) CORRECTIONS.—Each Government agency and health plan shall report corrections of information already reported about any final adverse action taken against a health care provider, supplier, or practitioner, in such form and manner that the Secretary prescribes by regulation.

(d) ACCESS TO REPORTED INFORMATION.—

(1) AVAILABILITY.—The information in the database maintained under this section shall be available to Federal and State government agencies, health plans, and the public pursuant to procedures that the Secretary shall provide by regulation.

(2) FEES FOR DISCLOSURE.—The Secretary may establish or approve reasonable fees for the disclosure of information in such database (other than with respect to requests by Federal agencies). The amount of such a fee may be sufficient to recover the full costs of carrying out the provisions of this section, including reporting, disclosure, and administration. Such fees shall be available to the Secretary or, in the Secretary's discretion to the agency designated under this section to cover such costs.

(e) PROTECTION FROM LIABILITY FOR REPORTING.—No person or entity shall be held liable in any civil action with respect to any report made as required by this section, without knowledge of the falsity of the information contained in the report.

(f) DEFINITIONS AND SPECIAL RULES.—For purposes of this section:

(1) FINAL ADVERSE ACTION.—

(A) IN GENERAL.—The term "final adverse action" includes the following:

(i) Civil judgments against a health care provider or practitioner in Federal or State court related to the delivery of a health care item or service.

(ii) Federal or State criminal convictions related to the delivery of a health care item or service.

(iii) Actions by Federal or State agencies responsible for the licensing and certification of health care providers, suppliers, and licensed health care practitioners, including—

(I) formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation,

(II) any other loss of license, or the right to apply for or renew a license of the provider, supplier, or practitioner, whether by

operation of law, voluntary surrender, nonrenewability, or otherwise, or

(III) any other negative action or finding by such Federal or State agency that is publicly available information.

(iv) Exclusion from participation in Federal or State health care programs (as defined in section 1128B(f) and 1128(h), respectively).

(v) Any other adjudicated actions or decisions that the Secretary shall establish by regulation.

(B) EXCLUSION.—The term does not include any action with respect to a malpractice claim.

(C) SPECIAL RULE.—For purposes of this paragraph, the existence of a conviction shall be determined under section 1128(i) of the Social Security Act (42 U.S.C. 1320a-7(i)).

(2) LICENSED HEALTH CARE PRACTITIONER.—The terms "licensed health care practitioner", "licensed practitioner", and "practitioner" mean, with respect to a State, an individual who is licensed or otherwise authorized by the State to provide health care services (or any individual who, without authority holds himself or herself out to be so licensed or authorized).

(3) HEALTH CARE PROVIDER.—The term "health care provider" means a provider of services as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)), and any person or entity, including a health maintenance organization, group medical practice, or any other entity listed by the Secretary in regulation, that provides health care services.

(4) SUPPLIER.—The term "supplier" means a supplier of health care items and services described in subsections (a) and (b) of section 1819, and section 1861 of the Social Security Act (42 U.S.C. 1395i-3 (a) and (b), and 1395x).

(5) GOVERNMENT AGENCY.—The term "Government agency" shall include the following:

(A) The Department of Justice.

(B) The Department of Health and Human Services.

(C) Any other Federal agency that either administers or provides payment for the delivery of health care services, including, but not limited to the Department of Defense and the Veterans' Administration.

(D) State law enforcement agencies.

(E) State medicaid fraud and abuse units.

(F) Federal or State agencies responsible for the licensing and certification of health care providers and licensed health care practitioners.

(6) HEALTH PLAN.—The term "health plan" has the meaning given such term by section 1128C(c) of the Social Security Act, as added by section 101(a) of this Act.

(g) CONFORMING AMENDMENT.—Section 1921(d) (42 U.S.C. 1396r-2(d)) is amended by inserting "and section 301 of the Medicare Antifraud Act of 1996" after "section 422 of the Health Care Quality Improvement Act of 1986".

SEC. 302. INSPECTOR GENERAL ACCESS TO NATIONAL PRACTITIONER DATA BANK.

Section 427 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137) is amended—

(1) in subsection (a), by adding at the end the following sentence: "Information reported under this part shall also be made available, upon request, to the Inspector General of the Departments of Health and Human Services, Defense, and Labor, the Office of Personnel Management, and the Railroad Retirement Board."; and

(2) by amending subsection (b)(4) to read as follows:

"(4) FEES.—The Secretary may impose fees for the disclosure of information under this part sufficient to recover the full costs of carrying out the provisions of this part, including reporting, disclosure, and administration, except that a fee may not be imposed for requests made by the Inspector General of the Department of Health and Human Services. Such fees shall remain available to the Secretary (or, in the Secretary's discretion, to the agency designated in section 424(b)) until expended.".

SEC. 303. CORPORATE WHISTLEBLOWER PROGRAM.

Title XI (42 U.S.C. 1301 et seq.), as amended by section 101(a), is amended by inserting after section 1128C the following new section:

"CORPORATE WHISTLEBLOWER PROGRAM

"SEC. 1128D. (a) ESTABLISHMENT OF PROGRAM.—The Secretary, through the Inspector General of the Department of Health and Human Services, shall establish a procedure whereby corporations, partnerships, and other legal entities specified by the Secretary, may voluntarily disclose instances of unlawful conduct and seek to resolve liability for such conduct through means specified by the Secretary.

"(b) LIMITATION.—No person may bring an action under section 3730(b) of title 31, United States Code, if, on the date of filing—

"(1) the matter set forth in the complaint has been voluntarily disclosed to the United States by the proposed defendant and the defendant has been accepted into the voluntary disclosure program established pursuant to subsection (a); and

"(2) any new information provided in the complaint under such section does not add substantial grounds for additional recovery beyond those encompassed within the scope of the voluntary disclosure.".

SEC. 304. HOME HEALTH BILLING, PAYMENT, AND COST LIMIT CALCULATION TO BE BASED ON SITE WHERE SERVICE IS FURNISHED.

(a) CONDITIONS OF PARTICIPATION.—Section 1891 (42 U.S.C. 1395bbb) is amended by adding at the end the following new subsection:

"(g) A home health agency shall submit claims for payment of home health services under this title only on the basis of the geographic location at which the service is furnished, as determined by the Secretary.".

(b) WAGE ADJUSTMENT.—Section 1861(v)(1)(L)(iii) (42 U.S.C. 1395x(v)(1)(L)(iii)) is amended by striking "agency is located" and inserting "service is furnished".

SEC. 305. APPLICATION OF INHERENT REASONABLENESS.

(a) IN GENERAL.—Section 1834(a)(10)(B) (42 U.S.C. 1395m(a)(10)(B)) is amended—

(1) in the first sentence, by striking "apply the provisions" and all that follows through the period and inserting "describe by regulation the factors to be used in determining the cases (or particular items) in which the application of this subsection results in the determination of an amount that, by reason of its being grossly excessive or grossly deficient, is not inherently reasonable, and to provide in such cases for the factors that will be considered in establishing an amount that is realistic and equitable."; and

(2) in the second sentence, by striking "applying such provisions" and inserting "applying the previous provisions of this subsection".

(b) CONFORMING AMENDMENT.—Section 1834(i) (42 U.S.C. 1395m(i)) is amended by adding at the end the following new paragraph:

"(3) ADJUSTMENT FOR INHERENT REASONABLENESS.—The provisions of subsection (a)(10)(B) shall apply to payment for surgical dressings under this subsection.".

SEC. 306. CLARIFICATION OF TIME AND FILING LIMITATIONS.

(a) IN GENERAL.—Section 1862(b)(2)(B) (42 U.S.C. 1395y(b)(2)(B)) is amended by adding at the end the following new clause:

"(v) TIME, FILING, AND RELATED PROVISIONS UNDER PRIMARY PLAN.—Requirements under a primary plan as to the filing of a claim, time limitations for the filing of a claim, information not maintained by the Secretary, or notification or pre-admission review, shall not apply to a claim by the United States under clause (ii) or (iii).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to items and services furnished after 1990.

SEC. 307. CLARIFICATION OF LIABILITY OF THIRD PARTY ADMINISTRATORS.

(a) IN GENERAL.—Section 1862(b)(2)(B)(ii) (42 U.S.C. 1395y(b)(2)(B)(ii)) is amended by inserting ", or which determines claims under the primary plan" after "primary plan".

(b) CLAIMS BETWEEN PARTIES OTHER THAN THE UNITED STATES.—Section 1862(b)(2)(B) (42 U.S.C. 1395y(b)(2)(B)), as amended by section 306(a) of this Act, is amended by adding at the end the following new clause:

"(vi) CLAIMS BETWEEN PARTIES OTHER THAN THE UNITED STATES.—A claim by the United States under clause (ii) or (iii) shall not preclude claims between other parties.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished after 1990.

SEC. 308. CLARIFICATION OF PAYMENT AMOUNTS TO MEDICARE.

(a) IN GENERAL.—Section 1862(b)(2)(B)(i) (42 U.S.C. 1395y(b)(2)(B)(i)) is amended to read as follows:

"(i) REPAYMENT REQUIRED.—

"(I) IN GENERAL.—Any payment under this title, with respect to any item or service for which payment by a primary plan is required under the preceding provisions of this subsection, shall be conditioned on reimbursement to the appropriate Trust Fund established by this title when notice or other information is received that payment for that item or service has been or should have been made under those provisions. If reimbursement is not made to the appropriate Trust Fund before the expiration of the 60-day period that begins on the date such notice or other information is received, the Secretary may charge interest (beginning with the date on which the notice or other information is received) on the amount of the reimbursement until reimbursement is made (at a rate determined by the Secretary in accordance with regulations of the Secretary of the Treasury applicable to charges for late payments).

"(II) DETERMINATION OF AMOUNT OWED.—The amount owed by a primary plan under the first sentence of subclause (I) is the lesser of the full primary payment required (if that amount is readily determinable) and the amount paid under this title for that item or service.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) Subparagraphs (A)(i)(I) and (B)(i) of section 1862(b)(1) (42 U.S.C. 1395y(b)(1)) are each amended by inserting "(or eligible to be covered)" after "covered".

(2) Section 1862(b)(1)(C)(ii) (42 U.S.C. 1395y(b)(1)(C)(ii)) is amended by striking "covered by such plan".

(3) The matter in section 1862(b)(2)(A) (42 U.S.C. 1395y(b)(2)(A)) preceding clause (i) is amended by striking ", except as provided in subparagraph (B),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished after 1990.

SEC. 309. INCREASED FLEXIBILITY IN CONTRACTING FOR MEDICARE CLAIMS PROCESSING.

(a) CARRIERS TO INCLUDE ENTITIES THAT ARE NOT INSURANCE COMPANIES.—The matter in section 1842(a) (42 U.S.C. 1395u(a)) preceding paragraph (1) is amended by striking "with carriers" and inserting "with agencies and organizations (referred to as carriers)".

(b) REPEAL.—Section 1842(f) (42 U.S.C. 1395u(f)) is repealed.

TITLE IV—CIVIL MONETARY PENALTIES

SEC. 401. SOCIAL SECURITY ACT CIVIL MONETARY PENALTIES.

(a) GENERAL CIVIL MONETARY PENALTIES.—Section 1128A (42 U.S.C. 1320a-7a) is amended as follows:

(1) In the third sentence of subsection (a), by striking "programs under title XVIII" and inserting "Federal health care programs (as defined in section 1128B(f))".

(2) In subsection (f)—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following new paragraph:

"(3) With respect to amounts recovered arising out of a claim under a Federal health care program (as defined in section 1128B(f)), the portion of such amounts as is determined to have been paid by the program shall be repaid to the program, and the portion of such amounts attributable to the amounts recovered under this section by reason of the amendments made by the Medicare Antifraud Act of 1996 (as estimated by the Secretary) shall be deposited into the Health Care Fraud and Abuse Control Account established under section 101(b) of such Act.".

(3) In subsection (i)—

(A) in paragraph (2), by striking "title V, XVIII, XIX, or XX of this Act" and inserting "a Federal health care program (as defined in section 1128B(f))";

(B) in paragraph (4), by striking "a health insurance or medical services program under title XVIII or XIX of this Act" and inserting "a Federal health care program (as so defined)"; and

(C) in paragraph (5), by striking "title V, XVIII, XIX, or XX" and inserting "a Federal health care program (as so defined)".

(4) By adding at the end the following new subsection:

"(m)(1) For purposes of this section, with respect to a Federal health care program not contained in this Act, references to the Secretary in this section shall be deemed to be references to the Secretary or Administrator of the department or agency with jurisdiction over such program and references to the Inspector General of the Department of Health and Human Services in this section shall be deemed to be references to the Inspector General of the applicable department or agency.

"(2)(A) The Secretary and Administrator of the departments and agencies referred to in paragraph (1) may include in any action pursuant to this section, claims within the jurisdiction of other Federal departments or agencies as long as the following conditions are satisfied:

"(i) The case primarily involves claims submitted to the Federal health care programs of the department or agency initiating the action.

"(ii) The Secretary or Administrator of the department or agency initiating the action gives notice and an opportunity to participate in the investigation to the Inspector General of the department or agency with primary jurisdiction over the Federal health care programs to which the claims were submitted.

"(B) If the conditions specified in subparagraph (A) are fulfilled, the Inspector General of the department or agency initiating the action is authorized to exercise all powers granted under the Inspector General Act of 1978 (5 U.S.C. App.) with respect to the claims submitted to the other departments or agencies to the same manner and extent as provided in that Act with respect to claims submitted to such departments or agencies.".

(b) EXCLUDED INDIVIDUAL RETAINING OWNERSHIP OR CONTROL INTEREST IN PARTICIPATING ENTITY.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)) is amended—

(1) by striking "or" at the end of paragraph (1)(D);

(2) by striking ", or" at the end of paragraph (2) and inserting a semicolon;

(3) by striking the semicolon at the end of paragraph (3) and inserting "; or"; and

(4) by inserting after paragraph (3) the following new paragraph:

"(4) in the case of a person who is not an organization, agency, or other entity, is excluded from participating in a program under title XVIII or a State health care program in accordance with this subsection or under section 1128 and who, at the time of a violation of this subsection, retains a direct or indirect ownership or control interest of 5 percent or more, or an ownership or control interest (as defined in section 1124(a)(3)) in, or who is an officer or managing employee (as defined in section 1126(b)) of, an entity that is participating in a program under title XVIII or a State health care program;".

(c) EMPLOYER BILLING FOR SERVICES FURNISHED, DIRECTED, OR PRESCRIBED BY AN EXCLUDED EMPLOYEE.—Section 1128A(a)(1) (42 U.S.C. 1320a-7a(a)(1)), as amended by subsection (b), is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting ", or"; and

(3) by adding at the end the following new subparagraph:

"(E) is for a medical or other item or service furnished, directed, or prescribed by an individual who is an employee or agent of the person during a period in which such employee or agent was excluded from the program under which the claim was made on any of the grounds for exclusion described in subparagraph (D);".

(d) CIVIL MONEY PENALTIES FOR ITEMS OR SERVICES FURNISHED, DIRECTED, OR PRESCRIBED BY AN EXCLUDED INDIVIDUAL.—Section 1128A(a)(1)(D) (42 U.S.C. 1320a-7a(a)(1)(D)) is amended by inserting ", directed, or prescribed" after "furnished".

(e) MODIFICATIONS OF AMOUNTS OF PENALTIES AND ASSESSMENTS.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)), as amended by subsection (b), is amended in the matter following paragraph (4)—

(1) by striking "$2,000" and inserting "$10,000";

(2) by inserting "; in cases under paragraph (4), $10,000 for each day the prohibited relationship occurs" after "false or misleading information was given"; and

(3) by striking "twice the amount" and inserting "3 times the amount".

(f) CLAIM FOR ITEM OR SERVICE BASED ON INCORRECT CODING OR MEDICALLY UNNECESSARY SERVICES.—Section 1128A(a)(1) (42 U.S.C. 1320a-7a(a)(1)), as amended by subsection (c), is amended—

(1) in subparagraph (A) by striking "claimed," and inserting "claimed, including any person who engages in a pattern or practice of presenting or causing to be presented a claim for an item or service that is based on a code that the person knows or has reason to know will result in a greater payment to the person than the code the person knows or has reason to know is applicable to the item or service actually provided,";

(2) in subparagraph (D), by striking "or" at the end; and

(3) in subparagraph (E), by striking the semicolon and inserting", or"; and

(4) by inserting after subparagraph (E) the following new subparagraph:

"(F) is for a medical or other item or service that a person knows or has reason to know is not medically necessary;".

(g) PERMITTING SECRETARY TO IMPOSE CIVIL MONETARY PENALTY FOR KICKBACK VIOLATIONS.—Section 1128A(b) (42 U.S.C. 1320a-7a(a)) is amended by adding the following new paragraph:

"(3) Any person (including any organization, agency, or other entity, but excluding a beneficiary as defined in subsection (i)(5)) who the Secretary determines has violated section 1128B(b) of this title shall be subject to a civil monetary penalty of not more than $10,000 for each such violation. In addition, such person shall be subject to an assessment of not more than twice the total amount of the remuneration offered, paid, solicited, or received in violation of section 1128B(b). The total amount of remuneration subject to an assessment shall be calculated without regard to whether some portion thereof also may have been intended to serve a purpose other than one proscribed by section 1128B(b).".

(h) SANCTIONS AGAINST PRACTITIONERS AND PERSONS FOR FAILURE TO COMPLY WITH STATUTORY OBLIGATIONS.—Section 1156(b)(3) (42 U.S.C. 1320c-5(b)(3)) is amended by striking "the actual or estimated cost" and inserting "up to $10,000 for each instance".

(i) PROCEDURAL PROVISIONS.—Section 1876(i)(6) (42 U.S.C. 1395mm(i)(6)), as amended by section 207(a)(2), is amended by adding at the end the following new subparagraph:

"(D) The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under subparagraph (A) or (B) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).".

(j) PROHIBITION AGAINST OFFERING INDUCEMENTS TO INDIVIDUALS ENROLLED UNDER PROGRAMS OR PLANS.—

(1) OFFER OF REMUNERATION.—Section 1128A(a) (42 U.S.C. 1320a-7a(a)), as amended by subsection (b), is amended—

(A) by striking ", or" at the end of paragraph (3) and inserting a semicolon;

(B) by striking the semicolon at the end of paragraph (4) and inserting "; or"; and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) offers to or transfers remuneration to any individual eligible for benefits under title XVIII of this Act, or under a State health care program (as defined in section 1128(h)) that such person knows or should know is likely to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made, in whole or in part, under title XVIII, or a State health care program (as so defined);".

(2) REMUNERATION DEFINED.—Section 1128A(i) (42 U.S.C. 1320a-7a(i)) is amended by adding the following new paragraph:

"(6) The term 'remuneration' includes the waiver of coinsurance and deductible amounts (or any part thereof), and transfers of items or services for free or for other than fair market value. The term 'remuneration' does not include—

"(A) the waiver of coinsurance and deductible amounts by a person, if—

"(i) the waiver is not offered as part of any advertisement or solicitation;

"(ii) the person does not routinely waive coinsurance or deductible amounts; and

"(iii) the person—

"(I) waives the coinsurance and deductible amounts after determining in good faith that the individual is in financial need;

"(II) fails to collect coinsurance or deductible amounts after making reasonable collection efforts; or

"(III) provides for any permissible waiver as specified in section 1128B(b)(3) or in regulations issued by the Secretary;

"(B) differentials in coinsurance and deductible amounts as part of a benefit plan design as long as the differentials have been disclosed in writing to all beneficiaries, third party payors, and providers, to whom claims are presented and as long as the differentials meet the standards as defined in regulations promulgated by the Secretary not later than 180 days after the date of the enactment of the Medicare Antifraud Act of 1996; or

"(C) incentives given to individuals to promote the delivery of preventive care as determined by the Secretary in regulations so promulgated.".

(k) EFFECTIVE DATE.—The amendments made by this section shall take effect January 1, 1997.

TITLE V—AMENDMENTS TO CRIMINAL LAW

SEC. 501. HEALTH CARE FRAUD.

(a) IN GENERAL.—

(1) FINES AND IMPRISONMENT FOR HEALTH CARE FRAUD VIOLATIONS.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1347. Health care fraud

"(a) Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control of, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services;

shall be fined under this title or imprisoned not more than 10 years, or both. If the violation results in serious bodily injury (as defined in section 1365(g)(3) of this title), such person may be imprisoned for any term of years.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"1347. Health care fraud.".

(b) CRIMINAL FINES DEPOSITED IN THE HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 101(b) an amount equal to the criminal fines imposed under section 1347 of title 18, United States Code (relating to health care fraud).

SEC. 502. FORFEITURES FOR FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 982(a) of title 18, United States Code, is amended by adding after paragraph (5) the following new paragraph:

"(6)(A) The court, in imposing sentence on a person convicted of a Federal health care offense, shall order the person to forfeit property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense.

"(B) For purposes of this paragraph, the term 'Federal health care offense' means a violation of, or a criminal conspiracy to violate—

"(i) section 1347 of this title;

"(ii) section 1128B of the Social Security Act;

"(iii) section 287, 371, 664, 666, 1001, 1027, 1341, 1343, 1920, or 1954 of this title if the violation or conspiracy relates to health care fraud; and

"(iv) section 501 or 511 of the Employee Retirement Income Security Act of 1974, if the violation or conspiracy relates to health care fraud.".

(b) PROPERTY FORFEITED DEPOSITED IN HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT.—The Secretary of the Treasury shall deposit into the Health Care Fraud and Abuse Control Account established under section 101(b) an amount equal to amounts resulting from forfeiture of property by reason of a Federal health care offense pursuant to section 982(a)(6) of title 18, United States Code.

SEC. 503. INJUNCTIVE RELIEF RELATING TO FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Section 1345(a)(1) of title 18, United States Code, is amended—

(1) by striking "or" at the end of subparagraph (A);

(2) by inserting "or" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

"(C) committing or about to commit a Federal health care offense (as defined in section 982(a)(6)(B) of this title);".

(b) FREEZING OF ASSETS.—Section 1345(a)(2) of title 18, United States Code, is amended by inserting "or a Federal health care offense (as defined in section 982(a)(6)(B))" after "title)".

SEC. 504. GRAND JURY DISCLOSURE.

Section 3322 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) A person who is privy to grand jury information concerning a Federal health care offense (as defined in section 982(a)(6)(B))—

"(1) received in the course of duty as an attorney for the Government; or

"(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the Government to use in any investigation or civil proceeding relating to health care fraud.".

SEC. 505. FALSE STATEMENTS.

(a) IN GENERAL.—Chapter 47, of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1035. False statements relating to health care matters

"(a) Whoever, in any matter involving a health plan, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) For purposes of this section, the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, in amended by adding at the end the following:

"1035. False statements relating to health care matters.".

SEC. 506. OBSTRUCTION OF CRIMINAL INVESTIGATIONS, AUDITS, OR INSPECTIONS OF FEDERAL HEALTH CARE OFFENSES.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1518. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses

"(a) IN GENERAL.—Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a Federal health care offense to a Federal agent or employee involved in an investigation, audit, inspection, or other activity related to such an offense, shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) FEDERAL HEALTH CARE OFFENSE.—As used in this section the term 'Federal health care offense' has the same meaning given such term in section 982(a)(6)(B) of this title.

"(c) CRIMINAL INVESTIGATOR.—As used in this section the term 'criminal investigator' means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"1518. Obstruction of criminal investigations, audits, or inspections of Federal health care offenses.".

SEC. 507. THEFT OR EMBEZZLEMENT.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 669. Theft or embezzlement in connection with health care

"(a) IN GENERAL.—Whoever willfully embezzles, steals, or otherwise without authority willfully and unlawfully converts to the use of any person other than the rightful owner, or intentionally misapplies any of the moneys, funds, securities, premiums, credits, property, or other assets of a health plan, shall be fined under this title or imprisoned not more than 10 years, or both.

"(b) HEALTH PLAN.—As used in this section the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"669. Theft or embezzlement in connection with health care.".

SEC. 508. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

"(F) Any act or activity constituting an offense involving a Federal health care offense as that term is defined in section 982(a)(6)(B) of this title.".

SEC. 509. AUTHORIZED INVESTIGATIVE DEMAND PROCEDURES.

(a) IN GENERAL.—Chapter 233 of title 18, United States Code, is amended by adding after section 3485 the following new section:

"§ 3486. Authorized investigative demand procedures

"(a) AUTHORIZATION.—

"(1) In any investigation relating to functions set forth in paragraph (2), the Attorney General or designee may issue in writing and cause to be served a subpoena compelling production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control. A custodian of records may be required to give testimony concerning the production and authentication of such records. The production of records may be required from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place, except that such production shall not be required more than 500 miles distant from the place where the subpoena is served. Witnesses summoned under this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. A subpoena requiring the production of records shall describe the objects required to be produced and prescribe a return date within a reasonable period of time within which the objects can be assembled and made available.

"(2) Investigative demands utilizing an administrative subpoena are authorized for any investigation with respect to any act or activity constituting or involving health care fraud, including a scheme or artifice—

"(A) to defraud any health plan or other person, in connection with the delivery of or payment for health care benefits, items, or services; or

"(B) to obtain, by means of false or fraudulent pretenses, representations, or promises, any of the money or property owned by, or under the custody or control or, any health plan, or person in connection with the delivery of or payment for health care benefits, items, or services.

"(b) SERVICE.—A subpoena issued under this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to such person. Service may be made upon a domestic or foreign association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

"(c) ENFORCEMENT.—In the case of contumacy by or refusal to obey a subpoena issued to any person, the Attorney General may invoke the aid of any court of the United States within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which such person carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

"(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.

"(e) USE IN ACTION AGAINST INDIVIDUALS.—

"(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health, or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefore.

"(2) In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services.

"(3) Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(f) HEALTH PLAN.—As used in this section, the term 'health plan' has the same meaning given such term in section 1128C(c) of the Social Security Act.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 223 of title 18, United States Code, is amended by inserting after the item relating to section 3485 the following new item:

"3486. Authorized investigative demand procedures.".

(c) CONFORMING AMENDMENT.—Section 1510(b)(3)(B) of title 18, United States Code, is amended by inserting "or a Department of Justice subpoena (issued under section 3486)," after "subpoena".

TITLE VI—STATE HEALTH CARE FRAUD CONTROL UNITS

SEC. 601. STATE HEALTH CARE FRAUD CONTROL UNITS.

(a) EXTENSION OF CONCURRENT AUTHORITY TO INVESTIGATE AND PROSECUTE FRAUD IN OTHER FEDERAL PROGRAMS.—Section 1903(q)(3) (42 U.S.C. 1396b(q)(3)) is amended—

(1) by inserting "(A)" after "in connection with"; and

(2) by striking "title." and inserting "title; and (B) in cases where the entity's function is also described by subparagraph (A), and upon the approval of the relevant Federal agency, any aspect of the provision of health care services and activities of providers of such services under any Federal health care program (as defined in section 1128B(b)(1)).".

(b) EXTENSION OF AUTHORITY TO INVESTIGATE AND PROSECUTE PATIENT ABUSE IN NON-MEDICAID BOARD AND CARE FACILITIES.—Section 1903(q)(4) (42 U.S.C. 1396b(q)(4)) is amended to read as follows:

"(4)(A) The entity has—

"(i) procedures for reviewing complaints of abuse or neglect of patients in health care facilities which receive payments under the State plan under this title;

"(ii) at the option of the entity, procedures for reviewing complaints of abuse or neglect of patients residing in board and care facilities; and

"(iii) procedures for acting upon such complaints under the criminal laws of the State or for referring such complaints to other State agencies for action.

"(B) For purposes of this paragraph, the term 'board and care facility' means a residential setting which receives payment from or on behalf of two or more unrelated adults who reside in such facility, and for whom one or both of the following is provided:

"(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse, or licensed nursing assistant.

"(ii) Personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer, positioning, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry, and housework.".

TITLE VII—MEDICARE/MEDICAID BILLING ABUSE PREVENTION

SEC. 701. UNIFORM MEDICARE/MEDICAID APPLICATION PROCESS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this title referred to as the "Secretary") shall establish procedures and a uniform application form for use by any individual or entity that seeks to participate in the programs under titles XVIII and XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 42 U.S.C. 1396 et seq.). The procedures established shall include the following:

(1) Execution of a standard authorization form by all individuals and entities prior to submission of claims for payment which shall include the social security number of the beneficiary and the TIN (as defined in section 7701(a)(41) of the Internal Revenue Code of 1986) of any health care provider, supplier, or practitioner providing items or services under the claim.

(2) Assumption of responsibility and liability for all claims submitted.

(3) A right of access by the Secretary to provider records relating to items and services rendered to beneficiaries of such programs.

(4) Retention of source documentation.

(5) Provision of complete and accurate documentation to support all claims for payment.

(6) A statement of the legal consequences for the submission of false or fraudulent claims for payment.

SEC. 702. STANDARDS FOR UNIFORM CLAIMS.

(a) ESTABLISHMENT OF STANDARDS.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish standards for the form and submission of claims for payment under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.).

(b) ENSURING PROVIDER RESPONSIBILITY.—In establishing standards under subsection (a), the Secretary, in consultation with appropriate agencies including the Department of Justice, shall include such methods of ensuring provider responsibility and accountability for claims submitted as necessary to control fraud and abuse.

(c) USE OF ELECTRONIC MEDIA.—The Secretary shall develop specific standards which govern the submission of claims through electronic media in order to control fraud and abuse in the submission of such claims.

SEC. 703. UNIQUE PROVIDER IDENTIFICATION CODE.

(a) ESTABLISHMENT OF SYSTEM.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall establish a system which provides for the issuance of a unique identifier code for each individual or entity furnishing items or services for which payment may be made under title XVIII or XIX of the Social Security (42 U.S.C. 1395 et seq.; 1396 et seq.), and the notation of such unique identifier codes on all claims for payment.

(b) APPLICATION FEE.—The Secretary shall require an individual applying for a unique identifier code under subsection (a) to submit a fee in an amount determined by the Secretary to be sufficient to cover the cost of investigating the information on the application and the individual's suitability for receiving such a code.

SEC. 704. USE OF NEW PROCEDURES.

No payment may be made under either title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq.; 42 U.S.C. 1396 et seq.) for any item or service furnished by an individual or entity unless the requirements of sections 702 and 703 are satisfied.

SEC. 705. NONDISCHARGEABILITY OF CERTAIN MEDICARE DEBTS.

(a) PAYMENT TO PROVIDERS.—Section 1815(d) (42 U.S.C. 1395g(d)) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, amounts due to the program under this subsection are not dischargeable under any provision of title 11, United States Code.".

(b) PAYMENT OF BENEFITS.—Section 1833(j) (42 U.S.C. 1395l(j)) is amended by adding at the end thereof the following new sentence: "Notwithstanding any other provision of law, amounts due to the program under this subsection are not dischargeable under any provision of title 11, United States Code.".

S. 1859

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 "Medicare Restore Trust Act of 1996".

SEC. 2. PROHIBITION ON CONSIDERATION OF LEGISLATION THAT DIVERTS SAVINGS ACHIEVED THROUGH MEDICARE WASTE, FRAUD, AND ABUSE ENFORCEMENT ACTIVITIES FOR PURPOSES OTHER THAN IMPROVING THE SOLVENCY OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, conference report, or any other legislation that would use savings achieved through enforcement activities that are intended to combat waste, fraud, and abuse under the medicare program under title XVIII of the Social Security Act as offsets for purposes other than to improve the solvency of the Federal Hospital Insurance Trust Fund established under section 1817 of such Act (42 U.S.C. 1395i) (in this Act referred to as the "trust fund").

(b) WAIVER.—The point of order described in subsection (a) may be waived or suspended in the Senate by a ⅗ majority vote of the Senators duly chosen and sworn, or by the unanimous consent of the Senate.

(c) APPEALS.—

(1) IN GENERAL.—Appeals in the Senate from decisions of the Chair relating to this section shall be limited to 1 hour, to be equally divided between and controlled by, the appellant and the manager of the bill, conference report, or other legislation, as the case may be.

(2) WAIVER.—An affirmative ⅗ majority vote of the Senators duly chosen and sworn, or a unanimous consent agreement of the Senate shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 3. ENSURING THE INTEGRITY OF THE FEDERAL HOSPITAL INSURANCE TRUST FUND.

(a) DETERMINATION.—Prior to the end of each fiscal year, the Secretary of Health and Human Services (in this section referred to as the "Secretary") and the Attorney General shall jointly determine—

(1) the portion of the costs charged during such fiscal year to any account established within the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program; and

(2) the amount of funds deposited into such account of such trust fund during such fiscal year that were attributable to enforcement activities that were intended to combat health care waste, fraud, and abuse, which do not relate to the administration of the medicare program.

(b) CERTIFICATION.—If the portion determined under paragraph (1) of subsection (a) exceeds the amount determined under paragraph (2) of such subsection, the Secretary and the Attorney General shall certify to the Secretary of the Treasury the amount, which shall be equal to the amount of such excess, which should be transferred from the General Fund of the Treasury to such trust fund, in order to ensure that such trust fund is fully reimbursed for any expenditures made from the account described in subsection (a) that are not related to the administration of the medicare program under title XVIII of the Social Security Act.

(c) TRANSFER OF FUNDS.—The Secretary of the Treasury shall transfer to such trust fund from the General Fund of the Treasury, out of any funds in the General Fund that are not otherwise appropriated, an amount equal to the amount certified under subsection (b).

By Mr. MCCONNELL (for himself, Mr. DOLE, Mr. LIEBERMAN, and Mr. MOYNIHAN):

S. 1860. A bill to provide for legal reform and consumer compensation relating to motor vehicle tort systems, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AUTO CHOICE REFORM ACT OF 1996

By Mr. MCCONNELL (for himself and Mr. DOLE):

S. 1861. A bill to provide for legal reform and consumer compensation, and for other purposes; to the Committee on the Judiciary.

THE LEGAL REFORM AND CONSUMER COMPENSATION ACT OF 1996

• Mr. MCCONNELL. Mr. President, several weeks ago, I was disappointed, but not surprised, when the President vetoed the bipartisan product liability reform bill. The bill would have curbed runaway punitive damage awards—which the Supreme Court endorsed in its recent BMW versus Gore decision—and offered some protection to those needlessly dragged into lawsuits. The President, erroneously, in my view, charged that the product liability reform bill, offered too many benefits to business and unfairly burdened the injured.

The President missed an opportunity to correct some of the defects in the legal system. The fact is the system is too costly and fails to provide prompt and fair relief to those who are injured. Less than half of every dollar spent on lawsuits goes to the injured.

And, spiraling legal costs exact a toll on every American family and business owner in the form of higher insurance premiums and ever-increasing costs for medical care. FBI Director Louis Freeh estimates that fraudulent medical claims arising out of phony car accidents cost every American household $200 a year.

Moreover, economic growth is impeded when new American-made products, technology, medicines, and medical devices aren't brought to worldwide markets because of too many lawsuits.

This mess-of-a-legal system can be turned around with reforms that will ensure those who are injured get fairly and quickly compensated without resort to expensive and protracted litigation. The two bills I am introducing today take aim at the unnecessary costs of personal injury lawsuits. The result will be more money in the hands of the injured more quickly, and a massive savings to American consumers.

The Joint Economic Committee estimates that the Auto Choice Reform Act will save the driving public $40 billion annually in insurance costs. Savings would be progressive, resulting in savings to low-income drivers of about 45 percent on their insurance premiums.

The Legal Reform and Consumer Compensation Act, designed to change the monopolistic and anticompetitive contingent fee system and to provide a rapid recovery mechanism for personal injury victims, would save more than $45 billion a year.

These dramatic savings are achieved without capping punitive damages, or limiting the rights of victims. Rather, these bills expand consumer options. By adding a new type of auto insurance, new ways of paying victims fairly for their injuries, and breaking the contingent fee hold, Americans will be begin to be relieved of the litigation burden that threatens to strangle every family and burdens the overall economy.

The changes proposed in these bills will require a major rethinking about the current zero-sum, adversarial legal system. Occasionally, the legal system

rewards a persistent plaintiff with a windfall damage award—like the woman who won a multi-million-dollar verdict from McDonald's for spilling hot coffee on herself. But odds of winning in the legal system are about as good as hitting a jackpot in Las Vegas.

The perverse incentive structure—the one-in-a-million chance of winning the lottery—discourages settlement and rewards a piling on of claims. If a jury will award an injured party 3 times his or her out-of-pocket losses, then 10 trips to the doctor are better than 2. The Rand Corp., in a study released earlier this year, estimates that excess medical claiming connected with lawsuits consumed some $4 billion of health care resources.

But the fault for the runaway legal system does not lie exclusively with the injured and their lawyers. Defendants and their lawyers know that the multimillion-dollar jury award is a rare occurrence. Yet, most cases are fought as if every case results in $1 million verdict. Every dollar spent on defense buys delay and precludes early and reasonable resolution.

In the meantime, every American pays the price—through higher car insurance premiums, spiraling medical bills, and soaring prices at the checkout counter. And the economy suffers from slow growth and through products, inventions, and technologies withheld from the world's markets because of the cost of lawsuits. It's time we cut the tort tax and give every American relief from the costly legal system.

I am pleased that Senator DOLE is joining this effort. His sponsorship of this ambitious effort to overhaul the legal system will probably be one of his last legislative initiatives. I am honored to have his support.

I ask unanimous consent that a copy of the two bills and a summary of the bills be printed in the RECORD.

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

S.1860

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 "Auto Choice Reform Act of 1996".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the costs of operating a motor vehicle are excessive due to the legal and administrative costs associated with the processing of claims under the tort system;

(2) the costly fault and liability insurance system often fails to provide compensation commensurate with loss, takes too long to pay benefits and wastes too many dollars on legal fees;

(3) the distorted incentives of the tort system for motor vehicles produce—

(A) significant fraud in the claiming process, thereby dangerously exacerbating the national distrust felt by many Americans toward the legal process in general and the rule of law itself;

(B) significant wasteful, fraudulent, and costly overuse and abuse of scarce health care resources and services, thereby increasing the problems of affordability and accessibility in the health care system;

(C) significant and unbearable cost burdens on low-income Americans, which impose on them the Hobson's choice of driving on an unlawful, uninsured basis or compelling them to forego essential needs;

(D) significant reductions in access to, and purchases of, motor vehicles, thereby damaging the economic well-being of many low-income Americans, while also unnecessarily harming a critical component of the American economy;

(E) significant deterioration of the economic well-being of most major American cities through the imposition of a massive, differentially greater "tort tax" on urban residents, thereby contributing to the abandonment of cities by many American taxpayers able to achieve substantial after-tax savings on automobile insurance premiums by the sole act of moving to adjacent suburban communities; and

(F) significant inability to achieve market-based discounts in insurance rates for owners of safer cars, thereby powerfully contributing to the lesser safety of American drivers and passengers;

(4) a system that allows consumers the opportunity to self-insure and separates economic and non-economic damages for the purpose of purchasing insurance would provide enormous cost savings to drivers;

(5) consumer choice in selection of motor vehicle insurance would be greatly enhanced if each consumer could decide upon the form of insurance that best suits the individual needs of the consumer;

(6) insurance to indemnify individuals for personal injury arising from motor vehicle collisions is frequently unavailable at reasonable cost because of the potential for third-party claims;

(7) a system enabling individuals to select the form of motor vehicle insurance coverage that best suits individual needs would enhance individual freedom and reduce the costs of motor vehicle insurance for consumers; and

(8) a system which targets and emphasizes the scourge of those who drive under the influence of drugs or alcohol will further deter such dangerous and unlawful conduct.

SEC. 3. PURPOSE.

The purpose of this Act is to authorize consumers of motor vehicle insurance to choose between their present tort remedies under State law and a system which combines first-party insurance and the right to sue negligent drivers for all further uncompensated economic losses.

SEC. 4. DEFINITIONS.

For the purposes of this Act, the term—

(1) "accident" means unforeseen or unplanned event causing loss or injury;

(2) "economic loss" means any objectively verifiable pecuniary loss resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, costs of repair, or replacement costs of replacement services in the home, including child care, transportation, food preparation, and household care, costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law;

(3) "financial responsibility law" means a statute (including one requiring compulsory coverage) penalizing motorists for failing to carry defined limits of tort liability insurance covering motor vehicle accidents;

(4) "insurer" includes a person who is self-insured within the meaning of applicable State law;

(5) "intentional misconduct" means conduct whereby harm is intentionally caused or attempted to be caused by one who acts or fails to act for the purpose of causing harm or with knowledge that harm is substantially certain to follow when such conduct caused or substantially contributed to the harm claimed for, except a person does not intentionally cause or attempt to cause harm—

(A) merely because his or her act or failure to act is done with the realization that it creates a grave risk of causing harm; or

(B) if the act or omission causing bodily harm is for the purpose of averting bodily harm to oneself or another person;

(6) "motor vehicle" means a vehicle of any kind required to be registered under the provisions of the applicable State law relating to motor vehicles;

(7) "net economic loss"—

(A) means economic loss, including when payable based on fault, a reasonable attorney's fee calculated on the basis of the value of the attorney's efforts as reflected in payment to the attorney's client; and

(B) excludes amounts paid or payable under—

(i) Federal, State, or private disability or sickness programs;

(ii) Federal, State, or private health insurance programs;

(iii) employer wage continuation programs;

(iv) workers' compensation or similar occupational compensation acts; and

(v) any other source of payment intended to compensate such individual for injuries resulting from a motor vehicle accident, including amounts paid under personal protection insurance or tort maintenance coverage;

(8) "no-fault motor vehicle law" means a statute under which those injured in motor vehicle accidents are paid without regard to fault for their pecuniary losses as a result of personal injury, in return for which claims based on fault including for nonpecuniary losses, are to a defined extent limited;

(9) "noneconomic loss" means subjective, nonmonetary losses including pain, suffering, inconvenience, mental suffering, emotion distress, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation, and humiliation;

(10) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(11) "personal protection" means an insurance contract payable without regard to fault for net economic loss due to personal injury resulting from a motor vehicle accident, along with waiver of tort claims pursuant to this Act;

(12) "replacement service loss" means expenses reasonably incurred in obtaining ordinary and necessary services from others, not members of the injured person's household, in lieu of the services the injured person would have performed for the benefit of the household;

(13) "resident relative or dependent" means a person related to the owner of a motor vehicle by blood, marriage, adoption, or otherwise (including a dependent receiving financial services or support from such owner), and residing in the same household at the time of accidental personal injury,

and a person resides in the same household if he or she usually makes his or her home in the same family unit, even though temporarily living elsewhere;

(14) "serious bodily injury" means bodily injury which results in death, dismemberment, significant and permanent loss of an important bodily function, or significant and permanent scarring or disfigurement;

(15) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and any other territory or possession of the United States;

(16) "tort liability" means the legal obligation for payment of damages caused by one adjudged to have committed a tort;

(17) "tort liability insurance" means insurance by the terms of which an insurer agrees to pay, on behalf of an insured, damages the latter is obligated to pay a third person because of his or her liability to that third person;

(18) "tort maintenance coverage" means coverage under which a tort liability insured, when involved in an accident with a personal protection insured, retains his or her right to claim for personal injury under State law without modification by any provision of this Act, except that responsibility for payment for any such claim is assumed by his or her own insurer to the extent of such coverage under section 5(b)(1); and

(19) "uninsured motorist" means the owner of a motor vehicle, including his or her resident relatives, uninsured for either personal protection or tort liability insurance at the limits prescribed by the applicable State's financial responsibility law or higher under section 5(a)(2)(A).

SEC. 5. MOTOR VEHICLE PERSONAL PROTECTION INSURANCE.

(a) INSURANCE POLICY PROVISIONS.—(1) An insurance policy that includes provisions that entitle the insured to receive, without regard to fault or lack of fault, the insured's net economic losses caused by an injury along with an express, specific waiver of tort rights as provided in the insurance policy shall be valid notwithstanding any contrary provisions of State law.

(2) In order for a personal protection insurance policy to be covered by this Act, a motor vehicle insurance policy issued by an insurer shall, at a minimum—

(A) provide personal protection coverage of the greater of—

(i) up to the minimum limits of liability insurance for personal injury under the State's financial responsibility law; or

(ii) in a State covered by a no-fault motor vehicle insurance law, up to the minimum level of insurance required for no-fault benefits; and

(B) contain provisions under the State's financial responsibility law, including those related to liability for property damage, except to the extent State law would bar contractual provisions giving effect to personal protection authorizations set forth in this Act, or to the extent that State law would be contrary to other provisions of this Act.

(3) A personal protection insurer is authorized to contract to pay personal protection benefits periodically as losses accrue. Unless the treatment or expenses related thereto are in reasonable dispute, an insurer who does not pay a claim for net economic loss covered by a personal protection insurance under this Act within 30 days after payment is due, shall pay the loss compounded at a rate of 50 percent per annum, as liquidated damages and in lieu of any penalty or exemplary damages.

(b) OPERATION OF THE RIGHT TO CHOOSE.—(1) Under this Act, in lieu of buying traditional tort liability insurance for personal injury to protect third parties, motorists have the right to choose personal protection which will be available to themselves and their family members in the event of a motor vehicle accident, including the amount of financial protection they deem appropriate and affordable for themselves and such others. As an alternative, motorists have the right to elect traditional tort liability coverage for personal injury at the minimum limits (or higher) under the State's financial responsibility law.

(2)(A) A motorist who chooses traditional tort liability has automatically included in such coverage tort maintenance coverage at least at the equivalent of the minimum levels of insurance under the higher of—

(i) the State's financial responsibility law for personal injury; or

(ii) the State's no-fault motor vehicle law, if applicable.

(B) A motorist described under subparagraph (A) who is involved in an accident with another motorist remains subject to tort law for personal injury except that, based on fault, such motorist—

(i) may be claimed against by those covered by personal protection insurance or tort maintenance coverage only for net economic loss; and

(ii) may not claim against those covered by personal protection insurance or tort maintenance coverage except for net economic loss.

(C)(i) With respect to a claim under subparagraph (B)(ii), a deduction is made against the recovery equal to the limits of tort maintenance coverage applicable to the economic loss of the claimant.

(ii) One-half of any amount paid under tort maintenance coverage referred to under clause (i) shall be deemed payable for economic loss.

(3) A motorist who chooses personal protection coverage and who is involved in an accident with another such motorist is compensated under his or her own policy for net economic loss only without regard to fault. But if the motorist sustains net economic loss in excess of his or her policy's benefit levels, that person retains the right to claim and sue for net economic loss based on fault.

(4) If a motorist who has chosen personal protection coverage is involved in an accident with an uninsured motorist, the personal protection insured is compensated for net economic loss without regard to fault according to the terms of his or her personal protection policy, and has the right to claim against the uninsured motorist for net economic loss based on fault. The uninsured motorist forfeits the right to claim for noneconomic loss against the motorist who has chosen the personal protection policy.

(5)(A) A motorist who chooses either personal protection insurance or tort liability insurance also binds by such choice his or her resident relatives, provided that—

(i) an adult resident relative shall not be bound without his or her consent, which, in the absence of express consent, shall be implied when the relative is present in a motor vehicle operated by the motorist; and

(ii) insurers are authorized to specify reasonable terms and conditions governing the commencement, duration, and application of the chosen coverage depending on the number of motor vehicles and owners thereof in a household.

(B) In order to minimize conflict between the two options under subparagraph (A), insurers are authorized to maintain underwriting rules that encourage uniformity within a household.

(6) A personal protection insured retains the right to claim, and remains subject to a claim, for driving under the influence of alcohol or illegal drugs, both as defined by State law, or for intentional misconduct.

(7) A personal protection insured claims personal protection benefits in the following priority:

(A) The personal protection of an employer if the person injured is an employee of the employer and the accident occurs while the employee is acting within the scope of the employee's employment.

(B) The personal protection under which the injured person is or was an insured.

(C) The personal protection covering a motor vehicle involved in the accident, if the person injured was an occupant or was struck by such motor vehicle at the time of the accident.

(8) A personal protection insurer is authorized to write personal protection coverage—

(A) without any deductible or subject to a reasonable deductible not to exceed $1,000; and

(B) with an exclusion of coverage for persons driving under the influence of alcohol or illegal drugs.

(9) A personal protection insurer is subrogated, to the extent of its obligations, to all of the rights of its personal protection insured with respect to an accident caused in whole or in part, as determined by applicable State law, by the negligence of an uninsured motorist or driving under the influence of alcohol or illegal drugs, or caused in whole or in part by intentional misconduct or any person who is not affected by the limitations on tort rights and liabilities under this Act.

(10) Any person lawfully uninsured under the terms of State law for either personal protection or tort liability insurance retains his or her tort rights in a form unaffected by this Act.

(c) RENEWAL OR CANCELLATION.—An insurer shall not cancel, fail to renew, or increase the premium of its insured solely on account of the insured or any other injured person making a claim for personal protection benefits or, where there is no basis for ascribing fault to the insured or one for whom the insured is vicariously liable, for tort maintenance coverage.

(d) IMMUNITY.—No insurer or any agent or employee of such insurer, no insurance producer representing a motor vehicle insurer or any automobile residual market plan, and no attorney licensed to practice law within this State shall be liable in an action for damages on account of an election of the tort liability option, an election of the personal protection option, or a failure to make a required election, unless such person has willfully misrepresented the available choices or has fraudulently induced the election of one system over the other.

(e) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to waive or affect any defense of sovereign immunity asserted by any State under any law or by the United States;

(2) to preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(3) to affect the right of any court to transfer venue, to apply the law of a foreign nation, or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum;

(4) subject to paragraph (1), to create or vest jurisdiction in the district courts of the United States over any motor vehicle accident liability or damages action subject to this Act which is not otherwise properly in the United States District Court;

(5) to prevent insurers and insureds from contracting to limit recovery for lost wages and income under personal protection coverage such that only 60 percent or more of lost wages or income is covered, or to offset death benefits under personal protection coverage by amounts paid for lost wages and replacement service losses;

(6) to prevent an insurer from contracting with personal protection insureds, as permitted by State law, to have submitted to arbitration any dispute with respect to payment of personal protection benefits;

(7) to relieve a motorist of the obligations imposed by State law to purchase tort liability insurance for personal injury to protect third parties who are not affected by the immunities of subsection (b); and

(8) to preclude a State from enacting, for all motor vehicle accident cases including cases covered by this Act, a minimum dollar value for defined classes of cases involving death or serious bodily injury.

SEC. 6. APPLICABILITY TO STATES; CHOICE OF LAW; JURISDICTION; AND CONSTRUCTION.

(a) ELECTION OF NONAPPLICABILITY BY STATES.—This Act shall not apply in a State if such State enacts a statute that—

(1) cites the authority of this subsection; and

(2) declares the election of such State that this Act shall not apply.

(b) NONAPPLICABILITY TO STATE BY STATE FINDING.—(1) This Act shall not apply in a State, if—

(A) the State official charged with jurisdiction over insurance rates for motor vehicles makes a finding that the statewide average motor vehicle premiums in effect immediately before the effective date of this Act for personal injury will not be reduced by an average of at least 30 percent for persons choosing personal protection coverage in lieu of traditional tort liability pursuant to this Act (without including any cost for uninsured or underinsured or medical payments coverages);

(B) the finding described under subparagraph (A) is supported by evidence adduced in public hearing and reviewable under the State's administrative procedure law; and

(C) the finding described under subparagraph (A) and any review of such finding described under subparagraph (B) occurs no later than 60 days after the date of the enactment of this Act.

(2) Premiums for personal injury referred to under paragraph (1)(A) include premiums for—

(A) personal injury liability, uninsured and underinsured motorists' liability, and medical payments coverage; and

(B) if applicable—

(i) no fault benefits under no fault motor vehicle law; or

(ii) similar benefits under a law not limiting claims based on fault for nonpecuniary losses.

(c) CHOICE OF LAW.—In disputes between citizens of States that elect nonapplicability under subsection (a) and citizens of States that do not so elect, ordinary choice of law principles shall apply.

(d) JURISDICTION.—This section shall not confer jurisdiction on the district courts of the United States under section 1331 or 1337 or title 28, United States Code.

(e) CONSTRUCTION.—Nothing in this Act shall alter or diminish the authority or obligation of the Federal courts to construe the terms of this Act.

SEC. 7. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act.

S. 1861

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 "Legal Reform and Consumer Compensation Act of 1996".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.

TITLE I—EARLY OFFER AND RAPID RECOVERY

Sec. 101. Early offer and rapid recovery mechanisms.

TITLE II—FAIRNESS IN LEGAL FEES

Sec. 201. Findings and purpose.
Sec. 202. Definitions.
Sec. 203. Creation of a fiduciary relationship.
Sec. 204. Written hourly rate fee agreement.
Sec. 205. Nature of demand for compensation.
Sec. 206. Time limit for, and requisite contents of, response setting forth settlement offer.
Sec. 207. Consequences of failure to include prescribed material with settlement offer.
Sec. 208. No obligation to issue response; inadmissibility of demands, responses, and failure to respond.
Sec. 209. Effect of pre-demand settlement offer.
Sec. 210. Pre-retention offer.
Sec. 211. Post-retention offer when a pre-retention offer has been made.
Sec. 212. Post-retention offer when no pre-retention offer has been made.
Sec. 213. Calculation of attorney's fee when there is a subsequent resolution of the claim.
Sec. 214. Provision of closing statement.
Sec. 215. Effect of contravening agreements.
Sec. 216. Inapplicability.

TITLE III—APPLICABILITY AND RULE OF CONSTRUCTION

Sec. 301. Applicability to States; choice of law; jurisdiction; and construction.
Sec. 302. Effective date.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the current liability system is, all too often, a frustrating experience for many personal injury claimants, resulting in a time-consuming process which provides inadequate compensation for their injuries;

(2) for other personal injury claimants, the system can provide a windfall of financial gain, greatly in excess of their actual losses;

(3) the unpredictable and erratic system is a product of a perverse incentive structure in which the magnitude of noneconomic damages is directly linked to, and is a multiple of, the out-of-pocket expenses incurred by the claimant;

(4) the incentives of the litigation system perpetuate the overuse and abuse of the medical system, costing the economy billions of dollars and costing every United States family hundreds of dollars in unnecessary insurance premiums and health care expenses;

(5) the system as it has recently developed—

(A) is highly regressive;

(B) is often duplicative of and inconsistent with Federal regulatory and social welfare programs for the protection of injured parties;

(C) is burdened by an administrative cost structure that causes a disproportionate amount of its dollars to go to lawyers rather than to injured parties;

(D) is particularly prejudicial to the competitive position of the American small business community;

(E) is a major and increasing threat to the economic viability of American cities;

(F) imposes a major burden on the American economy and if reformed would significantly enhance American productivity and consumer wealth;

(G) is replete with incentives that reward abusive claiming and defensive behavior; and

(H) is therefore a major cause of the dangerous disesteem increasingly felt by increasing numbers of Americans toward the legal system and, indeed, the rule of law itself; and

(6) there is a need for a system of early offer, rapid recovery and consumer choice to enable claimants to be made whole and recover all economic losses without resort to complex and protracted litigation.

TITLE I—EARLY OFFER AND RAPID RECOVERY

SEC. 101. EARLY OFFER AND RAPID RECOVERY MECHANISMS.

(a) PURPOSE.—The purpose of this title is to establish a system of early offer and rapid recovery to permit personal injury claimants to recover their economic losses from a responsible party in a timely manner.

(b) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 1660. Early offer and rapid recovery mechanisms

"(a) For purposes of this section:

"(1) The term 'allegedly responsible party' means a person, partnership, or corporation, and an insurer thereof, alleged by the claimant to be responsible for at least some portion of an injury alleged by a claimant.

"(2) The term 'claimant' means an individual who, in his or her own right, or vicariously as otherwise permitted by law, is seeking compensation for personal injury.

"(3) The term 'clear and convincing evidence' means that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard shall be more than that required under preponderance of the evidence, and less than that required for proof beyond a reasonable doubt.

"(4) The term 'collateral benefits' means all benefits and advantages received or entitled to be received (regardless of the right of recoupment of any other entity, through subrogation, trust agreement, lien, or otherwise) by an injured individual (or other entity) as reimbursement of loss because of personal injury—

"(A) payable or required to be paid by—

"(i) Federal, State, or other governmental disability, unemployment, or sickness programs;

"(ii) under the terms of any Federal, State, or other governmental or private health insurance, accident insurance, wage or salary

continuation plan, or disability income insurance; or

"(iii) any other program or compensation system, if the payment is intended to compensate the claimant for the same injury or disability which is the subject of the claim; minus

"(B) the amount paid by such individual (or by the spouse, parent, child, or legal guardian of such individual) to secure the payments described in subparagraph (A).

"(5) The term 'economic loss' means any objectively verifiable pecuniary loss resulting from the harm suffered, including past and future medical expenses, loss of past and future earnings, burial costs, property damage accompanying bodily injury, costs of replacement services in the home, including child care, transportation, food preparation, and household care, costs of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

"(6) The term 'entity' includes an individual or person.

"(7) The term 'intentional misconduct' means conduct whereby harm is intentionally caused or attempted to be caused by one who acts or fails to act for the purpose of causing harm or with knowledge that harm is substantially certain to follow when such conduct caused or substantially contributed to the harm claimed for, except a person does not intentionally cause or attempt to cause harm—

"(A) merely because his or her act or failure to act is intentional or done with the realization that it creates a risk of harm; or

"(B) if the act or omission causing bodily harm is for the purpose of averting bodily harm to oneself or another person.

"(8) The term 'liability claim' means a demand for compensation by certified mail to an allegedly responsible party, which shall set forth the material facts relevant to the claim including—

"(A) the name, address, age, marital status, and occupation of claimant, which term for the purposes of this section includes the injured party if claimant is operating in a representative capacity;

"(B) a brief description of how the injury occurred;

"(C) the names, and, if known, the addresses, telephone numbers, and occupations of all known witnesses to the injury;

"(D) copies of photographs in claimant's possession that relate to the injury;

"(E) the basis for claiming that the party to whom the claim is addressed is at least partially responsible for causing the injury;

"(F) a description of the nature of the injury, the names and addresses of all physicians, other health care providers, and hospitals, clinics, or other medical service entities that provided medical care to the claimant or the injured party including the date and nature of the service;

"(G) a copy of the medical records relating to the injury and those involving a prior injury or preexisting medical condition which an allegedly responsible party would be able to introduce into evidence in a trial or, in lieu of either or both, executed releases authorizing the allegedly responsible party to obtain such records directly from health care providers that produced or possess them; and

"(H) relevant documents, including records of earnings if a claimant is self-employed and employer records of earnings if a claimant is employed, and any medical expenses, wages lost, or other pertinent damages suffered as a consequence of the injury.

"(9) The term 'noneconomic loss' means nonmonetary losses including punitive damage claims and further including without being limited to pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation, and humiliation.

"(10) The term 'punitive damages' means damages awarded against any person or entity to punish such persons or entity or to deter such person or entity, or others, from engaging in similar behavior in the future.

"(11) The term 'reasonable attorney's fee' means an hourly fee for services rendered subsequent to the execution of a written agreement establishing an attorney-client relationship that bears a reasonable relation to the attorney's actual efforts on the client's behalf. Fees shall not be deemed reasonable to the extent that services provided by an attorney are attributable to any failure to provide reasonably prompt notice pursuant to subsection (b)(1)(A)(ii).

"(12) The term 'serious bodily injury' means bodily injury which results in death, dismemberment, significant and permanent loss of an important bodily function, or significant and permanent scarring or disfigurement.

"(13) The term 'wanton misconduct' means conduct that the allegedly responsible party realized was excessively dangerous, done heedlessly and recklessly, and with a conscious disregard of the consequences to or rights and safety of the claimant.

"(b)(1)(A) After an occurrence that may give rise to a civil action or claim against any person, in any Federal or State court based on any cause of action to recover damages for personal injury, any potentially allegedly responsible party has the option to offer, not later than the later of—

"(i) 120 days after the injury; or

"(ii) 120 days after the initiation of the liability claim,

to compensate a claimant for reasonable economic loss, including future economic loss, less collateral benefits, and including a reasonable attorney's fee for the claimant.

"(B) If within 30 days of receipt of a liability claim an allegedly responsible party notifies an unrepresented claimant or a claimant's attorney of a request for a medical examination of the claimant, and the claimant is not made available for such examination within 10 days of receipt of the request, the time provided by this section for issuing a response is extended by 1 day for each day that the request is not honored after the expiration of 10 days from the date of the request. Any such extension shall also include a further period of 10 days from the date of the completion of the medical examination.

"(C) The claimant may extend the time for receiving the offer specified in subparagraph (A).

"(2) States may establish for all cases, including cases covered by this title, a minimum dollar value for defined classes involving death or serious bodily injury. A claimant shall have the option of accepting such minimum dollar value payable in lump sum, or accepting the benefit specified in paragraph (1)(A).

"(c) An offer under subsection (b) may include other allegedly responsible parties, individuals, or entities that were involved in the events which gave rise to the civil action, regardless of the theory of liability on which the claim is based, upon their request or consent.

"(d) Future economic losses shall be payable to an individual under this section as such losses occur.

"(e) If, after an offer is made under subsection (b), the participants in the offer dispute their relative contributions to the payments to be made to the individual, such disputes shall be resolved through binding arbitration in accordance with applicable rules and procedures established by the Attorney General of the United States.

"(f)(1) The claimant may reject an offer of compensation made under subsection (b) and elect to bring or maintain a civil action. Upon rejection of the offer, the claimant may recover economic loss, including future economic loss, less collateral benefits. The amount of collateral benefits shall be determined by the court in a pretrial proceeding. In any subsequent proceeding in the action, no evidence shall be admitted as to the amount of economic loss for which collateral benefits have been paid to, or will be paid to, the claimant. The claimant may recover for noneconomic loss to the extent authorized by other applicable law only if the claimant proves each element of the claim for noneconomic loss by clear and convincing evidence, that the allegedly responsible party caused the injury by intentional or wanton misconduct.

"(2) A notice of such a rejection is required to be made not later than 90 days after the date on which the offer of compensation benefits is made. A failure to accept the offer within the 90-day period is deemed a rejection.

"(g) Rejected offers may not be disclosed in any subsequent action brought by the claimant.

"(h) Nothing in this section shall be construed to—

"(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

"(2) waive or affect any defense of sovereign immunity asserted by the United States;

"(3) affect the applicability of any provision of chapter 97;

"(4) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

"(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum;

"(6) affect any applicable statute of limitations of any State or of the United States, except as expressly provided in this title; or

"(7) impair any right of a provider of collateral benefits to seek reimbursement outside of the claimant's cause of action where permitted by State law, other than by a lien on the recovery of the claimant.

"(i)(1) This section shall not apply to accidental bodily injury caused by the operation or the use of a motor vehicle in claims in which an uninsured motorist or a personal protection insured is involved.

"(2) For purposes of this subsection the term 'operation or use'—

"(A) means operation or use of a motor vehicle as a motor vehicle, including, incident to its operation or use as a vehicle, the occupation of the vehicle;

"(B) does not cover conduct within the course of a business of manufacturing, selling, or maintaining a motor vehicle, including repairing, servicing, washing, loading, or unloading; and

"(C) does not include such conduct not within the course of such a business unless such conduct occurs while occupying a motor vehicle.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 111

of title 28, United States Code, is amended by adding at the end the following new item:

"1660. Early offer and rapid recovery mechanisms.".

TITLE II—FAIRNESS IN LEGAL FEES

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that contingency fees play a useful and often critical role in ensuring access to counsel and the courts on the part of those who would otherwise be unable to afford such access, but that—

(1) personal injury claimants are often subjected to unnecessary costs, delays, and inefficiencies in processing their compensation claims;

(2) virtually all such claimants who are represented by attorneys are charged contingent fees;

(3) the ethical and legal validity of a contingent fee is dependent upon an attorney undertaking risk in exchange for sharing proportionately in the proceeds of a claim;

(4) the perverse incentives of the existing system often encourage and reward defendants who take intransigent settlement positions and otherwise unethically add to the costs and delays of settling meritorious claims for, among other reasons, the purpose of reducing the marginal rates of compensation received by claimants' counsel;

(5) many deserving claimants receive inequitable compensation because—

(A) such claimants are required to pay attorneys approximately one-third or more of any recovery even when there is little or no issue of liability or damages and therefore little or no assumption of risk by the attorney; and

(B) when a defendant or its insurer has made a substantial settlement offer before the attorney's retention or shortly thereafter and the attorney has added little or nothing to the value of the claim to that point, payment of a substantial contingent fee is nonetheless generally required;

(6) the current compensation system often fails to provide sufficient financial incentives to effectuate prompt and adequate compensation to deserving claimants, resulting in—

(A) delays in adjudications and case settlements often caused by intransigent defendant conduct that the present system perversely rewards and thereby deprives claimants of prompt compensation;

(B) a substantial burden on Federal and State courts contributing to very high case backlogs; and

(C) regressive cost burdens and substantial avoidable costs imposed on all parties resulting from the long delays in resolving many claims;

(7) the current tort compensation system which results in delays in resolving claims and which effectively provides for increased noneconomic damages and, therefore, increased legal fees as medical care costs increase, provides perverse financial incentives for both more intensive and unnecessary use of medical care providers and the fraudulent incurrence of medical care expenses, thereby adding materially to the Nation's health care costs and burdens;

(8) delays in resolving claims often result in more intensive and unnecessary use of medical care providers, thereby adding to the Nation's health care burden;

(9) the claims process gives rise to substantial, avoidable transaction costs because of the lack of adequate incentives for defendants and their insurers to offer prompt and equitable settlements to meritorious claimants and because claimants' attorneys exact a significant share of any settlement even when their efforts do not generate or augment the settlement offer;

(10) contingency fee practices, as described in the preceding paragraphs, expose a clear and impermissible gap between (A) the ethical standards established and promulgated by courts and professed by the Bar, and (B) the actual practices of the Bar;

(11) contingency fee practices, as described in the preceding paragraphs, bring substantial disrepute to the Bar and to the legal system as a whole and loss of confidence in the rule of law itself, not the least because they create and expose broad gaps between the stated ethical principles of the legal profession and its real world practices;

(12) the inability of the Bar and the courts to curb contingency fee abuses has led to higher settlement costs, lowered compensation to injured persons, excessive medical care costs and delayed claims processing; and

(13) there is a need for adopting a procedure to implement appropriate ethical and legal standards and to resolve personal injury claims more fairly and promptly.

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

(1) enforce more efficiently and effectively ethical standards governing the reasonableness of lawyers' fees and correspondingly to implement the stricter scrutiny that courts are obliged to apply to contingent fees;

(2) reverse systemic incentives now in effect so as to reward, and not to penalize, defendants who make substantial early settlement offers;

(3) compensate claimants' attorneys more rationally by calculating their compensation in relation to the value of services rendered and risks undertaken;

(4) compensate more fairly those seeking redress for injuries by giving them a larger share of promptly achieved settlements;

(5) further enhance the likelihood of early settlement of claims by preserving a larger share of early settlement offers for claimants;

(6) lower the costs of the personal injury tort compensation system including unnecessary medical and defense costs;

(7) remove the burdens on interstate commerce and the Nation's health care programs that are imposed by the current tort compensation system;

(8) create a simple, self-enforcing system, controlled by the parties, which forms an early basis for establishing the sums and issues that are in dispute;

(9) reduce unworkable burdens now placed on courts and bar grievance boards presently charged with enforcing ethical standards through ex post facto, case-by-case fact finding processes that pose difficult burdens of proof and impose disproportionate transaction costs on both parties and fact finders; and

(10) provide alternatives to across-the-board fee cap reforms, which often provide defendants with unearned advantages and further encourage many defendants in unethical protraction of settlement of meritorious claims.

SEC. 202. DEFINITIONS.

For purposes of this title:

(1) The term "allegedly responsible party" means a person, partnership, corporation, and an insurer thereof, alleged by a claimant to be responsible for at least some portion of a personal injury alleged by claimant.

(2) The term "claim" means an assertion of entitlement to compensation for personal injury from an allegedly responsible party and, to the extent subject to a contingent fee agreement, to all other related claims arising from such injury.

(3) The term "claimant" means an individual who, in his or her own right, or vicariously as otherwise permitted by law, is seeking compensation for personal injury.

(4) The term "contingent fee" means the fee negotiated in a contingent fee agreement that is payable in fact or in effect only from the proceeds of any recovery on behalf of claimant.

(5) The term "contingent fee agreement" means a fee agreement between an attorney and claimant wherein the attorney agrees to bear the risk of no or inadequate compensation in exchange for a proportionate share of any recovery by settlement or verdict obtained for claimant.

(6) The term "contingent fee attorney" means an attorney who agrees to represent claimant in exchange for a contingent fee.

(7) The term "fixed fee" means an agreement between an attorney and claimant whereby the attorney agrees to perform a specific legal task in exchange for a specified sum to be paid by claimant.

(8) The term "hourly rate fee" means the fee generated by an agreement, or otherwise by operation of law, between an attorney and claimant providing that claimant pay the attorney a fee determined by multiplying the hourly rate negotiated, or otherwise set by law, between the attorney and claimant, by the number of hours that the attorney has worked on behalf of claimant in furtherance of claimant's interest. An hourly rate fee may also be a contingent fee to the extent it is only payable in fact or in effect from the proceeds of any recovery on behalf of claimant.

(9) The term "injury" means personal injury.

(10) The term "personal injury" means an occurrence resulting from any act giving rise to a tort claim, including, without limitation, bodily injury, sickness, disease, death, or property damage accompanying bodily injury.

(11) The term "post-retention offer" means an offer of settlement in response to a demand for compensation made within the time constraints, and conforming to the provisions of this title, made to a claimant who is represented by a contingent fee attorney.

(12) The term "pre-retention offer" means an offer to settle a claim for compensation made to a claimant not represented by an attorney at the time of the offer.

(13) The term "response" means a written communication by claimant or an allegedly responsible party or the attorney for either, deposited into the United States mail and sent certified mail or delivered by an overnight delivery service.

(14) The term "settlement offer" means a written offer of settlement set forth in a response within the time limits set forth in this title.

SEC. 203. CREATION OF A FIDUCIARY RELATIONSHIP.

For purposes of this title, a fiduciary relationship commences when a claimant consults a contingent fee attorney to seek professional services.

SEC. 204. WRITTEN HOURLY RATE FEE AGREEMENT.

Contingent fee agreements for the representation of parties with claims shall also include alternate hourly rate fees. If a contingent fee attorney has not entered into a written agreement with claimant at the time of retention setting forth the attorney's hourly rate, then a reasonable hourly rate is

payable, subject to the limitations set forth in this title.

SEC. 205. NATURE OF DEMAND FOR COMPENSATION.

(a) IN GENERAL.—At any time after retention, a contingent fee attorney pursuing a claim shall send a demand for compensation by certified mail to an allegedly responsible party, which shall set forth the material facts relevant to the claim including—

(1) the name, address, age, marital status, and occupation of claimant, which term for the purposes of this title includes the injured party if claimant is operating in a representative capacity;

(2) a brief description of how the injury occurred;

(3) the names, and, if known, the addresses, telephone numbers, and occupations of all known witnesses to the injury;

(4) copies of photographs in claimant's possession that relate to the injury;

(5) the basis for claiming that the party to whom the claim is addressed is at least partially responsible for causing the injury;

(6) a description of the nature of the injury, the names and addresses of all physicians, other health care providers, and hospitals, clinics, or other medical service entities that provide medical care to claimant or the injured party including the date and nature of the service;

(7) medical records relating to the injury and those involving a prior injury or pre-existing medical condition which an allegedly responsible party would be able to introduce into evidence in a trial or, in lieu of either or both, executed releases authorizing the allegedly responsible party to obtain such records directly from health care providers that produced or possess them; and

(8) relevant documentation, including records of earnings if a claimant is self-employed and employer records of earnings if a claimant is employed, or any medical expenses, wages lost, or other pertinent damages suffered as a consequence of the injury.

(b) MAILING OF COPIES.—At the time of the mailing of the demand for compensation, a claimant's attorney shall mail copies of each such demand to the claimant and to every other allegedly responsible party.

(c) LIMITATION ON FEE.—A fee received by or contracted for by a contingent fee attorney that exceeds 10 percent of any settlement or judgment received by his or her client after reasonable expenses have been deducted is unreasonable and excessive if the attorney has sent a timely demand for compensation but has omitted information of a material nature that is required by this section which he or she had in his or her possession or which was readily available to him or her at the time of filing.

SEC. 206. TIME LIMIT FOR, AND REQUISITE CONTENTS OF, RESPONSE SETTING FORTH SETTLEMENT OFFER.

(a) POST-RETENTION OFFER.—To qualify its response as a post-retention offer under this title, an allegedly responsible party shall—

(1) issue a response stating a settlement offer within 60 days from receipt of a demand for compensation;

(2) send the response to claimant's attorney with a copy to claimant;

(3) state that the offer is open for acceptance for a minimum of 30 days from the time of its receipt by claimant's attorney and further state whether it expires at the end of this period or remains open for acceptance for a longer period or until notice of withdrawal is given; and

(4) include with the offer copies of materials in its or its attorney's possession concerning the alleged injury upon which the allegedly responsible party relied in making the settlement offer except material that such party or its attorney believes in good faith would not be discoverable by claimant during the course of litigation.

If reproduction costs under paragraph (4) would be significant relative to the size of the offer, the allegedly responsible party may, in the alternative, offer other forms of access to the materials convenient and at reasonable cost to claimant's attorney.

(b) TIME LIMITATIONS.—If within 30 days of receipt of a claimant's demand for compensation an allegedly responsible party notifies an unrepresented claimant or a claimant's attorney that it seeks to have a medical examination of claimant, and claimant is not made available for such examination within 10 days of receipt of the request, the time herein provided for issuing a response is extended by 1 day for each day that the request is not honored after the expiration of 10 days from the date of the request. Any such extension also includes a further period of 10 days from the date of the completion of the medical examination.

(c) INCREASE IN OFFER.—The settlement offer may be increased during the 60-day period set forth in subsection (a)(1) by issuing an additional offer stating that the time for acceptance is 10 days after receipt of the additional offer by claimant's attorney or 30 days from receipt of the initial response, whichever is longer, unless the additional response specifies a longer period of time for acceptance as set forth in subsection (a)(3).

SEC. 207. CONSEQUENCES OF FAILURE TO INCLUDE PRESCRIBED MATERIAL WITH SETTLEMENT OFFER.

(a) IN GENERAL.—If an allegedly responsible party or its attorney willfully fails to include the material required by section 206(a)(4) with a response stating a settlement offer or does not otherwise make such material available—

(1) a claimant may revoke its acceptance of such settlement offer within 2 years of having accepted it; and

(2) any fees and costs reasonably incurred by a claimant in revoking its acceptance of such settlement offer and reinstating its claim is recoverable from the allegedly responsible party, including the losses suffered by a claimant who is precluded from reinstating its claim by operation of a statute of limitations.

(b) SANCTIONS FOR PARTY.—Willful failure of an allegedly responsible party to comply with section 206(a)(4) shall subject such party to the sanctions applicable to a party who fails to comply with requests for the production of documents.

(c) SANCTIONS FOR ATTORNEY.—Willful failure of an attorney for an allegedly responsible party to comply with section 206(a)(4) shall subject that attorney to the same sanctions applicable to attorneys who improperly counsel their clients not to produce documents for which there has been a discovery request.

SEC. 208. NO OBLIGATION TO ISSUE RESPONSE; INADMISSIBILITY OF DEMANDS, RESPONSES, AND FAILURE TO RESPOND.

(a) NO OBLIGATION TO RESPOND.—Nothing in this title imposes on an allegedly responsible party an obligation to issue a response to a demand for compensation.

(b) INADMISSIBILITY OF OFFER.—Demands for compensation, early settlement offers, or the failure of an allegedly responsible party to issue same, are inadmissible in any subsequent litigation, proceeding, or arbitration, to the extent that evidence of settlement negotiations is inadmissible in the jurisdiction where the case is brought.

SEC. 209. EFFECT OF PRE-DEMAND SETTLEMENT OFFER.

A settlement offer to an injured party represented by a contingent fee counsel made before receipt of a demand for compensation, which is open for acceptance for 60 days or more from the time of its receipt and which conforms to the requirements of section 206, is deemed a post-retention offer and has the same effect under this title as if it were a response to a demand for compensation.

SEC. 210. PRE-RETENTION OFFER.

(a) PROHIBITION OF PERCENTAGE FEE OF PRE-RETENTION OFFER.—It is a violation of this title for an attorney retained after claimant has received a pre-retention offer to enter into an agreement with claimant to receive a contingent fee based upon or payable from the proceeds of the pre-retention offer, provided that the pre-retention offer remains in effect or is renewed until the time has elapsed for issuing a response containing a settlement offer as defined under section 206.

(b) UNREASONABLE AND EXCESSIVE FEE.—An attorney entering into a fee agreement that would effectively result in payment of a percentage of a pre-retention offer to a claimant has charged an unreasonable and excessive fee.

(c) PRESUMPTIVE REASONABLE FEE.—An attorney who contracts with a claimant for a reasonable hourly rate or a reasonable fixed fee, or who is paid such a fee for advising claimant regarding the fairness of the pre-retention offer, has charged a presumptively reasonable fee.

SEC. 211. POST-RETENTION OFFER WHEN A PRE-RETENTION OFFER HAS BEEN MADE.

(a) REASONABLE FEE BASED ON HOURLY FEE.—A fee paid or contracted to be paid to a contingent fee attorney by a claimant who has rejected a pre-retention offer and who later accepts a post-retention offer of a greater amount is an unreasonable and excessive fee unless it is an hourly rate fee that does not exceed 25 percent of the excess of the post-retention offer over the pre-retention offer.

(b) REASONABLE FEE BASED ON PERCENTAGE.—If the accepted post-retention offer is less than the pre-retention offer, a total fee for all services rendered that is greater than 10 percent of the first $100,000 of the post-retention offer plus 5 percent of any amount that exceeds $100,000 after all reasonable expenses have been deducted is an unreasonable and excessive fee.

SEC. 212. POST-RETENTION OFFER WHEN NO PRE-RETENTION OFFER HAS BEEN MADE.

A fee paid or contracted to be paid to a contingent fee attorney by a claimant who has not received a pre-retention offer and who has accepted a post-retention offer is an unreasonable and excessive fee unless it is an hourly rate fee that does not exceed 10 percent of the first $100,000 of the offer plus 5 percent of any amount that exceeds $100,000 after all reasonable expenses have been deducted.

SEC. 213. CALCULATION OF ATTORNEY'S FEE WHEN THERE IS A SUBSEQUENT RESOLUTION OF THE CLAIM.

Irrespective of any pre-retention offer, the provisions of section 212 regarding maximum allowable fees remain in effect if a post-retention offer is not accepted by claimant within the time provided by this title. Contingent fees are unreasonable and excessive unless charged against the difference between an unaccepted post-retention offer and

the judgment or settlement ultimately obtained by claimant. When such judgment or settlement is lower than the unaccepted offer, the fee limitations of section 212 apply against the judgment or settlement.

SEC. 214. PROVISION OF CLOSING STATEMENT.

Upon receipt of any settlement or judgment, and prior to disbursement thereof, a contingent fee attorney shall provide claimant with a written statement detailing how the proceeds are to be distributed, including the amount of the expenses paid out or to be paid out of the proceeds, the amount of the fee, how the fee amount is calculated, and the amount due claimant.

SEC. 215. EFFECT OF CONTRAVENING AGREEMENTS.

(a) VIOLATION.—A contingent fee attorney who charges a fee that contravenes this title has charged an unreasonable and excessive fee.

(b) EXCESSIVE AND UNREASONABLE FEES.—If the fee violates subsection (a), then it is also excessive and unreasonable to the extent that it has not been reduced by any reasonable fees and costs incurred by claimant in establishing that the fee agreement contravened this title.

(c) UNENFORCEABLE FEE AGREEMENTS.—Fee agreements between claimants and contingent fee attorneys who have charged fees defined under this title as unreasonable or excessive are illegal and unenforceable except to the extent provided in this title.

SEC. 216. INAPPLICABILITY.

(a) EVALUATIONS AND COLLECTIONS.—Except for the provisions of section 203, nothing in this title applies to an agreement between a claimant and an attorney to retain the attorney—

(1) on an hourly rate fee or fixed fee basis solely to evaluate a pre-retention offer; or

(2) to collect overdue amounts from an accepted pre-retention or post-retention settlement offer.

(b) AGREEMENTS IN WHICH CERTAIN OFFERS NOT MADE.—The provisions of this title prohibiting the charging of contingency fees in the absence of assuming meaningful risk and defining reasonable and unreasonable fees, shall have no effect on contingent fee agreements in cases in which neither a pre-retention nor a post-retention offer of settlement is made.

(c) MOTOR VEHICLE ACCIDENTAL BODILY INJURY.—(1) This title shall not apply to accidental bodily injury caused by the operation or the use of a motor vehicle in claims in which an uninsured motorist or personal protection insured is involved.

(2) For purposes of this subsection the term "operation or use"—

(A) means operation or use of a motor vehicle as a motor vehicle, including, incident to its operation or use as a vehicle, the occupation of the vehicle;

(B) does not cover conduct within the course of a business of manufacturing, selling, or maintaining a motor vehicle, including repairing, servicing, washing, loading, or unloading; and

(C) does not include such conduct not within the course of such a business unless such conduct occurs while occupying a motor vehicle.

TITLE III—APPLICABILITY AND RULE OF CONSTRUCTION

SEC. 301. APPLICABILITY TO STATES; CHOICE OF LAW; JURISDICTION; AND CONSTRUCTION.

(a) APPLICABILITY TO STATES.—Title I or II of this Act shall not apply in a State if such State enacts a statute that—

(1) cites the authority of this subsection; and

(2) declares the election of such State that the title shall not apply.

(b) CHOICE OF LAW.—In disputes between citizens of States that elect nonapplicability under subsection (a) and citizens of States that do not so elect, ordinary choice of law principles shall apply.

(c) JURISDICTION.—This section shall not confer jurisdiction on the district courts of the United States under section 1331 or 1337 or title 28, United States Code.

(d) CONSTRUCTION.—Nothing in this Act shall alter or diminish the authority or obligation of the Federal courts to construe the terms of this Act.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SUMMARY OF DOLE-MCCONNELL LEGAL REFORM PROPOSALS

1. "CHOICE" IN AUTO INSURANCE

The principal feature of this proposal is the unbundling of economic losses and non-economic ("pain & suffering") losses and enabling individuals to self-insure for non-economic losses.

Without changing substantive state law of negligence, the proposal would offer drivers two choices for motor vehicle insurance:

a. Traditional tort coverage—the injured collects against his/her own policy for economic and non-economic losses, upon a showing that another party was at fault, pursuant to relevant state law. If the injured's economic losses exceed his/her policy limits, the injured will be able to sue the negligent party for those remaining losses and to collect a reasonable attorney's fee; or

b. Personal Injury Protection—the injured collects against his/her policy for economic losses, regardless of fault. As in the traditional tort coverage, if the injured's economic loses exceed his/her policy limits, the injured will be able to sue the negligent party for remaining economic losses, including a reasonable attorney's fee.

In all cases of intentional injury or injury that occurs as a result of drug or alcohol use, the injured retains the ability to sue for both economic and non-economic losses in accordance with applicable state law.

The Joint Economic Committee estimates that this proposal will save consumers $40 billion annually in reduced premiums for automobile insurance.

2. CONTINGENT FEE REFORM

This provision limits traditional contingent fee arrangements in order to ensure that more of the proceeds of a settlement or award will more often go to the insured party.

First, an attorney would be required to offer all clients an hourly rate and an hourly rate is presumed, if the attorney does not have a specific contingent fee agreement.

Where an injured party hires a lawyer to evaluate a settlement offer (pre-retention offer), the attorney is prohibited from receiving a percentage of the offer. The attorney may collect an hourly fee or a fixed fee.

In a case where an injured party retains a lawyer to engage in settlement negotiations on his behalf, and the injured party accepts a settlement offer, the lawyer is restricted to a fee of 10% of the first $100,000 and 5% of amounts above $10,000, after all reasonable expenses have been deducted.

If the settlement offer is not accepted and the case goes to trial, the lawyer may take a contingent only out of that portion of the award which exceeds the settlement offer. If the judgment is lower than the settlement offer, then the lawyer's fee is limited to the 10%/5% formula above.

3. EARLY OFFER/RAPID RECOVERY

This provision, originally sponsored a decade ago by Congressmen Richard Gephardt and Henson Moore, will encourage an injured individual to receive an offer of full compensation for economic losses, including future losses, without a lawsuit. In order to encourage this offer, an injured individual will be required, in making a claim against the allegedly responsible party, to provide all relevant information, including medical records. The allegedly responsible party will have 120 days to provide such economic compensation (the time may be extended by the claimant), and the allegedly responsible party can verify the information, including requesting the injured to get a medical examination.

The claimant retains the right to reject such early offer and may sue to recover all losses. However, noneconomic losses, including any punitive damages may only be recovered if the injured party proves, by clear and convincing evidence, that the injury was caused intentionally or by wanton misconduct.

In the event of more than one responsible party, relative fault and proportionate contribution will be assessed by an arbitrator.

And, the states can establish a minimum payment for serious bodily injury (for example, a loss of a limb which may not result in significant economic losses) that will have to be paid to the injured party under early offer.

To satisfy the federalism concerns raised by some, the bill will allow states to "opt out" of any of these provisions.•

By Mr. DASCHLE:

S. 1863. A bill to require the Secretary of the Army to acquire permanent flowage and saturation easements over land that is located within the 10-year flood plain of the James River, SD, and for other purposes; to the Committee on Environment and Public Works.

EASEMENT ACQUISITIONS LEGISLATION

Mr. DASCHLE. Mr. President, since 1993 the James River has flooded nearly 3 million acres of valuable farmland in my State resulting in billions of dollars of lost revenue for South Dakota producers and greatly diminishing the value of their land by washing away valuable top soil.

Clearly, the extreme wet conditions of the last 4 years have contributed to these floods. However, Mother Nature does not bear sole responsibility for the flooding. The problem has been affected by the James River management policy of the U.S. Army Corps of Engineers.

For producers to be asked to continue to bear these losses is unfair and unacceptable. Downstream landowners in South Dakota should not be required to accept financial losses directly influenced by the corps' river management policy.

Mr. President, today I am introducing legislation that will provide landowners along the James River with a

measure of security against future high water flows and help ensure that the Federal Government assumes greater responsibility for the damaging effects of its river management policies. This bill gives the U.S. Army Corps of Engineers authority to purchase from willing sellers easements over land that is located within the 10-year flood plain of the James River. Local producers who wish to grant these easements not only will be reimbursed for the loss of productivity on their flooded land, but also will retain their haying and grazing rights. Thus, the land will continue to provide value to farmers in relatively dry years. Those who do not wish to grant the corps these easements will be under no obligation to do so.

This legislation will provide some relief to landowners affected by the frequent flooding of the James River in South Dakota and represents part of the long-term solution to this troublesome problem. However, the overall management of the Jamestown Dam also needs to be examined, and I will continue to urge the corps to take seriously the concerns of South Dakotans as the operations manual for that dam is written.

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. 1863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF EASEMENTS OVER LAND NEAR JAMES RIVER, SOUTH DAKOTA.

(a) IN GENERAL.—The Secretary of the Army shall acquire, from willing sellers, permanent flowage and saturation easements over land that is located within the 10-year floodplain of the James River, South Dakota.

(b) SCOPE.—

(1) IN GENERAL.—The easements acquired by the Secretary of the Army under subsection (a) shall include the right, power, and privilege of the Federal Government to submerge, overflow, percolate, and saturate the surface and subsurface of the land and such other terms and conditions as the Secretary of the Army considers appropriate.

(2) HAYING AND GRAZING.—The Secretary of the Army shall permit haying and grazing on the land subject to the easements.

(c) PAYMENT.—In acquiring the easements under subsection (a), the Secretary of the Army shall pay an amount based on the unaffected fee value of the land subject to the easements. For the purpose of this subsection, the unaffected fee value of the land is the value that the land would have if the land were unaffected by rising ground water and surface flooding associated with the James River.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $40,000,000, to remain available until expended.

ADDITIONAL COSPONSORS

S. 94

At the request of Mr. COVERDELL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 94, a bill to amend the Congressional Budget Act of 1974 to prohibit the consideration of retroactive tax increases.

S. 684

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 1166

At the request of Mr. LUGAR, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1166, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, to improve the registration of pesticides, to provide minor use crop protection, to improve pesticide tolerances to safegaurd infants and children, and for other purposes.

S. 1199

At the request of Mrs. BOXER, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1199, a bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities.

S. 1578

At the request of Ms. MOSELEY-BRAUN, her name was added as a cosponsor of S. 1578, a bill to amend the Individuals With Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1628

At the request of Mr. BROWN, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

S. 1639

At the request of Mr. DOLE, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1639, a bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the Medicare Program for health care services provided to Medicare-eligible beneficiaries under TRICARE.

S. 1714

At the request of Mr. BURNS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 1714, a bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes.

S. 1726

At the request of Mr. BURNS, the names of the Senator from California [Mrs. BOXER], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 1726, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 1731

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1731, A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes.

S. 1752

At the request of Mr. SIMPSON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1752, a bill to amend title 38, United States Code, to exempt full-time registered nurses, physician assistants, and expanded-function dental auxiliaries from restrictions on remunerated outside professional activities.

S. 1755

At the request of Mr. DOMENICI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1755, a bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to provide that assistance shall be available under the noninsured crop assistance program for native pasture for livestock, and for other purposes.

S. 1781

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1781, a bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment for epoxide resins.

S. 1782

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S.

1782, a bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment for certain injection molding machines.

S. 1783

At the request of Mr. CRAIG, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1783, a bill to amend the Harmonized Tariff Schedule of the United States to provide for duty free treatment for certain semi-manufactured forms of gold.

S. 1786

At the request of Mr. WELLSTONE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 1786, a bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the medicare program for health care services provided to certain medicare-eligible veterans.

S. 1794

At the request of Mr. FAIRCLOTH, his name was added as a cosponsor of S. 1794, a bill to amend chapter 83 of title 5, United States Code, to provide for the forfeiture of retirement benefits in the case of any Member of Congress, congressional employee, or Federal justice or judge who is convicted of an offense relating to official duties of that individual, and for the forfeiture of the retirement allowance of the President for such a conviction.

S. 1848

At the request of Mrs. BOXER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 1848, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes.

S. 1853

At the request of Mr. FAIRCLOTH, the names of the Senator from Alabama [Mr. SHELBY], the Senator from Alabama [Mr. HEFLIN], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Georgia [Mr. COVERDELL], the Senator from North Carolina [Mr. HELMS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1853, a bill to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

SENATE JOINT RESOLUTION 8

At the request of Mr. COVERDELL, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the United States to prohibit retroactive increases in taxes.

SENATE RESOLUTION 258—RELATIVE TO THE ROBERT J. DOLE BALCONY

By Mr. NICKLES (for himself, Mr. DASCHLE, Mr. LOTT, Mr. FORD, Mr. THURMOND, Mrs. KASSEBAUM, Mr. ABRAHAM, Mr. AKAKA, Mr. ASHCROFT, Mr. BAUCUS, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BRADLEY, Mr. BREAUX, Mr. BROWN, Mr. BRYAN, Mr. BUMPERS, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Mr. CHAFEE, Mr. COATS, Mr. COCHRAN, Mr. COHEN, Mr. CONRAD, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. EXON, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. GLENN, Mr. GORTON, Mr. GRAHAM, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSTON, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NUNN, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to.

S. RES. 258

Resolved, That the balcony adjacent to rooms S-230 and S-231 of the United States Capitol Building is hereby designated as, and shall hereafter be known as, the "Robert J. Dole Balcony".

AMENDMENTS SUBMITTED

1996 SUMMER OLYMPIC TORCH RELAY CONCURRENT RESOLUTION

FORD AMENDMENT NO. 4044

Mr. SPECTER (for Mr. FORD) proposed an amendment to the concurrent resolution (H. Con. Res. 172) authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes; as follows:

In section 1 strike ", and the Olympic Torch may be displayed on the Capitol Grounds overnight,".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 3:30 p.m. on Tuesday, June 11, 1996, in open session, to consider the nominations of Gen. John H. Tilelli Jr., USA, for reappointment to the grade of general and to be commander in chief, U.N. Command/Combined Forces Command/United States Forces, Korea; Lt. Gen. Wesley K. Clark, USA, for promotion to the grade of general and to be commander in chief, United States Southern Command; and Lt. Gen. Walter Kross, USA, for promotion to the grade of general and to be commander in chief, United States Transportation Command.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, June 11, 1996, session of the Senate for the purpose of conducting a hearing on the condition of livestock markets.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. 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 Tuesday, June 11, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. NICKLES. 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 Tuesday, June 11, 1996, for purposes of conducting a full committee hearing which is scheduled to begin immediately following the business meeting scheduled at 9:30 a.m. The purpose of this hearing is to consider S. 1010, a bill to amend the unit of general local government definition for Federal payments in lieu of taxes to include unorganized boroughs in Alaska, and for other purposes; S. 1807, a bill to amend the Alaska Native Claims Settlement Act, regarding the Kake Tribal Corp. public interest land exchange, and S. 1187, a bill to convey certain real property located in the Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes.

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

COMMITTEE ON THE JUDICIARY

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate

on Tuesday, June 11, 1996, at 10 a.m. to hold a hearing on Olympics and the threat of terrorism.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, June 11, 1996, at 9:30 a.m. to conduct an oversight hearing on Indian trust fund management by the Department of the Interior and implementation of the Indian Trust Fund Management Act of 1994. The hearing will be held in room 485 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, June 11, 1996, at 2:30 p.m. to hold a closed meeting on intelligence matters.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. NICKLES. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, June 11 and Wednesday, June 12, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON THE CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, June 11, 1996, at 2 p.m., in Senate Dirksen room 226, to hold an executive business meeting.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to conduct a hearing Tuesday, June 11, 1996, at 9:30 a.m., hearing room (SD-406), on implementation of salmon and steelhead recovery efforts in the Pacific Northwest to solicit testimony on installation of the surface collector at Lower Granite Dam, recommendations of the National Academy of Sciences and the Snake River Recovery team on independent peer-reviewed science, and the establishment of an independent scientific advisory board.

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

ADDITIONAL STATEMENTS

OREGON TREATY SESQUICENTENNIAL

• Mr. HATFIELD. Mr. President, Saturday, June 15, marks the sesquicentennial of the Oregon Treaty, which extended the domain of the United States across lands that make up my home State of Oregon and the States of Washington and Idaho. With the ratification of this treaty, the United States for the first time spanned the American continent, from sea to shining sea. Nevertheless, this treaty is more than just a significant chapter in our young Nation's westward expansion. It also represents—perhaps more importantly—the victory of peace and compromise over ill will and nationalistic fervor.

On June 15, 1846, when the representatives of the British Crown and the United States signed the Oregon Treaty, the two nations concluded a longstanding but uneasy truce over the disposition of the Oregon country, the area bounded by the Rocky Mountains and the Pacific Ocean on the east and west, and Russian North America and Mexico on the north and south. Previously, a joint-occupation convention signed by Great Britain and the United States in 1818 and renewed in 1827 guaranteed both nations' citizens free and equal access to the Oregon country. Trappers and traders of the British Hudson's Bay Company and settlers from the United States navigated the same rivers and used the same resources, without common allegiance or uniform system of law. Charles H. Carey's "General History of Oregon" offers the definitive description of this era, during which conflicts between British subjects and the Hudson's Bay Company on the one hand and American citizens on the other sometimes flared—and did so ever more frequently as thousands of American settlers followed the Oregon Trail into the region beginning in 1843.

Throughout the United States, public sentiment flared as well. Indignation at the continuing British presence on Western American soil and concern for the rights of the United States citizens there compelled private individuals and politicians alike to demand the withdrawal of Britain from the Oregon country. On February 22, 1839, Senator Lewis Linn of Missouri exhorted this body to rush to the defense of Oregon settlers by annexing the Oregon country, saying, "Great Britain through the medium of the Hudson's Bay Company, has opened a trade with all the tribes of Indians on the western slope of the Rocky Mountains, as far south as the Gulf of California. Their hunters and trappers have penetrated all the valleys and glens of the Rocky Mountains, scattering arms, munitions of war, and fomenting discontent against the United States in the bosoms of those distant Indian tribes. They have driven our people from the Indian trade, which yielded seven or eight hundred thousand dollars per annum, and even pushed their operations east.

In this increasingly volatile atmosphere, the Democratic presidential convention of 1844 nominated former Tennessee Governor James K. Polk, despite his relative obscurity on the national stage. Polk won the general election against the much more prominent Whig, Henry Clay of Kentucky, by capitalizing on the expansionist mood of the country. Polk proudly invoked the United States' manifest destiny to span North America and ran on the famous campaign slogans "All of Oregon" and "54-40 or fight!", arguing that the United States should go to war with Britain if she did not withdraw entirely and absolutely from the Oregon country.

Once Polk entered the White House, there was substantial political pressure to honor his fiery campaign rhetoric. By 1845, as Charles Carey described in his seminal study, the Oregon country was welcoming new American settlers at a dizzying rate—and with each one, the need for a common government increased. In addition, several influential Members of Congress, including Senator Lewis Cass of Michigan—who was favored over James Polk as the expansionists' candidate going into the 1844 Democratic presidential convention—were loudly advocating Britain's immediate withdrawal from the region.

Another factor also invited President Polk to assume a relatively belligerent posture with Britain. Numerous attempts by previous administrations to compromise with Britain over a permanent boundary had failed due to British demands for all the lands north of the 45th parallel, including the Columbia River. Despite contentions that the United States' contiguity with the Oregon country gave it natural title to the region up to the 54th parallel, Presidents James Monroe and John Quincy Adams had offered both to settle the boundary at the 49th parallel and to permit British vessels free and equal navigation of the great Columbia River. As Polk's Secretary of State, James Buchanan, advised his chief negotiator with the Crown, Louis McLane, in correspondence dated July 12, 1845, British negotiators flatly rejected this offer on three different occasions (in 1818, 1824, and 1827).

Thus it was that, when his administration began anew to seek a boundary settlement with the British, President Polk confronted a dilemma. British negotiators had shown repeatedly that they were uninterested in a compromise—but if the president succumbed to political pressure to annex

all of Oregon he risked a western war with Britain just as America's recent annexation of Texas was threatening to ignite a southern war with Mexico.

In response to this dilemma, the Polk administration exercised the self-restraint, caution, and peaceful spirit of compromise in international relations of which the Oregon Treaty endures as a lasting reminder. President Polk instructed his Secretary of State, James Buchanan, to offer once more the compromise border of the 49th parallel. This time, however, President Polk refused to offer British ships free navigation of the Columbia; instead, he invited Britain to take whatever lands and ports she desired on Vancouver Island that were south of the 49th parallel. Once again, the British negotiators refused the compromise. President Polk then withdrew the offer, indicating that the onus was therefore on the British to draft their own compromise. To ensure that one was indeed forthcoming, the president called, in his first State of the Union Address—on December 2, 1845—for Congress to support him in giving Britain 12 months' notice that the Joint-Occupation Convention of 1827 was to be abrogated and nullified. Congress obliged, passing a joint resolution to that effect on April 27, 1846.

The United States' move to vacate the Joint-Occupation Convention successfully inspired in the British a conciliatory and cooperative spirit—without imperiling the peace that existed in the Oregon country. On June 6, 1946, Richard Pakenham, the British minister plenipotentiary, offered a proposal almost identical to President Polk's and transmitted it to him through Secretary of State James Buchanan. In accordance with the constitutional requirement that all treaties are negotiated with the advice and consent of this body, President Polk conveyed the proposal to the Senate on June 10. On June 12, the Senate voted 38–12 to advise the President to accept the British offer.

One hundred and fifty years ago this Saturday, Secretary of State James Buchanan affixed his signature to the Oregon Treaty. With this stroke of a pen, the administration of James Knox Polk peacefully secured for our young Nation the fruits of its manifest destiny—and made Oregon a great and lasting tribute to the power of cooperation and compromise.•

ALABAMA "TEACHER OF THE YEAR"

• Mr. HEFLIN. Mr. President, I rise today to pay tribute to one of Alabama's most outstanding teachers. Harriet Tyler, a sixth-grade teacher at Springwood School in Lanett, AL, was recently selected as Teacher of the Year for the State of Alabama by the Alabama Independent School Association.

Harriet Tyler—a native of Decatur, AL, and a graduate of Butler High School—has influenced the lives of countless elementary students since she graduated from Auburn University in 1965. As a sixth-grade teacher, she has had the unenviable task of preparing the senior members of the playground for the traumatic transition to junior high school. Sometimes we think our work here in the Senate is difficult, but I don't think that it compares to the difficult job that Harriet Tyler has done year after year for over 30 years. Her commitment to her job, her school, and most importantly, to her students is truly inspiring.

Mr. President, teachers like Harriet Tyler represent the key to America's future. As our children face the challenges of the 21st century, it is dedicated educators like Harriet Tyler who accept the challenge of turning the young people of today into the leaders of tomorrow.•

TRIBUTE TO LT. GEN. MARC A. CISNEROS

• Mrs. HUTCHISON. Mr. President, I rise today to recognize a great patriot, statesman, and soldier from the Lone Star State of Texas, Lt. Gen. Marc A. Cisneros. General Cisneros is retiring after a distinguished 35-year military career in the U.S. Army.

Marc Cisneros entered the military in 1961 after graduating as an ROTC distinguished military cadet from St. Mary's University, in San Antonio, TX. He was commissioned a 2d Lt. in the field artillery and has faithfully and selflessly served his country in a wide array of demanding command and staff assignments within the continental United States and overseas. Most notable was his assignment as Commanding General, U.S. Army South and Joint Task Force, Panama, during Operation Just Cause. During Operation Just Cause, General Cisneros played a significant role in the combat operations in Panama and helped negotiate the capture and surrender of Panamanian General Noriega. Besides this action, General Cisneros served two combat tours in Vietnam.

This officer has risen through the ranks emphasizing military readiness and displaying a genuine compassion for soldiers and their families. Marc Cisneros has been a caring leader committed to the values and ideals that have made this country and its military so great.

His final assignment was as Commanding General, 5th U.S. Army, Fort Sam Houston, TX. In this most important position, Marc Cisneros provided vision, enforced standards of excellence, and committed himself to helping sustain the readiness of the Nation's reserve component forces.

Mr. President, our Nation owes a debt of gratitude to Lt. Gen. Marc A. Cisneros, and I am honored to recognize him today. With our deepest appreciation, the United States of America says thank you. I wish him, and his wife Eddy and their children, continued success and happiness in all future endeavors.•

COMMEMORATING THE 30TH ANNIVERSARY OF THE INDEPENDENCE OF GUYANA

• Mr. BRADLEY. Mr. President, I rise today to honor the nation of Guyana as it celebrates its 30th year as a sovereign nation, and to pay tribute to the citizens of this nation whose dedication to their country enabled Guyana to develop from a small colony to an independent nation.

Guyana was a Dutch colony from 1621 until it eventually came under the influence of the British who acquired formal possession in 1814. While still under British control, Guyana obtained its first constitution in 1928, although universal franchise was not recognized until much later in 1953. From 1957 until 1966 the People's Progressive Party was elected and controlled Guyana under a system of internal self rule.

In 1965, the British Guiana Independence Conference met in London to the authorize a new constitution. When ratified on May 26, 1966, the new constitution marked the beginning of the independent nation of Guyana.

Throughout its years as both a Dutch and British colony, Guyana became home to workers from many different lands. With a population of 739,553, Guyana is comprised primarily of East Indians and people of African descent. Guyana is also home to native South Americans as well as citizens of Chinese and European heritage.

Guyana was one of the founding members of the Caribbean Free Trade Area [CARIFTA] which was established in 1968. Guyana has been called the bread basket of the Caribbean because it is blessed with many natural resources and the potential for a strong economy. Guyana is dually blessed with both natural resources and a vibrant and diverse people. These attributes ensure that in the years to come this young country will grow into a leader in its part of the world.

Today, I rise to offer my congratulations to Guyana on the anniversary of its independence as a sovereign nation. The future of Guyana has never looked brighter. New Jersey's multi-cultural heritage has benefited from citizens from Guyana. I congratulate its citizens on their perseverance and potential, and extend my best wishes for continued success as an independent nation.•

THE 30TH ANNIVERSARY OF THE CITY OF SALINE, MI AND THE TOWN OF BRECON, WALES AS SISTER CITIES

• Mr. ABRAHAM. Mr. President, I rise today to recognize the 30th anniversary of the successful partnership of the city of Saline, MI, and the town of Brecon, Wales in the Sister Cities Program.

Thirty-years ago next month, under the People-to-People Program established by President Eisenhower, a bond was forged between these two communities. In the words of Saline Mayor Patrick J. Little, "We have become one community separated by a large body of water. Over two generations have had the pleasure of learning about each other's culture."

To celebrate this occasion, next month approximately 50 members of the Brecon community will visit Saline, the highlight of which will be the first ever Celtic Festival on July 6. I would like to extend a warm welcome to our visitors from Brecon, and congratulate the citizens of both cities for their three decades of cooperation and friendship.•

A CASE AGAINST INDEPENDENT COUNSEL

• Mr. SIMON. Mr President, I supported the creation of the office of independent counsel and have voted for its reauthorization.

I am now convinced that is the wrong way to solve this particular problem.

My judgment is that we should look at the office of Attorney General with great care when a nomination is made. And if the nominee is too close, in any way, to the President, that nomination should be rejected.

And if the nominee has been active in political life beyond the normal type of engagement, that should be weighed. Such a person should not automatically be rejected, but there should be ample evidence that the person will serve with honor.

An ideal type of arrangement was when Ed Levi was chosen as Attorney General by President Gerald Ford. No one for a moment thought that the man who left as president of the University of Chicago to become Attorney General could be politically manipulated by the President, even if the President wanted to do that.

My impression is that Janet Reno is made of the same stuff and that her appointment was a good appointment.

When I was sounded out about John F. Kennedy appointing Bobby Kennedy as Attorney General I indicated to Bob Wallace, the Kennedy staff person who asked me about it, that I thought it was a mistake because the Attorney General should not be too close to the President. As it turned out, Bobby Kennedy did a good job as Attorney General, but as a precedent it was not good.

In the same way, Ed Meese was much too close personally and politically to Ronald Reagan to serve the Nation as effectively as he might have as Attorney General.

The Chicago Tribune had an editorial recently titled, "A Case Against Independent Counsel."

Their conclusion is that we should simply do away with the law.

I reluctantly believe their conclusion is correct.

But it will be correct only to the extent that we assure the American public that the Attorney General is of an independent bent. It may even be that we should appoint an Attorney General for a period of 10 years, subject to removal from office under conditions that are carefully spelled out in the law prior to ending that 10-year period.

But the Chicago Tribune editorial contains words that we should reflect on.

Mr. President, I ask that the article from the Chicago Tribune be printed in the RECORD.

The article follows:

A CASE AGAINST INDEPENDENT COUNSEL

Remember Sam Pierce?

That's OK. Ronald Reagan didn't remember him either, even when Pierce was serving in his cabinet as secretary of Housing and Urban Development. (Reagan once greeted him in a receiving line as "Mr. Mayor").

Pierce and Reagan have been gone from Washington for almost eight years, but the effects of their presence continue to be felt. In Pierce's case, they are felt less in policy than in the work of an independent counsel, or special prosecutor, who is said to be tidying up loose ends in a probe of abuses and mismanagement in Pierce's agency during the Reagan years.

As of the end of March, this investigation had resulted in 17 convictions of former high-level officials and the associates to whom they steered contracts or directed favors. The most prominent of those convicted was James Watt, the blunt former secretary of the Interior in the Reagan administration, who in January pleaded guilty to attempting to mislead the grand jury in the HUD investigation. He was sentenced to five years of probation, 500 hours of community service and a $5,000 fine.

To obtain these results, the independent counsel has run up a tab of almost $21 million—an average of $1.2 million per conviction. That's offset somewhat by the $2 million in fines and $10 million in recovered HUD funds. But even so, the pursuit of justice in the HUD case has been an extremely costly affair.

The HUD probe is not even the most expensive by an independent counsel. Lawrence Walsh's Iran-contra investigation cost more than $40 million. Kenneth Starr's Whitewater probe bids fair to become the most expensive ever—by one estimate it already has cost $25 million. Altogether, special counsels have cost the taxpayers $100 million over the last 10 years.

This mounting expense, for results whose value more and more members of Congress consider dubious at best, has inspired a questioning of the independent counsel law that arguments from principle could not.

The logic behind the law (formally, the Ethics in Government Act) is simple and seems unassailable: When high-level officials in an administration are accused of serious breaches of the public trust, it takes an independent outsider to conduct a credible investigation. There is a built-in conflict of interest that makes it impossible for the normal Justice Department processes to work. Without a law, the president cannot be counted on to permit an independent investigation of his administration.

The only problem with this logic is that in the long scope of U.S. history, it has not been shown to be true. Most Justice Department officials and prosecutors behave honorably. In the one great historical instance in which the Justice Department's integrity was in serious question—Watergate—overwhelming political pressure forced President Richard Nixon to yield and accept an independent counsel.

An independent counsel law is a source of permanent temptation to political mischief. The Democrats in Congress used it to bludgeon the Reagan and Bush administrations. Now—after the Democrats insisted on renewing the law in Bill Clinton's first year in office—the Republicans are using it to bludgeon the Clinton administration. No fewer than four independent counsels are at work investigating issues from Whitewater to whether Henry Cisneros lied to the FBI about how much money he gave his former mistress.

As the figures on the HUD investigation suggest, independent counsels operate with none of the budget constraints that fetter ordinary prosecutors. And they can pursue their quarry indefinitely, meaning that individuals can remain under threat of prosecution for years, with devastating effects on their families, fortunes, careers and psyches. That's not fair.

Rep. Henry Hyde (R-Ill.) and Rep. Jay Dickey (R-Ark.) each have proposed legislation to reduce the powers of independent counsels and make them more accountable to Congress.

Better that they should simply do away with the law. As the Nixon case demonstrates, when a president's behavior threatens the very constitutional order, the public will demand an independent counsel. Absent such an outrage, it's best to let normal legal processes work.•

TRIBUTE TO COOPER TOOLS/ NICHOLSON FILE

Mr. HEFLIN. Mr. President, the National Association of State Directors of Vocational Technical Education Consortium recently recognized Cooper Tools/Nicholson File of Cullman, AL, for their commitment to vocational education. I, too, would like to commend Cooper Tools/Nicholson File for their exemplary contributions to the community of Cullman, AL, in regards to vocational training. If I may, Mr. President, I would like to briefly outline some of the innovative projects Cooper Tools/Nicholson File has initiated.

In 1985, Nicholson File helped the Cullman County Area Vocational Center take a giant leap toward educational excellence by adopting the school as its partner. As the first step, the company donated to the school hand tools and power equipment worth more than $254,000.

In addition, Nicholson File began a scholarship program for vocational students to attend Wallace State Community College. To date, 24 students have

attended the college, using gifts totaling $48,000.

In 1986, Cooper Tools initiated Project PACE—Partnership To Aid Career Education. Project PACE gave selected vocational schools an unrestricted grant of $10,000 each for teacher development and recognition, student incentives and recognition, curriculum improvement or new technology, or community outreach. A national panel chose three schools to receive additional PACEsetter Awards totaling $50,000. Cullman County Area Vocational Center won an additional grant of $25,000 for a student recognition/scholarship program. In 1995, the school won a $20,000 award for curriculum improvement.

ComSAVE, another collaborative venture between the school and Nicholson File was instrumental in the implementation of the tech prep initiative in Cullman County. Other efforts have led to new programs, including CAD and Computer Electronics.

As you can see, Mr. President, Cooper Tools/Nicholson File has taken a very proactive approach in regards to vocational education. Cooper Tools/Nicholson File is setting a standard which I hope others will emulate.

THE RUSH TO GULP U.S. RADIO STATIONS

• Mr. SIMON. Mr. President, some of my colleagues may remember that when the new telecommunications law was before the Senate, I offered an amendment to limit the expansion of radio station ownership by any one corporation or any one individual.

That amendment was tabled by a vote of 64 to 34.

The other day I read an article by Prof. Jerry Landay, former broadcast journalist, who now teaches at the University of Illinois. The article appeared in the Christian Science Monitor under the title. "The Rush To Gulp U.S. Radio Stations."

I ended up voting against the bill even though I know there were some good things in it.

But diversity in ownership is good for all the media. I don't like the concentration of ownership that is taking place in newspapers, but that is not a federally regulated entity.

Radio stations and television stations are federally regulated, and we have every right to demand diversity of ownership and not monopolistic or oligarchical practices.

I ask that the Jerry Landay article be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, May 7, 1996]

THE RUSH TO GULP US RADIO STATIONS

(By Jerry M. Landay)

The surface glamour faded long ago from radio. But Americans keep as many as five or six sets in the house and use them regularly. Don Imus, Rush Limbaugh, and Garrison Keillor remind us that television hasn't stripped all the glory from the medium or its revenues—Totaling $11.5 billion in 1995.

The radio stations that CBS owns—39 of them—grossed a half-billion dollars last year. Like the printing presses in the Federal Mint, commercial radio stations in America churn out cash in prodigious amounts. Returns of 40 to 50 percent yearly are not uncommon.

Multibillion-dollar mergers and acquisitions in the telephone and television-based industries spawned by the new telecommunications law have stolen our eye from the land rush now under way in Radioland. A vast consolidation of ownership has begun among America's 10,000 commercial stations. Just two months after passage of the law erased the limits on the number of radio stations a single owner may acquire, a station-buying blowout is justifying critics' fears that the law is not spurring competition, but monopoly. An industry that once had to base its license renewals on service to a station's community has been let off the hook by Congress and the president.

Rita Zanella, a media analyst at Gruntal & Co. in New York, predicts that eight or 10 big station groups will eventually control the entire broadcasting industry. "You control pricing," she told the Chicago Tribune. "You eliminate your competition and have greater control over what you can charge."

To cite just a few examples of the radio land rush, Jacor Communications Inc. of Cincinnati spent nearly a billion dollars in February to acquire 26 radio stations and two television stations. Jacor now controls 62 percent of the radio revenues in the Cincinnati, market, nearly half the Denver market, 30 percent of the Tampa market, and a quarter of the radio business in Portland, OR. In a single deal worth $1.2 billion, announced earlier this month, the Sinclair Broadcasting Group of Baltimore acquired 34 radio stations in 27 markets, along with a group of television stations, becoming a miniconglomerate in a single bound.

With the purchase of three stations in March, Citadel Communications Corporation now owns seven of the most powerful AM and FM stations in Albuquerque's 36-station radio market. That includes KKOB, which blankets much of the southwest, and the city's only classical music station, KHFM. Arthur Schreiber, a former manager of KKOB and a veteran of the radio wars, predicts that Albuquerque's classical-music listeners will soon find themselves without choice on the air. "It's hard for me to believe that Citadel can meet its debt service by continuing to play classical music on a station that cost it $5.6 million," says Mr. Schreiber.

The federal government is essentially licensing the drive to bigness. Station brokers predict that 1996 will be the most lucrative year ever for station trades. I a deregulatory environment, small, aggressive companies such as Jacor and Citadel can become mass-comm players in a single bound, with lenders anxious to supply cheap money.

But radio isn't just any business. Radio is an essential part of our civic capital. It speaks over publicly licensed frequencies to millions of listeners, at home, at work, and on the road. In the past stations were more than juke boxes. They provided breaking news and weather bulletins, specialized information for farmers, investors, community organizations, local governments, and emergency services. Before the start of deregulation in the 1980s, owners were limited to seven AM and seven FM stations, to ensure diverse voices and dispersed power.

The new barons of radio are absentee owners who convert their stations from local presences into cash cows for instant milking, their values ballooned for trading to the next buyer. The name of the game is to avoid being the "last sucker" stuck with debt if recession hits.

Radio, once the most trusted news source in America, has increasingly abandoned the role of local service-provider. Newsrooms in many stations have been cut to the bone—one or two readers, Schreiber says, "ripping and reading" news and weather supplied to all clients by a single news source, the Associated Press.

there is teeth-gritting sameness in the music they play, as dial-twisters who have traveled long distances in a car can testify—various shades of rock and country music.

Before deregulation, the Federal Communications Commission required buyers to hold their stations for at least three years before resale, to ensure local commitment. In the new environment, a wheeler-dealer can theoretically turn his station over as soon as the FCC approves the purchase. Media writer Ken Auletta was told by the head of a station ownership group: "It's commodity trading to us. We don't know [our] community. We're short-term players."

The fundamental question is unavoidable: Is mass communications solely a growth game for entrepreneurs, banks, and Wall Street, or is it also a social partner that justifies its existence by living up to its civic obligations? The late Donald H. McGannon, a respected industry leader of the 1950s and '60s as chairman of the Group W (Westinghouse) Stations, was a businessman with a vision who told his staff: "If we do the right thing in our cities and towns, the money comes." They did—and it did.

The times have changed. But not the relevance of McGannon's vision. Undoing the damage of the Telecommunications Act of 1996 will be difficult, but it will have to happen.•

SUBMISSION OF CBO SCORING FOR INTELLIGENCE AUTHORIZATION BILL (S. 1718)

• Mr. SPECTER. Mr. President, on April 30, 1996, the Select Committee on Intelligence reported S. 1718, the Intelligence Authorization Act for Fiscal Year 1997 from committee. Knowing that this would be a relatively short legislative year and that the Armed Services Committee would take our bill on referral for up to 30 days of session—as it does every year, the committee marked up this bill at the earliest possible date. The Congressional Budget Office was not able to complete its scoring of our bill before we filed the report. We have now received the report of the Congressional Budget Office and I ask that it be printed in the RECORD so that Members will have an opportunity to review it before the Intelligence bill comes up for consideration by the full Senate.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 22, 1996.

Hon. ARLEN SPECTER,
Chairman, Select Committee on Intelligence, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1718, the Intelligence Authorization Act for Fiscal Year 1997, as reported by the Senate Select Committee on Intelligence on April 30, 1996.

The bill would affect direct spending and receipts, and thus would be subject to pay-as-you-go procedures under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For June E. O'Neill, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 1718.

2. Bill title: Intelligence Authorization Act for Fiscal Year 1997.

3. Bill status: As reported by the Senate Select Committee on Intelligence on April 30, 1996.

4. Bill purpose: This bill would authorize appropriations for fiscal year 1997 for intelligence activities of the United States government, the Community Management Staff of the Director of Central Intelligence, and the Central Intelligence Agency Retirement and Disability System.

5. Estimated cost to the Federal Government: Table 1 summarizes the budgetary effects of the unclassified sections of the bill on direct spending, revenues, and authorizations of appropriations for 1997. CBO could not obtain the necessary information to estimate the costs for the entire bill because parts are classified at a level above clearances now held by CBO employees.

6. Basis of estimate: The estimate assumes that S. 1718 will be enacted by October 1, 1996, and that the full amounts authorized will be appropriated. CBO used historical spending rates for estimating outlays.

DIRECT SPENDING AND REVENUES

Title V of S. 1718 defines economic espionage and contains provisions governing fines and forfeitures that would affect direct spending and revenues. Although the bill would provide for penalties that could accumulate to be in the millions of dollars in any one year, CBO cannot predict the frequency of successful prosecutions for economic espionage or the amounts of the fines that would be levied and collected. Nevertheless, the only net budgetary impact would stem from civil fines.

TABLE 1.—ESTIMATED COST TO THE FEDERAL GOVERNMENT OF THE UNCLASSIFIED SECTIONS OF S. 1718

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
DIRECT SPENDING AND REVENUES							
Direct spending:							
Estimated budget authority	0	(1)	(1)	(1)	(1)	(1)	(1)
Estimated outlays	0	(1)	(1)	(1)	(1)	(1)	(1)
Revenues	0	(1)	(1)	(1)	(1)	(1)	(1)
SPENDING SUBJECT TO APPROPRIATIONS ACTION							
Spending under current law:							
Budget authority[2]	305	0	0	0	0	0	0
Estimated outlays	350	39	19	5	0	0	0
Proposed changes:							
Estimated authorization level	0	282	1	0	0	0	0
Estimated outlays	0	239	25	14	5	0	0

TABLE 1.—ESTIMATED COST TO THE FEDERAL GOVERNMENT OF THE UNCLASSIFIED SECTIONS OF S. 1718—Continued

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000	2001	2002
Spending under the bill:							
Estimated authorization level[2]	305	282	1	0	0	0	0
Estimated outlays	350	278	44	19	5	0	0

[1] CBO cannot estimate the direct spending and revenue impacts of the bill. Title V would affect both spending and revenues through fines and forefeitures associated with economic espionage. Over time, these effects would be offsetting except for civil fines as described in the text.

[2] The 1996 figure is the amount already appropriated.

Fines.—The imposition of new civil and criminal fines in S. 1718 could cause governmental receipts to increase. Civil fines would be deposited into the general fund of the Treasury. Criminal fines would be deposited in the Crime Victims Fund and would be spent in the following year; thus, direct spending from the fund would match the increase in revenues from criminal fines with a one-year lag.

Forfeiture.—A new forfeiture provision in S. 1718 could lead to more assets seized and forfeited to the United States as a result of economic espionage. Proceeds from the sale of any such assets would be deposited as revenues into the Assets Forfeiture Fund of the Department of Justice and spent out of the fund in the same year. Thus, direct spending from the Assets Forfeiture Fund would match any increase in revenues.

SPENDING SUBJECT TO APPROPRIATIONS ACTION

The bill would authorize the appropriation of $280 million for intelligence and intelligence-related activities for 1997 as well as such sums as may be necessary to establish the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

Section 104 would authorize appropriations of $95.5 million for 1997 for the Community Management Account of the Director of Central Intelligence. Similarly, section 201 specifies an authorization of appropriations for the Central Intelligence Agency Retirement and Disability Fund of $184.2 million. In addition, CBO estimates costs of $3 million over two years to establish the new commission.

7. Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill would have the following pay-as-you-go impact:

[By fiscal year, in millions of dollars]

	1996	1997	1998
Change in outlays	0	(1)	(1)
Change in receipts	0	(1)	(1)

[1] CBO cannot estimate the direct spending and revenue impacts of the bill. Title V would affect both spending and revenues through fines and forfeitures associated with economic espionage. Over time, these effects would be offsetting except for civil fines as described in the text.

8. Estimated cost to State, local, and tribal governments: Section 4 of Public Law 104–4 excludes from application of that act legislative provisions that are necessary for the national security. CBO has determined that all the provisions of S. 1718 either fit within this exclusion or do not contain intergovernmental mandates as defined by Public Law 104–4.

9. Estimated impact on the private sector: CBO has determined that all the provisions of S. 1718 either fit within the national security exclusion or do not contain private-sector mandates as defined by Public Law 104–4.

10. Previous CBO estimate: None.

11. Estimate prepared by: Federal Cost Estimate: Jeannette Van Winkle. Impact on State, Local, and Tribal Governments: Karen McVey. Impact on Private Sector: Neil Singer.

12. Estimate approved by: Robert A. Sunshine for Paul N. Van de Water, Assistant Director for Budget Analysis.●

ORDER OF PROCEDURE

Mr. SPECTER. Madam President, I have been asked to perform the wrap-up—a high honor to be acting majority leader—perhaps majority leader since there is no majority leader at the moment.

ORDER FOR PRINTING A SENATE DOCUMENT

Mr. SPECTER. Madam President, I ask unanimous consent that the tributes to Senator DOLE be printed as a Senate document.

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

AUTHORIZATION FOR THE USE OF THE CAPITOL GROUNDS

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 172 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 172) authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

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

AMENDMENT NO. 4044

(Purpose: To make a minor technical amendment)

Mr. SPECTER. Madam President, in behalf of Senator FORD, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for Mr. FORD, proposes an amendment numbered 4044.

In section 1 strike ", and the Olympic Torch may be displayed on the Capitol Grounds overnight,".

Mr. FORD. Madam President, The amendment that I offer to House Concurrent Resolution 172 conforms the language of the resolution to the authority sought by the sponsors of the Olympic Torch Relay. The plans for the relay has been modified since the introduction of the original resolution in

the House. This amendment reflects those changes.

It is my understanding that the House leadership is prepared to accept this amendment and will expedite action on this measure when it is received in the House. Consequently, this amendment will not result in any delay of the Olympic Torch Relay events.

I commend my colleague from Georgia, Senator NUNN, for his efforts to facilitate this event and thank my colleagues for their assistance.

Mr. SPECTER. Madam President, I ask unanimous consent that the amendment be agreed to, the resolution, as amended, be agreed to, and the motion to reconsider be laid upon the table; further, that any statements relating thereto be placed at an appropriate place in the RECORD as if read.

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

The amendment (No. 4044) was agreed to.

The concurrent resolution (H. Con. Res. 172), as amended, was agreed to.

ORDERS FOR WEDNESDAY, JUNE 12, 1996

Mr. SPECTER. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 on Wednesday, June 12; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 12 noon with Senators permitted to speak for up to 5 minutes each with the following exception: Senator GRASSLEY for 10 minutes.

I further ask unanimous consent that at 12 noon, the Senate then resume debate on the conference report to accompany the concurrent budget resolution.

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

PROGRAM

Mr. SPECTER. For the information of all Senators, on Wednesday the Senate will be resuming debate on the budget resolution conference report. Under a previous order, if the Senate has received the official papers on the conference report from the House by 3:30 p.m. on Wednesday, the Senate will proceed at that time on a vote on adoption of that matter. If the Senate does not receive the papers from the House by that time, then a vote on the adoption of the conference report would then occur on Thursday, June 13, at a time to be determined by the majority leader after consultation with the Democratic leader.

The Senate may also be asked to turn to the consideration of any other items cleared for action. Therefore, other rollcall votes are possible on Wednesday.

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

ORDER FOR ADJOURNMENT

Mr. SPECTER. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order following the remarks of Senator CRAIG.

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

The Senator from Idaho is recognized.

TRIBUTE TO SENATOR BOB DOLE

Mr. CRAIG. Madam President, I will not keep us long in the closing hours of the U.S. Senate in what will certainly be recognized and reported as a historic day.

Madam President, this evening I want to add to my earlier remarks two thoughts that I think are appropriate as many of our colleagues have come to the floor today to express their sadness, their reminiscent thoughts, and in some instances our joy that BOB DOLE is now free to lead our party, my party, the Republican Party, in his quest for the Presidency.

Over the last 2 years I have had the privilege of developing a unique relationship with leader BOB DOLE. I chair the steering committee here in the Senate, better known as the conservatives, or a group of conservatives, and there have been many occasions when I have been instructed by that group to go sit down with our leader and express our concern over a given issue.

It has been over the course of that time that I have gotten to know BOB DOLE for the person that so many have spoken to today: a man whose leadership, and his concern about our country and this institution, the Senate, was always foremost. He did so in style and dignity. BOB DOLE is one of those people who could tell you no with as much sincerity as he could tell you yes; that he would take your issue and carry it forward, or that he did not believe what you were discussing with him was appropriate at the time and that sometime in the future it might fit. That was the kind of person who I have grown to know and respect in my first term here in the U.S. Senate.

Another issue that BOB DOLE has been more than fair to this Senator on is the issue of my leadership on the balanced budget amendment. I had started that effort in the House in the 1980's, but it was some years after BOB DOLE had already presented the idea here in the U.S. Senate. I, along with the Presiding Officer at this moment, had felt the importance of this issue and had worked hard to make it a national issue.

When I arrived here in the Senate in 1990 as the citizens of Idaho chose me as one of their U.S. Senators, BOB DOLE was very quick to say, "LARRY, that is your issue, and we want you to lead." As our committee meetings went forward, or as there were press conferences, or as there were other gatherings in behalf of a balanced budget amendment, BOB DOLE attended them religiously. But with his seniority and with his prestige, he was always willing to step back and say to people like myself, or Orrin HATCH, or others, or PAUL SIMON, "This is your issue. You lead with it. You carry it."

When we convened the historic 104th session, as BOB DOLE become the majority leader of the U.S. Senate, he was very quick to say to me and others, "This is an issue that will be one of our lead issues this year, and I want you, LARRY CRAIG, or ORRIN HATCH, or PAUL SIMON, to lead me."

What I am saying is that in all of the opportunities that BOB DOLE had to be in the forefront, there were many occasions when he was very willing to step back and let others lead, and I think that is the sign of a leader. I think that is the expression of the confidence that he had in himself, but at the same time the willingness to share that with all of us as he saw the importance of broadening our base and carrying these issues forward.

I, along with every Senator in this body, will miss BOB DOLE as our majority leader.

But I say that I am excited about the future. And I am excited about the opportunity someday, as I believe I will have that opportunity, to say to BOB DOLE, "Mr. President, it is my pleasure to serve you."

With those thoughts, I yield back my time with the understanding that the Senate will stand in adjournment.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:57 p.m., adjourned until Wednesday, June 12, 1996, at 11:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 11, 1996:

LEGAL SERVICES CORPORATION

LAVEEDA MORGAN BATTLE, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998.

JOHN N. ERLENBORN, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998.

EDNA FAIRBANKS-WILLIAMS, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1998.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

NORMAN I. MALDONADO, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 1999.

LUIS D. ROVIRA, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2001.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONNA DEARMAN SMITH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING MARCH 3, 1998.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

WILLIAM L. WILSON, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

COMMUNICATIONS SATELLITE CORPORATION

BARRY M. GOLDWATER, SR. OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1998.

PETER S. KNIGHT, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1999.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

C.E. ABRAMSON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROBERT B. ROGERS, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF THREE YEARS.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

ELMER B. STAATS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2001.

NATIONAL MUSEUM SERVICES BOARD

DAVID A. UCKO, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1999.

ALBERTA SEBOLT GEORGE, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 1998.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

AUDREY TAYSE HAYNES, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 13, 1998.

MARY DODD GREENE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998.

MARK EDWIN EMBLIDGE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 22, 1998.

TONI G. FAY, OF NEW JERSEY, TO BE A MEMBER OF THE NATIONAL INSTITUTE LITERACY ADVISORY BOARD FOR A TERM EXPIRING OCTOBER 12, 1998.

DEPARTMENT OF STATE

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ADVISOR TO THE PRESIDENT AND TO THE SECRETARY OF STATE ON ASSISTANCE TO THE NEW INDEPENDENT STATES [NIS] OF THE FORMER SOVIET UNION AND COORDINATOR OF NIS ASSISTANCE.

DANE FARNSWORTH SMITH, JR., OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SENEGAL.

GEORGE F. WARD, JR., OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAMIBIA.

SHARON P. WILKINSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BURKINA FASO.

KENNETH C. BRILL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

DAY OLIN MOUNT, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ICELAND.

CHARLES O. CECIL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NIGER.

DAVID C. HALSTED, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CHAD.

PRUDENCE BUSHNELL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

MORRIS N. HUGHES, JR., OF NEBRASKA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

NUCLEAR REGULATORY COMMISSION

HUBERT T. BELL, JR., OF ALABAMA, TO BE INSPECTOR GENERAL, NUCLEAR REGULATORY COMMISSION.

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS.

DEPARTMENT OF DEFENSE

ROBERT E. ANDERSON, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2001.

LONNIE R. BRISTOW, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING JUNE 20, 2001.

SHIRLEY LEDBETTER JONES, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF REGENTS OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES FOR A TERM EXPIRING MAY 1, 2001.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN R. LACEY, OF CONNECTICUT, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 1998.

IN THE COAST GUARD

COAST GUARD NOMINATIONS BEGINNING VINCENT WILCZYNSKI, AND ENDING JAMES R. DIRE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 19, 1996.

COAST GUARD NOMINATION OF ANDREW J. SORENSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MAY 22, 1996.