SENATE—*Monday, March 23, 1998*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

God of mercy and mirth, when tensions mount, tempers are frayed, and work piles up, we thank You that You are the source of true joy. When life gets tedious and people are difficult, we praise You that we can experience what Habakkuk of old discovered, "I will rejoice in the Lord, I will joy in the God of my salvation. The Lord is my strength. . . ."—Habakkuk 3:18. How wonderful! The prophet uses joy as a verb.

Today, we too want to joy in You. We know that joy is an outward expression of an inner experience of Your grace. So we begin this new week reflecting on Your amazing grace. Your love for us has no limits. There is nothing we can do to stop You from loving us, but there is much that we do to block the experience of Your love. We confess our self-justification, our pride, and our reluctance to forgive. Cleanse anything in us that would block the flow of Your joy in us. Also show us ways we suppress or even kill Your joy in others. Nehemiah gives us today's motto: "The joy of the Lord is Your strength."—Nehemiah 8:10. In the name of Christ who brings lasting joy. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader of the Senate, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will begin consideration of S. 1768, the emergency supplemental appropriations bill. As earlier announced, a vote will occur today at 5:30, hopefully with respect to an amendment to the supplemental appropriations bill, but if that cannot be arranged, or if there is not an amendment available at that time, then the Senate will be voting with respect to an Executive Calendar item. Therefore, Senators should be on notice that a vote will occur at 5:30.

It is my hope the Senate can make good progress, if not complete action, on the supplemental appropriations bill, since it is an emergency. It is the funds for our activities in Bosnia and the Persian Gulf, as well as for natural disasters. I hope we can get it completed, certainly prior to an anticipated cloture vote at 5:30 p.m. on Tuesday. That cloture vote would be on H.R. 2646, which is the Coverdell A+ Education Savings Account Act. Perhaps we will be able to work out a unanimous consent agreement on a limited number of amendments and how those amendments could be handled so that cloture would not be necessary, but if not, we will have cloture at 5:30. And I assume and hope that that cloture motion will be agreed to.

So I ask all Members who must amend that important legislation to notify the managers of their intentions. Senator STEVENS will be coming here later, and he will be looking for notification of any amendments that might be necessary.

As announced earlier, consideration of the NATO treaty has been postponed, to occur at a later date, possibly even after the Easter recess. The Senate has several very important emergency items we have to consider prior to the recess, including, probably on Thursday of this week, the Mexico decertification issue. The rules require that we have to act on that before Saturday, and I believe the rules also provide for up to 10 hours of debate. So we have to do that Thursday, we have to complete the supplemental appropriations, and we have to complete the education bill. So we just do not have the time to have the necessary focused debate that we need to have on NATO enlargement. It may be after the Easter recess before we come back to that. A number of Senators have asked that we have the final debate and votes after the Easter recess, so we may have to do that.

So we will have a vote at 5:30 this afternoon on the supplemental appropriations bill, an amendment perhaps, and then we will have the Coverdell education bill tomorrow. I hope that we can find a way to work together and not spend the whole week with filibusters and cloture votes, but if not, we will go with the cloture votes and take up the emergency issues we have to deal with. I hope we will get cooperation. I thank the Senators for that.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I ask unanimous consent I be allowed to speak as in morning business for 15 minutes.

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

SHRINKING WELFARE ROLLS

Mr. WELLSTONE. Mr. President, I came to the floor last week—maybe it was a week and a half ago—with an amendment that called on my colleagues to be willing, as responsible policymakers, to take a close look at what was happening around the country, to mainly women and children, as a result of the welfare "reform" bill that was passed in 1996. When I came to the floor, I marshaled evidence as to the need for us to know more, as to the need for some kind of study. What the amendment said was that we should call on States to provide data to Health and Human Services as to how many of the families that were no longer on the welfare rolls were reaching economic self-sufficiency, what kind of jobs people had, what kind of wages, and what about child care for children?

Mr. President, that amendment I think received about 43 or 44 votes. Maybe the reason the amendment was not agreed to was because I put that amendment on the highway bill, or the ISTEA bill, because I wanted to call attention to what is happening around the country as, from some of my own travel, I have seen it.

Today we have two front page stories, colleagues. I want to announce my intention on an amendment. One, in the Washington Post, "Sanctions: A Force Behind Falling Welfare Rolls," and the other, in the New York Times: "Most Dropped from Welfare Don't Get Jobs."

Mr. President, I ask unanimous consent that both these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1998]

SANCTIONS: A FORCE BEHIND FALLING WELFARE ROLLS—STATES ARE CUTTING OFF TENS OF THOUSANDS WHO WON'T SEEK WORK OR FOLLOW RULES

(By Barbara Vobejda and Judith Havemann)

Governors across the country are boasting that welfare reform is successfully moving millions of people off the rolls and into jobs. But closer scrutiny of state and federal records shows that tens of thousands of families are being forced off welfare as punishment for not complying with tough new rules.

Federal statistics show that in one three-month period last year, 38 percent of the recipients who left welfare did so because of state sanctions, ordered for infractions from

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

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missing appointments with caseworkers to refusing to search for work.

These and other sanction numbers gathered by The Washington Post from welfare offices nationwide are among the earliest statistics available on how the states are implementing the 1996 federal welfare law, which triggered a dramatic revision of public assistance programs.

In some states, sanctions have become a significant part of declining caseloads. More than half of the 14,248 cases closed in Indiana in a three-month period last year, for example, were a result not of people finding work but of sanctions, according to federal records. In Florida, state officials report that 27 percent of the 148,000 cases they closed in the second half of 1997 were because of sanctions.

In the first year of Tennessee's new program, 40 percent of the families leaving welfare—nearly 14,000—lost benefits because they did not comply with regulations, compared with 29 percent who left for employment, according to a University of Memphis study.

Nationally, caseloads have fallen by 18 percent in the past year, attributable both to a healthy economy and welfare reform efforts. But the sanction statistics provide a fuller picture of what has generally been cast as the success of welfare overhaul: Not all of those leaving the rolls are converts to the work ethic; a sizable number either are refusing to cooperate or are so hampered by serious problems that they are unable to comply with the new requirements.

State officials say that the high rate of sanctioning is evidence the new law is working as intended, smoking out people who already had jobs but weren't reporting them, or in other cases impressing upon recipients that they can no longer receive aid indefinitely without preparing themselves for work.

But advocates for the poor warn that many states are imposing severe measures that end people's benefits with no assurances that their children will be fed or their houses heated.

Valerie Watson, a Memphis mother who says she has recurring back problems, was cut off welfare last fall for missing training classes and showing up late for an appointment with her caseworker. She gradually sold her belongings as she grew more desperate for money.

"We went through the whole winter with no utilities," she said. "This is a story you wouldn't believe because it has been so rough."

Watson is part of the hidden story behind the tale of welfare success being told across the country. Until the passage of welfare reform legislation, states were hampered from cutting off families for failure to work. Now, 30 state legislatures have given caseworkers the authority to eliminate welfare grants when families fail to cooperate with several new rules, including requirements that recipients search for jobs, volunteer or attend job-preparation classes.

"Sanctions are the spur for people to make the move from welfare to work," said New Jersey welfare commissioner William Waldman. "To have a program that wasn't serious, that didn't have consequences or sanctions for not taking a step up in life, was very bad public policy that served to trap people on the rolls. I don't minimize the impact of sanctions, but the alternative is worse."

During the national debate over welfare reform two years ago, many assumed that the moment of truth would come years from now when recipients reached time limits that would end their benefits. But the widespread use of sanctions has moved up that moment.

Energized by their welfare reform programs, states are moving swiftly to put their new sanction power to use. But social service advocates argue that in many cases, states are making bad judgments.

Bill Biggs, a former welfare administrator from Utah, wrote in a recent publication that under a pilot program in his state, half of the sanctions ordered were done in error, often when a caseworker didn't detect that a recipient suffered from mental illness or some other problem.

Nothing illustrates individual states' new discretion—and how that produces widely divergent policies—more vividly than their approach to sanctions.

New York, for example, prohibits caseworkers from taking a family's entire check for failure to work. In Georgia, families who receive two sanctions are banned for life from receiving assistance, although this has happened in only a handful of cases.

In Alabama, clients can lose their benefits for failing to show up for a single appointment without a good excuse, but they can reapply the next month.

No matter what the state policy, women like Valerie Watson represent a common problem facing caseworkers. In welfare parlance, she is what's known as a hard-to-serve client—somebody who hasn't worked in a decade, who tangles with her landlord and the mailman, who lacks transportation and has a history of back problems that she says flare up almost every time she is asked to show up for an appointment or meet a deadline.

A few years ago, during an earlier effort at welfare reform, her caseworker threatened to cut off her welfare check if she didn't go to work. The caseworker "said it was the law that I had to get a job," said Watson, 42. "I asked her to show it to me."

The caseworker gave up.

But in 1996, welfare reform got serious in Tennessee. Watson, who lives in a rented house with her 18-year-old son and a 20-year-old daughter, was soon called in to the Memphis welfare office and handed a "personal responsibility" contract requiring her to attend classes to prepare for work. She was offered the choice of signing the form or losing her check right then. "I signed, but I knew I couldn't attend classes because of my back injury," she said.

Her check was docked 20 percent after she failed to attend any of the eight weeks of daily classes. She appealed, citing her back injury, but missed the hearing; she said she was ill. Eventually, she lost all benefits. When she tried to reopen the case, she was a "little late, about five minutes," she said, and officials sent her home to wait until she heard from them again.

Months passed, with Watson trying to get by without her $142 monthly welfare check. She haunted food pantries and churches, borrowed $1,200 from friends and acquaintances, lost her phone and had her electricity cut off.

Soon she started selling everything she owned: her refrigerator, three gas heaters, the dining room table, her ladder, fans.

Eventually, she sold her stove. She cooks on a grill in the back yard, even in winter. All along, she couldn't comply, she explained, because of her back injury.

She sought legal help, tried to qualify for disability payments, fought eviction and recently got back on the rolls by signing a new personal responsibility agreement.

But Watson said she is already worried: Back pain may once more prevent her from complying.

Classes start at 8 a.m. today.

The problem for caseworkers is how to know whether Watson and other recipients like her are disabled or only in need of a strong push to become independent. In a city where each caseworker handles a minimum of 150 active welfare cases—plus an additional 100 miscellaneous clients for food stamps or other benefits—it is hard to get to know each recipient well.

"On any given day we can have a 40 to 60 percent no-show rate" said Anola Crunk, a program supervisor in Memphis. Each missed appointment requires a follow-up.

Caseworkers say that even in face-to-face interviews, clients are not always forthcoming about their problems.

State officials and welfare experts say they believe that those who do get cut from the rolls represent the two extremes of the welfare population. At one end are people who are able to find jobs, or have other income, and simply choose not to comply. Officials say they are unlikely to be in desperate straits.

At the other extreme are those unable to meet requirements because they are the most troubled families—plagued by mental illness, substance abuse, domestic violence or such low reading levels that they have difficulty understanding the new regulations, much less finding work.

A Minnesota study of sanctioned families found they were twice as likely as other welfare recipients to report mental health problems and four times as likely to report substance abuse.

These are the families that authors of welfare reform assumed would be lingering on the rolls for years, the people most likely to be affected by a five-year lifetime limit on benefits included in the 1996 federal law. Instead, they are often the ones being kicked off the rolls now, because they are unable or unwilling to meet requirements.

At the same time, sanctions have worked for some recipients.

Margaret Simpson, 22, a mother of three in Cincinnati, lost her welfare check for seven months after she failed to show up at her state's job readiness program.

"I wasn't paying attention," she said. "There was a letter with my check. Who pays attention to a letter with a check? You pay attention to the check."

But eventually, when the check quit arriving, Simpson complied with the rules by helping her caseworker track down the father of her children to collect child support, working on her high school equivalency test and attending a job-preparation course. A new check is on the way.

"If I would have been under the old law, I would still just be getting a check," she said.

A number of states, including Tennessee, are beginning to track what happens to those who are sanctioned, but only fragmentary evidence is available.

A study of Iowa families who lost their benefits found that about half were working after they left the rolls. University of Memphis researchers found that 80 percent of Tennessee recipients who had lost aid because of sanctions said they had other sources of income.

In Utah, a researcher found that most sanctioned families had income from other sources, but a small group was so disadvantaged she wondered how they would ever land jobs and become self-supporting.

Although states have always closed some welfare cases because of clients' failure to

comply, the numbers are increasing and many of the sanctions are bigger and more permanent than ever before.

Rosie Saunders, a 29-year-old mother of twins in Columbus, Ohio, is frantically applying for jobs to avoid being sanctioned.

"I have asthma real bad," she said. "I have two children on [disability]. I had an industrial accident. I have to take pills for depression."

But, "I still have to get a job or they are going to cut me," she said. "They told me there was no excuses."

[New York Times, Mar. 23, 1998]

MOST DROPPED FROM WELFARE DON'T GET JOBS—CRITICS OF WORK RULES CITE NEW YORK STUDY

(By Raymond Hernandez)

ALBANY, MARCH 22.—A vast majority of people who have dropped off New York State's rapidly shrinking welfare rolls have not obtained legitimate jobs, a state survey indicates.

The survey found, among other things, that of the legions of people who came off the welfare rolls in New York City from July 1996 through March 1997, only 29 percent found full-time or part-time jobs in the first several months after they were no longer on public assistance.

The survey, which has been circulating among policymakers statewide and has been obtained by The New York Times, has raised questions among welfare experts about a bedrock premise of the nation's new welfare laws: that tougher restrictions move people from government dependency into jobs.

The survey, by the State Office of Temporary and Disability Assistance, compared lists of people whose benefits ended during a given quarter of the year against records of wages that were reported to the state by employers in later quarters. Employers are required to file wage reports to the state each quarter.

Of the families in New York City who dropped off the rolls from July 1996 through September 1996, 32.7 percent showed earnings in the next quarter, according to the report. Of those who disappeared from the rolls from October through December, 32.2 percent showed wages in the next quarter. And of those who left the rolls from January through March 1997, 22.1 showed wages in the next quarter.

For the purposes of the study, anybody who made $100 or more in three months after leaving the rolls would have been counted as employed. The report does not distinguish between those who found full-time permanent jobs and those who found only part-time or occasional work.

The numbers were generally better statewide, where slightly more than one-third of families on average who left the rolls from July 1996 through March 1997 showed earnings at or above the $100 threshold.

The research provides a rare peek into the fate of those who leave welfare, though an imperfect one. It does not take into account people who are self-employed, work off the books or move out of New York. It also does not include those whose employers fail to report wage data promptly or are not required to report wages at all, like farm owners.

But the survey represents the first statistical attempt in New York to determine what has happened to the 480,000 people who have left the rolls of the two main welfare programs—Aid to Families With Dependent Children and Home Relief—across the state in the last three years, 350,000 of them in New York City. It also calls into question claims by state and city officials that the steep reductions in caseloads are strong evidence that their welfare initiatives are working.

The figures are especially useful because the administration of Mayor Rudolph W. Giuliani has resisted requests to release records that would allow an independent survey of former welfare recipients. The administration has also declined to conduct such a survey itself.

Dan Hogan, the executive deputy commissioner for the State Office of Temporary and Disability Assistance, warned against drawings too many conclusions from the state survey. He said that the disparity between the number of people reporting wages from one quarter to the next was one indication of the survey's imprecision.

He added that the state intended to develop more precise ways of determining the fate of former welfare recipients, including cross-checking the names of former recipients against labor statistics over a longer period than officials currently do. That change, he said, would make up for employers who do not report employee wages to the state on a timely basis and thereby make it seem as if some former recipients are unemployed when they actually have jobs.

"Are we satisfied that these numbers tell us enough? No," Mr. Hogan said. "We want to know more."

But Marcia Meyers, an assistant professor of social work at Columbia University who specializes in welfare policy, said the survey provided a singular opportunity to gauge the overall impact of the changes in welfare policy championed by Mr. Giuliani and Gov. George E. Pataki. The changes include cutting off aid to recipients who fail to comply with requirements to work for their benefits, commonly known as workfare.

"Up to now," she said, "there have been claims and counterclaims about the success of welfare reform, but there has been no data with which to evaluate those claims. This really gives us the first glimpse of life after welfare, and it is alarming."

Experts and advocates for the poor say that despite the limitations of the study's methods, its income threshold was so low—a mere $100 over three months—that poor people should have shown up in the labor statistics if they indeed had jobs. They say the state's research provided the strongest evidence yet that people were being knocked off the welfare rolls by a host of new sanctions and rules even though they had no prospect of legitimate employment.

The advocates say that numbers help confirm what they have long suspected: that the stringent policies of the Pataki and Giuliani administration are driving thousands of former welfare recipients into deeper poverty, not self-sufficiency.

"The more people you require to be in workfare, the greater the opportunity will be to sanction them for failing to comply," said Shelly Nortz, a policy analyst and lobbyist for New York State Coalition for the Homeless. "That policy is just going to drive more and more people off the welfare rolls even though there aren't enough jobs for them."

The situation will only get worse, advocates say, because new welfare rules enacted in Washington require the state to both place greater numbers of recipients into so-called workfare assignments and cut off assistance to those who fail to comply with those assignments.

Among the other interesting findings in the survey is one that deals with childless single, able-bodied adults who received aid under the state-financed program called Home Relief. Those who support making the welfare system more restrictive have often pointed to this group, made up mostly of men, as the most employable and therefore the least in need of public assistance.

But the study appears to support an assertion by welfare advocates that many people on Home Relief are drug addicts or mentally ill, or suffer from other problems that make them difficult to employ.

The study showed that about 20 percent of the people who left Home Relief in New York City from July 1996 through March 1997 had reported earning at least $100 in the immediate months after they stopped being on the rolls. Statewide, the average was about 23 percent.

The state, however, fared much better when New York City was not factored in, with an average of 30 percent of the people who left Home Relief showing incomes a few months after their public assistance was stopped, the report showed.

Anne Erickson, the legislative coordinator for the New York Upstate Law Project, an advocacy group for the poor, said the numbers were particularly distressing because they come at a time when a good economy has allowed the most employable people to get jobs and leave the welfare rolls.

"The true test will be when the economy takes an inevitable down-turn and the people who remain on the caseload are less-skilled and harder to serve," she said. "It's troubling."

But Mr. Hogan said the state was using the money it had saved from caseload reductions and reinvesting it in creating more child-care slots, job-training programs and other initiatives aimed at getting people into jobs.

Mr. WELLSTONE. Mr. President, let me quote a few relevant paragraphs from both pieces.

The Washington Post piece:

Governors across the country are boasting that welfare reform is successfully moving millions of people off the rolls and into jobs. But closer scrutiny of state and federal records shows that tens of thousands of families are being forced off welfare as punishment for not complying with tough new rules.

Federal statistics show that in one three-month period last year, 38 percent of the recipients who left welfare did so because of state sanctions, ordered for infractions from missing appointments with caseworkers to refusing to search for work.

The article then goes on:

During the national debate over welfare reform two years ago, many assumed that the moment of truth would come years from now when recipients reached time limits that would end their benefits. But the widespread use of sanctions has moved up that moment.

Energized by their welfare reform programs, states are moving swiftly to put their new sanction power to use. But social service advocates argue that in many cases, states are making bad judgments.

Bill Biggs, a former welfare administrator from Utah, wrote in a recent publication that under a pilot program in his state, half of the sanctions ordered were done in error, often when a caseworker didn't detect that a recipient suffered from mental illness or some other problem.

I go on:

State officials and welfare experts say they believe that those who do get cut from the rolls represent the two extremes of the welfare population. At one end are people who

are able to find jobs, or have other income, and simply choose not to comply.

That is less of a problem, I say to my colleagues. They are working, they have a job, they are OK, their children are all right.

At the other extreme are those unable to meet requirements because they are the most troubled families—plagued by mental illness, substance abuse, domestic violence or such low reading levels that they have difficulty understanding the new regulations, much less finding work. . . .

Rosy Saunders, a 29-year-old mother of twins in Columbus, Ohio, is frantically applying for jobs to avoid being sanctioned.

"I have asthma real bad," she said. "I have two children on [disability]. I had an industrial accident. I have to take pills for depression."

But "I still have to get a job or they are going to cut me," she said. "They told me there was no excuses."

End of the Washington Post piece.

Just to emphasize one point, I say to my colleagues, what may very well be happening right now is that, yes, we are reducing the rolls. It is happening State by State, but the sanctions are invoked on people who are not working, and many of these people are not working because they are unable to work, because they struggle with mental illness, they struggle with substance abuse, or you have women who have been battered over and over and over again, and they are not able to take a job right away.

Don't we want to know what is happening to these families? Just because they are poor, does that mean they matter any less than any other family in our country?

The New York Times piece, "Most Dropped From Welfare Don't Get Jobs":

A vast majority of people who have dropped off New York State's rapidly shrinking welfare rolls have not obtained legitimate jobs, a state survey indicates.

The survey found, among other things, that of the legions of people who came off the welfare rolls in New York City from July 1996 through March 1997, only 29 percent found full-time or part-time jobs in the first several months after they were no longer on public assistance.

That is a long piece, which I have had printed in the RECORD. Let me just simply say that I think the key point in this article is that many are now worrying that these welfare reforms, rather than enabling families to reach self-sufficiency, are driving many of these families into deeper poverty.

Mr. President, when I brought this amendment to the floor last week, I quoted from a speech that Secretary Shalala had given on February 6. At one point in her speech, she says:

Today, fewer than 4 percent of Americans are on welfare. What we don't know—

And this is a direct quote—

is precisely what is happening to all of those former welfare recipients.

Mr. President, I say to colleagues, I am going to be back with this amendment this week, and I am going to take a lot of time to talk about it. If it is not this amendment, it will be another amendment which will be an effort with Senator MOYNIHAN. I had a chance to talk with Senator MOYNIHAN this morning, someone for whom I have a tremendous amount of admiration and a great deal of respect. He has done more work in this area than any of us. I think I have done a lot of work in this area as a teacher and as a community organizer before ever becoming a Senator, but I think Senator MOYNIHAN has, without a doubt, the most intellectual capital and has probably done some of the most important work dealing with welfare policy that has been done in our country. I look forward to joining efforts with Senator MOYNIHAN.

But I want to say to colleagues today, I will be back with this amendment. I came to the floor and I said the reduction in caseload—and let me just be real clear, the same message goes to the administration. The President has touted the reduction of the caseload by 4 million people. That is only reform if it is a reduction in poverty. We need to know what is happening. As a matter of fact, as you travel around the country and you go to State after State, there is no information available.

Mr. President, is it true that in all too many cases people didn't show up for the initial job interview or job training because there were problems with mental illness in the family, problems with substance abuse, women who came out of battered homes and weren't able to do it, and now we are cutting them off all assistance and, even worse, we are cutting their children off assistance? Is it true that many of these recipients are now in workfare programs where they work minimum-wage jobs with no benefits and they are told that if they should leave the job because the conditions are horrible—they are never allowed to take a break to go to the bathroom, they have a ruptured disk in their back, or it turns out there isn't good child care for their children—that they never again will receive any welfare benefits? That is happening around our country, I say to my colleagues.

We ought to know what the situation is with these families. I just say to colleagues, both Democrats and Republicans alike, that I think the problem is we don't want to know. I think the problem with the administration is they don't want to know. Everybody was talking about how great this "welfare reform" was, about how we saw all this reduction, 4 million fewer people receiving benefits, and everybody was cheering.

Then I came to the floor and I said to colleagues—I thought I would get 100 votes—how about we know exactly what is happening, how about at least we call for all of the States to provide to Health and Human Services every 6 months a report on these families—are they reaching economic self-sufficiency?—and then Health and Human Services would pull that data together and give it to us as responsible policymakers. And it was voted down. It was voted down.

Mr. President, I have a GAO report that just came out dealing with Health and Human Services, noting that HHS missed the statutory deadline for implementing the high-performance bonus program. This was going to be a program where there would be bonuses for States that were doing real well in placing people in jobs. The idea is we would see more of that. That is what it is supposed to be about:

While the law required HHS to implement this program by August 1997, HHS is still writing regulations that will define specific measures against which States are to be assessed. So on and so forth. The point is, finally, now we are coming around with the regulations.

Mr. President, I recommend both of these articles to colleagues. This is a most serious problem. We don't know what is going on around the country, but now we have two front-page stories which suggest that a whole lot of people are being cut off assistance, but it is not because they are working.

I have other studies that I can refer to today. I won't. I see other colleagues have now come to the floor to talk about the supplemental. But let me just conclude this way: I brought this amendment to the floor a week and a half ago. I said, "Don't you think we at least ought to study this?" I was arguing that the reason we needed to have the study is that eventually—in some States it will be a year and a half from now; in other States, 3 years; it depends on the State—there is going to be a drop-dead date certain where everyone will be eliminated from assistance.

We ought to know whether people are working. We ought to know whether they have jobs. We ought to know whether the children are all right.

Now what we find out is a whole lot of people who we thought would be in the most trouble, children who have children—and they don't have a high school degree, they don't have the job training, and they don't have the skills development—we were worried about whether they would be able to obtain employment and whether their children would be better off. We worried about people struggling with mental illness. We had an amendment out here on the floor called the "family violence option," and the administration still has not made clear to States that they should be able to get a good-faith waiver for those women who come out of battered homes and that wouldn't be counted against their work force participation requirements.

We worried about all these people. We didn't want women to be driven

back into very dangerous homes because they were going to be cut off assistance, because they couldn't work, because they were being stalked, they couldn't go to job training, they had been traumatized, they suffered from posttraumatic stress syndrome from being beaten up over and over and over again. We didn't want them forced back into dangerous homes. A lot of that is happening around the country.

I am coming back with this amendment, I say to my colleague Senator STEVENS, not on this emergency supplemental bill, but on the first vehicle that is out here, I am going to come back with this amendment which essentially says to all of us as responsible policymakers, "Please, let's find out what's going on around the country; let's make sure that families aren't going hungry."

By the way, there has been a dramatic increase all around the country in demand for food shelves, a dramatic increase of families needing basic nutritional assistance, and you have to wonder whether or not part of the reason is people are getting cut off welfare assistance, but they are not being able to get the jobs, they are not finding the employment, and they are worse off.

Mr. President, we ought to know, and I know that this is a critically important question. I am very pleased that I know Senator MOYNIHAN will be a part of this effort, and I hope one way or the other I can get 100 votes so that all of us can get the data that we need and we know what is happening around the country. That is what we should do as responsible policymakers. I will be back with this amendment as soon as there is an appropriate vehicle. I thank the Chair.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1768, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. STEVENS addressed the Chair.

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

Mr. STEVENS. Mr. President, today the Senate will consider the supplemental appropriations bill. It is a bill for emergency disaster needs and for overseas military operations.

Our Committee on Appropriations reported this bill, S. 1768, along with S. 1769, on Tuesday, March 17. S. 1769 provides funds for the International Monetary Fund. We reported both of these bills by one roll call vote, and that vote was 26–2. I call that to the attention of the Senate because it indicates a substantial agreement within our committee on the terms of these two bills.

Prior to the date we reported this bill, the administration had transmitted four supplemental or rescission messages to the Congress for 1998. This bill addresses each of those requests and makes other adjustments based on our committee's review of agency needs and priorities.

Our committee originated this bill ahead of the House Committee on Appropriations in order to complete action on these two urgent measures prior to the April recess. We have also done it to get ahead of some of the problems that are involved in the cloture votes before the Senate, because we just don't want this bill to be held up by the period of time that has to run if we do vote cloture on any other measure.

We have consulted with the House committee, and particularly the House committee chairman, on this approach, and I am pleased that the House understands what we are doing. The House committee will take up these two matters later this week. It is our hope that both of the bills will be in conference by the last week of March.

We have to have these bills passed before the recess. That is necessary, as I will explain later, as far as military implications and the disaster moneys that are involved. In order to do that, we must start this bill today and finish the bill before the cloture vote tomorrow, which is scheduled for 5:30 tomorrow evening.

S. 1768 makes appropriations for natural disaster relief and military operations. It provides $2.5 billion in emergency funds. Pursuant to the budget agreement and the administration's request, these amounts are not offset by rescissions. Additionally, there are approximately $190 million in new, nonemergency appropriations offset by specific rescissions or reductions in contract authority that are also addressed in this bill.

Most of those amounts are directed to meet the "Year 2000" computer crisis faced by several Federal agencies. Additional funds to ensure Federal computer systems are ready for the year 2000 will be provided in the 1999 fiscal year bill. We will present the bill later this year.

For Department of Defense operations, the committee recommends $1.8 billion in emergency funding for ongoing missions in Bosnia and in Southwest Asia and for the natural disaster response.

The supplemental request for Bosnia was mandated by section 8132 of the 1998 defense appropriations bill, along with certifications and other submissions on the Bosnian mission.

The committee also received a fiscal year 1999 budget amendment for Bosnia. We will consider that amendment in the context of the fiscal year 1999 defense bill for the full year of 1999. We will not deal with 1999 funds for Bosnia in this bill.

The request for operations in Southwest Asia is approximately $1.3 billion. That amount sustains the current force structure and operating tempo through September 30 of this year.

Let me say that again. The amount we have requested is sufficient only to maintain the existing deployment that has been made to contain Iraq. Should additional units be sent, we would have to once again ask for additional money.

Secretary Cohen, the Secretary of Defense, has not made any request for funding for the fiscal year 1999 yet; that is, no money has been requested for fiscal year 1999 for the deployment that is ongoing to contain Iraq in Southwest Asia.

As was discussed at our hearing on Friday, it is essential that our allies and regional partners in the gulf contribute more to this mission. Both Senator BYRD and I have spoken out on this before. At our committee markup before the Appropriations Committee, Senator BYRD offered his amendment, which is section 203 of this bill.

The Byrd amendment establishes a process for the administration to seek fuller participation by our allies and regional partners for the Southwest Asia mission and the costs associated with that mission.

The recommendation from the committee also includes $672 million for disaster relief efforts by several Federal agencies including the Departments of Agriculture, Interior, the Army Corps of Engineers, and Transportation.

These amounts reflect the most recent estimates available to the committee from the Office of Management and Budget and increases that have been advocated by Senators for ongoing flooding in the Southeast and other needs. Some of these instances took place after the submission by the administration.

The administration has not yet requested additional funds for FEMA, the Federal Emergency Management Agency. We may still receive such a request today or tomorrow as better estimates are prepared for flooding, ice storm and tornado damage across the country.

Based on the recent devastating tornadoes in North Carolina and Georgia over the weekend, I have urged the administration to forward any such request now so it will be considered during action on this bill.

On Tuesday, the committee also reported S. 1769, as I indicated. That appropriates $17.9 billion for the International Monetary Fund. I hope the

Senate will consider that bill this week as well. And we may well consider it as an amendment to this bill. At this time, there are discussions underway concerning the package proposed for IMF reforms. That was in the second bill, S. 1769, as reported by the committee. It is my hope that those talks will result in a new IMF package that will receive bipartisan support here in the Senate as we debate this bill.

Our committee did not recommend at this time additional funding to pay arrears at the United Nations. The fiscal year 1998 Commerce-Justice-State appropriations bill included $100 million pursuant to the budget agreement for arrears. This amount was made available subject to authorization of the U.N. budget and management reforms. That authorization bill has not yet passed nor has a firm agreement been reached between Congress and the administration concerning this matter.

We do believe that the administration should conclude an agreement with Congress on U.N. reforms. And we hope, on that basis, to deal with the U.N. funding in the fiscal year 1999 State Department appropriations bill.

However, Mr. President, it is also possible that the House of Representatives may address the U.N. funding and the matter could be considered in conference. It would do so on the basis of the House passing the authorization bill and, based upon such action by the House, it would send us a bill to be considered here in the Senate. And of course it is possible we might consider that in conference without the necessity of an authorization bill in the Senate if that is agreed to by appropriate Members of the Senate. Any resolution, of course, hinges on securing an agreement on U.N. reforms.

The committee reported these two bills separately at the request of the House. We, however, want to ensure that defense and disaster relief amounts are enacted prior to the April recess. It is my intention to do everything I can to achieve passage of not only this bill but the IMF bill before that deadline.

Let me ask every Member of the Senate to be on notice that we are going to do everything we can to work with them on amendments today. We will do everything possible to complete action on this bill tomorrow before the cloture vote that is already set, as I indicated.

Now, once again, I just have to urge Members to come here today and offer their amendments. We hope that we will have some of them voted on tonight. There will be at least one vote tonight; that is for sure. And I think that Senator BYRD will join me in working to achieve reasonable time agreements wherever it is necessary to assure that we can debate and dispose of all amendments to this bill in a timely manner.

It will be my intention to move to table extraneous amendments that are not urgent for action prior to September 30. The committee will begin the markup of the fiscal year 1999 bill early this year. We hope to do so in May or early June. I implore Senators to reserve amendments that pertain to issues that can be funded after September 30, to reserve those amendments for the fiscal year 1999 bill. This is an emergency supplemental. It deals with the disaster funding and it deals with the amounts necessary to support our forces which are overseas at this time.

Now, Senators may disagree with the President on the deployment to Bosnia and may have some question about the size of the deployments to Kuwait and in the Southwest Asia area. All I can tell them is that the forces are there. The men and women in our armed services deserve support. If we do not support this bill now, the Department of Defense, under the Food and Forage Act, will simply have to take money out of the readiness accounts and we will see our forces here at home not receive the amount of money they need to continue to maintain their expertise and to maintain their readiness and to keep our defense systems in the shape that is necessary for any contingency.

When we, as the superpower of the world, have deployments of the level we already have overseas, it is just not possible to neglect the readiness of these people here at home. We are turning over the forces in the Iraq deployment every 6 months, Mr. President. That means that forces that are here at home must be ready to go on active duty and in a deployment mode when their time comes.

To be forced to take money from their readiness account in order to support those that are already deployed overseas is wrong. We need this money now. As I said, it must be done before April 1. The Joint Chiefs joined together to come to our committee and explain to us in detail the impact that not having these moneys available by April 1 would have on the readiness of forces stationed right here at home.

Mr. President, this is a bill that is necessary because of these emergencies. All amendments that are offered making additional appropriations must either qualify for the emergency as is described in this bill or must have appropriate budget authority and outlay offsets. So we will be examining every amendment that comes forward to see whether it would delay the passage of this bill. Again, I can only plead with Senators to keep in mind the absolute necessity to assist us to get this job done before April 1.

Now it is my pleasure to yield to my good and distinguished friend from West Virginia. I know he has a statement to make as well as an amendment to offer. I look forward to working with him throughout the consideration of the bill.

I thank you, Mr. President.

Mr. BYRD addressed the Chair.

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

Mr. BYRD. Mr. President, I thank the Chair, and I thank my friend, the very distinguished Senator from Alaska, who is the chairman of the Senate Appropriations Committee.

I commend the leaders of the Senate for scheduling this very important emergency supplemental appropriations bill so quickly after its having been reported out of the committee, and I was pleased to join our distinguished chairman, Senator STEVENS, in taking the unusual step of scheduling our markup of this emergency bill prior to House action, in order to expedite congressional consideration of the bill. This bill contains some $2 billion in emergency appropriations which are urgently needed for the support of our men and women overseas engaged in peacekeeping efforts in both Bosnia and Southwest Asia, as well as to cover necessary repairs resulting from natural disasters at various military installations throughout the Nation. In addition, over $560 million is included in the bill for assistance to those of our citizens who have suffered from natural disasters, such as the flooding in the western and southern portions of the Nation and the ice storms in the northeast and the recent killer tornadoes in Florida.

The bill also includes some $280 million in appropriations for various nonemergency purposes which are, nevertheless, necessary in order to enable various departments and agencies to continue their operations through the end of this fiscal year, without undue interruption. Of this amount, some $156 million is for the Federal Aviation Administration to expedite its work on improving the Air Traffic Control computer system in order to avoid any problems connected with the year 2000. As noted in the committee report, the Department of Transportation's Inspector General has recently concluded that without this additional assistance, if unexpected problems are identified during testing of the replacement computers, the FAA might find themselves in a situation where they may be unable to assure the safety of the traveling public in the year 2000. Page 25 of the committee report states—and I quote therefrom—that: "Failure to resolve these computer hardware and software deficiencies well before the year 2000 problem could disrupt air traffic." These nonemergency discretionary appropriations are fully offset, largely through rescissions, which are set forth in Chapter 11 of Title I of the bill.

Finally, and very importantly, the bill includes $550 million in mandatory

appropriations for veterans compensation and pensions. These funds are needed to accommodate the additional costs associated with the 1998 cost-of-living adjustment of 2.1 percent for compensation beneficiaries, as well as an increase in the estimated number of persons receiving such compensation and pension beneficiaries.

With respect to Bosnia, the President has provided a certification and report, required by the Fiscal Year 1998 Defense Authorization and Appropriations Acts, that the continued presence of U.S. armed forces is required after June 30, 1998. The report bears some careful reading by my colleagues, and I hope they will read it, in that there is a departure from the requests of the administration in previous years. The requests in previous years were all couched in the language of short-term duration.

Last year, the administration told us that we would be out of Bosnia in about a year.

All of the witnesses who came up before the Armed Services Committee and the Appropriations Committee assured the committees that that was the expected timeframe which would be needed during which we would have to place our men and women in possible harm's way, but we were assured—we didn't just ask the question once or twice, and the response didn't come forth just once or twice, but the response was always in the context of a year's time.

Well, I had strong suspicions then that it wouldn't work out that way, and I have a feeling that the administration felt the same way about it. I had a feeling that the administration was putting the best face on it and that they would be back within a year seeking more money. There is a bit of disingenuousness about it, I think. They probably knew in their own minds and hearts that it couldn't likely be done in a year, but that was the approach, that was the songbook from which everyone in the administration or the witnesses were to sing. It was to be a mighty chorus, everyone in harmony, no one out of tune, no sour notes, no "off" beats, everything orchestrated so that everyone would sound in unison to the effect it would be about a year.

Having seen this kind of game played before, I was suspicious of it. The time is up now and we are not only in, but we are in for an indefinite amount of time. The President's report doesn't have any end point included. Here is what the President said, now that men and women are there, and I quote from the report: "We do not propose a fixed end-date for the deployment." Let me repeat that: "We do not propose a fixed end-date for the deployment." Now, that is a far cry from what the President's people were saying last year, a year ago. But there is a big difference. Once you get the Congress to go along for a little while and get the men over there, then it is a fait accompli for the Congress and they come back saying, "We need more money."

"We do not propose a fixed end-date for the deployment." That says it all. So we are in a different situation now. The exit strategy—in other words, the required conditions for our forces to come out and come home—reads like a nation-building strategy. What is required for us to leave Bosnia? First, judicial reform. Just a minor thing, judicial reform. Then, development of an independent media throughout the territory. Now, that sounds to me like a pretty big order. Then there is more. Democratic elections. What do we mean by democratic elections? Democratic elections followed by free market economic reforms—ahhh, free market economic reforms—privatization of the economy, and so on and on.

Well, that is an amazing piece of work. I urge my colleagues to read that report. We all get the point. This is a formula requiring the completion of a new, integrated democratic state. That is what nation-building is. I didn't buy on to that. The U.S. Senate has not bought onto that. And if the duration of our stay is going to be based on nation-building, as the President is obviously saying in the report, we are there for a good, long time.

How many Senators want to buy on now? Now is your chance, or your chance will soon come as to whether or not Senators want to buy on for a long time. Who knows, perhaps a good case can be made for it. Perhaps a good case can be made. But I haven't heard it as yet. This Senator from West Virginia is not in there for a good long time. Not yet, certainly. The administration was being disingenuous. Those who came up here and testified last year—obviously they had to say what the administration had required them to say. They all came up before the committees and it was like a broken record to hear everybody say practically the same thing, "We will be there about a year, about a year." Well, they are the people who are supposed to know. So that is what we were told.

But I don't believe this is going to be an indefinite free ride. I think the administration ought to have to make its case this time, and it ought to be required to give more specifics, more facts, more reasoning, more reasons for its program. The terms of our involvement are turning into a permanent force, turning into a permanent force, and the pressure to get out is dissipating. The pressure for our allies to take the lead is evaporating, evaporating.

The distinguished Presiding Officer has stood on some afternoons and seen the Sun "drawing up water," as they say. The Sun's rays will be peeping through a cloud and we are told that the Sun is drawing up water. But water is evaporating. I often pour water into my little fountain for my birds over in McLean and the water evaporates after a while. The birds get some of it, but it also evaporates.

Likewise the pressure for our allies to take the lead is evaporating. Our combat forces are going to be there for years if the report is accurate. And the funding is to the tune of some $2 billion per year through regular, so-called "emergency" supplementals. Now, are our allies being asked to defray any of these costs? I support this supplemental request for fiscal year 1998, but the fiscal year 1999 cost of nearly $2 billion should be debated again, when the regular authorization and appropriations bills are considered on this floor.

We need to debate this regularly because we are spending your money. One of the network's TV programs from time to time talks about spending "your money" and gives examples of projects from time to time that are being supported by Members of Congress or perhaps others, and they will say, "This is your money." Well, we need to debate this request because we are spending your money, the taxpayers' money. And we need to get some answers.

Now, when we turn to Southwest Asia, the situation seems to be even worse. Not only do we have 30,000 troops in the region waiting for the signal to go after the Iraqi regime, but our allies are not there with us.

We look over our shoulders and we don't see anybody. Where are they? It reminds me of the first question that was ever asked through all the eternity, all time and eternity, that preceded the making of the world, the universe. The first question that was ever asked, when God, walking in the cool of the evening, was seeking Adam and Eve, and they were not to be found, and then God said, "Adam, Adam, where art thou?" The first question.

So, we should say to our friends and our allies, where art thou in this matter? Many countries of the world are not in that immediate region but they depend upon oil from that region. Why are they not assisting? Why are we not asking them to assist? The President, in his report to Congress, speaks about leadership. In other words, we, the eldest remaining superpower, must provide the leadership. Well, it comes with a price tag. I take it we are all providing the money, apparently all of us. We are not asking our friends. We are going to do it whole hog this time. Our friends in the Arab world are cool, to say the least, about building an effective coalition to enforce the U.N. inspections team on Saddam Hussein. Meanwhile, we continue to pony up to the tune of $1.3 billion for this current fiscal year.

My colleagues should be aware that the committee adopted an amendment

which I offered and which our distinguished chairman, Mr. STEVENS, cosponsored urging the President to go out and get contributions from our friends and allies for financial help, in kind, and other support to share the burden in Southwest Asia against a threat to world peace. Go out and get a little help. People downtown might start out by reading Shakespeare, read about Timon of Athens. Read Shakespeare's "The Life of Timon of Athens." He, too, sought to get help from his friends. After he had squandered his own wealth on his friends, he sought to get some help from them. One day the bookkeeper said, "Look, Master, we are out of money. You are broke." Old Timon said, "I am sure my friends will help me. You go see this fellow over here and then go see that one over there—I helped him one day—and this one over here, go see him."

Well, Timon was disappointed. He didn't get any help.

I urge the administration to go out and get contributions from our friends and allies for financial help, in kind, and other support to share the burden in Southwest Asia against a threat to world peace. We fully expect a vigorous campaign by the administration to create an effective international political coalition where the burden is shared. This will take a great deal of effort on the part of the administration's foreign policy team. They talk about all this big debt we owe the U.N. Why not charge off some of the costs that we have been spending and that we are yet spending and that we will continue to spend for a while in dealing with the threat of Saddam Hussein. How about that, Mr. U.N.? How about giving us some credit on those expenditures? We ought to try. We expect that an effort will be made on the part of the administration's foreign policy team, and it will result in a wide-ranging political effort to isolate the regime currently in power in Iraq.

We face a situation of grave weight and precedent in dealing with this transparent attempt to intimidate the world with weapons of mass destruction. How we handle this threat will be of great importance for the future of effective efforts to control the proliferation of weapons, components, and delivery systems of mass destruction. It is the future of arms control, and we need to pay great attention to it. That is why I offered this amendment in the committee. That is why Mr. STEVENS, the chairman of the committee, supported it.

Mr. President, I urge my colleagues to support the committee's recommendations as it brings forth this bill, S. 1768. I again commend my chairman and express my appreciation to him for the excellent work he has put forth in bringing the bill to the floor. Also, I thank him for his courtesy and for the good will and friendship that he has continued to extend toward me.

Now, Mr. President, are amendments in order to the bill?

The PRESIDING OFFICER (Mr. SMITH of Oregon). Amendments may be offered.

AMENDMENT NO. 2062

(Purpose: To establish an emergency commission to study the trade deficit)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. DORGAN, proposes an amendment numbered 2062.

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

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

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

Mr. BYRD. Mr. President, I have offered this amendment on behalf of myself and the distinguished Senator from North Dakota, Mr. DORGAN. I am very pleased to join with the distinguished Senator from North Dakota in introducing an ambitious new effort on the matter of the Nation's persistent and growing trade deficit. Mr. DORGAN has taken the floor time after time after time and spoken eloquently and very knowledgeably concerning the perennial trade deficits that seem ever to grow larger. This legislation would establish a commission to take a broad, thorough look at all important aspects of trends involving and solutions to the growing U.S. trade deficit, with particular attention to the manufacturing sector.

The trade deficit, as my colleagues know, is a recent phenomenon—recent in terms of its being over a period of recent years—with large annual deficits only occurring within the last 15 years or so. Between 1970 and 1996, the U.S. merchandise trade balance shifted from a surplus of $3.2 billion—did you hear me, Senators? Our merchandise trade balance has shifted from a surplus of $3.2 billion to a deficit, in 1996, of $199 billion. That is $199 billion. As my colleague, Mr. DORGAN, has suggested, projections by econometric forecasting firms indicate that long-term trends will bring this figure to $300 billion, or more, within the next 10 years. So hold on to your hats. The deficit was $199 billion in 1996, but long-term trends indicate that the figure will go to $300 billion, or more. You better hold on to two hats. It is going to really take off within the next 10 years. No one is predicting a decline in the near future. Sounds kind of like the stock market, doesn't it? This is bad news about the trade deficit. Thus, unless we act, our trade deficits will soon exceed our annual appropriations for the Department of Defense.

Mr. President, $2 million is made available in this amendment to establish a 12-member congressional commission to be known as the trade deficit emergency review commission, with three members each to be named by the majority and minority leaders of the Senate, and by the Speaker and minority leader of the House. At least two of those individuals are to be Senators, and at least two are to be Members of the other body. The purpose of the commission shall be to study the causes and the consequences of the U.S. merchandise trade and current account deficits and to develop trade policy recommendations for the 21st century. The recommendations shall include strategies necessary to achieve market access to foreign markets that fully reflect the competitiveness and productivity of the United States and also improve the standard of living in the United States.

While it is not clear what the particular reasons for this growing trade deficit may be nor what the long-term impacts of a persistently growing deficit may be, the time is overdue for a detailed examination of the factors causing the deficit. We need to understand the impacts of it on specific industrial and manufacturing sectors. We need to identify the gaps that exist in our databases and economic measurements to understand specifically the impacts of the deficit on such important things as our manufacturing capacity and the integrity of our industrial base on productivity, on jobs, and on wages in specific sectors.

From time to time, we debate the trade deficits. Both Senator DORGAN and I and other Senators have participated in these debates. Senator DORGAN is an expert on the subject. I voted against NAFTA, I voted against GATT, and for good reasons, which every day seem to be becoming clearer and clearer. So we debate these deficits frequently. We moan and we groan, we weep and we shed great tears by the bucketsful. We complain about them, but if we do not understand the nature, the impacts, and the long-term vulnerabilities that such manufacturing imbalances create in our economy and standard of living, we are in the dark.

It appears to me that debate over trade matters too often takes on the form of lofty rhetorical bombast of so-called "protections" versus so-called "free trade agreements." But I suggest that neither side knows enough about what is really transpiring in our economy, given the very recent nature of these annual persistent deficits. Certainly, we know that the deficits reflect on the ability of American business to compete abroad. We want to be competitive. Certainly, we know that specific deficits with specific trading

partners cause frictions between the United States and those friends and allies. This is particularly the case with the Japanese, as we are well aware, and is becoming quickly the case with China. It will only be when we truly understand the specific impacts of this large deficit on our economy—particularly our industrial and manufacturing base—that the importance of insisting on fair play on the trade account will be clear.

Finally, the legislation requires the commission to examine alternative strategies—big words, "alternative strategies"—which we can pursue to achieve the systematic reduction of the deficit, and particularly how to retard the migration of our manufacturing base abroad and the changes that might be needed to our basic trade agreements and practices.

These are the purposes of the commission that Senator DORGAN, I, and other Senators are proposing in this legislation.

I join in welcoming other Senators. I join with Senator DORGAN in welcoming other Senators to cosponsor the legislation. Senator DORGAN will speak later this afternoon on this subject matter. I again thank him for the leadership that he has been providing and continues to provide on this subject matter.

I urge Senators to support the amendment.

Mr. DORGAN addressed the Chair.

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

Mr. DORGAN. Mr. President, the amendment we are considering deals with a subject I have spoken about on the floor many, many times called the Federal trade deficit, the national trade deficit. I know some will roll their eyes when I talk about the trade deficit, because I have come to the floor very often to talk about this issue. But it is critically important, and I want to explain why I care about this issue and why the Senator from West Virginia and I have offered the amendment that we have.

The amendment itself is an emergency commission to end the trade deficit. It establishes a commission to study the current trade deficit that we have and to make recommendations to Congress on strategies and approaches that we may use to deal with the trade deficit.

I would like to proceed by describing just a bit my concern about the trade deficit. There are a lot of things in this country that are going right. Many Americans take a look at this economy and they say, gee, the country is in pretty good shape. The Federal budget deficit is down, down, way down. Inflation is down, down, down 5 years in a row, 6 years in a row. Unemployment is down. The crime rate is down. The welfare rolls are down. Most people would think this country is doing quite well.

That is the case. It certainly is true. There are, however, some small-craft warnings out there dealing with the trade deficit. The trade deficit is the one economic indicator that is not going down; it is going up. Our trade deficit is increasing. The last 4 years in a row we have had the largest trade deficit, merchandise trade deficit, in the history of this country. And this year it will increase once again.

In order to talk about trade just for a moment, I want to begin by talking about the parochial issues that affect North Dakota, among others—the Canadian grain imports to the United States.

It seems to me every time we have a trade agreement, we end up with the short end of the stick. We had a trade agreement with Canada, and look what happens to grain coming into the United States from Canada. Here is what was going on before we had a trade agreement, and here are the massive quantities of imports into this country since the trade agreement, undercutting our farmers, markets, lowering our grain prices, costing, according to North Dakota State University, $220 million a year out of the pockets of North Dakota farmers.

So am I concerned about that? Sure I am. Because you cannot get the similar kind of grain into Canada. I have told my colleagues before that one day I drove to the Canadian border with a man named Earl Jensen in a 12-year-old orange truck. We pulled up to the Canadian border with 200 bushels of durum wheat.

All the way to the border we saw semitruckload after semitruckload, perhaps two dozen of them, coming into this country hauling Canadian durum. When Earl and I got to the Canadian border with his 12-year-old orange truck with 200 bushels of durum, we were told, "We're sorry, but you can't take United States durum into Canada." My question was, "Why? Did I not just see a dozen semitruckloads or two dozen semitruckloads of Canadian durum coming into the United States?" "Yes." "Don't we have a trade agreement with you?" "Yes." "Then why can't we take American durum, U.S. durum, into Canada?" "Because that's the way the trade agreement works," we were told.

It is not the way a thoughtful trade agreement would work and not the way that a trade agreement that was thoughtfully negotiated would work, but it may be the way this one works. This is precisely my point about the trade problem we have in this country. Every time our negotiators go out and negotiate another trade agreement, they seem to lose in the first 2 weeks.

Will Rogers, 60 years ago, said, "The United States of America has never lost a war and never won a conference." He surely must have been thinking about trade negotiators.

Now, let me describe to you this merchandise trade deficit. You see this red ink? The merchandise trade deficit is 22 years old—22 straight years of trade deficits, 35 of 36 years of trade deficits. And you see, this is not getting better; it is getting worse. It is not just getting worse; it is getting much worse. Some would say, "Well, let's ignore that. Let's just ignore it. It doesn't matter." It does matter. The trade deficit ultimately is going to be repaid with a lower standard of living in this country. We had better worry about it and better do something to deal with it.

The merchandise trade deficit was a record in 1997. Here are the projections by the U.S. Department of Commerce and Standard and Poors of what will happen to the trade deficit in the next 4 years. Is this good news? I don't think so. It is successive and alarming—continued trade deficits year after year after year.

Now, Mr. President, there are a number of reasons for the trade deficits. I will describe one of them, for example, currency valuations. If you take a look at this chart, you will see what happens when we compare foreign currencies versus U.S. dollars. The Japanese yen, fallen; the Mexican peso fell through the basement; the Canadian dollar, way down; the Taiwan dollar, apparently subbasement here; the Thai dollar and Indonesian dollar, down—you see what has happened in every one of these? What does this mean?

It means that when you have a trade agreement and you reduce tariffs, and a currency fluctuation like this exists, foreign goods are less expensive in the United States and U.S. goods are more expensive in foreign countries. Therefore, we see fewer exports and more imports and, therefore, a huge trade deficit—33 consecutive years of merchandise trade deficits with Japan.

Let me talk just for a moment about Japan, China, Canada, Mexico.

Japan. Here is our trade relationship with Japan. The Japanese are sharp. The Japanese have said to us, "Here is the way we're going to trade with you. By the way, our relationship with you is going to be that we're going to flood your market with Japanese goods, and when you want to get American goods into the Japanese market, good luck."

Oh, we get some goods into the Japanese market, but we do not get nearly enough of the things we need to get in to reduce this trade deficit. You know all of the standard brands that come in. People say this is good for our consumers. Well, in some ways it could be good for our consumers, but wouldn't it be good for our producers, wouldn't it be good for our wage earners, the people who have jobs in this country, if we could take this amount of red and say that is what we are going to put into Japan in products made by Americans who are earning a wage and earning benefits and have a good job?

The Japanese, for example, fill our country with their goods, and then they say to us, "By the way, when you send beef to Japan, there is a 47 percent tariff on every pound of beef going into Japan." So, a T-bone steak in Tokyo is $30, $35 a pound. Why? Because we do not get enough beef into Japan. In fact, the 47 percent tariff is our success rate, that is after we negotiated a beef agreement with Japan.

How many other countries would say it is a success if they were to have a 47 percent tariff on something imported into the United States? They would say that is a colossal failure. They would say the United States is failing to meet its responsibilities towards opening expanded fair and free trade. But the Japanese have a 47 percent tariff on beef. Nobody whispers a thing about it. All the while we have a literal tide of red ink year after year after year that now reaches $50 billion and $60 billion every year.

Now, I ask the question on behalf of those who want to export to Japan and want the jobs that come with those exports, the jobs that pay well, that have decent benefits, I ask the question: When are we going to do something about this? When are we going to do something about this trade deficit? And who is going to stand up and say, let us do it?

Now, this exists, at least in part, because the Japanese will not allow our goods in, but also in part because of corporations who want to do business on both sides and think this is just fine. As long as they are selling goods both ways, they don't care who ends up swallowing the red ink. In fact, with respect to other countries like China, Indonesia, Sri Lanka, Bangladesh, and dozens of other countries, the largest corporations think it is a wonderful thing to be able to produce where you can produce dirt cheap and then sell the goods in the United States. That is part of this trade deficit as well.

China now has a nearly $50 billion trade deficit with this country—nearly $50 billion. And it has ratcheted up, as you can see, very quickly. China sees the American marketplace as a market in which they can move a substantial amount of their produce from trousers to shirts to shoes to electronics. You name it, the Chinese send it. And, yes, trinkets and toys. The Chinese send all these products to our country.

Now, China, of course, does not buy nearly enough wheat from us, something we produce in great quantity. Oh, they are worried about all kinds of things, and they are price shopping elsewhere while they are ratcheting up this huge trade surplus with us; for us a deficit with them.

China, for example, desperately needs airplanes. They have a lot of people. They are going to need apparently about 2,000 airplanes in the coming couple of decades. China is saying, "By the way, yeah, we'll buy a few airplanes from you, but what we want to do is move your airplane manufacturing capability to China." They say to Boeing, "Yeah, we'll buy Boeing airplanes, but produce them in China." That is not the way the trade works. If we are buying what China produces, they have a responsibility, when we produce something, to buy it from our country. That is the way in which we reduce this trade deficit.

There are some in this country, and some enterprises, who make a lot of money because of this trade deficit. They say, "Well, gee, we're making a lot of profit for our stockholders. We hire a kid 14 years old, and we can work that kid 14 hours a day. We can pay that kid 14 cents an hour, and we can make a lot of money by shipping the product that child makes to the U.S. marketplace."

Yes, there are children today who are earning 14 cents an hour. They produce, for example, a pair of shoes that has 20 cents of direct labor in the pair of shoes, and it is sent to a store shelf in Pittsburgh or Fargo or Edina or Los Angeles and sold for $80 a pair—with 20 cents of labor. Is that a good deal for the producer? Sure. That means higher profits for the corporations. It means fewer jobs here in this country and it means a swollen trade deficit for America.

In the long term, we need to construct a trade strategy that says to producers that there is an admission price to our economy. We are a leader in world trade. We are a leader in open trade. But we demand as a country fair trade. Our country needs to say to this administration and to future administrations, as we have said to past ones, that when we negotiate a trade agreement, we expect the agreement to be in this country's best economic interest.

You cannot tell me that having negotiated, as our Government has, a trade agreement with Mexico and Canada that turns sour immediately and costs us several hundred thousand lost jobs in this country and has increased our deficit with Canada, an agreement which took a surplus in Mexico and immediately turned that into a huge deficit, you cannot tell me that is success. It is a failure. We ought to expect more from our trade negotiators, and we ought to expect a better trade policy in this country.

American trade deficits have grown under the trade agreements. This chart shows what has happened with both Canada and Mexico. It shows that we had a surplus with Mexico, and we turned it immediately into a deficit. With Canada, the deficit has increased. It seems to me that is not progress.

Now, the commission that we have recommended—Senator BYRD and myself—we have suggested that the commission should develop trade policy recommendations by examining the impacts on investments, the impacts on domestic wages and prices, the causes and consequence of trade deficits I have just discussed, the barriers to trade, the relationship of tariff and nontariff trade barriers to bilateral deficits, the comparative and competitive trade advantages that exist, the effects of labor, environmental health and safety standards on trade.

The series of things that we want to occur with this trade deficit commission are simple. We want all the spotlights to shine on the same spot on the question of trade. We believe the trade deficit injures this country. And we believe the trade deficit that is growing is counterproductive to our future economic progress.

Mr. President, all of us have read about the Asian financial crisis. I have described a swollen trade deficit prior to the Asian crisis. The Asian currency crisis, as shown by last week's announcement of that the trade deficit continues to grow, is exacerbating the problem. In fact, last month's trade deficit was the highest in history. What we now understand is that Asian crisis, that Asian financial crisis, will inevitably continue to put upward pressure on these trade deficits.

That is why we think it is time to turn to this subject in earnest as a country and decide what is wrong and what is right. How do we fix what is wrong? And how do we strengthen what is right?

As I conclude, I want to again point out that I have come to the floor very often and talked about trade. And instantly people, when you talk about trade, decide that there are only two sides to the trade issue—protectionists and the free traders. They could not be more wrong.

I believe very much in expanded trade. I come from a State in which nearly one-half of our production is in agriculture that must find a foreign home. But we also understand in our State that there are certain requirements when we negotiate agreements and treaties, especially in trade, that demand this country be treated fairly. It was all right just after the Second World War to have a trade policy that was essentially stimulated by foreign policy considerations, but it is not all right any more. We now face tough, shrewd economic competitors. And it is not satisfactory to me, and I believe not satisfactory to this country, to allow other countries to ratchet up huge, huge trade surpluses with us or force us into having huge trade deficits with them and see that circumstance weaken our manufacturing sector in this country, and weaken the capability of having long-term good jobs that pay well, with benefits.

Anyone who believes that it does not matter when you weaken your manufacturing sector does not understand what makes a good, strong country

viable in the long term. You cannot survive as a world economic power unless you have a viable, strong, growing, vibrant manufacturing sector. And that is what all of this is about.

This country and its producers and its workers can, should, and will compete anywhere in the world, any time. But we should not be expected to compete against the conditions of production that we see existing in some parts of the world, nor should we be expected to compete when the rules are not fair. We ought not expect our trading partners to flood our market with goods and then close their market to American producers and American workers. That is not fair trade. It is not right for the future of this country.

I thank the Senator from Alaska for his courtesy. I yield the floor.

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, the amendment that is pending is the Byrd amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. This amendment now has been cleared on this side of the aisle. I am prepared to accept that on behalf of the committee, and I urge Senators to request its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 2062) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, there are other Senators coming with amendments. I urge Senators to come and take advantage of today. It is the right period of time to clear an amendment that any Senator wishes us to agree to without debate.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. SARBANES be added as a cosponsor to the amendment.

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

Mr. STEVENS. Will the Senator add my name?

Mr. BYRD. Mr. President, I ask that the name of the distinguished chairman of the committee, Mr. STEVENS, be added as a cosponsor.

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

Mr. STEVENS. 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, I understand Senator FEINGOLD is seeking the floor to speak as in morning business, which we do not object to, provided there would be no amendments introduced to this bill during that period. I ask the Senator how much time he would like to have.

Mr. FEINGOLD. Mr. President, I appreciate the chairman's remarks and respectfully request 30 minutes as in morning business. I have no intention of introducing any amendment on this bill at this time.

Mr. STEVENS. Under those circumstances, I ask unanimous consent the Senator be recognized for that period of time and that I regain the floor at that time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

THE NAVY'S F/A–18E/F SUPER HORNET PROGRAM

Mr. FEINGOLD. Mr. President, I rise today to tell a story that perhaps will intrigue and may be worthy of Tom Clancy's best novel. The story has a little bit of deception and what might be called good old-fashioned Government coverup. Maybe if we could get Alec Baldwin and Sharon Stone, we might even have a halfway decent movie to boot. But the unfortunate aspect of this story is that it is true and that the American people are the ones who I think are getting duped.

Mr. President, the Navy's F/A–18 E/F "Super Hornet" program is foundering and the Defense Department is doing everything in its power to keep it afloat. Last April I requested a review of this program by the General Accounting Office. Just this week the GAO finished its work on this report. The report itself raises numerous questions regarding the aircraft and also the Navy's judgment in developing, producing, and testing the aircraft. Perhaps even more telling, though, is the Navy aircraft's testing team's efforts to keep this wasteful and unnecessary program alive.

The new GAO report makes the following recommendations:

First, that the Department of Defense and the Navy adopt a more cautious approach as they make funding decisions and prepare for the operational testing of the Super Hornet;

No. 2, that the Department of Defense direct the Secretary of Navy not to approve contracting of additional F/A–18E/F aircraft beyond the first 12 for the first low-rate production phase until the Navy demonstrates through flight testing that these deficiencies that we are talking about are corrected; and,

No. 3, that the Navy not begin operational testing and evaluation of these planes until the corrections are incorporated into the aircraft used for operational testing and evaluation.

These GAO recommendations seem reasonable. Even DOD has agreed in part with the first two recommendations. But DOD resists agreeing to anything that could delay the development process. They are so adamant in ramming this program through that they decided to cut out valuable data-gathering requirements so they could still maintain their test schedule. As our first chart shows, the new report quotes the Navy's Program Risk Advisory Board, which states that the current F/A–18C is actually better than the E/F in some performance areas, including some acceleration and maneuvering. What that means is the current plane, the one the Navy says we have to switch from, from the current plan for the Super Hornet, actually may do better in some of these areas than the plane that would come in the future.

The report also states that the Navy will likely exceed the $4.88 billion development cost cap on this program. This report falls on the heels of another GAO report on this subject in late 1996 which concluded that the only marginal improvements of the F/A–18E/F are far outweighed by the much higher cost of the E and F planes as compared to the C/D planes. The revelation in these reports force us, the President, and the buyers of this aircraft to cast a wary eye on the Super Hornet program.

Let me back up for a minute to put this recent series of recommendations by the GAO into context. The Super Hornet, the F/A–18E/F, is just one of three costly new fighter programs that the Department of Defense has on the drawing board right now. In addition to the Super Hornet, there is the Air Force's F–22, and also the Joint Strike Fighter.

The Joint Strike Fighter is intended to perform virtually every type of fighter aircraft mission in today's force structure. The Joint Strike Fighter is expected to be a stealthy strike aircraft built on a single production line with a high degree of commonality of parts and cost. The Navy plans to procure 300 JSF's, with a projected initial operational capability beginning around the year 2007. Demonstration studies indicate that the JSF—this is as compared to the Super Hornet—will have superior or comparable capabilities in all Navy tactical mission aircraft areas, especially range and survivability, at far less cost than the

Super Hornet or any other existing or planned carrier-based tactical aircraft.

The Navy's JSF variant is expected to have longer ranges than the Super Hornet to attack high-value targets without having to use external tanks. Unlike the Super Hornet, which would carry all of its weapons externally, the Navy's Joint Strike Fighter will carry internally at least four weapons for both air-to-air and air-to-ground combat. That, of course, would maximize its stealthiness.

Finally, the JSF would not require jamming support from the EA-6B Prowler aircraft as does the Super Hornet in carrying out its mission in the face of integrated air defense systems, and, while the Joint Strike Fighter is expected to have superior operational capabilities as compared to the Super Hornet, it is expected that it can be developed and procured at far less cost than the Super Hornet. However, there are few who look at this whole picture of how much we are talking about for all three of these new planes and who can honestly say we can afford all three tactical fighter programs.

This chart that we have up now shows the total estimated cost for all three of these planes—the F-22, the Super Hornet, and the JSF. That total figure is an astonishing $397 billion.

That is enough to pay for the fiscal year 1998 appropriations for the Department of Defense plus Veterans Affairs plus Housing and Urban Development plus Treasury plus Energy plus Military Construction and the Legislative Branch Appropriations thrown in as well. With the money we would spend on these three tactical fighter programs, we could pay for all of those things and we would still have $1 billion change back in your pocket, as they might say at McDonald's.

The GAO, the CBO, the National Defense Panel, and many others agree that the likelihood that all three of these plane programs can be fully funded with the planned number of aircraft buys is virtually nil.

Interestingly, the Marine Corps has decided not to purchase any of the Super Hornets. The Marine Corps has decided that the E/Fs are too expensive and that the Super Hornets—the F/A-18Cs and Ds, the planes currently flown by marine aviators—are up to their mission. They know, and say, that the C/D is adequate for what they have to do now and so they have wisely opted to wait—not have the current C/D, then go to the Super Hornet, and then go to the Joint Strike Fighters. What the Marines are apparently saying is they will wait for that Joint Strike Fighter instead of putting us to the enormous expense of moving up to the Super Hornet. Given our fiscal constraints, we cannot afford to finance three separate fighter planes that accumulate to the final costs that these three programs involve. Over the next few minutes, I will just cite a few of the many reasons that we really ought to put an end to the Super Hornet E/F program.

The Navy and the planes' manufacturer, Boeing, base their argument for the need to develop and procure the Super Hornet on existing or projected operational deficiencies of the C/D plane in five different areas: strike range, carrier recovery payload, survivability, avionics growth space, and payload capacity.

The Navy and Boeing like to call these five points the "five pillars" of the Super Hornet program. But the new GAO report and my own review of the program show that these five pillars of the Super Hornet are actually weak and crumbling. GAO identifies problems with E/F in each of these five key areas, and the responses that the Navy has to each of these concerns are actually at odds with their own arguments in favor of the E/F program.

In the report, GAO identifies problems that could diminish the effectiveness of the plane's survivability improvements, problems that could degrade engine performance and service life, and dangerous weapons separation problems that do require additional testing. As recently as July 1997, the Navy's Program Risk Advisory Board stated that "operational testing may determine that the aircraft is not operationally effective or suitable."

In December, the board reversed its position and then said the following, that the E/F is potentially operationally effective and suitable, but also reiterated that it did have quality concerns with certain systems that are supposed to make the E/F Super Hornet superior to the current C/D.

Mr. President, these are not the words of a glowing review for any program, but they are downright awful for an aircraft program some estimate will cost over $106 billion. We should not gamble with our pilots' lives. We should not gamble with more than $100 billion of taxpayers' money. These stakes are too high.

Also, in the new report GAO asserts that the E/F doesn't accelerate or maneuver as well as the current C/D plane. DOD agrees with this point but says that this is an acceptable tradeoff for an E/F that is more capable in other respects. I wonder if the pilot flying the E/F would agree with that kind of a tradeoff.

It gets better—or, really, worse. The publication "Inside the Pentagon" reported in its February 19 issue that the Navy will not hold the Super Hornet to strict performance specifications in three areas. It published a copy of a memo written by Rear Adm. Dennis McGinn, the Navy's officer in charge of air warfare programs, that ordered the Super Hornet would not be strictly held to performance specifications in turning, climbing and maneuvering.

Everyone can agree that these are important performance criteria for a state-of-the-art fighter and attack plane.

It turns out that the memo was sent to the E/F test team after, Mr. President, after the team concluded that the E/F was, in some cases, not as proficient in turning or accelerating as the current C/D version of the plane.

Keep in mind that the C models used in these comparisons were not even the most advanced examples of the current C models. In its new report, the GAO said that the Navy board's program officials came to "the realization that the F/A-18 E/F may not be as capable in a number of operational performance areas as the most recently procured C model aircraft that are equipped with an enhanced performance engine."

The Navy's own test team has now stated that the new plane does not perform as well as the reliable version currently used in key performance areas. The Navy now is somehow apparently saying that these performance criteria are suddenly not important. This strikes me as a little shameful.

In its 1996 report, the GAO reached a number of conclusions. It found that the E/F Super Hornet offers only marginal—marginal—improvements over the C/D and that these are greatly outweighed by the far greater cost of the new plane, the E/F. It found that the current plane, the C/D, can be modified to meet every capacity that this new E/F is intended to fulfill. Let me just say it another way. A modified C/D would meet the performance specifications that the E/F was built to meet.

The GAO found and put a figure on this that was very troubling to me at the time and still is. They said that the Defense Department could save $17 billion by purchasing more of the current improved C/D planes instead of creating this entirely new plane that isn't clearly better than the C/D, a difference of 17 billion-taxpayer-dollars. The report also addressed other purported improvements of the Super Hornet over the C/D.

The GAO concluded that the reported operational deficiencies of the C/D that the Navy cited to justify the Super Hornet either have not materialized as projected or that such deficiencies can be corrected with nonstructural changes to the current C/D and additional upgrades to further improve its capability. In effect, the GAO has rebutted all of the Navy's claims about what disadvantages the current C/D plane supposedly has.

So, we have a plane that doesn't really do the things the Navy said it would do and, in some respects, it does not perform as well as the current older version, but we are supposed to pay double for these new planes anyway. Caveat emptor, indeed.

Mr. President, I now would like to address an additional newer problem that has come out, and that is the issue known as the wing-drop problem.

In its new review, the GAO reports a wing-drop problem that threatens this entire E/F program. This issue has garnered the most publicity recently and presents a major problem for the Navy. I want to reiterate, because I devoted most of my talk discussing all the problems that existed with this plane before this wing-drop problem came up, but this is a very serious problem indeed.

Wing drop causes the aircraft to rock back and forth when it is flying at the altitude and speed at which air-to-air combat maneuvers are expected to occur. Obviously, this is not a good situation for a fighter pilot.

GAO reports that the Navy and Boeing think wing drop is unacceptable and presents the program's most challenging technical problem.

DOD claims to have a variety of promising solutions that will mitigate the wing-drop problem, but it is very interesting to note what the Defense Department does not say. They are not saying that they will have a complete fix to the wing-drop problem. Additionally, these potential solutions will negatively affect the already very marginal benefits of the Super Hornet over the C/D.

The Navy's solutions affect the plane's speed, maneuverability and stealthiness, and I think these tradeoffs are clearly unacceptable, given the Navy's position so adamantly adhered to that somehow this E/F is better than the C/D. It will be interesting to observe how DOD handles this situation given its past performance.

This chart shows the progression of the wing-drop problem from the flight test team to the Secretary of Defense.

On March 4, 1996, the Navy's test team first discovered the E/F's wing-drop problem.

In November of that year, the Navy classified the wing drop a priority problem.

On February 5, 1997, the test team noted wing drop in an official deficiency report.

On March 12, the Navy reported that wing drop "adversely impacts the minimum acceptable operational performance requirement."

Two weeks later, Secretary Cohen approved the recommendation of Paul Kaminski, the Navy's chief procurement officer, to go ahead and purchase the first dozen production versions of the E/F for a figure of $1.9 billion.

Kaminski's decision followed a meeting with the Navy's test team in which this wing-drop problem apparently wasn't even mentioned.

On November 20, almost a year and a half after this wing-drop problem was first discovered, John Douglas, Assistant Secretary of the Navy for Research, Development and Acquisition, then informed Navy Secretary John Dalton of the wing-drop problem. This program-threatening wing-drop problem seems to have been kept, Mr. President, from the top Defense Department staff, including the Secretary, until after the decision was made to initially procure the first 12 aircraft.

If this sort of manipulation of the process is really taking place, it is obviously totally unacceptable. I have asked a full account of the discovery and progression of the wing-drop problem from the Secretary of Defense. In light of these allegations, I also urge the Department of Defense to fully consider the panel's findings and halt the purchase of any additional Super Hornet aircraft scheduled for this month until this wing-drop problem is fully understood and corrected. To do otherwise would compromise the safety of our Navy's pilots and the integrity of the Department of Defense.

Having mentioned a number of issues, including this very serious wing-drop problem, I want to briefly conclude my remarks by reemphasizing the exorbitant cost of this new Super Hornet aircraft.

The Navy initially plans to procure 62 aircraft in three separate procurement lots. Secretary Cohen is delaying procurement of the second round of 20 aircraft pending identification of a solution to this wing-drop problem. The final aircraft buy is scheduled for late 1998 or early 1999.

DOD claims that failure to provide full funding for the second round of planes would result in a production break and then would involve considerable additional costs. The total cost, though, of these planes is already $15 billion more than estimates that were given just 2 years ago—$15 billion more from just 2 years ago. How much worse can this get?

The original cost estimates were based on unrealistically large projections of the number of aircraft to be purchased, low inflation assumptions for later years, and the Navy's failure to factor in the effect of its decision to buy more of the higher cost F models of the Super Hornets.

GAO estimates that the Navy could save almost $17 billion if the Navy were to simply procure the F/A–18 C/Ds rather than the E/Fs. This savings alone could have easily paid for the fiscal year 1998 Transportation or Interior appropriations in their entirety.

I know that some of my colleagues will say that by halting production of the Super Hornet and instead relying on the current C/D, we will somehow be mortgaging the future of our naval aviation fleet, but GAO clearly states that this is not the case.

Given the program-threatening design problems and its enormous cost and marginal improvement in operational capabilities that the Super Hornet would provide, it seems that this new airplane is just not justified. Operational deficiencies in the current C/D aircraft either have not materialized or they could be corrected with nonstructural changes to the plane. The question is whether the current C/D can serve that function as it has demonstrated or whether we should proceed with an expensive new plane for a very marginal level of improvement.

The $17 billion difference in projected costs does not seem to provide a significant return on our investment. The Super Hornet is, in effect, a solution in need of a problem. The Super Hornet program should be ended. The Defense Department and the Navy should also remain above board with the taxpayers when problems arise during the development of a new aircraft.

As a result, proceeding with the Super Hornet program is not the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. In the short term, it has been made very clear the Navy can continue to procure F/A–18 C/D aircraft while upgrading it to further improve its operational capabilities. For the long term, the Navy can look forward to the next generation of strike fighters, the joint strike fighter, which will provide more operational capability at far less cost than this Super Hornet that they want to go through with right now.

The most efficient and fiscally appropriate bridge is an upgraded C/D. The question is whether we can afford a $17 billion hit that can't be justified.

We should discontinue the E/F program before the American taxpayers are asked to shell out additional tens of billions of dollars for an unnecessary and flawed program.

I thank the Chair, and I yield the floor. 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. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

The PRESIDING OFFICER. Senate bill 1768 is pending.

Mr. GRAMS. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

THE EDUCATION IRA BILL

Mr. GRAMS. Mr. President, as you know, the Senate has before it and is debating a very important bill to promote educational alternatives. It is a bill which advances educational options, one which would encourage families to be actively involved in their children's education.

It comes at a critical time. Test results released last month show that American high school seniors score far below their peers from other countries in math and science.

Education Secretary Riley called the scores "unacceptable," and indicated that schools are failing to establish appropriate academic standards.

S. 1133 is the Senate's version of the education-IRA which has already passed in the House. The bill, commonly referred to as the A+ savings accounts, would expand the college education savings accounts established in the Taxpayer Relief Act of 1997 to include primary and secondary students.

A+ accounts would also increase the maximum allowable annual contribution from $500 to $2,000 per child. The money could be used without tax penalty to pay for a variety of education-related expenses for students in K–12, as well as college expenses.

The Senate bill closely resembles what is currently happening at the state level in Minnesota. Our state is establishing itself as a leader in bringing educational opportunity, authority and choice to parents. Last summer, the Minnesota legislature approved Governor Carlson's two-year package of tax cuts valued at $160 million. The package includes a 250% increase in educational tax deductions. Parents can now deduct between $1,625 and $2,500 each year per child, depending on the child's grade. These deductions may be used for all education expenses, including tuition.

Senate consideration of the A+ legislation comes at a notable time, a time of increasing focus on the future of America's children. Last October, the White House held a summit intended to bring children's issues into the forefront as a national priority.

Well, what better way to turn consensus-building into action than to give parents practical tools, such as the A+ accounts, which enable them to better provide for their children's education.

Unfortunately, tired, groundless attacks against the A+ accounts continue to hang on. The charge I hear most frequently is that "education savings accounts and tax breaks for parents would shift tax dollars away from public schools." That is simply not the case.

More education dollars under parental control would promote education by encouraging parents to save, invest in, and support programs and materials that facilitate and provide the right option for a child's education. Nothing would be taken away from public education resources.

The A+ accounts help working families. They encourage savings and enable families to make plans which shape a child's future. They are directed at low and middle income families, not wealthy families which currently have more education options. It seems ironic to me that some of the loudest opponents of these savings accounts are high-income, high-option individuals, who can afford to send their own children to private schools.

According to the Joint Committee on Taxation, the great majority of families expected to take advantage of the education savings accounts have incomes of $75,000 or less. These are the families who need savings options and incentives the most.

Mr. President, the A+ accounts simply provide a modest, tax-free savings plan for families. This is a commonsense approach to the serious issue of educating our children. It offers a real solution for America's working families, and I urge my colleagues to give it their support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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, I ask unanimous consent that I be permitted to speak as if in morning business and to introduce two amendments to be considered at the time the NATO expansion issue is before the Senate for consideration.

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

The Senator from Alaska is recognized.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

Mr. STEVENS. Mr. President, I am going to speak for a few minutes about the issue of NATO expansion, and I want to offer these two amendments today. These amendments, I believe, will serve to bring greater accountability to the unresolved issue of the additional costs that will result with the accession of Hungary, Poland, and the Czech Republic to the NATO alliance.

My first amendment requires all costs related to either the admission of new NATO members or their participation in NATO to be specifically authorized by law prior to the payment of these costs. I am speaking of the U.S. costs. Our U.S. costs would have to be specifically authorized by law before they could be paid.

Actually, this ought to be the proper interpretation of the Constitution. But too often we find that costs—particularly those of foreign policy objectives supported by the Department of Defense—are incurred and then we are asked to pay for them in the budget process later.

The costs related to NATO enlargement are still general estimates, but the debate is continuing as to what is actually required and what portion of these requirements should be paid by the NATO common budgets. These estimates will continue to evolve and change in the coming months, well past the completion of the NATO expansion debates here in this Chamber.

U.S. costs could increase as NATO finalizes its implementation plans and eligibility criteria for common funding, or if new member countries have problems paying for infrastructure improvements. A Congressional Budget Office study released last week confirms that the United States is likely to incur bilateral costs for expanded exercises, training, and programs to incorporate NATO compatible equipment into the central European militaries.

My amendment would ensure a more accurate accounting for, and explanation of, the actual costs related to NATO enlargement as the process continues to develop.

My second amendment will restrict the use of funds for payment of NATO costs after September 30 of this year unless the Secretaries of Defense and State certify to the Congress that the total percentage of NATO common costs paid by the United States will not exceed 20 percent during the NATO fiscal year. Historically, NATO has not systematically reviewed or renegotiated member cost shares for the common budgets. This amendment would effectively require a reduction of the U.S. percentage paid in support of NATO common budget costs from a historic average of 24 or 25 percent. And I believe it is actually higher than that, but that is the average that they use. This is a reassessment that is long overdue in light of U.S. global defense responsibilities.

We have to remember that NATO was formed at the time when we were coming out of World War II, before the United States had started really to carry out its global responsibilities. When Spain joined NATO in 1982, there were pro rata adjustments to the civil and military budget shares based upon Spain's increased contribution. No other formal renegotiations have occurred since 1955 in these two common budget areas. The NSIP—or NATO infrastructure budget—has been adjusted five times since 1960, but that was due more to the way projects were approved and funded than any actual attempt to reallocate the percentages.

With the amount included in the emergency supplemental that we will consider today, the United States will have expended over $7.5 billion for operations in and around Bosnia and the former Yugoslavia by the end of fiscal year 1998. Mr. President, it is estimated

that the United States is paying over 50 percent of the costs of maintaining the peace in Bosnia—nearly $200 million a month in 1997 alone—and there is no end in sight to the U.S. presence there with the President's decision to keep deployments there indefinitely.

Our defense overseas funding in NATO countries—the cost of maintaining our forces there, including the operations and maintenance, military pay, family housing, and military construction—now averages nearly $10 billion a year. Security assistance to the NATO allies since 1950—this is the military assistance and military education and training—has totaled over $19 billion.

No other member of NATO has the global defense role of the United States, nor does any other member have the forward-deployed presence in potential flash point areas such as the Middle East or the Korean peninsula.

There is just no alternative but to take the two steps that I am going to ask the Senate to propose to the House and to the President by these two amendments.

I would like to introduce the amendments.

The first is an amendment that I mentioned to require prior specific authorization of funds before U.S. funds may be used to pay NATO enlargement costs. It is cosponsored by Senators BYRD, CAMPBELL, ROBERTS, THURMOND, and WARNER.

The second amendment is the amendment to require that certification of payments to NATO will not cause the U.S. share of NATO common budget accounts or activities to exceed 20 percent, and that is cosponsored by Senators BYRD, CAMPBELL, ROBERTS and WARNER.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Massachusetts is recognized.

SUPPORT FOR PUBLIC EDUCATION

Mr. KENNEDY. Madam President, I know that we are debating very important issues on the supplemental appropriations bill. But I would like to take a few moments this afternoon to address another important issue, the Coverdell bill. There is a very important question we must all ask. Will Congress support public education or abandon it? I believe the vote tomorrow, and the debate going through next week on the Budget Resolution, may very well be the most important days that we will have to talk about the issue of education in this Congress. I would like to outline the challenges we face in the nation's public schools. May I yield myself 5 minutes? Can I do that; if the chair will let me know?

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

Mr. KENNEDY. Madam President, we ought to understand exactly where we are as a nation and measure the proposal that we will be voting on tomorrow against our particular national needs. I think that is a fair way of making the decision whether we ought to eliminate any opportunity for additional debate and discussion on the question of support for public education across the country. No one is questioning whether the Coverdell bill will make a substantial contribution to private education. But if you are going to spend $1.6 billion, which is the amount of money that will be lost from the Federal budget under the Coverdell bill, we ought to know whether the money we spend will benefit the majority of the children in this country? Does this proposal abandon our support for public education, where about 48 million—90 percent—of our children are educated?

This year, K–12 enrollment has reached an all-time high and will grow by 4 million students over the next 7 years across this country. Second, 6,000 new public schools will be needed by the year 2006 just to maintain the current class size—6,000 new schools by the year 2006. Due to overcrowding, schools are using trailers for classrooms, teaching students in former hallways, closets and bathrooms. Overcrowded classrooms undermine discipline and decrease the students' morale. America's children are learning in overcrowded classrooms. These are the undisputed facts on the condition of education in the United States of America.

This chart is called "America's Children Are Learning In Crumbling Schools." Madam President, 14 million children learn in substandard schools; 7 million children attend schools with asbestos, lead paint or radon in the ceilings or walls; 12 million children go to school under leaky roofs; one-third of American children study in classrooms without enough panel outlets and electrical wiring to accommodate computers and for multimedia equipment.

These are the conditions today and these are the expectations of tomorrow. We are going to be faced with a Republican education program that says we will answer this national challenge with a $1.6 billion tax break for wealthy individuals. I call it an entitlement. I want to hear our friends who are always talking about entitlements address that issue, because this is an entitlement. Once the proposal goes into effect, anyone who is qualified is going to get a tax break every year—that's an entitlement in my book. It's an entitlement for the wealthy who send their children to private school.

Should we have a good chance to debate different public policy alternatives to the Coverdell bill that is offered on behalf of the Republicans? We would welcome that debate. We do not fear that debate; we welcome it. We think the country would welcome it. We have our ideas. The President has his ideas. The President, in his State of the Union and in his speech on education, has outlined some very important measures—school construction and modernization, smaller class size, better trained teachers, increase in the number of qualified teachers, after-school programs, and expansion of the Head Start programs. Those are out there. These crucial programs are paid for in the President's budget.

How did the Budget Committee address these issues? Thumbs down on all of those programs. Not only thumbs down on those programs, but reducing aid for education by $1.6 billion on existing programs below the President's level. We have not had that debate here. And we are being asked now to provide a new entitlement for the wealthier individuals who are sending their children to the private schools—not the public schools; to the private schools. That is what we are being asked to do.

So let's get out and debate this issue. But, no; we are facing a cloture motion that says we are going to be absolutely denied the opportunity for considering alternatives. That is wrong. But it is something that American parents ought to understand, that this is basically an ill-conceived program that is abandoning the public schools in order to get additional tax entitlements and tax breaks for tuition for children to go to private schools. We do not have anything against the private schools, but with the scarce resources that are available, they ought to be carefully invested in the public schools. We should not be creating more tax breaks for the wealthy individuals. We should not be abandoning the public schools of this country. We ought to be responding to their particular needs.

Mr. President, I believe my 5 minutes is up, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, let me continue what our colleague from Massachusetts has been talking about.

This issue is going to come up tomorrow and will be debated. There will be a cloture motion. There are two issues the Senator from Massachusetts and the Senator from North Dakota, who has joined us here on the floor, and I care about. The first is we would like the opportunity to be able to offer amendments to this bill. I gather there has been some agreement on a limited

number of amendments. But we think, on something as important as education, this may be the only time this year that we get to talk about the educational needs of the 53 million children who attend our primary and secondary schools in this country.

First of all, the issue is about choice and giving our colleagues the choice to consider an alternative or alternatives to Senator COVERDELL's legislation. Secondly, we believe that the issue is how the American people decide how they want their tax dollars spent.

Let me first, if I can, describe what the Coverdell amendment does. The Coverdell amendment is a tax expenditure of $1.6 billion over the next 10 years that would provide, according to the Joint Taxation Committee, a $1.6 billion tax break, providing $37 a year to the families of children who attend private schools and $7 a year to the children who attend public schools.

Of the 53 million children who attend primary and secondary schools, 90 percent of those 53 million children attend public primary and secondary schools; 10 percent, 5.3 million, attend private schools. What Senator COVERDELL's legislation does is take a $37 tax break and a $7 tax break, and gives it to the 5.3 million children who attend private schools and gives the $7 tax break to children attending public schools. Madam President, 52 percent of the tax break goes to the 10 percent of children who are in private schools.

Please let me put that in context. I recently researched how much it costs to attend a private school in the Greater Washington area. On average, it is between $10,000 and $14,000 a year. Such a small tax break, Mr. President, would provide very little assistance to parents who choose these schools for their children.

The point that I make is, if you are going to spend $1.6 billion, whether you are a conservative Republican or liberal Democrat, would it not be wiser for us to try to improve the deteriorating physical structures of public schools that are falling apart in this country? Would it not be better, perhaps, to take the $1.6 billion and have it go to special education?

Mr. President, I don't know how many mayors, how many county boards of supervisors I have heard from who report to me that they are spending an exorbitant amount of money to provide the valuable needed services to children who have special needs? All of us would agree that these children often require and deserve a great deal of assistance, but local school districts and taxpayers are often in desperate need of some financial assistance in providing for the educational needs of children with disabilities. Is this not a priority? Do you perhaps think this priority more deserves our attention than a $37 tax break?

How about providing 100,000 new teachers to shrink the size of classrooms across this country? Most everyone will tell you, if a teacher is teaching 25, 30, or 35 students, those students are not learning as well as they could. Again, most everyone agrees, if you can make classes smaller, you can greatly increase the learning potential of children. Is that not a higher priority than a $37 tax break to go to the top 70 percent of income earners in the country? Or a $7 tax break if your child attends a public school? $1.6 billion could, as I said, provide some real assistance in construction, special education, Head Start, or additional teachers. There are many other valuable ideas. I am not limiting it to these four.

As I said earlier, we have come through an era where we often spent money on many different ideas. We cannot do that any longer. We must now be very selective when we spend federal tax dollars. It seems to me it would be a wiser investment of taxpayer money to do something about special ed, something about school construction, something about classroom size, and something about early childhood education. I don't know of anyone in this country, regardless of their personal ideology or political affiliation, who would tell you they think those four ideas are less important than a $37 or $7 tax break.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I will be glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. As you know, the Budget Committee approved $30 billion in tax breaks—$30 billion. So, on the one hand, Republicans cut back education funding $1.6 billion below the President's program, and then spend $1.6 billion to create a $37 tax break for individuals that send their children to private school. Then they have the gall to come out here to say that Coverdell is the answer to the problems in education. Instead, the Coverdell bill is another Republican effort to abandon the public schools.

I wonder, if the Senator will yield for another moment, I would like to just mention David Rosborough and ask my colleague whether this is the kind of situation that is troubling the Senator.

Hi, my name is David Rosborough and I am a junior at Centerville High School in Clifton, Virginia. My school is extremely overcrowded, having well over 2600 students in a school that holds 2000, and whose optimal size is 1800. As a result of this, we have 32 makeshift trailers as classrooms this year and will have a total of 40 next year. Nearly 1000 students are in these trailers at any one time, and we have been forced to go to a complicated "double master" schedule. This new schedule which divides the school in two, is a great idea, and makes it so that class changes are staggered, however also created many new problems. Lunch periods begin at 10:00 a.m. and don't end until well after 1:00 p.m.

This bill—

He was talking about the President's bill—

will put an end to ridiculous situations, like that of my school.

The tremendous size of the school has caused inconveniences and problems, some minor, like the assembly situation. Right now, a simple music assembly will have to run three or four different times throughout the day, creating scheduling problems and keeping students out of class for unnecessarily long periods of time.

Some problems are a lot more significant. "Hall rage" —

I never heard of that word before; "hall rage" are the words that this young student, a junior, uses—

"Hall rage" as our principal calls it, is one of them. Last year, before the new schedule was implemented, there was a huge outbreak of fights, many caused by frustration of being knocked around in the overflowing halls. Teachers found it much harder to teach with the distraction of "hall rage," causing students to have difficulty focusing on class work with all the chaos outside. Teachers very rarely even get to teach in the same classroom all day, and some move between three and four classrooms.

The new schedule at our school has solved some of these problems, but many still remain, and the school's size keeps on mushrooming. The "double master" schedule has caused many conflicts which limit the courses available to students. Hopefully this bill will pass—

Talking about the President's bill—

and bring . . . long-term relief to my school as well as many others like it.

This is not the inner-city; this is in the suburbs. School repair, modernization, and expansion problems affect every community—urban, rural, or suburban.

I ask the Senator from Connecticut, will the Coverdell legislation do anything about the kind of problems that this student is talking about; that would shock any parent?

Mr. DODD. Madam President, I say to my colleague from Massachusetts, absolutely not. In fact, as the Senator knows, our distinguished colleague from Illinois, CAROL MOSELEY-BRAUN, has offered legislation to try and do something that would allow for these schools to be repaired. The estimated cost of that, the estimated cost nationwide from Maine to California I think is $22 billion.

Mr. KENNEDY. Her program costs only $3.3 billion, but will allocate $22 billion in interest-free bonding authority for States and local communities.

Mr. DODD. What we are talking about today, when we say we would like to take this $1.6 billion and maybe apply it to the programs I have mentioned, not to suggest we will pay for all of it, but if you have limited resources, it will at least provide meaningful resources to these communities.

Senator COVERDELL's legislation is a tax break that goes to individuals, and parents who send their children to private schools get the bulk of it. Remember, 7 percent of the families in this country send their children to private schools. Ten percent of the children—93 percent of the families send their kids to public schools.

Has anyone asked the families of children attending public schools how they feel about subsidizing the children who go to private schools? With all due respect, those parents made a choice. I respect that choice, but I don't necessarily believe that we ought to subsidize it with $37 a year when that $1.6 billion might go to the very issue the Senator from Massachusetts raised.

Mr. KENNEDY. Finally, because I see other Senators on the floor, will anything in the Coverdell bill result in a reduction of class size?

Mr. DODD. I say to my colleague, absolutely nothing.

Mr. KENNEDY. Will anything help provide 100,000 new teachers as proposed by the President?

Mr. DODD. I say to my colleague, absolutely nothing.

Mr. KENNEDY. Is there anything in the Coverdell bill that will help provide after-school programs that are so important for the 13 million young people that the Senator from Connecticut, who is a champion for children in this country, speaks about? Is there anything in the Coverdell bill that will help expand and improve those after-school programs?

Mr. DODD. Not one penny of the $1.6 billion will go for after-school programs.

Mr. KENNEDY. Is it not true that the cuts in education funding by the Budget Committee provide no increase in Pell grants?

Mr. DODD. I say to my colleague from Massachusetts, he brings up an excellent point. Not only do we have $1.6 billion here in tax breaks, but just the other day the Budget Committee cut $1.6 billion out of the budget for educational programs.

Our colleague from Illinois CAROL MOSELEY-BRAUN, our colleague from the State of Washington PATTY MURRAY, Senator BOXER of California, among others, all tried, as members of that committee, to get some resources in order to help out in these areas. Not only did they lose providing some additional help for these areas, the Budget Committee cut $1.6 billion across the board in education.

Mr. DORGAN. Will my colleague yield?

Mr. DODD. I will yield to my colleague from North Dakota.

Mr. DORGAN. I ask the Senator from Connecticut, are we now talking about the Coverdell education proposal? Is it not the case that the Coverdell legislation is not now before the Senate —it was before the Senate but then was withdrawn—because a number of Senators, including myself, the Senator from Connecticut, the Senator from Massachusetts, and others, wanted to offer amendments to it dealing with the kinds of questions you are now asking? Isn't that the case?

Mr. DODD. It is true. We had hoped to be able to offer these amendments, and the bill was pulled down last week. We are told now it is going to come up again tomorrow, and the reason why we are here this afternoon to talk about it is because we believe it may be coming back.

Mr. DORGAN. I would like to ask the Senator an additional question relating to an issue I discussed last week when the Coverdell bill was first withdrawn from the floor. It is not acceptable to me to have someone bring a bill to the floor that is amendable and then tell us, "By the way, we have established a gate here, and the only people who can go through the gate are the ones we decide can go through the gate."

The Coverdell IRA proposal, in my judgment, ought to be amended by a range of other proposals. One, for example, deals with reducing class size. I have a daughter in the third grade. Last year, that daughter was in a public school class with 30 students—30 in a class. Do I have a self-interest here as a parent? Of course I do. Do we think kids do better when they are in a smaller class? Of course they do. We know that. The studies demonstrate that.

The question before us is not just about Coverdell IRAs, but about what our priorities are going to be. One hundred years from now, all of us in the Chamber are going to be gone.

Mr. DODD. Except STROM THURMOND.

Mr. DORGAN. Except Senator THURMOND. But historians will be able to look back at what we did here and evaluate, by looking at how we decided to spend money, what our priorities were. What did we place first? What did we think was important? Kids? Education? What kind of legislation did we pass to advance these issues that are important to public education in this country?

Finally, to those who say the public education system in this country is somehow unworthy of keeping, I ask them, how did this country get to where it is? How did we get here? Is anybody going out to the airport this afternoon to get on a plane and leave? Have they found a better place to live? I don't think so.

We have had in this country a wonderful system of public education. We also have some outstanding private schools. Our obligation in this Chamber is to provide the support that we can, especially with niche financing. We don't provide the bulk of financing for elementary and secondary education, but we provide important funds to support a number of priorities in public education. That is our job. That is what we need to do.

But we were told last week that because a bill is brought to the floor dealing with education—a bill that essentially provides tax breaks for those who want to send their kids to private school—somehow we are being selfish for saying let's amend this so we invest in and strengthen public schools. It seems to me that the message from all of this is that kids are not first, education is not a priority. Isn't that how you would view it?

Mr. DODD. I thank my colleague from North Dakota. I think he said it very well. Of course, he brings some firsthand information to it, talking about his own daughter who is in the third grade and the size of her classroom. It provides a wonderful example of something we might do to help out our local school districts.

Education is very expensive, and the bulk of it is paid for by local property taxes, sales taxes; in some States by a State income tax. It is expensive. We made a commitment here years ago that we would help out with special education; we said we would contribute as much as 40 percent of the expenses to educate a child that has special needs. We have never gotten above 8 percent—never above 8 percent.

I have communities in my State of Connecticut that spend $100,000 on a child in a small town. Now, these towns surely want to help these children with disabilities, but it seems to me that is a national issue, giving children an opportunity to maximize their potential. We promised 40 percent; we have never provided more than 8.

What if we gave $1.6 billion to the States across this country that are trying to provide the education for these special needs children? I assure you, people will say thank you.

I don't think anyone would believe that a $37 tax break for children attending private schools and a $7 tax break for children attending public schools is of a higher priority than almost any other issue you can mention when it comes to the educational needs of America's children. On the close of the 20th century, when we are going to have to have the best prepared and the best educated generation we have ever produced to compete in the global resources with limited, scarce resources, we provide $1.6 billion tax cut that could be better applied to our Nation's schools. I don't think it is right, and I am hopeful the American people will be heard over the next 24 hours and say to their Members, "Don't vote for this. Don't vote for this. Use my money wisely and well."

Madam President, I thank our distinguished colleague from Alaska for yielding us some time to be heard on this issue.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Madam President, I have a list at the desk. I ask unanimous consent these members of the staff of the Appropriations Committee be admitted to the floor during the consideration of the supplemental.

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

The list is as follows:

APPROPRIATIONS COMMITTEE STAFF

Carolyn E. Apostolou, Sid Ashworth, Liz Blevins, Wally Burnett, Andrew R. Cavnar, Jennifer Chartrand, Liz Connell, Christine Ciccone, Robin Cleveland, John J. Conway, Steve Cortese, Gregory Daines, Dick D'Amato, Rebecca Davies, Mary Dewald, Emelie East, Lula Edwards, James H. English, Bruce Evans, Alex Flint, and Galen Fountain.

Carole Geagley, Andrew Givens, Rachelle Graves, Scott Gudes, David Gwaltney, Tom Hawkins, Susan Hogan, Charlie Houy, Ginny James, Kevin Johnson, Jon Kamark, Jay Kimmitt, Lashawnda Leftwich, Paddy Link, Kevin Linsky, Mary Marshall, Sue Masica, Mazie Mattson, Anne McInerney, and Jim Morhard.

Mary Beth Nethercutt, Joseph Norrell, Dona Pate, Tammy Perrin, Martha Scott Poindexter, Robert W. Putnam, Dana Quam, John Raffetto, Michelle Randolph, Pat Raymond, Gary Reese, Barbara Ann Retzlaff, Tim Reiser, Peter Rogoff, Joyce Rose, Terry Sauvain, Marsha Simon, Jennifer Stiefel, Lisa Sutherland, Betty Lou Taylor, Scott Thomasson, Justin Weddle, Paul Weinberger, and John Young.

Mr. STEVENS. Madam President, on page 18 of our committee report, it stated that $10 million is provided for the national forest system account within the Forest Service. This does not accurately reflect the action taken in the committee markup. We added $2 million for payments to States, pursuant to section 405 of the bill. The total in the bill for the national forest system should be $12 million. I ask that the bill be corrected accordingly.

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

Mr. STEVENS. Madam President, the Senator from Georgia is here and wishes to have time while we are on the defense bill to respond to the Senators from Massachusetts and Connecticut.

I announce to the Senate, as soon as the Senator from Arizona, Mr. MCCAIN, arrives he will present an amendment and that amendment will be voted on at 5:30 today. It would be my hope that we also would be able to take a series of amendments prior to that time, amendments that we have been working on with individual Senators. It should take us 20 to 30 minutes to deal with four or five amendments that will be accepted.

I ask unanimous consent the Senator from Georgia be allowed a time now not to exceed the time taken by the Senators from Massachusetts and Connecticut and that time take place as soon as possible.

The PRESIDING OFFICER. Is there an objection?

Mr. WELLSTONE. Reserving the right to object, and I shall not, I wonder whether or not, before the Senator from Arizona comes to the floor, I might have 10 minutes to speak on education following Senator COVERDELL, if there is time.

Mr. STEVENS. Madam President, I am a little reluctant. What we are getting into is an equal time situation. Every time one Senator speaks the other side wants to answer. If we can find some way to add the Senator's time to what has already been used on your side of the aisle on the education matter and agree now how long that will be—the leader wants some time, too. The Senator is entitled, as I understand, to about 25 or 26 minutes already because of the statements made concerning education, if we follow an equal time proposition. I do want the floor at no later than 10 minutes of 5 o'clock to go into these other amendments, and even prefer to have it before that.

Mr. COVERDELL. Will the Senator yield?

Mr. STEVENS. I yield to the Senator.

Mr. COVERDELL. I wonder, to facilitate this so the response can be conclusive, if the Senator from Minnesota would agree to taking the next 5 or 6 minutes or so and make a statement and then we would take our 30 minutes at that point and try to respond to the other side.

Would that facilitate the Senator from Minnesota?

Mr. STEVENS. Would that meet the Senator's approval? We want to get back to the defense bill before the afternoon is over.

Mr. WELLSTONE. Madam President, I can do it. I will need about 10 minutes. I am pleased to do it either way. Since I am on the floor, I wanted to make sure I had a chance to speak. If the Senator from Georgia would rather I precede him, and he wants to respond to all of us, we will get a chance to get back to this. I would love to respond to what my colleague from Georgia has to say, but I am pleased to do it that way.

Mr. STEVENS. I say to my friend, the difficulty is that we started off with what was supposed to be 5 minutes for each Senator and that turned into 26 minutes and now we are about ready to do the same thing. I do want to limit the time. I hope he will agree with me that we will proceed and the Senator would take his 10 minutes now and the Senator from Georgia has 35 minutes. I will still be back here by 25 minutes of 5 o'clock.

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

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

SUBSTANTIVE DEBATE ON EDUCATION

Mr. WELLSTONE. Let me thank the Senator from Georgia for his graciousness and let me thank my colleague from Alaska.

Madam President, I think there are two different issues that we are confronted with as we address the Coverdell bill. One of them has to do with just the substantive debate about education, which I want to talk about for a few minutes; and the other has to do with, I guess, the Senate process, which I think is equally important, as we think about the Senate and how we do our work together.

On the substance, I simply say to my colleague I spend about every 2 weeks in a school somewhere in Minnesota. If I could think of any one area that I feel I have the most passion about, it is education: education of children, preschool, young people, high school, higher ed. For that matter, since I think education is preschool all the way to 85 or 90, education, period.

As I travel the country, with a special emphasis in Minnesota, I say to my colleague, I can think of much better uses and a higher priority for $1.6 billion to be spent. I put the emphasis not in the direction that my colleague from Georgia goes in, which is people being able to put this money into IRAs. Not a whole lot of families I know have $2,000 they can put into IRAs. This disproportionately benefits people who are fairly well off. It benefits people who especially want to send their kids to private schools and who have the resource to do so. I would rather make an all-out effort to support the public school system.

I would be pleased to come back to the U.S. Senate some day, the sooner the better, and maybe in a debate change my mind and say that I would be all for applying taxpayers' money to support for private education—and that is why I say the sooner the better—but not until we have made the commitment to public education, not until we rebuild crumbling schools around the country; I have been to too many of those schools in Minnesota, and all around the country as well, and not until we reduce class size, not until we get more teachers and teacher assistants into the classrooms, and not until we have more resources for professional development, not until we make an all-out commitment to really deal with the learning gap between children who do well in school and children who don't do well in school, which starts, I might say, with a real commitment and the resources to early childhood development. I think the medical evidence is irreducible and irrefutable; if we don't get it right for these children by age 3, many of them will never be able to do well in school or well in life.

I don't understand what I think is a misplaced priority that my colleagues on the other side of the aisle have about $1.6 billion that doesn't go directly to public education. And I put

the emphasis, and I think the vast majority of the people in the United States of America would put the emphasis, on rebuilding the crumbling schools, on reducing class size, on making sure that we have the best education for our teachers and, I might argue, making sure we do our very best by way of children so that when children come to kindergarten, they come ready to learn. That is where we ought to be investing our resources—not in allocating resources to support private education, not in a Coverdell bill where the benefits disproportionately go to those families which least need those benefits.

The second point speaks more to the majority leader than my colleague from Georgia. I don't have a corner on the truth and I do not want to come off arrogant, but this argument that the majority leader makes about getting to decide what kind of amendments are relevant and dramatically reducing the number of amendments that are out here on the floor presupposes that there aren't any number of different ways of thinking about what is really helpful for education and the development of children and young people in this country.

I have a number of amendments that I think are important. I think the amendment on rebuilding crumbling schools is right on the mark. I think we devalue children and we devalue the work of adults who work with children when we don't make an investment in rebuilding these crumbling schools. I think reducing class size and more teachers in the classroom is extremely important. If I am going to think about ways of making better use of $1.6 billion, we ought to get back to making sure young people have the hope to go on to higher education. The HOPE scholarship with tax credits that aren't refundable doesn't help very many families in Georgia or Minnesota with incomes under $28,000 a year. Spend a little time in community colleges. The education is not affordable. I have an amendment to take that $1.6 billion and make higher education more affordable for these men and women from working families.

I have an amendment, since we are talking about children and education, that deals with the cuts we made in the Food Stamp Program, the major safety net program for poor children in America. We made a 20 percent cut in food stamp benefits. The vast majority of the beneficiaries are children. The vast majority of beneficiaries are working poor families. Every single doctor and every single scientist and every single nutritional expert will tell you children don't do well in school when they are malnourished. They don't do well in school when they don't have enough to eat. I think we ought to restore that funding for the Food Stamp Program as it applies to children in America. That is a top priority education program.

Now we have a majority leader who is saying, "No, I don't want to have debate on all these amendments." What are my colleagues afraid of? Why would it be too much time to take 4 or 5 days or a week and debate this piece of legislation?

I have another amendment which I think is terribly important and I think it has everything in the world to do with how well kids do in school. We, right now, all around the country, are saying to single parents—and I spoke about this last week—mainly women, you can't stay in college because of the welfare bill. You have to leave school. Take a job at $6 an hour with no health care benefits. You know what. If those single parents —that means they have children—are able to finish their college education, it means better earnings, better opportunities for their children, more self-esteem for the parent, better educational achievement by the child. I have an amendment which says we ought to make sure that those single parents, those women, are able to finish their college education. I may or may not be able to present that amendment here in this debate.

I just want to make it crystal clear, Madam President, on both counts I am in opposition with the majority leader on this question. Madam President, $1.6 billion—put it into rebuilding crumbling schools, put it into smaller class size. Don't put it into a program that benefits mainly upper income people and private schools. It is that simple.

Second of all, let's have a debate about education. You cannot decontextualize what happens to children before they go to school and what happens to children when they go home after being in school from how well they do in school. There are a whole bunch of issues—some of them are direct education issues; some of them have to do with whether the parents are doing well employment-wise; some have to do with nutrition; some have to do with health care; some of them have to do with whether or not these young people think they can afford higher education—that dramatically affect how well children do in school.

I don't think the majority leader ought to, as a priority, decide what are relevant amendments or what kind of debate we ought to have on education. I don't know why my colleagues are afraid of a full-fledged substantive debate about education. Let's take the next week and let's debate the education amendments up or down.

I said to my colleague from Georgia, to end on a slightly different note, that I appreciated his effort. I said that a few days ago, that I think he is absolutely sincere in what he is doing, even though we disagree and that, most important of all, I look forward to a real debate. I hope we will have that real debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. Mr. President, first, I will respond to the Senator from Minnesota. I appreciate his courtesy, his reflection on my passion for this legislation. I will, at least for his benefit and others, put a slightly different view on the analysis the Senator has presented.

First, the Senator talked about a cost of $1.6 billion. Now, that is a 10-year period. Of course, it is leaving $1.6 billion in the checking accounts of 14 million American families. But what that fails to acknowledge is that that modest—modest —incentive generates over $10 billion of assets, not tax dollars. These are volunteered assets of American families. So it becomes one of the largest single new sources of financial support for all education in recent times. It is a large, large number. It is not $1.6 billion, but we say, OK, we are not going to tax the interest build-up, so we will receive $1.6 billion less here in Washington. They will keep it in savings accounts. That will generate over $10 billion.

The Senator from Minnesota has not, I believe, acknowledged that this proposal is now a very bipartisan proposal, and it is far more expansive than the savings account which I just described.

The filibuster that we have been fighting since last July with the Presidential veto threat includes State prepaid tuition plans. It is about the same cost. Again, it is tax relief to families so they are not taxed when they come with prepaid tuition to a college. Twenty-one States now have it. And that was brought to us by Senator BREAUX of Louisiana and Senator GRAHAM of Florida.

The Senator has not acknowledged the employer-provided educational assistance which expands tax exemptions for employers helping their employees continue to improve their education. This leaves almost $2.7 billion of tax relief in these companies' checking accounts. But, of course, it affects over 1 million workers who would be able to have a better education because of it, and 250,000 graduate students, because they would be included for the first time. We owe Senator MOYNIHAN of New York the gratitude for having put this proposal in the package that is being filibustered.

There are a couple of minor provisions that I will not go into. But the other more significant one that has been brought forward is from Senator GRAHAM of Florida who has devised an expanded financing tool for public school systems which would enable the construction of about 500 new schools.

So you have a very broad range. You have savings accounts effecting 14 million families and 20 million children generating almost $10 billion of new energy. You have $5 billion in new resources supporting public and private schools; $3 billion in new school construction; 1 million workers receiving tax-free employer-provided education assistance; 1 million students receiving tax relief on State prepaid tuition plans.

So, A, we have to look at it in a broader context—not just the savings account. And the other is that the vast majority of the proposal now has been proposed by the other side of the aisle.

The Senator from Minnesota inferred that it is for public education. This is not for public education. That is just not the case. The 500 new schools, public schools, 1 million workers, and 1 million students are all associated with public education. Half of all the proceeds coming out of the savings account, which in the first 5 years is $5 billion, and then, as I said, $10 billion over 10 years—half of it, if you accept the very bare bottom analysis of the Joint Tax Committee, supports students in public schools. That is billions of dollars. And half of it supports children in private or home school. So it is a lot of money.

The thing that is not clear to anybody right now, and for which we do not have numbers—we can only imagine—is that one of the unique features of the savings account is that a sponsor can be a contributor, a grandparent, an uncle, an aunt, a sister, a neighbor, a church, an employer, a union, a benevolent association—you name it. Those resources coming into the savings account no one has estimated. My judgment is that in the second 5 years it will be equal to what the families are putting in because people's imaginations begin. And it is a limitless opportunity for people to help youngsters have sufficient resources for helping their education, whether it is the requirement to have a tutor, or a home computer, or transportation, or after-school programs, or whatever is perceived to be the problem associated with the child.

The majority leader has come. The Senator is trying to ask a question. Let us give the majority leader his time.

Mr. WELLSTONE. Madam President, will the Senator yield for 10 seconds?

Mr. COVERDELL. Yes.

Mr. WELLSTONE. I want to be clear. Since the Senator from Alaska sort of set the terms and was gracious enough to let me speak, I wanted to stay on the floor because I wanted to respond to the Senator's very eloquent viewpoint. I have not tried to debate using his time. Later on I will come back to the debate. But I did not want to leave in the middle of the Senator's remarks because I respect what he is trying to do. I don't understand how someone so nice can be so wrong. But we will come back to the debate.

Mr. COVERDELL. I thank the Senator.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, first, I want to congratulate the Senator from Georgia for the leadership he has provided on this issue and so many other issues, and for his persistence in coming to the floor and engaging in the discussion with the Senator from Minnesota and others.

One of the things that comes to my mind is: What are you afraid of? What is it about this that causes you great concern? I am a product of public education from day one all the way through college all the way through law school. I really care about public education. I daresay a lot of our colleagues here in the Chamber can't say that. They went to one private school or another; one special school or another. Not me. I went to public schools in Mississippi from the first grade—in fact, even a little pre-first grade program right on through law school. When I was in elementary and in high school, my family didn't have a lot of income. My mother was a schoolteacher. My dad was a shipyard worker. They could have used an opportunity to maybe save a little money to help with our education—my education needs when I was in high school, or when I got ready to go to college.

So look at what we are talking about here: an education savings account. Who is disadvantaged by this? Shouldn't we encourage parents and grandparents and scholarship groups to save for their children and their grandchildren's needs? Maybe that is something that they would need in high school, or maybe even elementary school, as has been pointed out, whether it is computers or uniforms. Some schools are going to need uniforms or tutors. That is something that I think really could be very helpful.

But also in this package are some other things that would have been helpful to me and my family. And that is, prepaid tuition opportunities that would allow people to save a little to begin to invest for tuition costs when their children get ready to go to a trade school, or community college, or college, or a university.

Then also there is the very attractive provision that would encourage employers to have, as a part of their agreement with their employees, paid higher education provisions. Shouldn't we encourage that? Isn't that something that would be good for employers to do for their employees?

What is it that our colleagues here are afraid of on these programs?

Also, on the bond program for private organizations to build public schools, I have had some reservations about it. But in a State such as California, or a State like Florida, if some private company wants to participate and be a part of this bond opportunity to build public schools to help school districts, shouldn't we encourage that?

So I am really astounded at some of the opposition I hear about this legislation. I think it would help children to have options. Yes, it might allow parents and children to be able to escape a violent school, or a dangerous school, or a drug-infested school to go someplace else. Shouldn't there be some provision to try to help them do that?

Remember this: Everything in this bill, except the school construction fees, has already been voted on and passed by the Senate.

I address a question to the Senator from Georgia. As I recall last year, the Senate passed the Coverdell education savings account with a very substantial vote. What was it?

Mr. COVERDELL. Fifty-nine.

Mr. LOTT. Fifty-nine Senators voted for this provision in the 1st session of the 105th Congress.

The other provisions—I believe the prepaid tuition and the employer-paid higher education provisions—were those both in the budget tax bill last year?

Mr. COVERDELL. Yes; they were both in the tax bill.

Mr. LOTT. I believe they were. And I believe they were advocated in the Finance Committee—at least one of them, if not both of them—by the Senator from New York, Senator MOYNIHAN, because I remember in conference defending these programs. And they were objected to at that time by the House conferees. We didn't get them through. But they have been supported on a bipartisan basis. So I am really at a loss to understand the resistance to these, particularly since three of the four provisions have already been adopted by the Senate. I just wanted to have the Senator confirm for me my memory with regard to the strong vote that occurred.

Should we have other amendments on education and tax provisions that would help education? Sure. Is this going to be the end of the debate this year on education? Probably not. I would imagine that Senators are going to have a number of provisions. Hopefully, we may even have another bill that would address the number of questions. I would like for us to consolidate some of the myriad of Federal programs that provide funds to education into a block grant. I understand there are some 750 Federal education programs of one sort or another, and almost 39, I think it was, different agencies, bureaus, or departments.

Couldn't we consolidate some of those and send them back to the States without strings and let the States decide if they want to use that money for

school construction or for a merit pay for star teachers? But let the people at the local level decide how that money would be spent without it being directed by some Washington bureaucrat saying that you have to spend it here, or you must spend it there.

So I wanted today to take the floor. I ask my colleague, Senator DASCHLE, to encourage my Democratic colleagues to work with us on some sort of agreement for the consideration of the Coverdell education savings account bill.

On Friday, March 13, I offered an agreement that would provide for a minority substitute to be debated, and voted on first, prior to a cloture vote occurring, if one was necessary. Late last week I offered a second agreement that would provide for nine education amendments to be offered by Members of the minority, I believe it was 5 by the majority, for a total of 14 education taxes that would benefit education amendments with 9 going to the minority side.

Needless to say, now both agreements were rejected. I understand that it is difficult to get some limit on amendments so that we can debate the ones that really are critical and come to some conclusion on this issue so we can move on to other issues. But I take the floor again today to attempt to reach an agreement on the education bill prior to a second cloture vote on Tuesday at 5:30. The agreement would be as follows:

That there be nine education amendments in order as listed in the previous agreement, plus one amendment to be offered by the minority leader in the form of a substitute, if he so desires; one additional amendment to be offered by Senator MOSELEY-BRAUN of Illinois, as was suggested by Senator DASCHLE, one that might be important to be included on the list; and one to be offered by Senator BOXER. I don't even know the details of all of these amendments, except that I think they generally are in the education, or tax benefits for education category; and that there be five education amendments to be offered by Members on the majority side of the aisle.

Before the minority leader responds, I hope he could keep in mind once again that this bill includes a number of positions or provisions that were advocated by our colleagues on the Democratic side of the aisle—Senators BREAUX, MOYNIHAN, GRAHAM, FEINSTEIN. And, as I understand it, 80 percent of the cost of this bill actually goes into those three areas: the bond program, the prepaid tuition, and the employer-paid higher education provision.

So, having said that, I hope that the minority leader would be able to agree to this agreement in some form in the next few hours, and, if he has some suggestion or some other idea of how we can proceed, I am open to hearing those, also.

I would be glad to yield the floor for a response of Senator DASCHLE.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Madam President, I will begin by asking the distinguished majority leader whether he has unanimous consent on his side. If we were to agree to this, would he get unanimous consent on his side for that particular proposal?

Mr. LOTT. I believe we would. And I certainly would be prepared to aggressively advocate it and pursue it. You never know until you go to the individual Senators and work with them and try to get their agreement to go forward with it.

I would not want to be the Senator on either side of the aisle who stands in the way of this major piece of education legislation.

Mr. DASCHLE. Is the Senator then suggesting that he has not hot-lined it on his side?

Mr. LOTT. We have been making Members aware of the agreement we were offering.

Mr. DASCHLE. Oh.

Mr. LOTT. Let me put it this way. We will get a unanimous consent agreement on our side to go with this, but it is useless to go with it if the Democratic leader does not indicate that this is something on which he would like for us both to try to get approval.

Mr. DASCHLE. The reason I asked, Madam President, is because I am quite sure he cannot get unanimous consent on his side, at least for the moment. And I am not surprised he has not hot-lined it, because he realizes he cannot get unanimous consent. I know of at least one Republican Senator who has indicated he would object. There may be others.

So, having just made that part of the record, let me address the issue that the distinguished majority leader has propounded once more. I see the chart, and it notes that we have been on this bill for 10 days. What I hope most people will recognize is that while we have been on it 10 days, our Republican colleagues have refused to entertain one Democratic amendment in those 10 days. What they are saying is, we want you to debate this bill on our terms or we are not going to debate it at all. So they bring the bill to the floor, they make a couple of speeches, they lament the fact that we cannot have this cave-in on Democratic amendments, and then they pull the bill and move on to something else. We have been playing this charade, this game, now for 10 days: Put the bill down, give a couple of speeches, pull the bill off, blame it on the Democrats. I do not know about anybody else, but I think that gets a little tiresome. We have seen this charade now in the name of education for 10 days, and we may see it for a lot more.

In 1992, we had a similar situation. Democrats were in the majority; the Republicans insisted, in a similar situation, that they be allowed to offer 52 amendments; 52. I have checked with all of my colleagues. I am told there may be somewhere between 10 and 15 amendments, give or take; I am not sure. We are still working on it in good faith, in response to the distinguished majority leader, who said, by the way, late last Friday, we would have some announcement, we would see if we could find a resolution for this, by Tuesday. Here it is 4 o'clock on Monday and I am presented with this once more on the floor. No consultation. No personal discussion. This is: Here is a proposal. Why aren't you Democrats responding as you should? Why are you holding this bill hostage for 10 days? It makes me wonder if they want agreement or whether they want to play games.

So, in 1992 our Republican colleagues said they had to have 52 amendments. What we are simply suggesting is that we have some very good ideas that are beyond the scope of this very limited—"Is that all there is?"—Republican answer to the problems we have in education. And for some reason they are afraid to vote on them. They do not want to vote on school construction. They do not want to vote on after-school programs. They do not want to vote on child care. They do not want to vote on all of the things that we have proposed in our agenda. Why? Because they will have to vote against them, and they don't want to do that.

So that is what this is all about. Don't tell us we are holding this bill hostage. The hostage takers are on that side of the aisle. How they can come to the floor with a straight face and blame us is beyond me. But I have to tell you, we are going to continue to try to find a way to resolve this. I, in good faith, would like to find a way to allow our Senators the chance to offer good amendments on good education public policy. I want them to do it this week.

The majority leader says we will have more opportunities. Why do I somehow fear that every time we will have an education vehicle on the floor, or a tax vehicle, we will be in this same situation? "It is our bill or nothing at all. It is our amendments or nothing at all. You take this or nothing at all." Madam President, that just does not wash. This is the U.S. Senate, for Heaven's sake. Go over to the House and work under those kinds of rules if you want to constrain the debate that consequentially.

So we will try to work it out. We will try to find a way to play by those rules. But I must say, it is very disconcerting. Sooner or later we will have a vote on school construction. There are too many schools out there that need some help. Sooner or later

we will have an opportunity to vote on after-school programs, and on child care, and on the things that we have to do to deal realistically with public policy affecting education. No $7 bailout for those making $80,000 a year and say we have solved the education problem. That is not going to work.

I see my colleague—I will be happy to yield to the Senator from North Dakota.

Mr. DORGAN. I appreciate the Senator yielding for an inquiry. The regular order here in the Senate would be to bring a piece of legislation to the floor, amendments can be offered and debated, and then votes occur on the amendments.

It seems to me to be a bad habit to bring to the floor a proposition and then file cloture motions immediately. In this case, the most recent opportunity to bring this bill to the floor occasioned two cloture motions before anybody had an opportunity to offer one amendment. That does not suggest a search for an agreement. Isn't it the case that the procedure that is suggested by the other side is extraordinary? The ordinary procedure would be to bring the bill to the floor and allow those who have amendments to offer the amendments, and then have votes on the amendments. Isn't that the regular order of the Senate?

Mr. DASCHLE. The Senator from North Dakota is absolutely right. I have never seen this so-called debating institution so fearful of debate as I have on this particular bill. It is the most tepid approach to a good, healthy debate about education that I think anyone can imagine: "File cloture because we don't want any amendments. File cloture because we don't want to have to vote on these amendments. File cloture because we have to move onto other things." You can come up with 100 reasons why we should file cloture, but the bottom line is, if it is 10 days, we have wasted a lot of time talking about talking, and we have not been able to deal with one issue. So, the Senator is right.

Mr. DORGAN. If I might just inquire further about this notion of individuals being held hostage. What have been held hostage in this process are the amendments that some of us would like to offer to legislation that comes before the Senate. If there is a hostage-taking here it is a hostage-taking of those of us who have ideas that we want to have debated in the Senate.

This, after all, is a process of debating ideas. Some have ideas on the other side. Some of them may be very good. And some of us have ideas. If those who control this Chamber say, "By the way, the way we are going to run this Chamber will be to allow our ideas to be debated, and then our strategy will be to limit your ideas," then I want to say that it doesn't work that way. Whoever stands at these desks is elected to the Senate and can operate in this Senate under the rules of the Senate. The rules allow a bill to be brought to the floor of the Senate and then allow every other Member, even that Member who sits in the farthest chair, with the least seniority, to stand up and offer his or her idea and to debate his or her idea here in the U.S. Senate. That is the way the rules are in the U.S. Senate. What is being asked of us is to create extraordinary rules here. That is where the hostage-taking comes in, taking hostage those who want to offer ideas, those who have other ideas about education in this debate.

We have not had that opportunity, not even one opportunity to offer one amendment, and that is why I object to this notion about hostage day 10. The only hostage that exists here is the hostage of ideas that ought to be able to be offered under the regular order of the Senate.

Mr. LOTT addressed the Chair.

Mr. DASCHLE. Madam President, I assume I still retain the floor?

Mr. LOTT. Parliamentary inquiry, though. Is the minority leader speaking under leader time?

The PRESIDING OFFICER. The assumption is that he is proceeding under leader time.

Mr. DODD. Will the distinguished leader yield?

Mr. DASCHLE. Under my leader time, I will be happy to yield to the Senator from Connecticut.

Mr. DODD. I thank the leader for yielding. I don't believe I heard one of the amendments being potentially allowed to be raised as one on the early education issues of child care alternatives which would promote public and private sector construction and improving the quality of early education. I do not believe I heard a proposal I had suggested on special education, which I might point out, by the way, the distinguished Senator from Mississippi cares deeply about. In fact, he and I worked years ago, I would say to the Democratic leader, on the Budget Committee on the issue. But I would like to be able to raise that issue, I say to the Democratic leader, so the $1.6 billion specified in the Coverdell bill goes towards special education. I think it is a very important issue. I hope, and I inquire of the distinguished Democratic leader as to whether or not those two proposals would, under the present agreement, be allowed to be raised?

Mr. DASCHLE. The Senator from Connecticut is correct. Under the proposal raised by the distinguished majority leader, you would be denied an opportunity on the bill of offering relevant legislation that might give us an opportunity to debate whether the $1.6 billion ought to be spent on a $37 tax bailout for those making $100,000, $200,000 a year—$37 is all this legislation provides them in tax relief—or an opportunity to sincerely and very deeply help some people who otherwise are having serious trouble finding ways in which to pay for child care in this country today. So you would be denied that right.

I yield to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I want to just commend our leader and friend for his response to the proposal. As I understand his position, it is that we would like at least an opportunity to offer and vote on amendments on the important issues that have been introduced by the President of the United States such as increased support for early childhood education, smaller class size, more teachers, after-school programs, and education opportunity zones. Would he think it is appropriate, if we are dealing with an education proposal, that at least he be given, or those ideas be given, an opportunity for debate and discussion here on the floor of the U.S. Senate?

Would I be correct in thinking that at least those proposals ought to be among the ones being advanced by our Republican friends, which targets public tax dollars to private schools rather than, as the President's does, to the public schools? Am I right?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. This would be the perfect opportunity for us, as we debate how are we going to spend $1.6 billion, whether it ought to be spent perhaps on school construction. Should we spend it on child care? Should we spend more than $1.6 billion on matters concerning after-school programs and the applications of our new technology to education? Should we have an opportunity to say what is the proper Federal role, given our circumstances right now, given the constraints we are working under in the budget?

For whatever reason, our Republican colleagues are saying, "I'm sorry we don't want you to offer those amendments. We don't want to have to vote on them. We don't want to spend the time on them." Apparently they don't think it is important enough to spend the time on them. "We just want you to decide for us, and with us, whether giving $37 to people making $100,000 or more a year a tax break of $37 makes sense. That is what we want you to decide with us." We don't think that ought to be the rule of the Senate. We think the debate of the Senate on education ought to be broader than that. We think there ought to be a real opportunity to talk in detail about these issues.

We are prepared to perhaps work through some suggestions on how we might limit amendments and try to find a way with which to deal with those issues that are directly confronting us. We are not there yet. Maybe we can't. But simply to tell Democrats, "No, you are going to debate this bill on our terms or on no

terms at all," is just not something we can accept. So the Senator from Massachusetts is entirely correct.

Mr. KENNEDY. Does the Senator, finally, really understand what our Republican leadership or Republican friends are really afraid of? Are they afraid to debate these issues? Is it just a question of working out a time agreement to discuss these matters fully and openly, or are they afraid that their proposal won't measure up?

Mr. LOTT. Madam President, I would be glad to try to respond to that.

Mr. KENNEDY. I was asking my leader. I would like to hear from Senator DASCHLE first, and then perhaps Senator LOTT could respond.

Mr. DASCHLE. I would be happy to hear the majority leader's answer. My guess is, if I understand the Senator's question correctly, that they don't have an interest in school construction. They don't really have an interest in some of the amendments we are trying to offer here. They would prefer not to have to vote on them, because oftentimes these amendments are critical to school districts back home. So I don't blame the majority leader for trying to avoid having some of these tough votes. Maybe if I were in that position, I would, too.

But the fact is that they are critical issues directly confronting education. We have an education bill pending. We have a tax bill pending, and the last time a circumstance similar to this occurred when we were in the majority, we let the Republicans offer 52 amendments. So that is really the essence of the question before us. Do we have a good debate about issues that are directly relevant to this bill or not? So far, the Republicans have refused us that debate. According to that chart, we are now in day 10.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Madam President, first of all, I want to respond to several questions that have been asked and comments that have been made. I would be glad to talk to the minority leader any time he would like about trying to work out a list. I was willing to do that Friday. I was willing to do that today. I hadn't really heard any suggestions or movement since we last talked on Thursday, and I thought it was important to come out here and show that we are willing to make movement.

For instance, on the school construction issue that you just mentioned, I believe that one of the additional amendments that I listed here, the one by Senator MOSELEY-BRAUN, would deal with that issue. So we are not prepared to try to—we don't want to duck that issue or other education and taxes-for-education-related issues.

I will tell you what we would like not to do. We would first like to stay on and talk about education and how to improve education in America. We would like the amendments to relate to improving the quality of education. What we would prefer not to do is debate amendments on this bill that have to do with the sale of livestock. That is one of the amendments that I understand somebody wants to offer—to amend the Internal Revenue Code to exclude gain or loss for the sale of livestock from computation of capital gain net income for the purposes of the earned income credit. That is something I might be for, but I don't think it relates to education and an education bill.

You talk about let us have a good debate about education. Do we want to get off into cows? And there are several others. Senator WELLSTONE wants to debate welfare reform on an education bill, food stamps on an education bill. There will be other times where those amendments can be offered. But I think to agree to a reasonable list of education amendments or tax amendments related to education, to have that kind of debate is fine. I think we can work that out if they are education related. But I don't think getting into all these other issues serves the purposes of getting a focused debate on education and getting this bill to a conclusion so that we can go to other, even emergency, pieces of legislation.

Let me take, for example, the bill Senator DODD just mentioned. He is right. I have, over the years, worked to try to support the Individuals with Disabilities Education Act, IDEA. But I note that the administration flat-lined that program. They did not provide the funds we promised, did not provide for increasing funds in that area. Yet, the Budget Committee this past week voted to add $2.5 billion over 5 years to get the funding up for that program. So you can be assured, as the year goes forward, that we are going to have a debate about how much more money is needed for IDEA.

But what we don't think we should have is what the Senator from Connecticut is proposing, which is to turn that program into another entitlement program—mandated appropriations, which would be an entitlement program. We need to face up to the fact that this is an important education program that, quite frankly, is having real difficulties now because we have not provided the funding we said we were going to give. What it really has to do with is, we should not make it mandatory or an entitlement; we should live up to what we said we were going to do.

Mr. DODD. Will the Senator yield?

Mr. LOTT. Yes, I will, since I was responding to his particular question about that amendment.

Mr. DODD. I thank my colleague. I was proposing something that Senator LOTT and I talked about years ago, which was the Federal commitment to special education, where we made a promise long ago to our communities across this country that we would have the Federal level of participation for special education around 40 percent. We are nowhere near that presently. We are still quite short of that 40 percent commitment. I raise the question that if we have $1.6 billion would it be better allocated to help out families and communities with escalating special education costs?

Mr. LOTT. How about helping out families by letting them make the choice on how to use that money at the local level?

Mr. DODD. That is $37 is for private schools. You do not receive special education in private schools. It is a public school commitment I am referring to. I was in Connecticut recently and I spoke with a group of mayors, and they were very interested in ISTEA. I thank the majority leader for the way he moved on the transportation bill. But every mayor I talked to said, "Senator, we need help on special education."

Mr. LOTT. I say to the Senator, we should do that—I wish the administration had done it—and we will have an opportunity to add funds to that when we vote on the budget resolution next week.

Mr. DODD. But this is an education proposal. I would like to be able to offer this amendment. I would like to be able to offer communities money that can go to defray special education costs more than a $7 tax break. That is an alternative, a choice, I say to the leader. I should be allowed to offer that choice. It is an education matter. Shouldn't I be allowed to offer this amendment to our colleagues?

Mr. LOTT. In answer to that, as a matter of fact, from the beginning, we have suggested to the minority leader that he could offer a substitute, which could include that and a number of other very attractive things. We think, though, the emphasis should be on giving parents and grandparents more opportunities to save for their children and decide how their own money would be spent. Let me yield to the Senator from Georgia——

Mr. DODD. Well, I respect the prospect of offering that idea. But is that idea any more meritorious than my idea?

Mr. LOTT. It is very interesting here——

Mr. DODD. Shouldn't I be allowed, as an equal here, to offer an idea that says——

Mr. LOTT. Madam President, if I could reclaim my time?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. First, it was 14 amendments, and 16 amendments, and then it was 16 amendments and a substitute. Where does it end? Quite frankly, if it was directly related to education and a

tax provision, I would be inclined to say, yes, let us debate and vote. I don't think we ought to vote on cows and welfare reform. Where will it end? I don't really think that you want us to be able to get a process that gets us some amendments and votes and gets to a conclusion.

I yield to the Senator from Georgia.

Mr. COVERDELL. I thank the majority leader. I think a better question is, where did it begin? Let us remember that this is the fourth filibuster. This all comes from a proposal that was passed by the Senate with 59 votes—overwhelmingly—and the President of the United States told us he would veto the entire Nation's tax relief if that line stayed in the bill. So that is where we began—the Senate adopting a proposal, the House adopting a proposal, and the administration saying, no way, no deal, no how. It all goes down. So we brought it back as a freestanding proposal. That was filibustered. Then we tried to move to the bill in this sitting of the Congress, and that was filibustered. And we have now had a cloture vote to bring it to an end. We have had three separate suggestions to try to keep it within the realm of germaneness.

But I think one thing that has not been really talked about here today is that, yes, there is a concern that this is just another filibuster. There is no end to it. If you look at the empirical evidence, everything we have seen is designed not to modify, but to kill or to "poison pill" this thing. You all have used that term very frequently, "poison pill." We are concerned about that. Now, I don't want to get into debate now. We have both leaders here.

I will come to the point of my good friend, Senator DODD, on the $7 and the like. You don't acknowledge the principle that it has gathered up to support public and private education when you try to describe it as the amount of tax relief. What that means is that a person has, on the private side, saved over $1,000, which is a 50 percent increase in the average family savings. On the $7 side, it is a $200 account. It ultimately means that over $2.5 billion in 5 years—$5 billion-plus—is going to public support and private support within 10 years.

But we will have time to come back to that. I want to honor our two leaders here by trying to iron out how we might proceed.

Mr. LOTT. Madam President, I see the chairman of the Appropriations Committee here. He has some work he needs to do, amendments he needs to work on between now and 5:30. I believe we have an amendment to be offered around 5 with a vote to occur at 5:30. I see that Senator DASCHLE may want to respond more. I will run down two or three points, and perhaps we can wrap this up.

As far as a move to try to block amendments, I remind the body that when this bill was called up, the motion to proceed was filibustered, objected to—not even to get to the substance or get to amendments, just the motion to proceed was filibustered. We had to have a cloture vote on even proceeding to the point where we might get to the substance. No amendments. I have suggested here 16 amendments, I believe it is, plus a substitute. If we need to give or take some, I am willing to work on that. Now, as far as who is willing to go along with this agreement, I remind my colleagues on the Democratic side of the aisle that 55 of our Senators, every one of them, voted for cloture last week. And as far as regular procedure around here, regular procedure is that after you have talked for a while, cloture motions are quite often filed. I have watched Senator Mitchell and Senator Dole and Senator BYRD file cloture after cloture. I note to my colleagues that I have had to file clotures 43 times in the 105th Congress, and we have had to actually vote 31 times. Tomorrow, if we don't get this worked out, it will be 32 times to stop the talk and get to the substance. Also, you need to remember that postcloture doesn't mean you can't have amendments. They have to be germane amendments. There would still be amendments. I think there were maybe 14, 15, or 16 amendments filed that would have probably cleared the postcloture vote.

So, who is being cut off here? I think the average American sitting out there listening to this is saying, "I don't understand. You mean you are going to have 14 amendments on an education bill and you don't think that is enough?"

What is reasonable? I have tried to be. I will continue to be. If the Senator from South Dakota has some specific recommendation of how we can get to an agreement and not have to go through another cloture vote, I would certainly be more than glad to entertain that.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Madam President, let me respond to a few of the points made by our colleagues in the last few minutes.

First, with regard to the motion to proceed, the majority leader wasn't forced to file that motion. We could have gone on a motion to proceed. We could have gotten onto the bill. The problem, as the majority leader, I think, would note, is that there is a great deal of concern on this side about his inaction on judges. We have done 10 judges so far this year. There are approximately 40 judges still pending in the U.S. Senate. Six are on the calendar. He knows very well that that was a vote on judges. It was a vote desired by several of our colleagues on my side of the aisle to express how frustrated they are that we are not getting the cooperation that we were promised about Federal judges, about moving through these judges. We get one, we get another, we get a third maybe now and then—just enough to keep everybody mollified. But the fact is, you have 40 judges that still have to be acted upon, most of which haven't even come out of committee yet.

He makes mention of the fact that he was "forced" to file cloture. He hasn't been forced to file cloture this year. He has chosen to file cloture, but he hasn't been forced to file cloture. No leader is forced to file cloture. He has filed cloture to prevent Democrats from offering amendments. So I suppose from that perspective, in order to preclude us from offering amendments, he is forced to do so, but he isn't forced, as leader, to prevent the Senate from having a good debate about these issues.

I defy my Republican colleagues to find a time when we were in the majority that we filed cloture to prevent an amendment. Now, we had amendments; amendments were offered; but we never filed cloture to prevent an amendment, and I defy my colleagues to find a time.

I would like to go to the point raised by the majority leader about how improper it is to offer amendments to a tax bill that are not directly related to education. Again, I go back to this time in 1992 when our Republican colleagues demanded they be able to offer 52 amendments. This particular bill, this Enterprise Zone Tax Incentives Act, was a tax vehicle very similar to the tax vehicle we have here on the education bill. This is an enterprise zone tax act.

Our colleague from Florida, Senator MACK, whom I admire immensely, demanded the opportunity to offer an amendment on, what? On tractors. That is right. Our colleague from Florida asked to be able to be recognized so that he could offer an amendment on tractors on an enterprise zone act.

And then my colleague, the distinguished majority leader, even though this was an Enterprise Zone Tax Incentive Act, said, "You know, I know it is just on enterprise zones, but I want to talk about scholarships; I want to have an amendment on scholarships." And guess what? That is on the list, too.

And then our colleague from Washington, Senator GORTON, said, "You know what, I know it is just a little old tax bill dealing with enterprise zones, but I have an amendment on dental schools, and I want to offer that." And guess what happened? The U.S. Senate had a debate, we agreed to debate all the amendments to be offered, we had a debate on them, we offered our amendments, we had our day, we finished the bill, and it went on.

But our Republican colleagues were not coming to the floor then saying, this is just an enterprise zone, so we

don't think we ought to be able to offer nonenterprise zone amendments; we want to offer amendments on tractors; we want to offer amendments on dental schools; we even have a great scholarship amendment we think the Democrats ought to vote for.

What a difference some time makes. It is now 1998. We have a tax bill on the floor. Our Republican colleagues are saying, "No, we don't want you to offer 52 amendments." Last week it was a half a dozen, then it was 9, now the leader is saying 15—but not 52 and not on anything but education; you have to stick to education, by golly.

This is an entitlement program. Let nobody misunderstand, this is an entitlement program we are talking about. If we pass this, we pass a new entitlement program. We pass a tax bill. So when you manage the Senate floor, you have to come to the realization that when you pass something with the consequences of a new entitlement and a new tax program, there may be a few amendments and they may not be just on the topic to which the bill is supposed to be directed.

So, Madam President, we can talk about cattle and welfare and education and all of these issues. The bottom line is, are we ever going to get to a point where we can move off this impasse? I again make the offer to make my best effort to do so. We will continue to try to do so. But I hope nobody here is swayed by these arguments that we can't come on to the Senate floor with a tax bill and not talk about taxes and not talk about entitlements, and if we are going to talk about farms, maybe we ought to remember that once, not long ago, we talked about tractors and that was OK.

I hope we can resolve this, but it is going to take some give on both sides, and we both have to realize that to move forward, it is going to require some cooperation here; we are not going to get it just the way we want it. We may not be able to offer 52 amendments, but we have some darn good amendments that ought to be considered here, and we are going to do all that we can to ensure that our rights are protected.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senate majority leader.

JUDICIAL NOMINATIONS

Mr. LOTT. Madam President, I know we are faced with a time problem, but since a separate extraneous issue was raised, I must respond to this question of judicial nominations.

First of all, when I go to my State or around the country, the last thing I hear people clamoring for is more lifetime-tenured Federal judges. There is no clamor out there in the real world for more Federal judges.

But, so the record will be clear, the number of Clinton appointments to the Federal judiciary as of that date is 252. The total number of Clinton nominees confirmed by the 105th Congress—that is last year and the first 3 months of this year—48, 9 for the court of appeals, 37 for district courts, 2 for the USIT; 36 in the first session and 12 in the second session.

There are currently 81 vacancies in this very large Federal judiciary, and of that 81, 41 of them have not had nominees. It is pretty hard for us to consider nominees if we do not have them even presented to the Congress.

I have been hearing this now for months about, "Oh, why don't you move more?" Maybe the administration ought to consider moving a little faster. They can't send them up here and immediately start complaining that they are not considered in the next week or even the next month. But half of the vacancies do not have a nominee pending. Plus, there are only six pending on the calendar, and we will probably consider a couple of those this week. So there will only be four pending on the Senate Executive Calendar for judicial positions.

Then let me make one other point. Should we take our time and look at these people who are nominated to be Federal judges for life and hold sway over us in ways that exceed the imagination—and certainly I don't approve of—right down to trying to run our schools at the local level?

Should we take our time, look at them carefully when they are received in the committee, have hearings on them, ask them a lot of questions, then send them to the floor and have them checked once again?

Yes; and I will give you exhibit A of why we need to do that.

Just look at the one that was withdrawn last week—Frederica Massiah-Jackson, a nominee for the Eastern District of Pennsylvania, who used profanity from the bench, had identified undercover policemen so that they could be recognized by the criminal element, a whole raft of things that came out, and, by the way, much of it after she was nominated, after she was reported by the Judiciary Committee and had been pending in the Senate for months.

Finally, the local district attorney—I might say, a Democrat—and the Pennsylvania District Attorneys Association came out in opposition to this nomination, and, after it had been reported by the Judiciary Committee, held on the floors for weeks and months, the administration, realizing she was going to be defeated, withdrew her nomination. Should we take our time on these Federal judges? Yes. Do I have any apologies? Only one: I probably moved too many already.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. STEVENS. Madam President, I might state for the record, it sort of proves my point. I yielded time on the appropriations bill for 5 minutes, and here we are 2 hours later. I do hope that Members will understand if we are not very cooperative any further on this bill. Further, however, I might say to the Senator from Georgia, who was yielded specific time so he could have time comparable to that used by the Senators from Massachusetts and Connecticut—and I understand he only had 5 minutes of that 25, 26 minutes—he is not included in the prohibition against having some time on this bill when I manage it, as far as I am concerned.

Madam President, I have a series of amendments. I would like to proceed with them.

I do have one of them that is cleared already. It is an amendment to the pending supplemental appropriations bill.

AMENDMENT NO. 2067

(Purpose: To prohibit the Department of the Army from moving forward with civilian personnel reductions and the offer of Voluntary Separations Incentive Pay (VSIP) and Voluntary Early Retirement Authority (VERA) benefits at all Army Test Ranges until such time as the Congress has the opportunity to consider the merits of such actions during the Fiscal Year 1999 Appropriations process; and to require that the VERA and VSIP benefits being currently offered will continue to be available if necessary)

Mr. STEVENS. I send the amendment to the desk on behalf of the two Senators from New Mexico, Senators DOMENICI and BINGAMAN, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DOMENICI, for himself, and Mr. BINGAMAN, proposes an amendment numbered 2067.

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

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

The amendment is as follows:

On page 15, after line 21, insert:

SEC. . Notwithstanding any other provision of law, the Department of the Army is hereby prohibited from moving forward with civilian personnel reductions at all Army Test Ranges resulting from proposed reductions in their fiscal year 1999 budget, until such time as the Congress has the opportunity to consider the merits of such action during the fiscal year 1999 defense appropriations process. Where civilian personnel are

concerned, the Army is required to offer such Voluntary Separation Incentive Pay (VSIP) and Voluntary Early Retirement Authority benefits as are currently being offered, should such benefits be necessary at a future date.

Mr. DOMENICI. Madam President, my amendment does not increase the cost of the emergency supplemental in any way.

What it does is it freezes in place the current posture of civilian personnel authorizations at all Army Test Ranges, including White Sands Missile Range until such time as the Congress, and this Committee, has an opportunity to consider the merits of the President's fiscal year 1999 budget as it relates to this installation.

It is a very simple, straight forward amendment, and it is necessary for me to proceed in this way at this time because the Department of the Army has chosen to circumvent the congressional oversight process. Let me tell you how:

Because of budgetary constraints, the Department of the Army made a distributional decision that would reduce White Sands Missile Range's WSMR's, overall RDT&E budget by approximately $17 million in fiscal year 1999. As a result, WSMR was asked to plan for a reduction of as many as 550 full-time civilian positions.

Subsequently, in late December 1997, the Army agreed to provide approximately $11 million to WSMR for the purpose of offering Voluntary Early Retirement Authority, VERA, and Voluntary Separation Incentive Pay, VSIP, benefits. This ameliorated some of the civilian personnel reductions that are scheduled to take place in fiscal year 1999. With the VERA and VSIP benefits, the Army's plan for WSMR is to reduce approximately 350 civilian personnel.

I do not believe it is prudent for the Army to be reducing civilian personnel authorizations at WSMR until such time as the Congress has an opportunity to consider the merits of such actions during the fiscal year 1999 defense appropriations process. Unfortunately, the Army has directed WSMR to open the window of opportunity for retirement benefits from now until March 31, 1998.

This action effectively precludes the Congress from exercising any oversight responsibility of the Department of Defense decisions in this regard. Once civilian personnel at WSMR elect to take the benefits, those civilian personnel positions are essentially eliminated.

In addition, if the Army does not find enough personnel who are willing to take the benefits, a Reduction In Force, RIF, will have to occur and its timing will be such that the Congress will have little or no ability to address these issues.

Finally, what should cause great concern to every member who is interested in Congressional oversight, the Army is using fiscal year 1998 funds to implement reductions that are planned to occur in fiscal year 1999. This circumvents the Congressional oversight process.

Again, my amendment prohibits the Department of the Army from continuing to move forward with any civilian personnel reductions at WSMR until such time as the Congress has the opportunity to consider the merits of such action during the fiscal year 1999 Defense Appropriations process. In addition, the bill language requires the Department of the Army to offer such VERA and VSIP benefits as are currently being offered should such benefits be necessary at a future date.

The PRESIDING OFFICER. If there is no objection, the amendment is agreed to.

The amendment (No. 2067) was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, the Senator from Georgia is still here, and we are waiting for the beginning of the time on the McCain amendment. I yield him 5 minutes at this time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I thank the Senator from Alaska.

EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

Mr. COVERDELL. Madam President, earlier this afternoon, the Senator from Massachusetts and the Senator from Connecticut were debating their opposition to the education savings account that we have been struggling with since last July. The essence of their argument is that it does not amount to much, that there would only be $37 of interest saved on a family that had a child in private school and only $7 if the family had a child in public school.

You cannot have it both ways. If it is so insignificant, why have we spent the better part of a year filibustering it? Why would the President say, "I will veto the entire tax relief package if that provision is in there"? Something about that argument does not fit.

The other thing I will say about those arguments is that they talk about the tax—that figure is a tax that wouldn't have been paid by that family—but they forget to mention the amount of principal that is in the account earning interest which is forgiven. In the case of $37, that means that family has saved over $1,000 in order to earn the $37 tax relief. What it says to me is how little incentive it takes to make Americans go out and save.

Madam President, $1,000 is 50 percent greater than the average savings of American families. The average American family today saves $1,900. That is their savings. And by this modest forgiveness, we take it up to $3,000. So we are using a very modest amount of tax relief to cause Americans to save billions of dollars. This tax relief proposal would generate in the first 5 years $5 billion worth of savings and over a 10-year period over $10 billion worth of savings to aid and support students in public and private education.

The third point I will make is this: The other side and the White House celebrated extensively the passage of a $500 education savings account, one-fourth the size of this savings account, and that was, as I said, celebrated on the White House lawn: "This is a great idea." Well, if $500 worth of the ability to save is such a great idea, how come if we expand it up to $2,000 it is suddenly an insignificant idea? That becomes a little hard to follow, too.

You know, again, I go back, Madam President. The President of the United States said, "I will veto the entire tax relief to every American citizen in the United States if that savings account for American families stays in the tax relief bill." So we had to take it out. We are not going to have every American family denied tax relief over this idea. We think it is a good idea, but we were not going to do that. So we brought it back as freestanding legislation and, as we have said here this afternoon, have been filibustered every step of the way.

The other point I would like to make to my colleague from Massachusetts and my colleague from Connecticut, who has left the floor, is that this proposal is now a much larger proposal. And the proposal represents the input of Senator BREAUX of Louisiana, Senator GRAHAM of Florida, and Senator MOYNIHAN of New York. In other words, we have made this a very broad-based, broad policy, with representatives from both sides of the aisle. This is no longer a Republican proposal; this is a Senate proposal. The chief cosponsor of this legislation is Senator TORRICELLI of New Jersey. He sits over there—principal cosponsor.

By listening to this thrashing back and forth this afternoon, you would think this were a gold-gilded Republican, highly partisan proposition. The proposal on the floor—if we can ever get to it—the amount of tax relief we represented, 80 percent of it comes from the Democrats' ideas. They are good ideas. State prepaid tuition plans; they are not going to tax students when they get the money to go to college; or expanding employer-provided educational assistance.

I yield for just a moment. I say to the Senator from Alaska, if he wants to call back his time, I will be glad to facilitate his needs.

Mr. STEVENS. Madam President, the Senator from Georgia is very kind. But

I prefer to let him continue until the time comes to lay down the next amendment. It should be before his time expires, I assure him.

Mr. COVERDELL. I thank the Senator from Alaska.

Expanded employer-provided educational assistance. That is a tax relief to employers who help their employees expand their education. And the Joint Tax Committee says 1 million American workers will benefit from that.

Senator GRAHAM from Florida has a school construction provision which makes financing to build public schools expanded and will lead to 500 new schools across the Nation.

The Senator from Arizona has arrived. The chairman of the Appropriations Committee needs to proceed with his business. I thank him for his cordial assistance here, and I yield the floor.

Mr. STEVENS. I am sure the Senator still has some time coming on his 26 minutes, and we certainly will account for that before this bill is over.

Mr. COVERDELL. Very good.

Mr. STEVENS. I yield the floor to the Senator from Arizona.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Arizona is recognized.

SUPPLEMENTAL APPROPRIATIONS FOR NATURAL DISASTERS AND OVERSEAS PEACEKEEPING EFFORTS FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2063

(Purpose: To eliminate unrelated, wasteful, and unnecessary spending items from the bill)

Mr. MCCAIN. Mr. President, I send amendment No. 2063 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, and Mr. GRAMS, proposes amendment numbered 2063.

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

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

The amendment is as follows:

On page 16, strike beginning with line 6 through page 18, line 5.

On page 19, strike beginning with line 2 through line 12.

On page 19, strike beginning with line 24 through page 20, line 2.

On page 26, strike beginning with line 7 through line 11.

On page 35, strike beginning with line 10 through page 38, line 18.

On page 40, strike beginning with line 1 through line 25.

On page 43, strike beginning with line 8 through line 13.

On page 4, strike beginning with line 13 through 10 page 5, line 3.

Mr. MCCAIN. Mr. President, I want to begin by expressing my appreciation to the chairman of the Appropriations Committee, my dear friend and a person who is responsible for the timely and important provision of this bill to the Senate. It is in the nature of the defense and disaster supplemental appropriations bill.

There are some very vital needs that have to be met in this bill for the good of the American people and for our defense. And, as always, I am very appreciative of the outstanding leadership exercised by the chairman of the committee.

As I have done for many years, Mr. President, however, I would like to point out that there are provisions of this bill which I find wasteful and unnecessary and should not be included in any appropriations bill, much less one which is a defense and disaster supplemental appropriations.

This amendment that I have at the desk would eliminate $78 million for unrelated wasteful and unnecessary spending that was added in committee.

I want to clarify that the amendment would not strike the $50 million added for disaster relief for Georgia. These funds were added to the bill well before the disastrous tornadoes struck last Friday in Georgia and North Carolina and Tennessee. And I believe that in light of the clear need for relief of those hit by the devastating tornadoes last week, these funds should remain in the bill. I trust that the conferees will ensure that these added funds are shared among those who suffered losses of family, friends, and property in all three affected States.

Now, let us turn to the items that would be eliminated by this amendment:

$4.48 million in unrequested emergency funds for maple producers, to replace taps and tubing damaged by ice storms in the Northeast;

$33 million in emergency funds for unrequested levee and waterway repairs in Alabama and Mississippi;

$4 million in unrequested funds for development and demonstration of dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications.

I want to repeat that one, Mr. President.

$4 million in unrequested funds for development and demonstration of dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications;

Language providing a special exemption from the law to allow the Secretary of Energy to pay $80,000 in retraining costs for workers at the Pinellas Plant site;

$2 million and language that requires payments to counties to replace funds counties expected to receive from timber road construction projects which will be canceled due to the proposed moratorium on such projects;

$7.5 million as the first increment of a $26.5 million project to repair and rehabilitate the Capitol Dome, and $20 million for security upgrades around the Capitol complex;

$6.9 million for transportation planning and research and an investment analysis in the area of transit planning and research.

None of these items, Mr. President, is related to military operations in Bosnia and the Persian Gulf. None of these items were requested as emergency disaster relief requirements, and most bear no relation to disaster relief at all. The bottom line is that none of them belongs in this emergency appropriations bill.

Let me briefly just talk about a few of the add-ons in greater detail.

First, I do recognize that the ice storms in the Northeast have had a devastating effect on the maple syrup and sugar industry. But I question whether the urgency of ensuring the future of maple sugar production warrants an earmark of almost $4.5 million as an emergency expenditure. It would seem maple producers would have access to the same types of financial assistance made available to other businesses and individuals as a result of the disastrous storms in Vermont.

For example, why should workers at the Department of Energy's Pinellas Plant in Florida be retrained at the Government's expense? What about all those other Government employees who are displaced because of downsizing? And are not there already enough worker retraining programs at both the Federal and State levels that these employees could utilize?

I find it somewhat disturbing that we are providing $2 million in additional funding for the Secretary of Transportation to conduct a study of the Amtrak system. Mr. President, at the end of the last session we went through a rather long and involved debate and discussion about restructuring Amtrak. We bailed them out to the tune of over $3 billion, if I remember correctly. And we have appointed a new board to try to restructure and save Amtrak. And now, as an emergency, we are pumping in $2 million extra. I don't get it.

The Secretary of Transportation also gets $3 million to study transit system requirements in Hawaii. The Secretary of Transportation gets $3 million to study transit system requirements in Hawaii. Mr. President, I don't go to Hawaii a lot, but I have to admit, I have heard no reports here on the mainland of some emergency that requires $3 million to study the transit system. The people were getting back and forth to Waikiki easily the last time I checked.

Of course, the Olympics have to get their share of the pork. This bill contains another $1.9 million for transportation requirements for the 2002 Winter

Olympics in Utah. I have lost track of just how much money we have thrown at the Olympics over the years, and I have asked my friend, the junior Senator from Utah, to tell me just how much he thinks his State will need to host these games. I have yet to receive an answer from him.

You know, Mr. President, the latest scam that goes on in America is the following: A city wants to have the Olympics, so they get together all their civic boosters and supporters and commitments for financial support, and they go and they bid, and they receive the Olympics, and everybody is happy. And they are so proud because they did it themselves. And then, guess what. The first place they turn—and they perfected this to a fine art in Atlanta—is where? The Congress, to get tens, hundreds, of millions of dollars to take care of, guess what? Their Olympic requirements.

And, by the way, I do not blame them. I do not blame them for trying it. I blame them somewhat for getting away with it. So we have already spent numbers of millions of dollars.

Remember, this is 2002. We still have some time to go. We have already spent many millions of dollars already for the Olympics in Utah. And I can guarantee you one thing: There will be tens of millions of dollars or more before the torch is lit. I guarantee you that.

Finally, I would like to ask the managers of the bill if they could explain one of the add-ons in this bill. What is dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications? And why is it essential that $4 million be included in this bill for this program?

Mr. President, this amendment targets only those items that will cost taxpayers dollars, but there are several other provisions that do not appear to have a direct cost to the taxpayer, at least not yet.

For example, the bill contains a section that requires the Federal Government to construct the Trappers Loop connector road in support of, guess what. The 2002 Winter Olympics. The funding has already been provided for this project, but apparently it has run into some difficulties.

The report language acknowledges the potential for cost growth in the project, an ominous sign that more taxpayer dollars will be required to complete this nondiscretionary road project. Remember this one, Mr. President: Trappers Loop connector road. You will hear again about that. And we will pay several more millions of dollars so that the Trappers Loop connector road in support of the 2002 Winter Olympics will be paid for.

The bill contains a provision that directs the Secretary of the Interior to enter into negotiations with the City of Albuquerque, NM, for storm water runoff and drainage management in the Petroglyph National Monument. What concerns me is the potential of future costs to the road project that is facilitated by the directed boundary adjustment in the bill, the usual report language exhortations to various agencies to address myriad problems, but for which the solution is not, surprisingly, spending taxpayer dollars. Like another $250,000 to complete damage repair in North Dakota, which was funded at $600,000 as an add-on in the 1997 emergency disaster supplemental appropriations bill; adequate funds to repair and restock the Beckley, WV, Military Entrance Processing Station that was damaged.

Mr. President, I hope that we can pass this amendment. And I hope we will appreciate that when it comes time to take care of emergency supplemental appropriations bills, we will take care of true emergencies.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

Mr. FEINGOLD. Mr. President, I am pleased to join with my friend from Arizona, Mr. MCCAIN, in offering this amendment to strike a number of extraneous provisions from the emergency supplemental appropriations bill.

These provisions are only the most recent example of the abuse of our emergency appropriations process.

In general, the rules require that new spending, whether through direct spending, tax expenditures, or discretionary programs, be offset with spending cuts or revenue increases.

However, the rules provide for exceptions in the event of true emergencies.

The deliberate review through the federal budget process, weighing one priority against another, may not permit a timely response to an international crisis, a natural disaster, or some other emergency.

We do not ask that earthquake victims find a funding source before we send them aid, though that should not, even in dire circumstances, be read to imply we must not find ways to pay for emergencies, rather than simply add their costs to the deficit.

But, Mr. President, the emergency exception to our budget rules, designed to expedite a response to an urgent need, has become a loophole, abused by those trying to circumvent the scrutiny of the budget process, in particular, by adding non-emergency matters to emergency legislation that is receiving special, accelerated consideration.

One former Member of the other body, who was especially skilled at advancing spending items, was quoted as saying, "I never saw a disaster that wasn't an opportunity."

That, in a nutshell, is still the unfortunate attitude of a few.

Mr. President, there is a long history of adding non-emergency special interest items to emergency supplemental measures.

Just last year, a number of items were included in the disaster relief bill that had absolutely nothing to do with the need for emergency relief: an additional $35 million available for new grants under the Advanced Technology Program; a $5 million earmark for study of water allocation issues in Alabama, Florida, and Georgia; $15 million for research on environmental factors affecting breast cancer; $650,000 for the National Commission on the Cost of Higher Education; $16 million for continued development of Automated Targeting System for the Customs Service; a $12.3 million set-aside for construction of a parking garage at a VA medical center in Cleveland; and, a $500,000 earmark for a parking garage in Ashland, Kentucky.

Mr. President, we even used the emergency relief bill to give the Secretary of the Senate $5 million for the development of a Legislative Information System.

In the 103rd Congress, when the appropriations bill to provide relief for the Los Angeles earthquake was introduced, it initially did four things: provided $7.8 billion for the Los Angeles quake, $1.2 billion for the Department of Defense peacekeeping operations; $436 million for Midwest flood relief, and $315 million more for the 1989 California earthquake.

But, Mr. President, by the time the Los Angeles earthquake bill became law, it also provided: $1.4 million to fight potato fungus; $2.3 million for FDA pay raises; $14.4 million for the National Park Service; $12.4 million for the Bureau of Indian Affairs; $10 million for a new Amtrak station in New York; $40 million for the space shuttle; $20 million for a fingerprint lab; $500,000 for United States Trade Representative travel office; and $5.2 million for the Bureau of Public Debt.

Mr. President, we now come to this year's model, and not much has changed.

The Senator from Arizona's amendment seeks to eliminate a number of extraneous provisions in the current emergency supplemental appropriations bill, including: $7.5 million to begin repair and rehabilitation of the Capitol Dome; $4 million for development and demonstration of dielectric wall accelerator technology for remote explosive detonation, radiography, and fusion applications; and, $2 million for payments to counties to replace funds expected from timber road construction projects.

Mr. President, some of these projects may well be worthy.

In fact, the last provision I mentioned, providing $2 million in payments to counties to replace funds expected from timber road construction projects, is something I believe may have great merit.

But, Mr. President, just because a provision may be worthwhile does not justify using an emergency appropriations bill to skirt normal budget scrutiny.

Mr. President, though non-emergency matters attached to emergency bills are still subject to the spending caps established in the concurrent budget resolution, as long as total spending remains under those caps, these unrelated spending matters are not required to be offset with spending cuts.

Some might suggest that new spending is less a problem on emergency supplemental appropriations when it is offset with spending cuts.

But, Mr. President, in such instances, we miss an opportunity to use those rescissions to reduce the deficit, having instead to use them just to stay even.

Moreover, by using emergency appropriations bills as a vehicle, these extraneous proposals avoid the normal scrutiny through which legislative proposals must go to justify Federal spending.

Mr. President, those who add unrelated provisions to disaster relief measures are engaging in a game of chicken—daring the body to oppose the emergency relief that may be desperately needed.

I urge my colleagues to reject this reckless approach, and support the McCain amendment to strip out the unrequested provisions added to this emergency supplemental appropriations measure.

Mr. STEVENS. Mr. President, I am grateful to the Senator from Arizona for raising these issues, and I think it is good to have a dialog on what we are doing. I am trying to get the answer to the question the Senator asks.

On page 14 of the report, we report that we have recommended $4 million for the development of the electric wall accelerator technology, in the atomic energy division of the Department of Energy. It is fully offset by a reduction in Federal funds for defense. It is not an emergency; it is not an add-on. It really is a reprogramming through this bill. I understand it is at the request of the Department. It was presented by a Senator to the full Appropriations Committee. I might add, I am a member of the committee and I am trying to get further information about the wall accelerator technology. It is related to the smaller accelerators, I am told, not the large types. It is a $4 million item using money that has already been allocated to another form of defense activity and moved over to this, and the other account has been reduced accordingly.

I might say, this is one of my problems about the bill, Mr. President, because when we reprogram this money, it is my understanding that the Congressional Budget Office still charges us with the original $4 million and the second $4 million. This is what has led us into this great debate with the Office of Management and Budget and the CBO about the scoring for the purpose of our Budget Act of transfers, reprogrammings, and recessions. I hope to talk about that at a later time.

I note, also, the Senator has given us a list of the items. He is correct; there is no question about it that Olympics cost us money. There isn't a nation in the world that doesn't fight to have Olympics. I have just come back now from Australia where I looked at the venue for the Olympics to be held in the year 2000 by that country. I can tell the Senator that every National Government expends substantial funds. I saw the changes in the wharfs, I saw the changes in the site. As a matter of fact, they are making an addition to one of their national parks as their venue for their world Olympics. There is a considerable amount that will be spent there in the effort to assure that those games are carried on to meet their national needs. Many of these items really are moneys that are in advance of expenditures under other Federal programs.

I also went up to look at the site of the 2002 Winter Olympics. I am sure the Senator remembers, as chairman of the Commerce Committee, my interest in the Olympic movement. I can report that he is absolutely correct. This is not the last time we will hear about the Winter Olympics in Salt Lake City. It does require a substantial change in traffic patterns there, both in terms of rail and road connections, to assure that we can handle in this country the tremendous number of foreign visitors who will come to our country when we once again host the 2002 Winter Olympics.

Beyond that, Mr. President, as I said, as I look at these questions that the Senator has raised, there is no question that there are terrible ice storms in the Northeast. One of the substantial problems there is to make available funds for the damage that occurred there in the area where they produce, as one of the major economic activities, the maple syrup. That is a lot of money, but it is something that we looked at, and it is consistent with the precedence of the Senate in dealing with the disaster. We accepted the amendment in regard to that.

I personally, as I told the Senate, went to Georgia, met with the people handling the transportation activities in Georgia, and at the time met others who were involved in dealing with some of the difficulties that were encountered there in the floods. I did not make a trip to Alabama and Mississippi, but I did get a briefing on levy and waterway repairs in both of those States, and I believe that money that the Senator from Arizona has questioned is within, again, the precedence of the Senate in dealing with emergency funding.

As a matter of fact, I might say to my friend from Arizona, we expect either today or tomorrow another request from the administration for FEMA money, Federal Emergency Management money, because of the two very difficult storms that occurred the past weekend. That money must be added to this bill or wait until fall when we approve the regular bill. I do not expect we will have another supplemental between now and consideration of the regular appropriations bills for the fiscal year 1999. That could change, but I do not expect it at this time.

The road moratorium money is another item here that was questioned, section 405, that requires payments to counties to replace funds counties expected to receive from the timber road construction projects. This is another precedent established by the Congress. As a matter of fact, it was established in my State of Alaska when, by action of the Forest Service and the Department of Agriculture, existing programs for road construction and for timber utilization were canceled and there was, in fact, passed by the Congress a substantial bill to replace those funds for a period of time because the schools in these counties where the timber activity takes place relied to a great extent on the revenue-sharing provisions of Federal law to maintain the schools. We have taken action in the past to replace funds under similar circumstances, and this section of this bill is to continue that precedent, also.

I am pleased to try and answer any other question the Senator has. To deal with a bill of this type, you have to come back to the concept of the eye of the beholder. I honor and respect the Senator from Arizona as chairman of the authorizing committee that looks very carefully at all of the funds that are authorized in the normal process. This type of bill—a supplemental appropriations bill, disaster appropriations bill, and a defense emergency appropriations bill—relies to a great extent on items that have not been authorized. They are authorized by virtue of the very nature of the occurrence as disaster or emergency or defense matters, and, as such, these matters that the Senator from Arizona has raised have not been reviewed by the legislative committees and they should be fully examined by all Members of the Senate. I invite all Members of the Senate to examine these matters. We tried to go into these in depth in the Appropriations Committee and, because of the time circumstance, we may not have gone into each one to the extent we should, but I was convinced

as chairman, and I know that other members of the committee were convinced through their own listening of the presentations, that these items do merit the approval of the Senate as legitimate disaster expenses or as legitimate funds to replace funds already spent by the Department of Defense.

This defense money is to replace the money that has been spent and is necessary to be spent in terms of the deployment to Southwest Asia and in Bosnia, and they are declared emergencies. I believe they should be so classified.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. If the Senator would yield, I will speak in opposition to the amendment.

Mr. STEVENS. I am pleased to yield briefly. May I inquire how much time the Senator desires?

Ms. COLLINS. If I could have 3 minutes.

Mr. STEVENS. I yield 3 minutes. I do not wish to look constrained, but we tried and notified Members we will vote at 5:30.

Mr. GRAMS. If I could speak for 5 minutes in support of the amendment following the Senator from Maine.

Mr. STEVENS. I will yield each Senator 5 minutes.

I ask unanimous consent the vote on this measure take place at 5:35. That is a vote on or in relation to this. I shall make a motion to table this amendment.

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

The Senator from Maine.

Ms. COLLINS. I thank the distinguished chairman of the Appropriations Committee for his courtesy.

Mr. President, I rise in opposition to the amendment offered by the Senator from Arizona, Senator MCCAIN. I cannot speak to the value of some of the projects which he has singled out in this amendment, but I can speak to the necessity of providing assistance to the maple sugar producers in northern New England.

Maine and other northern New England States recently endured the ice storm of the century. Part of the result of that ice storm was extensive damage to the forests in Maine. Our maple sugar producers have been severely hurt by the ice storm. Their trees may well take a very long time to recover. These maple sugar producers in northern New England have fallen through the cracks of our traditional disaster assistance programs. They need our assistance. This bill would provide a modest amount of money, $4.48 million in funds, that are desperately needed for these small maple sugar producers to recover from the impact of this devastating storm.

The amendment of the Senator from Arizona also raises important public policy issues. We have more than one branch of government in this country. The idea that the President and the President alone should solely dictate what is in an urgent supplemental bill should give us all cause for alarm. It is inconsistent with the traditions of this noble body and it is contrary to the public interests.

I urge my colleagues in the Senate to vote to table the amendment offered by the Senator from Arizona.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I am pleased to join the distinguished Senator from Arizona today to offer this amendment striking some add-on, non-emergency items from the supplemental appropriations.

This amendment represents sound and responsible fiscal policy.

I want to take this opportunity to commend Senator MCCAIN for his consistent leadership and persistent efforts to ensure Congress exercises fiscal responsibility.

Supplemental appropriations legislation has routinely become a Christmas tree. Every year it is loaded with all kinds of unauthorized, non-emergency projects, stuck here and there, until it reaches the point where it has grown out of control.

Supplemental appropriations, by definition, are supposed to be enacted when the need for additional funds is too urgent to be postponed until the next regular appropriation is considered.

Today, this legislation has become a major vehicle for lawmakers to bring home the bacon. In fact, not one of the items listed in this amendment is too urgent to wait for consideration under the proper procedures.

Many of us come down to the floor each year demanding this irresponsible practice come to an end. Unfortunately, it has been a fight to persuade Congress that this is the only sensible course lately.

Taxpayer dollars are too often considered "free money" here in Washington, and the thought of more "free money" is creating a feeding frenzy on Capitol Hill, particularly when there might be "budget surplus" in sight.

As I've said before in this Chamber, the rush to spend reminds me of the free-for-all that results when you toss a piece of raw meat to a pack of hungry dogs.

Washington will pounce on a stack of tax dollars and spend, spend, spend until it's all gone—until the bones have been stripped of every last morsel of meat.

This is nothing new, of course. But just because it has become habit on Capitol Hill doesn't mean it's right.

The greatest concern I have about these add-on, non-emergency items and the supplemental appropriations bill is that this spending will consume a possible budget surplus that should rightfully be returned to the taxpayers in the form of tax relief, national debt reduction, or Social Security reform.

The President is maintaining that not one penny of a potential surplus would be used for spending increases or tax cuts, and every penny should go to save Social Security. But in his fiscal year 1999 budget, he has already proposed to spend some $43 billion of the surplus.

Now the President has proposed a supplemental appropriation that will spend another $2.5 billion of this surplus.

I believe strongly that Congress owes it to the taxpayers not to spend any surplus for government programs.

After all, the Government has no claim on any surplus, because the Government didn't generate it—the sweat and hard work of the American people created it, and it therefore should be returned to the people first.

Washington should not be first in line for this surplus. If we are serious about saving Social Security, we should first stop looting the Social Security surplus by cutting government spending, returning the borrowed surplus to the trust funds, and beginning real reform now.

Congress has done very little to shrink the size of the Government by eliminating wasteful and unnecessary Federal programs. It instead continues to increase the size of the Government.

As I've said before, it this is a race to prove who can be the most "compassionate" with taxpayers' dollars, it's a race nobody will win, and one the taxpayers most certainly will lose. The truth is simple: You can't buy compassion.

A big, expensive Federal Government is a bad deal for Americans. If Congress could roll back government domestic spending back to 1969 levels, a family of four would keep $9,000 a year more of its earnings than it does today. Millions of families would pay no income tax at all.

Unfortunately, tax-and-spend—not tax relief and streamlining—is the policy Washington is now pursuing.

Since the 1970's, Congress has passed a number of bills to make it difficult to use supplementals to bypass spending controls. But they don't appear to be working. In fact, Congress has provided $5 billion each year in emergency spending since the establishment of spending caps. All of the supplementals are offset.

Breaching the spending caps would be fiscally irresponsible at a time in which domestic discretionary spending continues to grow and large numbers of wasteful programs are allowed to continue.

Although our short-term fiscal condition has improved in recent years, we still have a long way to go to address

our long-term fiscal imbalances which pose a serious threat to our future.

We must exercise fiscal discipline to ensure the Federal budget will be balanced—and stay balanced—without new taxes and without new spending.

In conclusion, there might be merits for some of these add-on, non-emergency programs. But they should undergo the normal authorizing process. Non-emergency add-ons destroy the purpose of supplemental appropriations and weaken our fiscal discipline.

Again, supplemental appropriations, by definition, are supposed to be enacted when the need for additional funds is too urgent to be postponed until the next regular appropriation is considered. Again, today, this legislation has become a major vehicle for lawmakers to bring home the bacon, and, in fact, not one of the items listed in this amendment is too urgent to wait for consideration under proper procedures. So they should be stricken out of this legislation.

I urge my colleagues to support the amendment.

I yield the floor.

Mr. STEVENS. Mr. President, all time is expired now, is that correct?

The PRESIDING OFFICER. Yes.

Mr. STEVENS. I move to table the amendment of the Senator from Arizona, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 2063. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Oklahoma, (Mr. INHOFE), and the Senator from Missouri (Mr. BOND), are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Nebraska (Mr. KERREY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

The result was announced—yeas 61, nays 31, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—61

Akaka	Conrad	Hagel
Baucus	Coverdell	Harkin
Bennett	Craig	Hatch
Bingaman	Daschle	Helms
Boxer	DeWine	Hollings
Breaux	Dodd	Hutchison
Bumpers	Domenici	Inouye
Burns	Dorgan	Jeffords
Byrd	Durbin	Kennedy
Campbell	Enzi	Lautenberg
Chafee	Ford	Leahy
Cleland	Frist	Lieberman
Cochran	Gorton	Lott
Collins	Grassley	Mack
McConnell	Rockefeller	Stevens
Moynihan	Sarbanes	Thurmond
Murkowski	Sessions	Torricelli
Murray	Shelby	Warner
Reed	Smith (OR)	Wellstone
Reid	Snowe	
Roberts	Specter	

NAYS—31

Abraham	Gramm	McCain
Allard	Grams	Moseley-Braun
Ashcroft	Gregg	Nickles
Brownback	Hutchinson	Robb
Bryan	Johnson	Roth
Coats	Kempthorne	Santorum
Faircloth	Kerry	Smith (NH)
Feingold	Kohl	Thomas
Feinstein	Kyl	Thompson
Glenn	Levin	
Graham	Lugar	

NOT VOTING—8

Biden	Inhofe	Mikulski
Bond	Kerrey	Wyden
D'Amato	Landrieu	

The motion to lay on the table the amendment (No. 2063) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, if the Senate can be in order, the distinguished President pro tempore wishes to make remarks about this bill at this time.

The PRESIDING OFFICER. The Senate will please be in order.

Mr. STEVENS. I yield to the Senator from South Carolina and ask unanimous consent I reclaim the floor when he is finished with his statement so I may deal with some amendments that we have agreed to on both sides. As has been noted, there will be no more votes tonight, but we will try our best to have a vote early in the morning.

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

The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise today to support this supplemental request, and urge my colleagues to speed its passage. I want to commend Senator STEVENS, the chairman of the Appropriations Committee, and Senator INOUYE, the ranking member, on this supplemental. It is needed, and the Senate should act on it quickly.

The Chiefs of our Military Services have testified that without swift approval of this defense supplemental request, they are concerned there will be significant impacts to the readiness and quality of life of our armed forces. The Defense Department has already paid $9 billion for operations in Bosnia and the Persian Gulf over the past three years and is currently paying the bills for these unbudgeted operations this year, while attempting to maintain already constrained programs for readiness, modernization, and quality of life programs in this year's defense budget.

I agree with Senator STEVENS, chairman of the Appropriations Committee that the defense budget should not be offset to pay for these operations. I understand that the chairman of the Budget Committee, Senator DOMENICI also agrees that the defense budget should not be offset to pay for these unbudgeted operations. The defense budget has been steadily reduced over the last fifteen years and is at its lowest point since 1956, while at the same time our military forces are being called on to respond to an unprecedented number of deployments. Contingency and ongoing operations are draining needed resources for current readiness and the future modernization of our military forces. The cost of these operations in fiscal year 1998 alone is expected to reach more than $4.3 billion. We must not allow the costs of these unbudgeted operations to adversely affect the future modernization, current readiness, or quality of life of our military forces.

Mr. President, I know that there are Senators who do not support the open-end commitment of our troops in Bosnia, which the President has requested. I have some concerns about that commitment myself. However, I suggest to those Senators who are absolutely opposed to our continuing commitment in Bosnia to consider legislation limiting or terminating our role there—and insist on a vote on such legislation. This approach, it seems to me is far more appropriate than proposing that we continue to pay for Bosnia—and the Persian Gulf operations as well—from already scarce resources in the defense budget—which further weakens the readiness of our forces and delays or terminates critically needed modernization and quality of life programs.

I urge my colleagues to support the quick passage of this much needed defense supplemental request and not require offsets from the defense budget. Continuing the practice of requiring offsets will undermine the capability of our armed forces, many of whom are forward deployed now protecting our national security interests.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I thank the Senator for those remarks. He is absolutely correct. We do need this bill. We need it for the men and women in the armed services who have already been deployed. I, too, have trouble with some of these deployments, but I never have any trouble voting and asking people to vote for money to keep and support our men and women who have been sent in harm's way because of command decisions.

AMENDMENTS NOS. 2069 THROUGH 2076, EN BLOC

Mr. STEVENS. Mr. President, we have a series of amendments that have been agreed to on both sides. I would like to just review them and make sure the Democratic members of the committee and their staffs concur that

these are the ones that have been cleared.

Let me read them. Then I will send them all to the desk at one time.

First, I propose an amendment to make technical corrections to section 405 to the bill that pertains to the Forest Service transportation system moratorium. That has been cleared on both sides. I offer it on behalf of Senator CRAIG. It has been also cleared by the chairman of the subcommittee involved.

I have a second amendment. This is offered on behalf of the distinguished minority leader, Senator DASCHLE. It deals with emergency river and shoreline repairs along the Missouri River. That has been cleared on both sides.

I have another amendment on behalf of Senator COCHRAN, Senator BUMPERS, Senator D'AMATO and Senator BOXER. It deals with assistance to replace and rehabilitate trees and vineyards damaged by natural disasters.

I have an amendment on behalf of Senator BOXER that deals with emergency levee repairs at Suisun Marsh in California. That has been cleared on both sides.

Mr. President, I have another amendment on behalf of the Senator from Hawaii, Mr. INOUYE. It deals with Apra Harbor in Guam. That is another emergency amendment and has been cleared.

Another amendment on behalf of Senator COCHRAN and Senator BUMPERS, that deals with additional boll weevil eradication loans. It is for the amount of $222,000. This is to the natural disaster bill and emergency defense bill, but it is to correct a shortfall in the fiscal year 1998 appropriation due to an interest rate subsidy miscalculation. So it is to correct an error in the previous law.

I have another amendment that has been cleared on both sides. It is on behalf of Senator BOXER. It deals with not applying changes in a prior act of Congress to the projects that are resulting from fall and winter flooding.

Mr. President, there is another amendment here that I offer on behalf of the majority leader and Senators LIEBERMAN, GREGG, HOLLINGS, KYL, myself, MCCONNELL, HELMS, SHELBY, BROWNBACK and KERREY. It deals with the availability of funds for the activities in connection with the Iraqi Democratic opposition; the second portion of this deals with the establishment of Radio Free Iraq. That has been cleared on both sides.

To my knowledge, those are all the amendments that we have cleared. I now send these to the desk. I ask unanimous consent they be reported and the amendments be considered en bloc.

The PRESIDING OFFICER. The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments numbered 2069 through 2076 en bloc.

Mr. STEVENS. Due to the fact that I read the intent and purposes, I ask the amendments not be read any further and they be considered en bloc at this time.

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

The amendments are as follows:

AMENDMENT NO. 2069

(Purpose: To make technical corrections to Sec. 405 of the bill regarding a Forest Service transportation system moratorium)

On page 36, strike lines 6 through 10 and insert in lieu thereof the following:

(b)(1) For any previously scheduled projects that are referred to in, but not authorized pursuant to, subsection (a)(1), the Chief may, to the maximum extent practicable, prepare and authorize substitute projects within the same state to be offered or initiated in fiscal year 1998 or fiscal year 1999. Such projects shall be subject to the requirements of subsection (a)(2).

AMENDMENT NO. 2070

On page 18, following line 5, insert the following:

An additional amount for emergency river and shoreline repairs along the Missouri River in South Dakota to be conducted at full Federal expenses, $2,500,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for South Dakota emergency river and shoreline repair if the Secretary of the Army certifies that such work is necessary to provide flood related benefits: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: Provided further, That the entire amount shall be available only to the extent an official budget request of $2,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2071

(Purpose: To provide funds for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters)

On page 5, after line 3, insert the following:

"TREE ASSISTANCE PROGRAM

"An amount of $8,700,000 is provided for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters: *Provided*, That the entire amount is available only to the extent that an official budget request for $8,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

Mr. COCHRAN. Mr. President, this amendment provides $8.7 million in assistance to farmers whose trees and vineyards were lost or damaged as a result of natural disasters. The Tree Assistance Program (TAP) provides assistance for the cost of replanting, reseeding, or repairing damage to trees, including commercial trees, orchards, and vineyards.

This assistance has been extended to producers in past years. Funding for this program was not included in the Administration's disaster funding request. However, based on discussions with Members from the affected States and the Department, there is an apparent need for this program. This program is not intended to duplicate assistance for tree losses covered by programs of the United States Forest Service.

AMENDMENT NO. 2072

On page 18, following line 5, insert the following:

An additional amount for emergency levee repairs at Suisun Marsh, California to be conducted at full Federal expense, $1,100,000, to remain available until expended: *Provided*, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for the Suisun Marsh, California levee repair to proceed with engineering and design and reconstruction if the Secretary of the Army certifies that such work is necessary to provide flood control benefits in the vicinity of Suisun Marsh, California: *Provided further*, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: *Provided further*, That the entire amount shall be available only to the extent an official budget request of $1,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2073

On page 18, following line 5, insert the following:

An additional amount for emergency maintenance dredging at Apra Harbor, Guam to be conducted at full Federal expense, $1,400,000, to remain available until expended: *Provided*, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for the Apra Harbor, Guam emergency maintenance dredging if the Secretary of the Army certifies that such work is in the national interest: *Provided further*, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: *Provided further*, That the entire amount shall be available only to the extent an official budget request of $1,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 2074

(Purpose: To subsidize the cost of additional boll weevil eradication loans)

On page 3, line 3, strike "and".

On page 3, line 4, before the period, add "; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $222,000".

Mr. COCHRAN. Mr. President, this amendment provides $222,000 to cover the cost of additional boll weevil eradication loans. This will correct a shortfall in the fiscal year 1998 appropriation due to an interest rate subsidy miscalculation. The additional amount provided by this amendment will maintain the fiscal year 1997 $40 million loan level in fiscal year 1998.

These loans are used to enhance the funding of the Boll Weevil Eradication Program and are made to the participating States' individual Boll Weevil Eradication Foundations. The applications for the loans are not made until April when the need for the actual money during the planting season can be determined by farmers. This procedure is in response to the Farm Services Agency's concerns that the funds be utilized when received rather than deposited for future use. At a recent Mid-South Boll Weevil Action Committee meeting, the committee agreed that applications will be made for the use of approximately $40 million and this money will be needed in fiscal year 1998.

Again, I wish to reiterate that this amendment is only for a small amount and is necessary to maintain this program at its current level.

Mr. BUMPERS. Mr. President, I am pleased to join my colleague Senator COCHRAN, Chairman of the Agriculture, Rural Development, and Related Agencies Subcommittee, in offering an amendment to S. 1768 relating to the boll weevil eradication loan program. Our amendment will provide an additional $222,000 in budget authority to support an increased program level of nearly $19,000,000. This amendment will return the program to the fiscal year 1997 level of approximately $40,000,000 which is consistent with the program's identified need.

This loan program is an important component of USDA's overall boll weevil eradication strategy. Already, regions of this country are benefitting from complete boll weevil eradication. The benefits of this program include reduced chemical applications, higher net farm income, increased land values, and other attributes important to the vitality of rural America. This program benefits not only farmers, but everyone interested in a clean environment and economic prosperity.

There are still large regions of the country where the boll weevil eradication program is either in the very early stages or has not yet begun. In my state of Arkansas, referendums have been recently concluded in which farmers are agreeing to assessments to pay their share of the boll weevil grant program that is administered through the Animal and Plant Health Inspection Service. The loan program that we seek to increase, administered by the Farm Service Agency, helps farmers accelerate the timetable for complete eradication of this pest.

It is very important that we move these areas forward as quickly as possible to help protect the environment and to help sustain rural economies. The program level made possible by this amendment will return the program to last year's level which is the very least we should do at this time.

Again, I want to thank Senator COCHRAN for his leadership on this issue and to Senators STEVENS and BYRD for seeing it included in the text of S. 1768.

AMENDMENT NO. 2075

(Purpose: Waive the requirements of 23 U.S.C. 125(b)(1) with respect to emergency disaster highway assistance necessitated by the 1997/1998 storms from El Nino)

On page 45, line 13, after the words, "highway program made available by this Act", insert the following: ": *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the Fall 1997 and Winter 1998 flooding in the western States".

AMENDMENT NO. 2076

At the appropriate place in title II of the bill insert the following new general provisions:

SEC. . SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

In addition to the amounts appropriated to the President under Public Law 105–118, there is hereby appropriated $5,000,000 for the "Economic Support Fund," to remain available until September 30, 1999, for assistance to the Iraqi democratic opposition for such activities as organization, training, disseminating information, developing and implementing agreements among opposition groups, and for related purposes: *Provided further*, That within 30 days of enactment into law of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on plans to establish a program to support the democratic opposition in Iraq: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SEC. . ESTABLISHMENT OF RADIO FREE IRAQ.

In addition to the amounts appropriated to the United States Information Agency under Public Law 105–119, there is hereby appropriated $5,000,000 for "International Broadcasting Operations," to remain available until September 30, 1999, for a grant to Radio Free Europe/Radio Liberty for surrogate radio broadcasting to the Iraqi people: *Provided*, That such broadcasting shall be designated "Radio Free Iraq": *Provided further*, That within 30 days of enactment into law of this Act the Broadcasting Board of Governors shall submit a detailed report to the appropriate committees of Congress on plans to establish a surrogate broadcasting service to Iraq: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251 (b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

Mr. LOTT. Mr. President, I am pleased to offer this amendment providing $5 million for overt political support and $5 million for the establishment of "Radio Free Iraq."

This is a bipartisan amendment. I am joined by Senators LIEBERMAN, GREGG, HOLLINGS, KYL, STEVENS, HELMS, and BROWNBACK in support for this start to a political approach to changing the regime in Iraq.

This emergency appropriations bill contains over $1.3 billion for U.S. military operations in Southwest Asia. Our military deployments to the Persian Gulf are very expensive. They are necessary to keep pressure on Iraq.

But I believe that a new policy goal is necessary as well. I have publicly advocated an approach that has an explicit goal for the removal of Saddam Hussein from power. I expect to continue to examine how such a policy can be developed and implemented. I will continue to work with the Administration to explore ways we can develop a Iraq policy that is more effective and more sustainable.

The amendment today is intended to be a first step in a policy reappraisal. It is drawn from a provision in the State Department Authorization Conference Report. Section 1814 authorizes $38 million for a number of purposes, including political support and creating "Radio Free Iraq."

The amendment today would appropriate the money. It would be non-offset—designated as an emergency. It seems reasonable to me to put a modest $10 million for political efforts when the underlying bill has more than $1.3 billion for military efforts.

I would also like to note what the statement of managers on the State Department Authorization Conference Report says about the Iraqi opposition: "The Committee further notes that disparate Kurdish, Shiite and Sunni groups have in the past been willing to set aside their differences and unite under the umbrella of the Iraqi National Congress (INC) to challenge Saddam Hussein."

This amendment requires the Administration to submit their proposal to spend these funds within 30 days. Congress will review their proposal very carefully—especially what groups the Administration plans to work with.

I understand there is some division within the Administration about the INC. I know you can always find reasons for not undertaking a difficult

policy. In my view, the Iraqi National Congress should be front and center in any efforts to develop a strategy for a democratic Iraq. There may be other opposition groups deserving of support but I do not know of any that have been as effective as the INC was until the fall of 1996.

Along with the other sponsors, I intend to keep pressing on various elements of this strategy during legislative action on fiscal year 1999 bills.

I thank the co-sponsors for their support and look forward to the unanimous adoption of this amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendments.

The amendments (Nos. 2069 through 2076) were agreed to.

Mr. STEVENS. Mr. President, I move to reconsider that action and I move to lay my motion on the table.

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

The motion to lay on this table was agreed to.

Mr. STEVENS. Mr. President, the Senator from Michigan has an amendment that we have previously discussed. I encourage him to raise it at this time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2077

(Purpose: To urge the President to formalize certain benchmarks by agreement with NATO and to provide for NATO review of any failures timely to achieve such benchmarks, and to impose related reporting requirements)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2077.

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

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

The amendment is as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Congress urges the President to enter into an agreement with the North Atlantic Treaty Organization (NATO) that sets forth—

(1) the benchmarks that are detailed in the report accompanying the certification that was made by the President to Congress on March 3, 1998;

(2) a schedule for achieving the benchmarks; and

(3) a process for NATO to carry out a formal review of each failure, if any, to achieve any such benchmark on schedule.

(b) The President shall submit to Congress—

(1) not later than June 30, 1998, a report on the results of the efforts to obtain an agreement described in subsection (a); and

(2) semiannually after that report, a report on the progress made toward achieving the benchmarks referred to in subsection (a)(1), including a discussion of each achievement of a benchmark referred to in that subsection, each failure to achieve a benchmark on schedule, and the results of NATO's formal review of each such failure.

Mr. LEVIN. Mr. President, this amendment seeks to build on the President's March 3, 1998, report to Congress that sets forth a series of benchmarks for the implementation of the Dayton accords in Bosnia. That report was submitted by the President pursuant to identical provisions contained in the National Defense Authorization Act for fiscal year 1998 and the National Defense Appropriations Act for fiscal year 1998.

The benchmarks, which are described in the report as "concrete and achievable," however, were established unilaterally by the administration and were not shared with or agreed upon by our NATO allies.

My amendment would call for the President to seek agreement by NATO to those benchmarks to an estimated timetable for their accomplishment and to a process to review the accomplishment of those benchmarks.

The amendment would thus attempt to ensure that all NATO members are using the same objectives and estimated time lines for their achievement and are committed to reviewing the situation if those time lines are not met.

I want to stress, Mr. President, that the time lines are not deadlines, they are not rigid or inflexible; they are estimates. But I do believe that establishing benchmarks without an estimated timeframe within which you hope to accomplish those benchmarks is only doing half the job. This is particularly true when, as here, the benchmarks, with one exception, are largely beyond the control of the NATO-led stabilization force.

That force, SFOR, can create the secure environment within which the civil implementation of the Dayton accords can take place and SFOR can provide support to the Office of the High Representative, the International Police Task Force, the Organization for Security and Cooperation in Europe and the International Criminal Tribunal for Yugoslavia, but SFOR cannot and should not seek to directly carry out those civil implementation functions.

Thus, since the accomplishments of these benchmarks are generally beyond SFOR's control, it is important for NATO to agree on the benchmarks and the estimated time lines for their accomplishment so the Bosnian entities and the several international organizations are aware of what is expected of them.

The amendment also calls for NATO to periodically review the accomplishments of the benchmarks within the estimated time lines that they establish and calls on the President to submit semiannual reports to Congress on the results of NATO's review.

I am not here, Mr. President, criticizing the Bosnian entities or the international organizations involved in the implementation of the civil aspects of the Dayton accords. As a matter of fact, I am pleased with the progress that has been made over the last 6 months, particularly with the installation of a new government in the Republika Srpska.

Finally, Mr. President, I believe, as I have expressed many times on this floor, that U.S. ground combat forces should remain in Bosnia only for a reasonable period of time beyond June of this year. I do not believe our commitment should be open-ended. This amendment, by seeking to ensure that everybody agrees on the same benchmarks and the same estimated time lines for their achievement, will, I believe, provide a framework by which to judge the movement forward to the time that U.S. ground combat forces can be withdrawn from Bosnia.

Mr. President, I understand that the Senator from Alaska has a second-degree amendment that he wishes to offer which is acceptable to me. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I offer my apologies to the Senator from Michigan. I have discussed this matter, Mr. President, and I would like to make certain that the amendment of the Senator from Michigan does not reflect approval or disapproval of the benchmarks concept in the President's certification transmitted to Congress.

AMENDMENT NO. 2078 TO AMENDMENT NO. 2077

Mr. STEVENS. Mr. President, I have an amendment in the second degree which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 2078 to amendment No. 2077.

At the end of the amendment, add the following: (c) The enactment of this section does not reflect approval or disapproval of the benchmarks submitted by the President in the certification to Congress transmitted on March 3, 1998.

Mr. STEVENS. Mr. President, this amendment is necessary because of the problems we had with the Bosnian money in this bill already. Many people oppose Bosnian deployment, as the Senator from South Carolina has just stated. I want to make certain we are not going to get into a debate over the benchmarks when we get to conference, and I am grateful to the Senator from Michigan. I believe he will agree to this amendment.

Mr. LEVIN. Mr. President, I do welcome the amendment. I think it is a clarification that is important, and I support it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2078.

The amendment (No. 2078) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Is there further debate on the underlying amendment No. 2077, as amended?

Mr. STEVENS. We are prepared to accept the amendment as amended.

Mr. LEVIN. I thank my friend from Alaska.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2077, as amended.

The amendment (No. 2077), as amended, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2079

(Purpose: To provide contingent emergency funds for the enhancement of a number of theater missile defense programs)

Mr. STEVENS. Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona, Mr. KYL.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. KYL, proposes an amendment numbered 2079.

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

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

The amendment is as follows:

On page 15, after line 21, add the following:

SEC. 205. In addition to the amounts provided in Public Law 105–56, $151,000,000 is appropriated under the heading "Research Development, Test and Evaluation, Defense-Wide": *Provided*, That the additional amount shall be made available for enhancements to selected theater missile defense programs to counter enhanced ballistic missile threats: *Provided further*, That of the additional amount appropriated, $45,000,000 shall be made available only for the procurement of items and equipment required for a third Arrow missile defense battery: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $151,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

Mr. STEVENS. Mr. President, I have asked this be presented at this time so that other Members may see it and have a chance to discuss it with me or with Senator KYL before the time tomorrow when we will seek to have it either adopted or voted on.

I ask now that that amendment be set aside in order that Senator ASHCROFT may offer his amendment at this time.

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

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2080

(Purpose: To amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off and biweekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938)

Mr. ASHCROFT. Mr. President, thank you very much. I am pleased to have this opportunity today. We are speaking about a supplemental appropriations measure that relates to emergencies, about the needs that individuals in Government have. I would like to talk about emergencies that relate to the needs of America's families. Frankly, I want to talk about how we value women in our culture.

Over the last 2 months, our sensibilities have been assaulted with the national debate on the President's behavior toward women in the workplace. I am worried that this preoccupation with the President's alleged sexual advances in the workplace is taking the focus off the real concerns of working women everywhere.

Working men and women face a unique challenge in the workplace. Not only must they navigate the choppy waters of sexual politics in their own jobs, but at the end of the work day, they head home to their second full-time jobs as moms and dads.

Working moms wake up each morning, hustle to ensure that the toddler is bathed, changed, fed and dressed, all the while keeping track of the 7-year-old or 4-year-old or a 3-year-old, doublechecking homework, packing lunch. With all these balls in the air, working moms must then get dressed and head off to the workplace, stopping to drop off the youngest at grandma's or at preschool. Then it begins again after 8 hours on the job.

These are monumental challenges that America's supermoms meet and beat every day. Yet, we in Congress have been unable to extend to working moms and dads an invaluable option for the workplace. For 2 years, the Senate has debated and declined to pass flexible work arrangements that would grant these working moms and dads and all workers the freedom to adjust their work schedules to meet the needs of their families. Flexible working arrangements could allow a mom to leave work early on a Friday when the nurse at the first grader's school calls to ask that the child be taken home. That mom could take that afternoon off and make up the missed hours the following Monday, or any day that next week, without suffering a loss of pay.

This is currently illegal under today's outdated labor laws, and we find that America's families are in a state of real need. And while we are looking to meet the needs of Government, I think it is appropriate that we work as well to meet the needs of America's families. I think it is time that we fix this absurd result in the law.

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 2080.

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

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

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

Mr. ASHCROFT. Mr. President, in today's fast-paced, information-based society, the rigid and inflexible provisions of the Fair Labor Standards Act have paralyzed those whom it was meant to help. It is interesting to note what Franklin Delano Roosevelt's words were: "Those who toil in factory and on farm to obtain a fair day's work" were to be the focal point of the Fair Labor Standards Act.

That Fair Labor Standards Act now deprives employees of the right to structure their daily lives on and off the job to meet the responsibilities they have both at work and at home. It is not the employer who holds the employee in this Catch-22. It is, however, the Government. Inside-the-beltway elitists who think they know best continue to deprive America's working families of the right to make decisions which employees think meet their circumstances best.

The charge to America's lawmakers now and into the next century is to restructure the rules regulating the workplace to help increase long-term productivity. How do we build a workplace for the next century rather than try to recreate the workplace of the last century? How do we reflect the needs of the American family as it currently exists, rather than try to impose upon the American family, as it currently exists, the laws which were

shaped 70 years ago to deal with families as they then existed?

The days are past when the Federal Government can treat employment policy and employee productivity as if they were wholly unrelated. Our ability to compete in an international marketplace of intense competition is going to be largely dependent on our ability to provide for workers an accommodating, comfortable work environment where they can both meet the demands of the workplace and the marketplace and also meet the very compelling demands of their families.

I just might add that not only is this an issue of economic productivity, in terms of this ability to sort of boost production and boost moral and boost the sense in which individuals are able to work effectively; this is a matter that relates to whether or not the most fundamental unit of American culture, the family, can be successful, or whether we are going to make it impossible, whether our Government will be at war with the values of American families.

I don't think there are very many people anyplace in this culture who wouldn't underscore the fact that when moms and dads can spend time with their kids that those kids do better, that we build a strong future. And yet we have to make sure that our culture does not have rules and regulations which make it impossible for moms and dads to accommodate the needs of the youngsters.

As Washington's establishment clings to the workplace policies of the 1930s, which assume employer-employee relationships that are always adversarial, we have to make sure that Government itself does not become adversarial to the fundamental values of American culture and American life. Prime among those values is the value we place on families. And essential to that value on families is the ability of moms and dads to find time to spend with their children.

The law has assumed for too long that if something is good for the employer, it is bad for the employee. And if it is good for the employee, it must be bad for the employer. That cannot be so. We will not succeed in the marketplace of the next century assuming that we must always fight, that we must always be antagonistic or we cannot be successful. As a matter of fact, we know that the real key to success is teamwork, employers and employees working together, accommodating each other's needs, making sure that what is good for one is good for the other. We have a great opportunity to do that by giving employers and employees the opportunity to have adjustable work schedules and to allow for moms and dads not only to meet the demands of the workplace, but allow them to accommodate the needs of their families.

America's employers have found that this adversarial basis for writing the employment law, which happened to have characterized the way it was written in the 1930s, is counterproductive and it hurts our competitiveness. However, our companies are managing within the narrow constraints of the Federal law to establish progressive employment practices in cooperation with their employees.

Employees are becoming owners of their companies through employee stock option plans, and profit-sharing incentives are on the rise. The benefit of giving employees greater input in their decisionmaking processes is making command and control style situations far less acceptable. So what we have to do really is to find a way to accommodate these competing demands of the home place and the workplace if we are going to be successful.

Let me just stop for a moment to give some data about the difference between the family as it was and family as it is.

First of all, back in the 1930s, when we originally crafted our Fair Labor Standards Act, about one out of every six or seven—about 16 percent—of the moms of school-aged children were in the work force. That means that five out of six—or six out of seven—were in the home place. And so the need for flexible working arrangements was not the same as it is now.

There has been a virtual sea change in the work dynamic in America in the way in which the work force is configured. Very frankly, now, instead of one out of six or one out of seven being moms of school-aged children who are in the workplace, now four out of five moms of school-aged children are in the workplace. So that the vast majority of moms of school-aged children are working as opposed to the vast majority in the 1930s not working. And this means that our needs are different. It means that it is impossible for us to get the same kind of return on a legal system which no longer provides a basis for meeting the needs of the culture since the culture's needs are vastly different.

There are some companies that are going to very significant ends to try to help their employees, companies like TRW, Eastman Kodak, Computer Sciences Corporation, the insurance company Mass Mutual. They are finding ways to make their employees' lives better by offering what they can in terms of flexible working arrangements.

However, the Federal law limits the extent to which they can offer these benefits. I might just add that these companies are trying—they are trying—to match what is available in the Federal system for Federal employees. They are trying in many ways to match what is available at the State system for State employees. But they cannot because they are prevented by the law.

They have sought to provide flexible working arrangements, but if you are trying to have flexible working hours, it has to be within a week. There can be no change that goes over from one week to another in the employment week. That means generally that if you need to make up an hour that you want to miss on Friday afternoon, you cannot make it up on the next Monday unless you are a Federal Government employee.

Oddly enough, the Federal workers have had that privilege since 1978. And what is interesting about it is that Federal workers have had it not only since 1978, but it has been vastly successful. When the General Accounting Office, for example, decided to inventory the extent to which individuals in the Federal system respond constructively to flexible working times, they found that 9 out of 10 Federal workers who had an opinion on flextime said that it was good—it was very good—9 out of 10. It is very hard to find 9 out of 10 Federal workers who will agree on virtually anything. So the Federal Government workers find that it is a very good way to try to meet the competing demands of the home place and the workplace.

And secondly, not only is flextime highly regarded in the Federal system, but comptime is the ability to say, look, I have worked a little overtime, instead of paying me time and a half for that overtime, will you give me time and a half off at another time so I can spend time with my family? That is a very popular program with Federal workers. So popular was that with workers at the Federal level that it has been extended, that capacity to be involved in that kind of operation has been extended to other Government workers, particularly at the State and local level.

So we have a real interesting situation where the universe of workers is not treated fairly or equally. Governmental workers had the opportunity for flextime and comptime. Both at the State level they have comptime, and at the Federal level they have comptime. They have flexible working arrangements at the Federal level. They simply do not in the private sector. No comptime in the private sector. It is against the law to have comptime in the private sector, and when it goes from one week to the next.

These kinds of privileges, these kinds of opportunities really would make it a lot easier on our families. They would give parents the ability to go and attend to a sick child. They would give parents the ability to attend events where children are being honored or children are performing. They would frequently give the opportunity to individuals who had built up some comptime to take some time off, perhaps extend a vacation or provide for a 3-day weekend without sacrificing their salaries.

This benefit, which is available to Government workers in virtually every level, is not available to workers in the private sector who are paid by the hour. But interestingly enough, salaried workers have pretty much had the ability to have flexible working arrangements for quite some time.

The salaried worker takes a 2-hour lunch break to take care of personal business or leaves early to go to a child's soccer game. The hourly worker who sits beside the salaried worker is tied to his or her desk and has to deprive his or her family of that same kind of attention. Now, this result is not due to their employers being unwilling to help. This result is due to the Federal Government's policy—our law under the Fair Labor Standards Act—which makes flexible working arrangements and comptime for private-sector workers illegal.

Some of these hourly workers have come to Washington to tell their stories about how Federal policies impact their everyday lives.

One of those individuals I remember who came was Arlyce Robinson. She was a worker who had a great story to tell about working on an hourly basis, and the snow storm that hit the town, hit Washington, DC, as a matter of fact. They had to send workers home, and said, you can't work—well, they closed the offices for a day. The workers wanted to make up that day in the next week. But in order to make up that day in the next week, those 8 hours which they missed, those hours would have had to have been paid as overtime.

The employer could not afford to have a 50 percent increase in his labor costs for that time, so those workers simply were unable to make that time up the next week. That is a serious problem for individuals who are on that kind of a schedule and who are not on salary but are on an hourly wage.

Leslie Langford is a secretary at Mass Mutual in Springfield, MA. Her husband is a printer. They have a son who has just had his first birthday and a daughter about 6 years old. She put it this way:

> I've been an hourly employee with Mass Mutual for 14 years. As a full-time employee and mother of two young children, including a child just over a year old, it is one of the most valuable commodities in my life. And I can't afford to waste any of my time, like many of you.

She says:

> I find it a challenge to juggle the needs of my employer and my family.

She wants to have the ability to have comptime and flextime in the private sector. She put it this way:

> Family-friendly legislation such as this is not only desperately needed but long overdue in this country to benefit working parents and their children.

So you have situations where individuals who work by the hour simply are not allowed by the law to cooperate with their employers to develop work schedules which will accommodate the competing needs of the home place and the workplace. As a result, families suffer.

Now, as I mentioned, salaried workers frequently get flexible schedules because salaried workers do not punch the clock. The boardroom and the managers have flexible schedules in that respect. Government employees have flexible schedules because they have the authority under the Federal Government. In 1978, Congress recognized the benefit of flexible working arrangements and passed the Federal Employees Flexible and Compressed Work Schedules Act. And the Senator from Alaska, Senator STEVENS, was the Senator who helped shepherd that act into existence.

That act allowed the Federal Government employees to experiment with flexible work schedules, which are still illegal in the private sector. The program allows hourly workers to work an extra hour one week in order to work an hour less the next week. As a matter of fact, it goes beyond that. Sometimes people work 45 hours one week, so they only have to work 35 hours the next week. By doing so, they can arrange their time so they have every other Friday off. There are lots of parents who would like to have the capacity to take every other Friday off or a weekday off every other week.

These authorities, which make it possible for Federal employees to have flexible work schedules, are specific in the law to Government employees alone. And the law forbids private workers to have the same kind of situation. I know of one family in my home State of Missouri, a family in the St. Louis area where there is a Federal worker—one of the spouses is a Federal worker—the other is a private sector worker. One has the privilege of flexible working arrangements, the other does not. The disparity is stark. And the burden inordinately falls on the worker who has the flexible work capacity because of the ability of that worker to get flexibility in the area of governmental work. But I do not think you should have to work for the Government or should have to be a salaried worker in the management pool in order to be able to be a good mom or dad. You should be able to do it because our Government should not be at war with the values of this culture.

Our Government should be reinforcing the values of the American culture and strengthening our families—not attacking them. And a failure on the part of Government to allow for flexible working arrangements, a failure on the part of Government to allow people to work with their employees to have family-friendly working arrangements, is simply a way for Government to attack our values rather than to underscore our values.

As a matter of fact, it was as far back as 1945 that Congress recognized that when an employee paid by the hour works overtime hours, that monetary compensation does not always make up for the time that the worker misses with his or her family.

Now, flexible work arrangements, which I have mentioned, the ability to assign work from one week to next week, to take fewer hours of work in one week and take more hours in the next week, that is a very popular program in the Federal Government. That is flextime.

The compensatory time is simply when you are being asked to work overtime, you have the right to request that some of what you do by way of overtime be reflected not in additional salary but you can take some time off.

The overtime rules in our culture generally are, when you are asked to work overtime, you get time and a half. But some people realize no matter how much time and a half they get paid, that doesn't help them get more time with their families. So occasionally they say, "Instead of paying time and a half, will you give me time and a half off instead of the payment, so instead of me working the full week next week, I could take time and a half off in those hours; I would still be paid as if I worked a full week, but I get the time off to be with my family."

Now, that became a possibility in the Federal Government system back in 1945. In that recognition, Congress amended the Federal Employee Pay Act to allow the Federal Government employees the choice of being compensated for overtime work with either money or time. Of course, in 1985—it took 40 years—the Congress gave this same choice to State and local employees, the ability of an employee to say, "I would like to have some time off; instead of being paid time and a half, how about time and a half off in the next pay period or at some time down the road."

Time can be more valuable than money, and certainly when it relates to our families that can be true. That has never been more true than it is today. Yet some Members of Congress continue to fight giving the same rights to private-sector employees. A Family Friendly Workplace Act would give hourly workers this same choice.

President Clinton recognized the benefits of flexible work schedules when he directed the use of flexible working arrangements for executive branch employees. On July 11 of 1994, the President of the United States, President Clinton, said, "Broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism." The President has clearly recognized the value of

flexible working arrangements with an Executive order. He states that the broad use—broad use, not narrow use—of these arrangements to allow workers to come to agreement with their employers is where we can find win-win situations—better for the worker, better for the employer.

What does he say is the consequence? Better balance of their work and family responsibilities—I underscore that; thank goodness the President believes in that and cares about it—and he says increased employee effectiveness and job satisfaction. Wait a second, here is job satisfaction and effectiveness, boosting productivity, and on the other hand we have a win-win situation for the employees, with better service for their family.

This is not the old antagonism of, "It can't be good for the employer unless it is bad for the employee," or saying, "It can't be good for the employee unless it is bad for the employer." No; this is an opportunity to move forward in labor policy as saying yes, let's make it good for the employee and also make it good for the employer; let's authorize people to cooperate and authorize them to act as a team and to improve their performance.

Unfortunately, though, private-sector employees are denied this same right. As I indicated before, salaried people have it; Government people have it, at the State and local level; the boardroom has it. But individuals working by the hour are a minority, frankly, of individuals working in America now. When you consider Government workers and salaried workers, you get individuals working by the hour. Our labor law of the 1930s prevents them from having this benefit. It makes illegal the opportunity of these individuals to collaborate, to confer with, to cooperate with their employers to be able to serve their families more effectively.

If everyone agrees that flexibility is good for Federal Government employees, for salaried workers, everybody appears to say it works for salaried people, for America's boardrooms, why is the group of hard-working Americans, the hourly-paid individuals, why are they being discriminated against? Why can't they have this? The laborers of this Nation—stock clerks, mechanics, factory workers, clerical workers, store clerks, baggage handlers, gas station attendants—the list goes on and on—people who actually serve America, who build America, who make it possible for this country to run, why is it that they are discriminated against by having a law prohibiting flexible working arrangements and prohibiting compensatory time arrangements?

Because Congress has decided that they cannot make these decisions for themselves; is that it? Is it that the Congress feels the backbone of the Nation doesn't have the requisite intellect to figure out whether they would be better served by time and a half off instead of time-and-a-half pay? That somehow these private sector workers who work by the hour are not as bright as the Government workers who work by the hour and therefore don't have the capacity to make these judgments? Surely that can't be the case. I know that it is not the case.

Frequently during my opportunity to return to my home State, I spend time working in jobs in a variety of settings. I have sacked groceries, I have sacked seed corn, I have worked to manufacture windows, I have worked in a whole variety of settings, and I have learned one thing—that the American people are bright people. They know whether they need time off. They know whether they would rather have time with their families or overtime pay, and they would, by far, appreciate the opportunity to be able to cooperate so that they could make that choice. The poll data on this issue bears that out. The American people do not believe that Government should prohibit them from making these kinds of decisions and choices. As a matter of fact, they think that big Government, which would prohibit that kind of awareness and activity, is sad and that it deprives them of their ability to serve their family.

Now the Family Friendly Workplace Act is an act that is designed to correct the inequity. It recognizes that hourly workers, the people who build America, should have the opportunity to cooperate with their employers to work out arrangements, to help those hourly workers find time to balance the demands of the family and the workplace. The legislation will drag the Fair Labor Standards Act into the realities of the working family of the 1990s instead of the 1930s.

The bill would permit the fair labor standards rigid 40-hour maximum workweek schedule to be modified only if consented to by the employee. This is important. There are those who say we can't really expect this to be a fair situation and this will be an abused situation. These provisions in the law that we are promoting in the Family Friendly Workplace Act will double the penalties that would normally come from overtime violations. They will strengthen the hands of the worker to be treated fairly. These will not provide a place where the worker is in jeopardy. They will provide an opportunity for the worker to make good decisions. I believe it is important for us to make sure that we have those protections.

Under the law as proposed, we have strengthened substantially any penalty for an abusive corporation, any penalty for an employer that says that the worker must work overtime and not be compensated. There are a number of safeguards. Let me say this, the law provides this is at the option of the worker. So if the worker says, "I would like to take time and a half off down the road, instead of having time-and-a-half pay, I would like to be able to do that," that gives the worker that option. But in order to protect the worker in that option, we have made it possible that any time after that decision is made the worker is eligible to change his or her mind. So immediately, the next week, 2 weeks later, or any time prior to taking the time and a half off, the worker is able to say, "Cash me out, I want the money." This is a little bit of a burden on the employer, because the employer can't count on not having to pay the money. The employer will have to maintain a readiness to cash it out if it is overtime that was worked for pay instead of work for compensatory time. But employers are willing to do this. Employers are also willing to provide this option because they want to help workers meet these needs.

So there is a safeguard in the bill that it gives the worker the right to cash it out at any time. It also provides that at the end of the year, if there is a great accumulation or if there is any accumulation of compensatory time, the time is cashed out so that the money is given. This is designed to make it so that there aren't inordinate opportunities or accumulations of compensatory time that are never paid off. As a matter of fact the company will have to pay at the end of every year, any unused compensatory time.

So you have the ability of the worker to cash in the compensatory time at any time. You have the requirement that the company pay off the compensatory time at the end of the year. You have elevated penalties—basically, double the normal penalties—in the event there is any abuse here. And I think you get the message that the Family Friendly Workplace Act is designed to be friendly to families but it is not designed to force families into any kind of a situation that they would not otherwise be involved in. They don't have to take overtime as time off. They can take overtime as pay, and that option enures to them any time prior to taking it as time off. Of course, you couldn't take the time off and then demand to be paid for it. Obviously, that would be inappropriate.

The most successful corporations in America reflect the new realities of American life. They are decentralized, flexible, they are nonhierarchical. Meanwhile, our workplace laws for the private sector are, unfortunately, stuck in a time warp of centralized, hierarchal, one size, so-called, fits all, and we found out that one size fits none. America understands that there isn't any single way things are done for everyone. We need flexibility. We need to be able to accommodate different appeals, different needs, different styles of living, kinds of living.

I think we need to be able to accommodate individuals in this respect. Congress has ignored the realities faced in the workplace and families too long. American workers need the Government to get out of the way so that Americans can work in partnership with and in cooperation with their employers, not just against their employers. That is what will characterize America in the next century, if we are successful.

Now, I believe it is essential that we act on flextime and comptime this year. The American people, at about 80 percent of the people, believe this is something we ought to do. This has been delayed over and over again. The Democrats delayed this benefit on a number of occasions last year, and today there were individuals from the other side of the floor saying how they want to debate, want to be able to bring amendments to the floor.

In our last effort to bring this to the floor, we brought it to the floor and those on the other side of the aisle would not bring any amendments. They would not allow us to go to a vote. They would not bring amendments. They would just talk because they were not interested in amendments. They were not interested in negotiations. There were no serious negotiations. They were just interested in stalling. They were just interested in filibustering. They were just interested in prohibiting the American people from having these kinds of flexible, working arrangements at the salaried-worker level. Now we know they can't stop them from having them at the hourly level. They can't stop them at the salaried-worker level. They already have those arrangements. We know Government workers have these arrangements already, too.

Today we heard a lot of speeches about how we need to debate openly and bring amendments to the floor, how we need to make sure that there is lots of discussion and we get votes on a variety of things. I think that is an important concept that I would like to see honored as it relates to this agenda for the American people. We are going to debate and act on flextime this year. I can indicate with a relatively high degree of confidence that this is a Senator who is going to do everything possible to make sure that we get that done. I think it is important, because it is an agenda that is important to the American people.

There will be those who talk about other ways to try and help the American people. I know last year they said what we really need is a different plan for more medical and family leave. The family and medical leave provisions in the law now which allow a worker to say to the employer, "I've got a sickness in the family and I'm going to take time to leave for that sickness," that allows a person to leave the workplace, but a person that leaves under family and medical leave law, when they leave, their pay stops.

So in order to be a good parent under the Family and Medical Leave Act, you have to take a pay cut. Any time you leave under that particular law, your pay terminates.

Now, what we are looking for, I think what is very important, is in the area of flextime and comptime people don't have to take a pay cut in order to be a good parent. They can meet the needs of the home place and leave the working place, because they have built up some comptime or they have flexible working arrangements and they don't have to take a pay cut to do it.

Now, it seems to me that there is a real problem in saying that the solution to the country's distress is making people take pay cuts in order to be a good mom or dad. Most of the time when you have both people in the work force, it is because they need the money. If you just read the Washington Post, I believe from this past Sunday, there is a big feature that indicates people have both breadwinners in the workplace because they can't make ends meet without both of them working there. And to tell them, if you want to be a good parent, you can just take a pay cut and do so under an expanded Family and Medical Leave approach is foolhardy.

Look what happens to people when they are involved in the Family and Medical Leave Act. Leave-takers, according to a Government study here—and this was a study that was populated by Members of the Senate and overseen by a variety of Government individuals—people lose wages when they take medical leave. Here is how they have to make up for what they have done:

28.1 percent of the people had to borrow money to make up for the wages they lost in medical leave. Well, let's not force them to do that. Let's give them the opportunity to have flexible working arrangements, to get some comptime built up, or to work flexible working hours.

10.4 percent of the people who took medical leave had to go on public assistance in order to make ends meet. I don't think that's the way we want to have people accommodate the needs of their families, by going on public assistance.

41.9 percent of the individuals who went on family and medical leave had to stop paying their bills because, in order to take leave, they had to stop getting their paychecks.

Now, it seems to me that we have a real choice here. Family and medical leave says if you want to serve your family, yes, you can take time off, but you have to lose your income, you have to take a pay cut when you take time off. But with the Family Friendly Workplace Act, with flexible and compensatory time available to individuals, you don't have to take a pay cut. You are able to build up some time by having compensatory time available, and when the time comes that you need to take some time off, you can do it without taking the pay cut. I think if it kept 28.1 percent of the people doing it from having to borrow money, or another 10.4 percent from going on welfare, or 41.9 percent from putting off bills, not paying their bills, when you put those numbers together, there is a tremendous group of individuals who find themselves severely stressed, borrowing money, going on welfare, not paying their bills. Those are the kinds of things we don't want to add, in terms of stress, to the American family.

If you said to people that in order to be a good mom or dad, you have to go on welfare, I think we would say that is an affront to the dignity of the American worker, that is an assault on the value of work, that is an assault on the character of what it means to be an American or to be productive. Or if we said that in order to be a good mom or dad and take some time off, you have to stiff your creditors 42 percent of the time, you have to stop paying your bills, the American people don't want to do that. They should not want to do that. Or that you have to go to a bank or a loan company to borrow money, run up your credit card debt, and pay outrageous interest in order to be able to accommodate a sick child or witness your child's participation in the school play.

The American people don't think they ought to have to take these kinds of pay cuts, borrow money, go on public assistance, or put off paying their bills. That is why, at an amazing rate, they indicate their preference is not to have this kind of mandated pay cut, but to have family-friendly workplace arrangements that allow hourly workers to have the same kind of benefits that salaried workers already have, that allow hourly workers to enjoy the same kind of benefits that are enjoyed by people in the boardroom, that allow hourly workers in the private sector to have the same kind of benefits that salaried workers in the private sector have and the same kind of benefits hourly workers have had in Government.

Comptime has been available at the Federal Government level since 1945. Comptime has been available for State and local governments since 1985. Flexible working arrangements have been available for individuals in the Federal Government since 1978. That is when we began the program. The President of the United States lauded the program officially and extended it by Executive order in the mid-1990s to Government workers, and it is time to say, wait a second, we really can't afford to have this second-class group of

citizens that we will call hourly workers in America. They are not the Government workers, they are not salaried workers, and they are not boardroom workers; they are just hourly workers. We can't afford to give them a lower standard. We should not be saying to them: You can't have the same kind of benefit for a win-win situation. You can't cooperate with your employer. You can't make it possible for your family to endure some of the struggles you endure without going into debt, on welfare, or not paying your creditors. We don't want you to have that kind of potential.

I think we ought to extend the potential of family-friendly, flexible workplace opportunities, including comptime, to all the families of America. As I indicated earlier, this is not the first time this subject has been debated in the U.S. Congress. This subject has been debated on a couple of occasions. But in no circumstance have individuals on the other side of the aisle been willing to go to a vote in this matter. While earlier today there was quite a discussion about the need to go to a vote and to have amendments, when this issue was brought up previously, there was not a single individual who brought an amendment to the floor to add to this legislation. For days, we talked about this legislation, but no one would bring an amendment. It wasn't because there was an agreement with the legislation; it was merely a way to try to keep us from voting, which they were successful in doing, by stonewalling. Now, the American working people should not be stonewalled. The working arrangements of the 1930s simply do not fit the families of the 1990s. We have in many, many families both parents in the workplace, and we need the flexibility to get the job done well.

Here is a letter from a security guard who occasionally gets overtime:

> The federal government should do everything it can to promote family life, particularly since both parents typically work in today's world.
>
> Given the choice, which the Family Friendly Workplace Act allows, parents would have the ability to be with their kids on occasions when current guidelines prohibit. In my case, my job as a security guard occasionally calls for overtime. Under this legislation, I would be allowed the choice to receive pay or to be more involved in coaching, attending school events and other general activities my kids are involved with.
>
> Our government serves people in many ways, but there is no better way to serve than building strong families, which the Family Friendly Workplace Act obviously seeks to accomplish.

There is a security guard that I think feels capable of making judgments about whether or not he wants to be paid for all of his overtime, or whether he would like to be able to opt to have some time off. I am just delighted that there are moms and dads in America that would like to be more involved in coaching, attending school events, and other general activities with kids. Yet, our Government is keeping that from happening.

Here is a letter from a 29-year-old working mother:

> I am a 29 year old working mother. I have a two-year-old daughter and am pregnant and due. . . .
>
> I recently heard about your Family Friendly Workplace Act. Under the current law, the law firm in which I am employed does not allow me to have a flexible work schedule.

No wonder it doesn't; the law doesn't allow it.

> In my current condition, I need to be able to take off for doctor appointments. Due to the fact that I have a complication in my pregnancy, I have more appointments than average. If I was able to take time in one week and work more the next, it would be very helpful to me and other mothers. . .
>
> My two-year-old daughter is healthy, but there are some days when she needs extra attention and some days that she is sick. Some days she is just two!

Those of us who are parents are familiar with kids that are "just two."

> If I was able to take the time I needed for some mornings and make it up the next week, it would make my life much easier.

Well, these letters are just a few. As we debate these issues during this session and over the next few days or as we approach voting on this particular measure, I would just say that it is fundamentally important for us to recognize the need to provide America's working families with the same kind of advantage, with flexible time, which American families that work for Government have. If it's good enough for Government workers, it is good enough for private workers. If Government workers are smart enough to know when they want comptime as compared to pay and are able to figure that out and when they would like to be able to rearrange their schedules to be involved with their children, I firmly believe that private workers have the same kind of intelligence and capacity. I think it is incumbent upon those of us in Government to make sure that we begin to legislate policy which is consistent with the principles of America and the principle of strong families, which is one we ought to be careful to understand and reinforce.

So I think we are going to have a great opportunity in this session. I expect that it will be a great opportunity as we legislate in this particular matter. We are going to have the opportunity to provide flextime and comptime to America's private-sector hourly workers. It is a privilege that is understood by the salaried workers in the private sector, understood by both the hourly and salaried workers in Government. Flextime is understood by people in the Federal Government system. Comptime is understood by, and enjoyed by, people in government systems everywhere, State, local and Federal.

We have delayed this benefit package for too many days. I say "we," and I have done that to label the U.S. Senate. But the delay has come from the other side of the aisle. No amendments were offered when we brought this up before, but no vote was allowed. It's time that we have serious amendments, serious negotiations, and that we seriously embark upon providing the people of this country with this opportunity to serve their families.

Today's speeches about how we need to debate openly and bring amendments on a family-friendly agenda could not be more on point. So let's have the debate, let's have the family-friendly agenda, let's have those amendments as it relates to the opportunity for hourly workers in the private sector to be able to spend time with their families as a result of voluntary agreements with their employers, to have flexible working arrangements and compensatory time arrangements similar to those of salaried workers and similar to those of Government workers.

We are going to debate and act on flextime and comptime this year. I look forward to the debate very much. I am grateful for the opportunity to submit this amendment in this respect.

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

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

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENT OF CONFEREES—H.R. 2472

The PRESIDING OFFICER. Pursuant to the order of February 12, 1998, the Chair appoints the following conferees to H.R. 2472.

The Chair appointed Mr. MURKOWSKI, Mr. NICKLES, Mr. CRAIG, Mr. THOMAS, Mr. BUMPERS, Mr. BINGAMAN, and Mr. AKAKA conferees on the part of the Senate.

MORNING BUSINESS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 20, 1998, the federal debt stood at $5,538,571,184,190.64 (Five trillion, five

hundred thirty-eight billion, five hundred seventy-one million, one hundred eighty-four thousand, one hundred ninety dollars and sixty-four cents).

One year ago, March 20, 1997, the federal debt stood at $5,369,250,000,000 (Five trillion, three hundred sixty-nine billion, two hundred fifty million).

Twenty-five years ago, March 20, 1973, the federal debt stood at $456,695,000,000 (Four hundred fifty-six billion, six hundred ninety-five million) which reflects a debt increase of more than $5 trillion—$5,081,876,184,190.64 (Five trillion, eighty-one billion, eight hundred seventy-six million, one hundred eighty-four thousand, one hundred ninety dollars and sixty-four cents) during the past 25 years.

MUHAMMAD ALI—ATHLETE OF THE CENTURY

Mr. HATCH. Mr. President, I am delighted that my dear friend Muhammad Ali has been named by Gentlemen's Quarterly as Athlete of the Century.

We have had many noteworthy athletes in this century—the century that has brought us modern sport. Excellence has been personified by such sports heroes as Lou Gehrig, Babe Didrickson Zaharias, Bobby Orr, Walter Payton, and Michael Jordan. But, to my mind, though this company is clearly outstanding, GQ made the obvious choice.

Muhammad Ali's road to sports immortality began on January 17, 1942, in Louisville, Kentucky. Introduced to boxing at the age of 12, Ali won National AAU and Golden Gloves titles. He brought home the Olympic gold medal from Rome in 1960.

After turning professional, he stunned the sports world by defeating the also great boxer Sonny Liston in 1964. His victories over such accomplished opponents as Liston, Floyd Patterson, Ernie Terrell, Joe Frazier, George Foreman, and Ken Norton make him, in my mind, the greatest boxer of all time.

But Ali's greatness goes beyond his physical strength and athleticism. In 1964, he converted to the religion of Islam, adopting a set of beliefs for which he would sacrifice a great deal. In 1967, at the height of his career, he was convicted of draft evasion and stripped of his heavyweight title. For a period of three years, Ali was shunned by the boxing world and vilified by many who had previously hailed him.

The conviction was eventually overturned by the United States Supreme Court, and Ali turned to the ring in 1970 and took on Joe Frazier in the "Fight of the Century." This bout, between the only two undefeated fighters, resulted Ali's ascension as the undisputed heavyweight champion of the world. Ali brought speed and grace to the world of boxing, demonstrating how to "flit like a butterfly and sting like a bee."

Ali held this title until 1978 when he lost a hard fought bout to Leon Spinks in 15 rounds on points. But, just seven months later, he dethroned Spinks and recaptured the title for an unprecedented third time.

I have come to admire Ali, however, not just for his unparalleled skill in the boxing ring, but also for his faith and his humanity.

Ali has traveled the world on humanitarian missions. And he has given most unselfishly, particularly to young people. During his recent visit to Utah he was never without a gaggle of kids surrounding him. Even though the effects of Parkinson's disease have made speech difficult, he really does not need to talk to communicate. He exudes kindness and friendship.

I am honored to count Ali and his wonderful wife Lonnie among my friends. I commend the writers and editors at GQ for selecting Ali for this very significant distinction. No one deserves it more. He's the greatest.

SUCCESS OF IMMIGRANT CHILDREN

Mr. KENNEDY. Mr. President, according to a recent study by sociologists at Michigan State University, and Princeton University, one of the great contributions of immigrants to America, in addition to their own skills and hard work, is the values they instill in their children—respect for hard work, doing well in school, succeeding against the odds, loving their families and their cultures, and an abiding belief that the United States is the best country in the world.

Contrary to many of the myths about immigrants, this study concludes that the vast majority of immigrant children learn English. Nine out of 10 speak their native languages at home, but 88 percent preferred English by the time they completed high school.

This study is also significant because it does not gloss over the challenges that many immigrant families face along the way. The study reminds us that immigrant children struggle against discrimination and anti-immigrant attitudes and policies. The study found that as a result of attacks on immigrants in public policy in recent years, children of immigrants were less likely to regard themselves as "Americans" and more likely to regard themselves as members of their ethnic groups. This kind of polarization could have profound consequences for our society in the future, and we need to be vigilant against it.

Mr. President, I ask unanimous consent that a March 21 article in the New York Times on this study may be printed in the RECORD.

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

[From the New York Times, Mar. 21, 1998]

BEST STUDENTS ARE IMMIGRANTS' CHILDREN, STUDY SAYS

(By Celia W. Dugger)

A multiyear survey that is the largest ever of the children of immigrants—who now account for almost one in five American children—found that they overwhelmingly prefer English to their parents' native tongues and have higher grades and steeply lower school dropout rates than other American children.

While a majority of those surveyed, who were predominantly Hispanic, Asian and black children, said they had personally experienced discrimination, an even larger majority of them said they still believed that the United States is the best country in the world to live in. The youths were adolescent.

The lead researchers on the study describe these findings as reassuring indications that the children of immigrants are unlikely to form a new multiethnic underclass, as some experts fear, cut off from the mainstream by academic failure and an inability to speak English.

But the researchers also say it is still an open question how well these young people will do in college and the job market, a caution shared by other experts.

The researchers said that the survey brought into sharp relief the extraordinary diversity of the children of immigrants, not only by national origin, but by social class. It reaches from the young of Chinese and Indian couples from highly educated, upper-middle-class backgrounds to Mexicans and Dominicans from the humblest origins.

"What can certainly be predicted now is that the destinies of these youth will diverge," said Professor Ruben Rumbaut, a sociologist at Michigan State University. "Some will go up and some will go down."

The survey, which shows that the children of immigrants outperform their American peers and that those from more advantaged backgrounds do better than poorer children, will inevitably become fodder for the larger debate about the United States' immigration policy.

Supporters of the current high levels of immigration will cite the achievements of these young people, while critics may find reinforcement for their view that national policy should be titled to favor more highly skilled and educated immigrants.

The research team, led by Rumbaut and Professor Alejandro Portes, a sociologist at Princeton University, first interviewed 5,200 youngsters in Southern California and South Florida in 1992 when the youths were in the eighth or ninth grades, and then tracked down 82 percent of them for a second interview in 1995 and 1996 when most of them were high school seniors.

This fall, another team of sociologists will begin a large-scale survey of the grown children of immigrants in New York City and its suburbs, focusing on adults 18 to 32 years old, rather than adolescents.

The number of children who are either immigrants or the American-born offspring of immigrants grew to 13.7 million last year, from 8 million in 1990, making them the fastest-growing segment of the U.S. population under the age of 18, according to a new analysis of census data by Rumbaut.

The $1 million survey of the children of immigrants was financed by the Russell Sage, Andrew W. Mellon, Spencer and National Science Foundations. The researchers provided their findings to The New York Times.

Among the most striking findings of the bicoastal survey of children from San Diego and Dade and Broward counties in South

Florida have to do with the contentious issue of language. While nine out of 10 of the youths surveyed spoke a language other than English at home, almost exactly the same proportion, 88 percent, preferred English by the end of high school.

Rumbaut wrote, "The findings suggest that the linguistic outcomes for the third generation—the grandchildren of the current wave of immigrants—will be no different than what has been the age-old pattern in American history: The grandchildren may learn a few foreign words and phrases as a quaint vestige of their ancestry, but they will most likely grow up speaking English only."

And the professor also pointed to the ascendancy of English as evidence of the irrelevance of a California ballot initiative that could end bilingual education, which has been depicted as an impediment to the acquisition of English. "English is triumphing with breathtaking rapidity," he said.

The study presents a generally upbeat portrayal of the children of immigrants as ambitious, hopeful and resilient in the face of discrimination.

In San Diego, the children of immigrants had better grades than their American peers in every grade. The gap narrowed over time, largely because the poorly performing children of immigrants were more likely to stay in school than their peers who were not the children of immigrants, the researchers say. In South Florida, the school districts were unable to provide the researchers with grade-point averages for the district as a whole.

But when the researchers analyzed how the children of immigrants were faring by national origin, they found that levels of scholastic success diverged sharply. Generally, the children whose immigrant parents had better educations and jobs and who came from stable, two-parent families were predictably more successful, with a few startling exceptions.

The children of Chinese, Indian, Japanese and Korean parents had the highest grade-point averages, A's and B's. English-speaking West Indians had lower grades, C's and C-pluses. Latin American and Haitian youths performed most poorly, with averages that were slightly higher or lower than a C.

But a few groups defied what would have been expected based on their socioeconomic status. The children of Southeast Asian refugees, who came from the most impoverished backgrounds and whose parents were among the least educated, were also among the least likely to drop out of school and had above-average grades. They did it by studying for longer hours and watching less television than many of the other children of immigrants, the study found.

And the children of Cuban immigrants, who were from average to above-average socioeconomic backgrounds, had the highest dropout rates and among the lowest grades (an average of C or C-plus), the survey reported. The Cuban children, who belonged to the dominant group in metropolitan Miami faced less discrimination than any other group in the survey, the researchers said.

The children of Cubans did worse academically than the children of Mexicans, who are one of the poorest and by far the largest immigrant group in the United States.

The findings about Cubans were among the survey's most startling to Rumbaut and Portes and their colleague, Lisandro Perez, director of the Cuban Research Center at Florida International University, who are all Cuban immigrants themselves.

Portes had earlier hypothesized that Cuban youths would use their economically powerful ethnic enclave as a springboard to higher education and the middle class, much as Eastern European Jews did in an earlier wave of immigration.

"As it turns out, the enclave may not be a springboard," Perez said, "but a cushy net that means you don't have to depend exclusively on education for a job. It may be that Cubans are right, and will do better going to work at an uncle's factory in Hialeah. We're not certain how it will translate economically."

The survey also found some intriguing changes in the way the children of immigrants identified themselves, possibly reflecting their altered relationship to the rest of American society or perhaps just adolescent rebelliousness.

When the youths were first interviewed, more than half labeled themselves as hyphenated Americans or as plain Americans. That sounded like old-fashioned assimilation and it might have been expected that, three years later, even more of the youths would have chosen an American identity.

But the results of the second interview, conducted in the months after California's passage of Proposition 187, the initiative that called for restricting social and educational benefits to illegal immigrants, turned those expectations on their head.

Only a third of the youths in Southern California picked an American identity the second time around, while almost half identified themselves by their national identity, especially youths of Mexican and Filipino descent, who belong to the two largest immigrant groups in the United States.

The researchers interpreted the change as part of a backlash among these youth against what they perceived as immigrant bashing that surfaced in the campaign for Proposition 187.

In South Florida the pattern was different, but equally striking. The proportion identifying themselves by some kind of American label dropped to about a third, while those who chose ethnic identities such as Hispanic or black doubled to 38 percent, mainly among Latin Americans and Jamaicans.

The more militant, nationalistic identities assumed by Mexicans and Filipinos in California, and the minority-groups identities chosen in Florida, reflected the youths' rising awareness "of the ethnic and racial categories in which they were persistently classified by mainstream society, Rumbaut wrote.

In one of the more troubling findings of the study, the young people who identified themselves by ethnic identities like Chicano or Latino in junior high had lower grades and somewhat higher dropout rates than the other children studied. This finding lends support to analysts who have suggested that children of immigrants who come to identify with American minorities may take on "oppositional" identities and see doing well in school as "acting white."

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT—PM 114

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of September 24, 1997, concerning the national emergency with respect to Angola that was declared in Executive Order 12865 of September 26, 1993. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c).

On September 26, 1993, I declared a national emergency with respect to the National Union for the Total Independence of Angola ("UNITA"), invoking the authority, *inter alia*, of the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) and the United Nations Participation Act of 1945 (22 U.S.C. 287c). Consistent with United Nations Security Council Resolution ("UNSCR") 864, dated September 15, 1993, the order prohibited the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to the territory of Angola other than through designated points of entry. The order also prohibited such sale or supply to UNITA. United States persons are prohibited from activities that promote or are calculated to promote such sales or supplies, or from attempted violations, or from evasion or avoidance or transactions that have the purpose of evasion or avoidance, of the stated prohibitions. The order authorized the Secretary of the Treasury, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as might be necessary to carry out the purposes of the order.

1. On December 10, 1993, the Department of the Treasury's Office of Foreign Assets Control (OFAC) issued the UNITA (Angola) Sanctions Regulations (the "Regulations") (58 *Fed. Reg.* 64904) to implement the imposition of sanctions against UNITA. The Regulations prohibit the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles, equipment and spare parts, and petroleum and petroleum products to UNITA or to the territory of Angola other than through designated points. United States persons are also prohibited from activities that promote or are calculated to promote such sales or supplies to UNITA or Angola, or from any transaction by any United States persons that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in the Executive order. Also prohibited are transactions by

United States persons, or involving the use of U.S.-registered vessels or aircraft, relating to transportation to Angola or UNITA of goods the exportation of which is prohibited.

The Government of Angola has designated the following points of entry as points in Angola to which the articles otherwise prohibited by the Regulations may be shipped: *Airports:* Luanda and Katumbela, Benguela Province; *Ports:* Luanda and Lobito, Benguela Province; and Namibe, Namibe Province; and *Entry Points:* Malongo, Cabinda Province. Although no specific license is required by the Department of the Treasury for shipments to these designated points of entry (unless the item is destined for UNITA), any such exports remain subject to the licensing requirements of the Departments of State and/or Commerce.

2. On August 28, 1997, the United Nations Security Council adopted UNSCR 1127, expressing its grave concern at the serious difficulties in the peace process, demanding that the Government of Angola and in particular UNITA comply fully and completely with those obligations, and imposing additional sanctions against UNITA. Subsequently, the Security Council adopted UNSCR 1130 postponing the effective date of measures specified by UNSCR 1127 until 12:01 a.m., eastern standard time, October 30, 1997, at which time they went into effect.

On December 12, 1997, I issued Executive Order 13069 to implement in the United States the provisions of UNSCRs 1127 and 1130 (62 *Fed. Reg.* 65989, December 16, 1997). Executive Order 13069 prohibits (a) the sale, supply, or making available in any form, by United States persons or from the United States or using U.S.-registered vessels or aircraft, of any aircraft or aircraft components, regardless of origin; (i) to UNITA; (ii) to the territory of Angola other than through a specified point of entry; (b) the insurance, engineering, or servicing by United States persons or from the United States of any aircraft owned or controlled by UNITA; (c) the granting of permission to any aircraft to take off from, land in, or overfly the United States if the aircraft, as part of the same flight or as a continuation of that flight, is destined to land in or has taken off from a place in the territory of Angola other than a specified point of entry; (d) the provision or making available by United States persons or from the United States of engineering and maintenance servicing, the certification of airworthiness, the payment of new claims against existing insurance contracts, or the provision, renewal, or making available of direct insurance with respect to (i) any aircraft registered in Angola other than those specified by the Secretary of the Treasury, in consultation with the Secretary of State, and other appropriate agencies; (ii) any aircraft that entered the territory of Angola other than through a specified point of entry; (e) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order. Specific licenses may be issued on a case-by-case basis authorizing, as appropriate, medical emergency flights or flights of aircraft carrying food, medicine, or supplies for essential humanitarian needs. Executive Order 13069 became effective at 12:01 a.m., eastern standard time, December 15, 1997.

There have been no amendments to the Regulations since my report of September 24, 1997.

3. On December 31, 1997, OFAC issued an order to the Center for Democracy in Angola ("CEDA" or "CDA") to immediately close its offices in the United States as required by Executive Order 13069. The CEDA responded that it had closed its only U.S. office, located in Washington, D.C., in compliance with Executive Order 13069.

The OFAC has worked closely with the U.S. financial and exporting communities to assure a heightened awareness of the sanctions against UNITA—through the dissemination of publications, seminars, and a variety of media, including via the Internet, Fax-on-Demand, special fliers, and computer bulletin board information initiated by OFAC and posted through the U.S. Department of Commerce and the U.S. Government Printing Office. There have been no license applications under the program since my last report.

4. The expenses incurred by the Federal Government in the 6-month period from September 26, 1997, through March 25, 1998, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to UNITA are about $80,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel) and the Department of State (particularly the Office of Southern African Affairs).

I will continue to report periodically to the Congress on significant developments, pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 1998.*

REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY FOR FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 115

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by the provisions of section 504(h) of Public Law 98–164, as amended (22 U.S.C. 4413(i)), I transmit herewith the 14th Annual Report of the National Endowment for Democracy, which covers fiscal year 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 23, 1998.*

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–4121. A communication from the Program Manager of Pentagon Renovation, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to cost estimates; to the Committee on Appropriations.

EC–4122. A communication from the Architect of the Capitol, transmitting, pursuant to law, the report of all expenditures from April 1 through September 30, 1997; to the Committee on Appropriations.

EC–4123. A communication from the Acting Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to Gulf War veterans; to the Committee on Armed Services.

EC–4124. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule relative to restructuring costs received on February 12, 1998; to the Committee on Armed Services.

EC–4125. A communication from the Office of Acquisition and Technology, Under Secretary of Defense, transmitting, pursuant to law, the report entitled "Restructuring Cost Associated With Business Combinations"; to the Committee on Armed Services.

EC–4126. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of thirty-one rules received on February 25, 1998; to the Committee on Armed Services.

EC–4127. A communication from the Office of the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to federally funded research and development centers; to the Committee on Armed Services.

EC–4128. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a notice relative to the Defense Manpower Requirements Report; to the Committee on Armed Services.

EC–4129. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the report of commercial activities for fiscal year 1997; to the Committee on Armed Services.

EC–4130. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Armed Services.

EC–4131. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1998; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, and to the Committee on Indian Affairs.

EC–4132. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of 60 recommendations for legislative action; to the Committee on Rules and Administration.

EC–4133. 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 legislations within seven days of enactment; to the Committee on the Budget.

EC–4134. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule received on March 12, 1998; to the Committee on Indian Affairs.

EC–4135. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Indian Affairs.

EC–4136. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, the report of the initiation of a multi-function cost comparison; to the Committee on Armed Services.

EC–4137. A communication from the Acting Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "The Servicemembers' and Veterans' Group Life Insurance Accelerated Death Benefits Act"; to the Committee on Veterans' Affairs.

EC–4138. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to veterans, Reservists, and National Guard members; to the Committee on Veterans' Affairs.

EC–4139. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, the reports of three rules; to the Committee on Veterans' Affairs.

EC–4140. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4141. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–4142. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report of a Presidential Determination relative to Cambodia; to the Committee on Foreign Relations.

EC–4143. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Chinasat-8 satellite program; to the Committee on Foreign Relations.

EC–4144. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of thirty-nine rules received on March 20, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4145. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report relative to Economic Support Funds; to the Committee on Foreign Relations.

EC–4146. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Foreign Relations.

EC–4147. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report entitled "International Narcotics Control Strategy"; to the Committee on Foreign Relations.

EC–4148. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of fifteen notices of the proposed issuances of export licenses; to the Committee on Foreign Relations.

EC–4149. A communication from the Chairman of the National Committee on Vital and Health Statistics, transmitting, pursuant to law, a report relative to health data; to the Committee on Labor and Human Resources.

EC–4150. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation entitled "The National Science Foundation Authorization Act for Fiscal Years 1999 and 2000"; to the Committee on Labor and Human Resources.

EC–4151. A communication from the Director the National Science Foundation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Labor and Human Resources.

EC–4152. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report of the justification of budget estimates for fiscal year 1999; to the Committee on Labor and Human Resources.

EC–4153. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Labor and Human Resources.

EC–4154. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Labor and Human Resources.

EC–4155. A communication from the Assistant Secretary of Labor for Mine Safety and Health Administration, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Labor and Human Resources.

EC–4156. A communication from the Assistant Secretary of Health and Human Services for Children and Families, transmitting, pursuant to law, the report of a rule received on March 17, 1998; to the Committee on Labor and Human Resources.

EC–4157. A communication from the Assistant Secretary of Labor for Occupational Safety and Health, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Labor and Human Resources.

EC–4158. A communication from the Secretary of Education, transmitting, a draft of proposed legislation relative to the reauthorization of the Higher Education Act of 1965; to the Committee on Labor and Human Resources.

EC–4159. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Prescription Drug User Fee Act of 1992; to the Committee on Labor and Human Resources.

EC–4160. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Institutes of Health Loan Repayment Program For Research Generally; to the Committee on Labor and Human Resources.

EC–4161. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Labor and Human Resources.

EC–4162. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Food and Drug Administration User Fee Act of 1998"; to the Committee on Labor and Human Resources.

EC–4163. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the reports of three rules; to the Committee on Labor and Human Resources.

EC–4164. A communication from the Acting Director of Regulations Policy and Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the reports of eleven rules; to the Committee on Labor and Human Resources.

EC–4165. A communication from the Acting Assistant Secretary of Labor for Employment and Training, transmitting, pursuant to law, the reports of two rules; to the Committee on Labor and Human Resources.

EC–4166. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–4167. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Energy and Natural Resources.

EC–4168. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of financial statements of the Colorado River Basin Project for fiscal year 1996; to the Committee on Energy and Natural Resources.

EC–4169. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Energy and Natural Resources.

EC–4170. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Performance Profiles of Major Energy Producers 1996"; to the Committee on Energy and Natural Resources.

EC–4171. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Formerly Utilized Sites Remedial Action Program; to the Committee on Energy and Natural Resources.

EC–4172. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to advanced automotive technologies; to the Committee on Energy and Natural Resources.

EC–4173. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation relative to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC–4174. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation to amend the National Trails System Act; to the Committee on Energy and Natural Resources.

EC–4175. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Keweenaw National Historical Park; to the Committee on Energy and Natural Resources.

EC–4176. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Adams National Historical Park; to the Committee on Energy and Natural Resources.

EC–4177. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Fort Matanzas National Monument; to the Committee on Energy and Natural Resources.

EC–4178. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Lake Chelan National Recreation Area; to the Committee on Energy and Natural Resources.

EC–4179. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the Saint-Gaudens National Historic Site; to the Committee on Energy and Natural Resources.

EC–4180. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, a draft of proposed legislation relative to the U.S. Park Police; to the Committee on Energy and Natural Resources.

EC–4181. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of a rule received on March 16, 1998; to the Committee on Energy and Natural Resources.

EC–4182. A communication from the Director of the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the reports of six rules; to the Committee on Energy and Natural Resources.

EC–4183. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the reports of six rules; to the Committee on Energy and Natural Resources.

EC–4184. A communication from the Attorney-Advisor, U.S. Trade and Development Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4185. A communication from the Marshall of the Supreme Court of the United States, transmitting, pursuant to law, the annual report for the period February 15, 1997 through February 15, 1998; to the Committee on the Judiciary.

EC–4186. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on the Judiciary.

EC–4187. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a draft of proposed legislation relative to the conversion and extension of certain temporary judgeship positions; to the Committee on the Judiciary.

EC–4188. A communication from the Chairman of the Board of U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, the annual report of program activities for calendar year 1997; to the Committee on the Judiciary.

EC–4189. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, a report of the Defense Office of Hearings and Appeals Claims Appeals Board; to the Committee on the Judiciary.

EC–4190. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4191. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, a draft of proposed legislation entitled "The Money Laundering Act of 1998"; to the Committee on the Judiciary.

EC–4192. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the reports of seven rules; to the Committee on the Judiciary.

EC–4193. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the reports of two rules; to the Committee on the Judiciary.

EC–4194. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4195. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4196. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4197. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4198. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report from the Federal Open Market Committee under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4199. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4200. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4201. A communication from the General Counsel of the National Science Foundation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4202. A communication from the Executive Director of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4203. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4204. A communication from the Director of Selective Service, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4205. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4206. A communication from the Agency Freedom of Information Officer, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4207. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4208. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4209. A communication from the Archivist of the United States, transmitting, pursuant to law, the report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–4210. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4211. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4212. A communication from the Commissioner of Social Security, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4213. A communication from the Chairman of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4214. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4215. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4216. A communication from the Office of Communications, Department of Agriculture, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4217. A communication from the Chairman of the U.S. International Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4218. A communication from the Chairman of the U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4219. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4220. A communication from the Assistant Secretary of Energy for Human Resources and Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4221. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4222. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4223. A communication from the Deputy Assistant Secretary of the Interior for the Budget and Finance, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4224. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4225. A communication from the Office of the Secretariat, U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4226. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4227. A communication from the Acting Special Counsel of the U.S. Office of Special Counsel, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4228. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for the period January 1 through September 30, 1997; to the Committee on the Judiciary.

EC–4229. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the 1998 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4230. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the 1998 compensation plan; to the Committee on Banking, Housing, and Urban Affairs.

EC–4231. A communication from the Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, the report of a rule received on March 19, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4232. A communication from the Deputy Director for Policy and Programs, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4233. A communication from the Acting Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of the strategic plan for fiscal years 1998 through 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–4234. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4235. A communication from the Director of the Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4236. A communication from the Secretary of the Treasury, transmitting, a draft of proposed legislation entitled "The Financial Contract Netting Improvement Act of 1998"; to the Committee on Banking, Housing, and Urban Affairs.

EC–4237. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–4238. A communication from the Secretary of Housing and Urban Development, transmitting, a draft of proposed legislation entitled "The HUD 2020 Program Repeal and Streamlining Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–4239. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of the monetary policy; to the Committee on Banking, Housing, and Urban Affairs.

EC–4240. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4241. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to tied aid credits; to the Committee on Banking, Housing, and Urban Affairs.

EC–4242. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–4243. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4244. A communication from the Secretary of the Board of the National Credit Union Administration, transmitting, pursuant to law, the reports of two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4245. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the reports of eighty-two rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4246. A communication from the Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the reports of five rules; to the Committee on Banking, Housing, and Urban Affairs.

EC–4247. A communication from the Commissioner of Social Security, transmitting, the fiscal year 1999 budget request; to the Committee on Finance.

EC–4248. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule received on March 3, 1998; to the Committee on Finance.

EC–4249. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "The Medicare Administrative Improvement Amendments of 1998"; to the Committee on Finance.

EC–4250. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Development of Resource-Based Practice Expense Relative Value Units"; to the Committee on Finance.

EC–4251. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report regarding

the administration of the Maternal and Child Health program for fiscal years 1994 and 1995; to the Committee on Finance.

EC–4252. A communication from the Chair of the Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled "Medicare Payment Policy"; to the Committee on Finance.

EC–4253. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Finance.

EC–4254. A communication from the Regulatory Policy Officer of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the reports of two rules; to the Committee on Finance.

EC–4255. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 98:18; to the Committee on Finance.

EC–4256. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Rulings 98:10–12 and 98:15–18; to the Committee on Finance.

EC–4257. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Notices 98:17, 19–20; to the Committee on Finance.

EC–4258. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of Revenue Procedures 98:24–25; to the Committee on Finance.

EC–4259. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on February 25, 1998; to the Committee on Finance.

EC–4260. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports of three Treasury Regulations; to the Committee on Finance.

EC–4261. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the reports of six rules; to the Committee on Finance.

EC–4262. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Governmental Affairs.

EC–4263. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule received on February 19, 1998; to the Committee on Governmental Affairs.

EC–4264. A communication from the Director of the U.S. Office of Government Ethics, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Governmental Affairs.

EC–4265. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, six additions to the procurement list received on March 10, 1998; to the Committee on Governmental Affairs.

EC–4266. A communication from the Assistant Attorney General for Administration, transmitting, pursuant to law, the report of a rule received on February 23, 1998; to the Committee on Governmental Affairs.

EC–4267. A communication from the Director of the Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls in effect during fiscal year 1997; to the Committee on Governmental Affairs.

EC–4268. A communication from the Director of the Federal Mediation and Conciliation Service, U.S. Government, transmitting, pursuant to law, the report of the Office of Inspector General for fiscal year 1996; to the Committee on Governmental Affairs.

EC–4269. A communication from the Acting Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the report under the Chief Financial Officers Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4270. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to surplus real property; to the Committee on Governmental Affairs.

EC–4271. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a report relative to three personnel management demonstration projects; to the Committee on Governmental Affairs.

EC–4272. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports for January 1998; to the Committee on Governmental Affairs.

EC–4273. A communication from the Acting Administrator of the Office of Federal Procurement Policy, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Electronic Commerce for Buyers and Sellers"; to the Committee on Governmental Affairs.

EC–4274. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Audit of the Public Service Commission's Agency Fund for Fiscal Years 1995 and 1996"; to the Committee on Governmental Affairs.

EC–4275. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report entitled "Foreign Capital City Governance"; to the Committee on Governmental Affairs.

EC–4276. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, a report entitled "District of Columbia Medical Liability Reform"; to the Committee on Governmental Affairs.

EC–4277. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistant Authority, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Governmental Affairs.

EC–4278. A communication from the Inspector General of the Department of Transportation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Governmental Affairs.

EC–4279. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1998 through 2002; to the Committee on Governmental Affairs.

EC–4280. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the reports of two reports; to the Committee on Governmental Affairs.

EC–4281. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Governmental Affairs.

EC–4282. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "The Changing Federal Workplace: Employee Perspectives"; to the Committee on Governmental Affairs.

EC–4283. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4284. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4285. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1997; to the Committee on Governmental Affairs.

EC–4286. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–254 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4287. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–257 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4288. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–256 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4289. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–259 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4290. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–260 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4291. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–261 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4292. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–262 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4293. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–263 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4294. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–264 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4295. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–265 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4296. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–266 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–267 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4298. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–268 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4299. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–270 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4300. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–271 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4301. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–272 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4302. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–273 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4303. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–276 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4304. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–277 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4305. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–278 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4306. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–279 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4307. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–280 adopted by the Council on January 6, 1998; to the Committee on Governmental Affairs.

EC–4308. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–283 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4309. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–284 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4310. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–285 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4311. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–286 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4312. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–287 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4313. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–288 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4314. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–300 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4315. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12–301 adopted by the Council on February 3, 1998; to the Committee on Governmental Affairs.

EC–4316. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

EC–4317. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report on reimbursement of contractor environmental response action costs; to the Committee on Environment and Public Works.

EC–4318. A communication from the President of the John F. Kennedy Center for the Performing Arts, transmitting, a draft of proposed legislation to authorize appropriations; to the Committee on Environment and Public Works.

EC–4319. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Impact of Increased Speed Limits in the Post-NMSL Era"; to the Committee on Environment and Public Works.

EC–4320. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "1997 Status of the Nation's Surface Transportation System: Condition and Performance"; to the Committee on Environment and Public Works.

EC–4321. A communication from the Administrator of the U.S. General Services Administration, transmitting, pursuant to law, the report of the activities required by the Architectural Barriers Act; to the Committee on Environment and Public Works.

EC–4322. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled "Nuclear Safety Research"; to the Committee on Environment and Public Works.

EC–4323. A communication from the Chairman of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Environment and Public Works.

EC–4324. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the reports of two rules; to the Committee on Environment and Public Works.

EC–4325. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the reports of two rules; to the Committee on Environment and Public Works.

EC–4326. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the reports of three rules; to the Committee on Environment and Public Works.

EC–4327. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of the study of hazardous air pollutant emissions from electric utility steam generating units; to the Committee on Environment and Public Works.

EC–4328. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on February 19, 1998; to the Committee on Environment and Public Works.

EC–4329. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of seven rules received on February 23, 1998; to the Committee on Environment and Public Works.

EC–4330. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 24, 1998; to the Committee on Environment and Public Works.

EC–4331. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of five rules received on February 25, 1998; to the Committee on Environment and Public Works.

EC–4332. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of four rules received on February 26, 1998; to the Committee on Environment and Public Works.

EC–4333. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of two rules received on March 3, 1998; to the Committee on Environment and Public Works.

EC–4334. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to

law, the reports of nine rules received on March 4, 1998; to the Committee on Environment and Public Works.

EC–4335. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of eight rules received on March 10, 1998; to the Committee on Environment and Public Works.

EC–4336. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the reports of four rules received on March 13, 1998; to the Committee on Environment and Public Works.

EC–4337. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of five rules received on March 16, 1998; to the Committee on Environment and Public Works.

EC–4338. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 17, 1998; to the Committee on Environment and Public Works.

EC–4339. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Environment and Public Works.

EC–4340. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on March 20, 1998; to the Committee on Environment and Public Works.

EC–4341. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Environment and Public Works.

EC–4342. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations; to the Committee on Commerce, Science, and Transportation.

EC–4343. A communication from the Associate Administrator for Procurement of the National Aeronautics and Space Administration, transmitting, pursuant to law, the reports of fourteen rules; to the Committee on Commerce, Science, and Transportation.

EC–4344. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report of the pilot pay-for-training study; to the Committee on Commerce, Science, and Transportation.

EC–4345. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to the FAA's acquisition management system; to the Committee on Commerce, Science, and Transportation.

EC–4346. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule received on February 24, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4347. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Foreign Relations.

EC–4348. A communication from the Vice President, Government Affairs, National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report for calendar year 1997; to the Committee on Commerce, Science, and Transportation.

EC–4349. A communication from the Director of the Federal Bureau of Investigation, transmitting, pursuant to law, the report of a rule received on March 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4350. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Automotive Fuel Economy Program"; to the Committee on Commerce, Science, and Transportation.

EC–4351. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of accomplishments under the Airport Improvement Program for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–4352. A communication from the Secretary of Federal Trade Commission, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4353. A communication from the Secretary of Federal Trade Commission, transmitting, pursuant to law, the report under the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC–4354. A communication from the Deputy General Counsel, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 17, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4355. A communication from the Acting Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC–4356. A communication from the Acting Director of the Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the reports of two rules; to the Committee on Commerce, Science, and Transportation.

EC–4357. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the reports of three rules; to the Committee on Commerce, Science, and Transportation.

EC–4358. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of four rules; to the Committee on Commerce, Science, and Transportation.

EC–4359. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of six rules; to the Committee on Commerce, Science, and Transportation.

EC–4360. A communication from the Deputy Assistant For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of seven rules; to the Committee on Commerce, Science, and Transportation.

EC–4361. A communication from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the reports of forty-six rules; to the Committee on Commerce, Science, and Transportation.

EC–4362. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the reports of 187 rules; to the Committee on Commerce, Science, and Transportation.

EC–4363. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report for calendar year 1997 of the Visiting Committee on Advance Technology (National Institute of Standards and Technology); to the Committee on Commerce, Science, and Transportation.

EC–4364. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4365. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the annual performance plan for fiscal year 1999; to the Committee on Foreign Relations.

EC–4366. A communication from the Deputy Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule received on February, 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4367. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to reform agricultural credit programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4368. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation entitled "The Child Nutrition and WIC Reauthorization Amendments of 1998"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4369. A communication from the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, the report of a rule received on February 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4370. A communication from the Secretary of the Panama Canal Commission, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Armed Services.

EC–4371. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report for fiscal year 1997; to the Committee on Armed Services.

EC–4372. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report entitled "U.S. Navy Submarine Solid Waste Management Plan for MARPOL Annex V Special Areas"; to the Committee on Armed Services.

EC–4373. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Defense Nuclear Facilities Safety Board for calendar year 1997; to the Committee on Armed Services.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget totals from the Concurrent Resolution for Fiscal Year 1998" (Rept. No. 105–171).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 400. A bill to amend title 35, United States Code, with respect to patents, 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. ROCKEFELLER (for himself, Ms. SNOWE, Mr. KERRY, Mr. KENNEDY, Mr. DODD, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1809. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families, and to require the Secretary of Health and Human Services and the Secretary of Labor to jointly develop a National Standardized Medical Support Notice and establish a working group to eliminate existing barriers to the effective establishment and enforcement of medical child support; to the Committee on Finance.

By Mr. ROTH:

S. 1810. A bill to suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 1811. A bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under the medicare program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. LEVIN) (by request):

S. 1812. A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes; to the Committee on Armed Services.

S. 1813. A bill to authorize military construction and related activities of the Department of Defense for fiscal year 1999; to the Committee on Armed Services.

S. 1814. A bill entitled "Department of Defense Reform Act of 1998"; to the Committee on Armed Services.

By Mr. SPECTER:

S. 1815. A bill to suspend temporarily the duty on tebufenozide; to the Committee on Finance.

S. 1816. A bill to suspend temporarily the duty on halofenozide; to the Committee on Finance.

S. 1817. A bill to suspend temporarily the duty on modified secondary-tertiary amine phenol/formaldehyde copolymers; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1818. A bill to suspend temporarily the duty on organic luminescent pigments, dyes, and fibers for security applications; to the Committee on Finance.

S. 1819. A bill to suspend temporarily the duty on certain fluorozirconium compounds; to the Committee on Finance.

S. 1820. A bill to suspend temporarily the duty on 4-Hexylresorcinol; to the Committee on Finance.

S. 1821. A bill to suspend temporarily the duty on polymethine sensitizing dyes for imaging applications; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. THURMOND, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. WELLSTONE, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1822. A bill to amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation; to the Committee on Veterans Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (for himself, Ms. SNOWE, Mr. KERRY, Mr. KENNEDY, Mr. DODD, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1809. A bill to improve the performance outcomes of the child support enforcement program in order to increase the financial stability and well-being of children and families, and to require the Secretary of Health and Human Services and the Secretary of Labor to jointly develop a National Standardized Medical Support Notice and establish a working group to eliminate existing barriers to the effective establishment and enforcement of medical child support; to the Committee on Finance.

THE CHILD SUPPORT PERFORMANCE IMPROVEMENT ACT OF 1998

Mr. ROCKEFELLER. Mr. President, I am pleased to join with my colleagues to introduce the Child Support Performance Improvement Act of 1998. I believe this legislation, with its special emphasis on the enforcement of medical child support orders, will improve the financial security and health of thousands of American children. This bill also takes careful steps to ensure that vital Federal health programs such as Medicaid and the new Children's Health Insurance Program are not misused by parents who are able but unwilling to live up to their health care responsibilities. I want to take this opportunity to share my special thanks with Senator SNOWE, who has shown a long-standing commitment to this important issue. I would also like to thank Senators KERRY, KENNEDY, DODD, JEFFORDS, and CHAFEE for their work on the issue of child support.

As a nation, our most fundamental measure of success is how effectively we provide for our children. We have a collective responsibility to ensure that our children have the financial resources they need to live happy, healthy and stable lives. At the same time, the responsibility for addressing many of children's daily needs fall squarely at the feet of their parents. In my state of West Virginia and elsewhere, too many parents neglect their financial responsibilities, maintaining that because they are no longer living in the same house as their children, they no longer have to support them. With so many parents refusing to provide their children with adequate financial support and health care, between $15 and $25 billion dollars in child support remains uncollected each year.

The Child Support Performance Improvement Act of 1998 takes several steps to make child support a dependable part of the continuum of private and public benefits available to American children. Since the child support enforcement system was created in 1975 to centralize state government collections, Congress has authorized Federal funding to improve and broaden state child support programs. In addition to general financial support, the Federal government also makes annual incentive payments to the states based on the cost effectiveness of their child support collections. That is, dollar for dollar, do the states show a significant return for the money they spend on child support collections.

For several years, there has been a consensus among both state child support agencies and child advocates that basing incentive payments on cost effectiveness alone does no justice to the many other areas of state performance. Two years ago, the welfare reform law took a positive step forward by commissioning a task force composed of child support experts from the Department of Health and Human Services and state agencies to come up with a new set of incentives that would keep states on the road to more effective child support collections in a variety of areas. The Child Support Performance Improvement Act of 1998 incorporates the consensus findings of this work group. For the first time, the new incentives structure takes into account not only a state's cost effectiveness but its ability to establish paternity and child support orders and to collect current and back child support payments.

This legislation also increases the emphasis on a State's collection of medical child support and eliminates some of the barriers the States face in their efforts to enforce medical child support orders. With one out of seven American children unable to access basic health coverage, medical child support or "medical support" has become a vital part of child support enforcement. Medical support can take many forms including an order to a non-custodial parent to provide health insurance, to cover a portion of an insurance co-payment or a deductible, or to pay past medical bills. Since 1984, federal law has required state child support enforcement agencies to petition for and collect medical support as part of any general child support order if health care coverage is available to the non-custodial parent at a reasonable cost. Unfortunately, however, medical child support is still only collected in about 30% of all child support cases. If we fail to use this prime opportunity to re-establish medical support as a priority, enforcement of medical support might be even more dismal in the future.

The Child Support Performance Improvement Act of 1998 will improve the collection of medical support in two significant ways. First, it requires the Secretary of Health and Human Services to create a sixth medical support criterion upon which Federal incentives payments will be based. This sixth medical support incentives factor will not only ensure that States do their best to collect medical support, but it will also send a message to the States that when creating and improving their overall collections systems, medical support is a top priority.

Many of us have worked hard to make sure that all American children receive appropriate health care coverage through both public and private programs such as the newly-created Children's Health Insurance (or "CHIPS") Program. Although this and other Federal programs are vital, they were never intended and should not be used as a parachute for parents who could afford to cover their own children, but refuse to do so.

This bill also helps improve medical support collections by eliminating some of the procedural barriers that the states face when they try to enforce medical support orders through health plans governed by the Employment Retirement Income Security Act of 1974 (ERISA). Once a court issues a medical support order, the state child support enforcement agencies sends a notice of that order to the non-custodial parent's health plan. Over 50 percent of American employers offer health plans that are governed by ERISA. As a result, there are over 700,000 children who are dependent on a medical support order through an ERISA-governed plan. Currently, there is a lack of uniformity in the way that state child support enforcement agency and the health plan administrators communicate with one another. Despite the fact that ERISA already defines the elements a medical support order must contain in order to be valid under federal law, there is still a lot of confusion by the state agencies and the plan administrators about what is required.

After consultation with dozens of ERISA plan administrators, state agencies, and child advocates, this bill removes this procedural barrier by requiring the Secretaries of the Department of Health and Human Services and the Department of Labor to create and implement a standardized national medical support notice that states would be required to use and employers would be required to accept under ERISA. This standardized form will take into account the respective administrative needs of both states and employers. Second, the bill requires the Secretary of the Department of Labor, in consultation with the Department of Health and Human Services, to submit recommendations for any other necessary improvements to the medical child support provisions of ERISA. Finally, the bill commissions a work group composed of medical support experts from state agencies, employers, plan administrators and child advocates to identify and make recommendations for the elimination of any remaining medical support barriers.

The Child Support Performance Improvement Act of 1998 is designed to improve States' overall child support collections with a special emphasis on the effective enforcement of medical support orders, so that all qualified children receive the health coverage that they deserve.

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. 1809

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 "Child Support Performance Improvement Act of 1998".

SEC. 2. INCENTIVE PAYMENTS TO STATES.

(a) IN GENERAL.—Part D of title IV of the Social Security Act (42 U.S.C. 651–669) is amended by inserting after section 458 the following:

"SEC. 458A. INCENTIVE PAYMENTS TO STATES.

"(a) IN GENERAL.—In addition to any other payment under this part, the Secretary shall, subject to subsection (f), make an incentive payment to each State for each fiscal year in an amount determined under subsection (b).

"(b) AMOUNT OF INCENTIVE PAYMENT.—

"(1) IN GENERAL.—The incentive payment for a State for a fiscal year is equal to the incentive payment pool for the fiscal year, multiplied by the State incentive payment share for the fiscal year.

"(2) INCENTIVE PAYMENT POOL.—

"(A) IN GENERAL.—In paragraph (1), the term 'incentive payment pool' means—

"(i) $422,000,000 for fiscal year 2000;

"(ii) $429,000,000 for fiscal year 2001;

"(iii) $450,000,000 for fiscal year 2002;

"(iv) $461,000,000 for fiscal year 2003;

"(v) $454,000,000 for fiscal year 2004;

"(vi) $446,000,000 for fiscal year 2005;

"(vii) $458,000,000 for fiscal year 2006;

"(viii) $471,000,000 for fiscal year 2007;

"(ix) $483,000,000 for fiscal year 2008; and

"(x) for any succeeding fiscal year, the amount of the incentive payment pool for the fiscal year that precedes such succeeding fiscal year, multiplied by the percentage (if any) by which the CPI for such preceding fiscal year exceeds the CPI for the 2nd preceding fiscal year.

"(B) CPI.—For purposes of subparagraph (A), the CPI for a fiscal year is the average of the Consumer Price Index for the 12-month period ending on September 30 of the fiscal year. As used in the preceding sentence, the term 'Consumer Price Index' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

"(3) STATE INCENTIVE PAYMENT SHARE.—In paragraph (1), the term 'State incentive payment share' means, with respect to a fiscal year—

"(A) the incentive base amount for the State for the fiscal year; divided by

"(B) the sum of the incentive base amounts for all of the States for the fiscal year.

"(4) INCENTIVE BASE AMOUNT.—In paragraph (3), the term 'incentive base amount' means, with respect to a State and a fiscal year, the sum of the applicable percentages (determined in accordance with paragraph (6)) multiplied by the corresponding maximum incentive base amounts for the State for the fiscal year, with respect to each of the following measures of State performance for the fiscal year:

"(A) The paternity establishment performance level.

"(B) The support order performance level.

"(C) The current payment performance level.

"(D) The arrearage payment performance level.

"(E) The cost-effectiveness performance level.

"(5) MAXIMUM INCENTIVE BASE AMOUNT.—

"(A) IN GENERAL.—For purposes of paragraph (4), the maximum incentive base amount for a State for a fiscal year is—

"(i) with respect to the performance measures described in subparagraphs (A), (B), and (C) of paragraph (4), 100 percent of the State collections base for the fiscal year; and

"(ii) with respect to the performance measures described in subparagraphs (D) and (E) of paragraph (4), 75 percent of the State collections base for the fiscal year.

"(B) DATA REQUIRED TO BE COMPLETE AND RELIABLE.—Notwithstanding subparagraph (A), the maximum incentive base amount for a State for a fiscal year with respect to a performance measure described in paragraph (4) is zero, unless the Secretary determines, on the basis of an audit performed under section 452(a)(4)(C)(i), that the data which the State submitted pursuant to section 454(15)(B) for the fiscal year and which is used to determine the performance level involved is complete and reliable.

"(C) STATE COLLECTIONS BASE.—For purposes of subparagraph (A), the State collections base for a fiscal year is equal to the sum of—

"(i) 2 times the sum of—

"(I) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved is required to be assigned to the State pursuant to part A or E of this title or title XIX; and

"(II) the total amount of support collected during the fiscal year under the State plan approved under this part in cases in which the support obligation involved was so assigned but, at the time of collection, is not required to be so assigned; and

"(ii) the total amount of support collected during the fiscal year under the State plan approved under this part in all other cases.

"(6) DETERMINATION OF APPLICABLE PERCENTAGES BASED ON PERFORMANCE LEVELS.—

"(A) PATERNITY ESTABLISHMENT.—

"(i) DETERMINATION OF PATERNITY ESTABLISHMENT PERFORMANCE LEVEL.—The paternity establishment performance level for a State for a fiscal year is, at the option of the State, the IV–D paternity establishment percentage determined under section 452(g)(2)(A) or the statewide paternity establishment percentage determined under section 452(g)(2)(B).

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's paternity establishment performance level is as follows:

"If the paternity establishment performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the paternity establishment performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 10 percentage points the paternity establishment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's paternity establishment performance level is 50 percent.

"(B) ESTABLISHMENT OF CHILD SUPPORT ORDERS.—

"(i) DETERMINATION OF SUPPORT ORDER PERFORMANCE LEVEL.—The support order performance level for a State for a fiscal year is the percentage of the total number of cases under the State plan approved under this part in which there is a support order during the fiscal year.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's support order performance level is as follows:

"If the support order performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
0%	50%	0.

Notwithstanding the preceding sentence, if the support order performance level of a State for a fiscal year is less than 50 percent but exceeds by at least 5 percentage points the support order performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's support order performance level is 50 percent.

"(C) COLLECTIONS ON CURRENT CHILD SUPPORT DUE.—

"(i) DETERMINATION OF CURRENT PAYMENT PERFORMANCE LEVEL.—The current payment performance level for a State for a fiscal year is equal to the total amount of current support collected during the fiscal year under the State plan approved under this part divided by the total amount of current support owed during the fiscal year in all cases under the State plan, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's current payment performance level is as follows:

"If the current payment performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the current payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the current payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's current payment performance level is 50 percent.

"(D) COLLECTIONS ON CHILD SUPPORT ARREARAGES.—

"(i) DETERMINATION OF ARREARAGE PAYMENT PERFORMANCE LEVEL.—The arrearage payment performance level for a State for a fiscal year is equal to the total number of cases under the State plan approved under this part in which payments of past-due child support were received during the fiscal year and part or all of the payments were distributed to the family to whom the past-due child support was owed (or, if all past-due child support owed to the family was, at the time of receipt, subject to an assignment to the State, part or all of the payments were retained by the State) divided by the total number of cases under the State plan in which there is past-due child support, expressed as a percentage.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's arrearage payment performance level is as follows:

"If the arrearage payment performance level is: At least:	But less than:	The applicable percentage is:
80%		100
79%	80%	98
78%	79%	96
77%	78%	94
76%	77%	92
75%	76%	90
74%	75%	88
73%	74%	86
72%	73%	84
71%	72%	82
70%	71%	80
69%	70%	79
68%	69%	78
67%	68%	77
66%	67%	76
65%	66%	75
64%	65%	74
63%	64%	73
62%	63%	72
61%	62%	71
60%	61%	70
59%	60%	69
58%	59%	68
57%	58%	67
56%	57%	66
55%	56%	65
54%	55%	64
53%	54%	63
52%	53%	62
51%	52%	61
50%	51%	60
49%	50%	59

"If the arrearage payment performance level is:		The applicable percentage is:
At least:	But less than:	
48%	49%	58
47%	48%	57
46%	47%	56
45%	46%	55
44%	45%	54
43%	44%	53
42%	43%	52
41%	42%	51
40%	41%	50
0%	40%	0.

Notwithstanding the preceding sentence, if the arrearage payment performance level of a State for a fiscal year is less than 40 percent but exceeds by at least 5 percentage points the arrearage payment performance level of the State for the immediately preceding fiscal year, then the applicable percentage with respect to the State's arrearage payment performance level is 50 percent.

"(E) COST-EFFECTIVENESS.—

"(i) DETERMINATION OF COST-EFFECTIVENESS PERFORMANCE LEVEL.—The cost-effectiveness performance level for a State for a fiscal year is equal to the total amount collected during the fiscal year under the State plan approved under this part divided by the total amount expended during the fiscal year under the State plan, expressed as a ratio.

"(ii) DETERMINATION OF APPLICABLE PERCENTAGE.—The applicable percentage with respect to a State's cost-effectiveness performance level is as follows:

"If the cost-effectiveness performance level is:		The applicable percentage is:
At least:	But less than:	
5.00		100
4.50	4.99	90
4.00	4.50	80
3.50	4.00	70
3.00	3.50	60
2.50	3.00	50
2.00	2.50	40
0.00	2.00	0.

"(F) MEDICAL SUPPORT.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1998, the medical support performance level for a State for a fiscal year, and the applicable percentage for a State with respect to such level, shall be determined in accordance with regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act.

"(c) TREATMENT OF INTERSTATE COLLECTIONS.—In computing incentive payments under this section, support which is collected by a State at the request of another State shall be treated as having been collected in full by both States, and any amounts expended by a State in carrying out a special project assisted under section 455(e) shall be excluded.

"(d) ADMINISTRATIVE PROVISIONS.—The amounts of the incentive payments to be made to the States under this section for a fiscal year shall be estimated by the Secretary at or before the beginning of the fiscal year on the basis of the best information available, as obtained in accordance with section 452(a)(12). The Secretary shall make the payments for the fiscal year, on a quarterly basis (with each quarterly payment being made not later than the beginning of the quarter involved), in the amounts so estimated, reduced, or increased to the extent of any overpayments or underpayments which the Secretary determines were made under this section to the States involved for prior periods and with respect to which adjustment has not already been made under this subsection. Upon the making of any estimate by the Secretary under the preceding sentence, any appropriations available for payments under this section are deemed obligated.

"(e) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall prescribe such regulations as may be necessary governing the calculation of incentive payments under this section, including directions for excluding from the calculations certain closed cases and cases over which the States do not have jurisdiction, and regulations excluding from the calculations of the current payment performance level and the arrearage payment performance level any case in which the State used State funds to make such payments for the primary purpose of increasing the State's performance levels in such areas.

"(2) REGULATIONS IMPLEMENTING THE MEDICAL SUPPORT PERFORMANCE LEVEL.—Subject to section 2(d)(2)(C) of the Child Support Performance Improvement Act of 1998, the Secretary shall prescribe regulations implementing the recommendations required to be included in the report submitted under section 2(d)(2)(B) of such Act. To the extent necessary to ensure that the implementation of such recommendations does not result in total Federal expenditures under this section in excess of the amount of such expenditures in the absence of such implementation, such regulations may increase or decrease the percentages specified in clauses (i) and (ii) of subsection (b)(5)(A).

"(f) REINVESTMENT.—

"(1) IN GENERAL.—Until such time as the State qualifies for the maximum incentive amount possible, as determined under subsection (b)(5), payments under this section and section 458 shall supplement, not supplant, State child support expenditures under the State program under this part to the extent that such expenditures were funded by the State in fiscal year 1997.

"(2) PENALTY.—Failure to satisfy the requirement of paragraph (1) shall result in a proportionate reduction, determined by the Secretary, of future payments to the State under this section and section 458.".

(b) PAYMENTS DURING TRANSITION PERIOD.—Notwithstanding section 458A of the Social Security Act (42 U.S.C. 658A), as added by subsection (a), the amount of an incentive payment for a State under such section shall not be—

(1) in the case of fiscal year 2000, less than 80 percent or greater than 120 percent of the incentive payment for the State determined under section 458 of the Social Security Act (42 U.S.C. 658) for fiscal year 1999 (as such section was in effect for such fiscal year);

(2) in the case of fiscal year 2001, less than 60 percent or greater than 140 percent of the incentive payment for the State (as so determined);

(3) in the case of fiscal year 2002, less than 40 percent or greater than 160 percent of the incentive payment for the State (as so determined); and

(4) in the case of fiscal year 2003, less than 20 percent or greater than 180 percent of the incentive payment for the State (as so determined).

(c) REGULATIONS.—Within 9 months after the date of enactment of this section, the Secretary of Health and Human Services shall, in addition to the regulations required under section 458A(e) of the Social Security Act, issue regulations governing the implementation of section 458A of the Social Security Act, when such section takes effect, and the implementation of subsection (b) of this section.

(d) STUDIES.—

(1) GENERAL REVIEW OF NEW INCENTIVE PAYMENT SYSTEM.—

(A) IN GENERAL.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall conduct a study of the implementation of the incentive payment system established by section 458A of the Social Security Act, in order to identify the problems and successes of the system.

(B) REPORTS TO CONGRESS.—

(i) REPORT ON VARIATIONS IN STATE PERFORMANCE ATTRIBUTABLE TO DEMOGRAPHIC VARIABLES.—Not later than October 1, 2000, the Secretary shall submit to Congress a report that identifies any demographic or economic variables that account for differences in the performance levels achieved by the States with respect to the performance measures used in the system, and contains the recommendations of the Secretary for such adjustments to the system as may be necessary to ensure that the relative performance of States is measured from a baseline that takes account of any such variables.

(ii) INTERIM REPORT.—Not later than March 1, 2001, the Secretary shall submit to Congress an interim report that contains the findings of the study required by subparagraph (A).

(iii) FINAL REPORT.—Not later than October 1, 2003, the Secretary shall submit to Congress a final report that contains the final findings of the study required by subparagraph (A). The report shall include any recommendations for changes in the system that the Secretary determines would improve the operation of the child support enforcement program.

(2) DEVELOPMENT OF MEDICAL SUPPORT INCENTIVE.—

(A) IN GENERAL.—The Secretary, in consultation with State directors of programs operated under part D of title IV of the Social Security Act and representatives of children potentially eligible for medical support, such as child advocacy organizations, shall develop a new medical support performance measure based on the effectiveness of States in establishing and enforcing medical support obligations, and shall make recommendations for the incorporation of the measure, in a revenue neutral manner, into the incentive payment system established by section 458A of the Social Security Act.

(B) REPORT.—Not later than October 1, 1999, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, a report that describes the performance measure and contains the recommendations required under subparagraph (A).

(C) CONGRESSIONAL DISAPPROVAL REQUIRED.—

(i) IN GENERAL.—The Secretary shall, by regulation, implement the recommendations required to be included in the report submitted under subparagraph (B) unless a joint resolution is enacted, in accordance with subparagraph (D), disapproving such recommendations before the end of the 1-year period that begins on the date on which the Secretary submits such report.

(ii) EXCLUSION OF CERTAIN DAYS.—For purposes of clause (i) and subparagraph (D), the

days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain shall be excluded from the computation of the period.

(D) CONGRESSIONAL CONSIDERATION.—

(i) TERMS OF THE RESOLUTION.—For purposes of subparagraph (C)(i), the term "joint resolution" means only a joint resolution that is introduced within the 1-year period described in such subparagraph and—

(I) that does not have a preamble;

(II) the matter after the resolving clause of which is as follows: "That Congress disapproves the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure submitted on _____", the blank space being filled in with the appropriate date; and

(III) the title of which is as follows: "Joint resolution disapproving the recommendations of the Secretary of Health and Human Services regarding the implementation of a medical support performance measure.".

(ii) REFERRAL.—A resolution described in clause (i) that is introduced—

(I) in the House of Representatives, shall be referred to the Committee on Ways and Means; and

(II) in the Senate, shall be referred to the Committee on Finance.

(iii) DISCHARGE.—If a committee to which a resolution described in clause (i) is referred has not reported such resolution by the end of the 20-day period beginning on the date on which the Secretary submits the report required under subparagraph (B), such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(iv) CONSIDERATION.—On or after the third day after the date on which the committee to which a resolution described in clause (i) has reported, or has been discharged from further consideration of such resolution, such resolution shall be considered in the same manner as a resolution is considered under subsections (d), (e), and (f) of section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

(e) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—Section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 658 note) is amended—

(A) by striking subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively; and

(B) in subsection (c) (as so redesignated)—

(i) by striking paragraph (1) and inserting the following:

"(1) CONFORMING AMENDMENTS TO PRESENT SYSTEM.—The amendments made by subsection (a) of this section shall become effective with respect to a State as of the date the amendments made by section 103(a) (without regard to section 116(a)(2)) first apply to the State."; and

(ii) in paragraph (2), by striking "(c)" and inserting "(b)".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 341 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(f) ELIMINATION OF PREDECESSOR INCENTIVE PAYMENT SYSTEM.—

(1) REPEAL.—Section 458 of the Social Security Act (42 U.S.C. 658) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 458A of the Social Security Act (42 U.S.C. 658a) is redesignated as section 458.

(B) Paragraphs (1) and (2) of section 458(f) (as so redesignated) are each amended by striking "and section 458".

(C) Subsections (c) and (d) of this section are each amended by striking "458A" each place it appears and inserting "458".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 2003.

(g) GENERAL EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on October 1, 1999.

SEC. 3. DATA INTEGRITY.

(a) DUTY OF THE SECRETARY TO ENSURE RELIABLE DATA.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(12) ensure that data required for the operation of State programs under this part is complete and reliable by providing Federal guidance, technical assistance, and monitoring.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 4. ELIMINATION OF BARRIERS TO THE EFFECTIVE ESTABLISHMENT AND ENFORCEMENT OF MEDICAL CHILD SUPPORT.

(a) PROMULGATION OF NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE.—Section 452(a) of the Social Security Act (42 U.S.C. 652(a)), as amended by section 3(a), is amended—

(1) in paragraph (11), by striking "and" at the end;

(2) in paragraph (12), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(13)(A) develop jointly with the Secretary of Labor—

"(i) a National Standardized Medical Support Notice that satisfies the requirements of section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) and the requirements of this part and shall be used by States to enforce medical support orders; and

"(ii) appropriate procedures for the transmission of such Notice to employers by State agencies administering the program established under this part;

"(B) not later than 90 days after the date of enactment of this paragraph, establish with the Secretary of Labor, a medical support working group, not to exceed 20 individuals, that shall—

"(i) identify the impediments to the effective enforcement of medical support by State agencies administering the program established under this part; and

"(ii) be composed of representatives of—

"(I) the Department of Labor;

"(II) the Department of Health and Human Services;

"(III) State directors of programs under this part;

"(IV) State directors of the medicaid program under title XIX;

"(V) employers, including owners of small businesses;

"(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1));

"(VII) children potentially eligible for medical support, such as child advocacy organizations; and

"(VIII) State public welfare programs;

"(C) require the working group established in accordance with subparagraph (B) to—

"(i) not later than 18 months after the date of enactment of this paragraph, submit to the Secretary and Congress a report containing recommendations for appropriate measures to address the impediments to the effective enforcement of medical support by State agencies administering the program established under this part identified by the working group, including—

"(I) appropriate measures that establish the priority of withholding of child support obligations, medical support obligations, arrearages in such obligations, and, in the case of a medical support obligation, the employee's portion of any health care coverage premium, by the State agency administering the program established under this part in light of the restrictions on garnishment provided under title III of the Consumer Credit Protection Act (15 U.S.C. 1671–1677);

"(II) appropriate procedures for coordinating the provision, enforcement, and transition of health care coverage under the State programs established under this part, title XIX, and title XXI;

"(III) appropriate measures to improve the enforcement of alternate types of medical support that are aside from health coverage offered through the noncustodial parent's health plan and unrelated to the noncustodial parent's employer, including measures that establish a noncustodial parent's responsibility to share the cost of a copayment, deductible, or a payment for services not covered under a child's existing health coverage; and

"(IV) appropriate measures for eliminating any other impediments to the effective enforcement of medical support orders that the working group deems necessary; and

"(D) issue, under the authority of the Secretary—

"(i) not later than 180 days after the date of enactment of this paragraph, a proposed regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders, and that includes such procedures for transmission of the Notice to employers that the Secretary determines are appropriate; and

"(ii) not later than 1 year after the date of enactment of this paragraph, a final regulation that specifies that the National Standardized Medical Support Notice shall be used by State agencies administering the program under this part to enforce medical support orders and the procedures for the transmission of that Notice to employers.".

(b) REQUIRED USE OF NOTICE BY STATES.—

(1) STATE PROCEDURES.—Section 466(a)(19) of the Social Security Act (42 U.S.C. 466(a)(19)) is amended to read as follows:

"(19) HEALTH CARE COVERAGE.—Procedures under which—

"(A) all child support orders enforced pursuant to this part include a provision for the health care coverage of the child that, not later than October 1, 2000, is enforced, where appropriate, through the use of the National Standardized Medical Support Notice promulgated pursuant to section 452(a)(13);

"(B) in any case in which a noncustodial parent is required to provide such health care coverage and the employer of such noncustodial parent is known to the State agency, the State agency shall use the National Standardized Medical Support Notice to transfer notice of the provision for the health care coverage of the child to the employer in conjunction, where appropriate,

with an income withholding notice within 2 days of the date that information regarding a newly hired employee is entered in the State Directory of New Hires pursuant to section 453A(e), and to any subsequent employer if the parent changes employment or obtains additional employment and the subsequent employer of such noncustodial parent is known to the State agency;

"(C) not later than 7 business days after the date the National Standardized Medical Support Notice is issued, the Notice shall operate to enroll the child in the noncustodial parent's employer's health plan, and to authorize the collection of any employee contributions required for such enrollment, unless the noncustodial parent contests enforcement of the health care coverage provision of the child support order pursuant to the Notice to the State agency based on mistake of fact; and

"(D) the employer shall, within 21 days after the date the Notice is issued, notify the State agency administering the program under this part whether such health care coverage is available and, if so, whether the child has been enrolled in such coverage and the effective date of the enrollment, and provide to the custodial parent any necessary documentation to provide the child with coverage.".

(2) CONFORMING AMENDMENTS.—Section 452(f) of the Social Security Act (42 U.S.C. 652(f)) is amended in the first sentence—

(A) by striking "petition for the inclusion of" and inserting "include"; and

(B) by inserting "and enforce medical support" before "whenever".

(c) NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE DEEMED A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—

(1) AMENDMENT TO ERISA.—Section 609(a)(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(5)) is amended by adding at the end the following:

"(C) NATIONAL STANDARDIZED MEDICAL SUPPORT NOTICE DEEMED TO BE A QUALIFIED MEDICAL CHILD SUPPORT ORDER.—If a group health plan administrator receives a completed National Standardized Medical Support Notice promulgated pursuant to section 452(a)(13) of the Social Security Act (42 U.S.C. 652(a)(13)), and the notice meets the requirements of paragraphs (3) and (4), the notice shall, not later than 7 business days after the date the National Standardized Medical Support Notice is issued, be deemed to be a qualified medical child support order and the plan administrator shall comply with the notice.".

(2) RULE OF CONSTRUCTION.—The amendment made by paragraph (1) shall not be construed as requiring an employer to provide or expand any health benefits coverage provided by the employer that the employer is not, as of the date of enactment of this section, required to provide, or to modify or change the eligibility rules applicable to a group health plan (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167(1))).

(d) REPORT AND RECOMMENDATIONS REGARDING THE ENFORCEMENT OF QUALIFIED MEDICAL SUPPORT ORDERS UNDER ERISA.—Not later than 1 year after the date of enactment of this Act, the Secretary of Labor, in consultation with the Secretary of Health and Human Services, shall submit to the Committee on Labor and Human Resources and the Committee on Finance of the Senate, and the Committee on Education and the Workforce and the Committee on Ways and Means of the House of Representatives, a report containing recommendations for appropriate legislation to improve the effectiveness of, and enforcement of, qualified medical child support orders under the provisions of section 609 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169).

Mr. KERRY. Mr. President, I am pleased to join the distinguished Senators from West Virginia and Maine as a co-sponsor of this very important legislation on behalf of America's children. Senators ROCKEFELLER and SNOWE have long been leaders in the effort to crack down on delinquent parents who would deny their children the much-needed financial support to which they are entitled. I commend their dedication to this worthy cause.

Each year, as much as $15 to $25 billion in child support remains uncollected. Of the 5.4 million single mothers who were owed child support in 1994, slightly more than half received the full amount due, while one quarter received partial payment and one quarter received not a penny. The delinquency of deadbeat parents is not only a disgrace, but also an emergency, as it primarily impacts the neediest children of this nation. One of every four children in America lives in a single parent family, 18.7 million children in all. Half of these children live at or below the poverty level, compared with only slightly more than one out of every ten children in two-parent families.

The Rockefeller-Snowe-Kerry Child Support Performance Act of 1997 aims to restructure and improve the federal performance incentive system for state collection of child support. It does so by replacing the system's current emphasis on the cost effectiveness of state programs with one that recognizes substantive achievements. Moreover, the bill requires states to use federal incentives payments to supplement, not supplant, existing state expenditures to enforce child support orders.

I am particularly committed to working toward the goal of passing the medical support component of the Rockefeller-Snowe-Kerry bill. Although federal law requires state child support enforcement agencies to pursue medical support—particularly, health insurance coverage—when it is available to non-custodial parents at a reasonable cost, only 60 percent of established child support orders included medical support in 1995. Moreover, the General Accounting Office has reported that as many as 20 states were not enforcing existing medical support orders. This legislation addresses the inability of children of single parents to receive this crucial form of support by requiring the Secretary of Health and Human Services to develop and implement a medical support performance factor. Enabling child support agencies to enforce the requirement for medical support through ERISA-protected plans would shift many of the 700,000 children who currently receive public health coverage to private health insurance, thereby reducing significantly the cost to the public.

Mr. President, my colleagues and I are determined to ensure that the millions of American children who are being short-changed by the non-payment of child support, and medical support particularly, get help in the form of stricter enforcement. We are confident that the Rockefeller-Snowe-Kerry approach will make great strides toward this end and urge all of our colleagues to support this important legislation.

By Mr. ROTH:

S. 1810. A bill to suspend temporarily the duty on a certain anti-HIV and anti-AIDS drug; to the Committee on finance.

DUTY SUSPENSION LEGISLATION

Mr. ROTH. Mr. President, I rise today to introduce temporary duty suspension legislation for the active ingredient used in producing Sustiva, a breakthrough drug for treating people with HIV and AIDS.

I am pleased to introduce this bill on the active ingredients in a drug that could simplify treatment for HIV patients and could possibly reduce the level of this virus in the bloodstream. By temporarily suspending the imposition of duties, this bill will help DuPont Merck, a company located in Wilmington, Delaware, lower its cost of production and improve its competitiveness.

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. 1810

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.32.56	6-Chloro-4-(cyclopropylethynyl)-1, 4-Dihydro-4-(trifluro-methyl)-2H-3, 1-benzoxazin-2-one (CAS No. 154598–52–4) (provided for in subheading 2934.90.30)	Free	No change	No change	On or before 12/31/2000".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. FAIRCLOTH:

S. 1811. A bill to prohibit the Secretary of Health and Human Services from promulgating any regulation, rule, or other order if the effect of such regulation, rule, or order is to eliminate or modify any requirement under

the medicare program under title XVIII of the Social Security Act for physician supervision of anesthesia services, as such requirement was in effect on December 31, 1997; to the Committee on Finance.

THE SAFE SENIORS MEDICAL CARE ACT OF 1998

Mr. FAIRCLOTH. Mr. President, I come before you today to introduce legislation that should be of interest to all senior citizens in the U.S.

Mr. President, I must share with you my shock and outrage when I learned of a recently proposed rule by the Clinton Administration that eliminates the requirement of a real anesthesiologist during surgery for Medicare and Medicaid patients.

The legislation I am introducing today would stop the Administration from imposing such on rule on our nation's senior population.

At a time when President Clinton is seeking to expand Medicare coverage for more Americans, why is he quietly moving to lessen the standard of care for our senior citizens? This Administration is proposing a change that will permit non-physicians to evaluate patient health and administer anesthesia to a population at the greatest risk for complications.

Not long ago, the President stood before Congress and stated that "Medical decisions should be made by medical doctors" and that "every American deserves quality care." I totally agree with the President on these important points.

But it's not good enough to simply say this—actions have to speak louder than words. This is one of the reasons I am introducing this bill.

Mr. President, our elderly are our most vulnerable population. We established Medicare because of the cost of health care for the elderly. But Medicare doesn't have to be second class care. I think it is sinful to lower the quality of care for our seniors.

Furthermore, this Administration won't even allow seniors that want to pay for their own health costs to do so—without forcing the doctor out of Medicare. So our seniors have little choice, but to be treated under the guidelines of Medicare.

Now I am 70 years old, but to other Senators this will involve their mothers and fathers. To the younger generation, this will involve the treatment of their grandparents.

I have to ask, do you really want to send your mother or father, or grandparents in for a critical operation and have the anesthesia administered by a non-doctor?

Does the same standard apply to senior government officials? I would assume the President had a doctor administer his anesthesia. When I asked HHS Secretary Shalala whether she would choose a nurse or doctor to administer the anesthesia, when pressed she said she would ask her doctor!

Here we go again, one standard for Washington officials—another for everyone else. I think that is wrong.

Mr. President, I want to make an important point. This is not about diminishing the important role that nurses play an important role in the health care system. They play a valuable, great role. But on this one issue, I feel that the practice of Anesthesiology is simply too important to the any medical procedure to be left to those that are not trained extensively in this field. Anesthesia is the most important part of any operation, particularly for the elderly.

Nurse anesthetists are non-physician providers who normally complete a two or three-year training technique-oriented training program after nursing school. Anesthesiologists are physicians who, after taking a pre-med curriculum in college, complete four years of medical school and a four-year anesthesiology residency program.

We value the need for greater education in society, and here we are ignoring the importance of extensive education. All the rhetoric in Washington these days is about the importance of education. But if the Administration has its way, further education in the field will be deemed worthless.

Mr. President, for three decades, Medicare and Medicaid patients have benefitted from an attending anesthesiologist. To my knowledge, there is no clinical study that can provide justification for eliminating the physician supervision requirement. 81% of senior citizens oppose the President's rule. And you can count me in that group.

It is my understanding that there is no difference in cost if this rule is implemented. The reimbursement is the same to the doctor or the nurse. Furthermore, the number of patient deaths involving anesthesia has dramatically declined since the 1950's because we have a greater number of anesthesiologists in practice. We have made great strides in this field. Why would it make sense to radically change the rules at a time when we are so successful? It just doesn't make any sense.

Mr. President, the bottom line is that senior citizens don't want this rule, there is no difference in cost and there is no evidence that warrants such a change. I simply cannot stand by and watch the President put the lives of senior citizens all across this country in a potentially dangerous situation. Thank you, Mr. President. I urge all the members to support this legislation.

By Mr. LAUTENBERG:

S. 1818. A bill to suspend temporarily the duty on organic luminescent pigments, dyes, and fibers for security applications; to the Committee on Finance.

S. 1819. A bill to suspend temporarily the duty on fluorozirconium compounds; to the Committee on Finance.

S. 1820. A bill to suspend temporarily the duty on 4-Hexylresorcinol; to the Committee on Finance.

S. 1821. A bill to suspend temporarily the duty on polymethine sensitizing dyes for imaging applications; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation to suspend temporarily the rate of duty on four products produced by a constituent, AlliedSignal Inc. I am introducing a separate bill for each of the four products. The first is organic luminescent pigments, dyes, and fibers that are used in products requiring security and anti-counterfeiting technology. Unlike other pigments and dyes, these luminescent compounds are designed on a proprietary basis for one specific anti-counterfeiting application. The current duty is 5.9%. The second product, 4-Hexylresorcinol, has a variety of applications, including in throat lozenges, topical antiseptics, and other pharmaceutical and cosmetic applications. The current duty is 5.8%. Potassium hexafluorozirconate and hexafluorozirconium acid are used in the treatment of aluminum alloys in a variety of applications, including aerospace. The current duties are 3.1% and 4.2%. Finally, polymethine sensitizing dyes are used to improve the spectral response of photo-sensitive emulsions on photographic films. These dyes are complex organic molecules, and each one is typically designed on a proprietary basis to the customer's specifications. The current duty is 6.8%.

I have received assurances from AlliedSignal that there is no commercial US manufacturer for any of these products. Furthermore, each of the products was included in the United States Trade Representative's "zero list" of chemicals whose U.S. tariffs it tried to eliminate, in exchange for concessions from trading partners, during the November 1997 APEC Ministerial meeting. In a chemical industry-wide review of the zero list, no U.S. company objected to the proposed elimination of these products' duties.

Suspending the duties of products that are not produced in the United States helps our companies maintain their global competitiveness. This benefits our manufacturers as well as American workers and consumers. I ask my colleagues to support this legislation. I ask unanimous consent 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. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN ORGANIC PIGMENTS, DYES, AND FIBERS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the

United States is amended by inserting in numerical sequence the following new heading:

"9902.32.04	Organic luminescent pigments, dyes, and fibers for security applications (provided for in subheading 3204.90.00)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN FLUOROZIRCONIUM COMPOUNDS.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.28.11	Potassium hexafluorozirconate (CAS No. 16923–95–8) (provided for in subheading 2826.90.00) and hexafluorozirconium acid (CAS No. 12021–95–3) (provided for in subheading 2811.19.60)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON 4-HEXYLRESORCINOL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.07	4-Hexylresorcinol (CAS No. 136–77–6) (provided for in subheading 2907.29.90)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

S. 1821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY SUSPENSION OF DUTY ON CERTAIN SENSITIZING DYES.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

"9902.29.34	Polymethine photosensitizing dyes (provided for in subheadings 2934.90.90 and 2933.19.90)	Free	No change	No change	On or before 12/31/2001".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

By Mr. SPECTER (for himself, Mr. THURMOND, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. AKAKA, Mr. WELLSTONE, Mr. LIEBERMAN, and Mrs. MURRAY):

S. 1822. A bill to amend title 38, United States Code, to authorize provision of care to veterans treated with nasopharyngeal radium irradiation; to the Committee on Veterans' Affairs.

MEDICAL CARE TO VETERANS LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1822, a proposed bill to authorize the provision of medical care to veterans who were treated with nasopharyngeal radium irradiation. The Acting Secretary of Veterans Affairs submitted this proposed legislation to the President of the Senate by letter dated August 11, 1997.

Mr. President, it is my usual practice, as Chairman of the Committee on Veterans Affairs, to introduce Administration-requested legislation that is referred to the Committee without commenting on the substance of the introduced bills, without committing myself to either support or oppose the legislation in question, and without seeking co-sponsors. In this case, I have departed from my usual practice due to the unusual nature of this legislation, which is long overdue. I am pleased that Senator JAY ROCKEFELLER, the Ranking Minority Member of the Committee on Veterans Affairs, has joined me as a cosponsor.

A medical treatment known as nasopharyngeal radium irradiation —the inserting of a radium-tipped metal rod through the nose—began in 1924 at the Johns Hopkins University as a means to treat middle ear obstructions and deafness. It was also commonly used to treat children with chronic ear infections. Even until the mid 1960's, medical textbooks recommended this treatment to shrink adenoid tissue in children. It is estimated that from 500,000 to 2 million persons may have received nasopharyngeal radium irradiation treatments over the years.

During the 1940's and 1950's—and perhaps later—the military treated submariners and air crew members with nasopharyngeal radium irradiation to prevent ear injury caused by severe pressure changes encountered in submarine and flight duty. The Final Report of the Advisory Committee on Human Radiation Experiments issued in 1995 cites one case where the Navy in the early 1940's treated 732 submariners with nasopharyngeal radium irradiation to equalize middle ear pressure with a 90 percent success rate.

Unfortunately, scientific research now suggests that individuals who received this then-accepted medical treatment may be at increased risk for developing head and neck cancers and other types of diseases and disorders. When nasopharyngeal irradiation was administered, radiation targeted to lymph tissue also affected the brain and other tissues in the head and neck, including the paranasal sinuses, salivary glands, thyroid and parathyroid glands.

Mr. President, the Committee on Veterans Affairs will fully develop the scientific record on this legislation. I will not now, therefore, discuss at length the evidence to support the proposition that veterans who received such therapy should now be eligible for VA care to treat the previously unknown medical consequences of nasopharyngeal radium irradiation. Suffice it to say now that the quantum of radiation to which people were routinely exposed as a consequence of nasopharyngeal radium irradiation far exceeded levels that would be judged acceptable today. Our colleague from Connecticut, Senator LIEBERMAN, stated it well when he commented in August 1994, at a hearing of the Environment and Public Works Subcommittee on Clean Air and Nuclear Radiation: "* * * the best evidence of the danger of this radium treatment is the fact that no doctor in his right mind would think of performing such a procedure today."

VA has proposed that veterans who received such treatment in the past be deemed eligible for treatment of cancers and other diseases and disorders that might be associated with this well-intentioned, but seemingly misguided, exposure to radiation. This legislation, if enacted, would authorize VA to treat such veterans on the same priority basis as it treats veterans who may have been exposed to ionizing radiation during weapons testing or during the occupation of Japan following World War II. It would also authorize VA to examine any veteran who was subjected to nasopharyngeal irradiation and include any findings in the VA's radiation registry.

As Chairman of the Veteran's Affairs Committee, I urge my colleagues in the Senate to join me in supporting this legislation.

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. 1822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) The Secretary may examine, and include in the Department's Ionizing Radiation Registry Program, any veteran who received nasopharyngeal radium irradiation treatments while serving in the active military, naval, or air service.

(b) Section 1710 is amended—

(1) in subsection (a)(2)(F), by inserting "or who received nasopharyngeal radium irradiation treatments," after "environmental hazard,"; and

(2) in subsection (e)(1)(B) by inserting ", or a veteran who received nasopharyngeal radium irradiation treatments while serving in the active military, naval, or air service," after "radiation-exposed veteran".

Mr. ROCKEFELLER. Mr. President, I am pleased to cosponsor legislation that will authorize provision of care to veterans treated with nasopharyngeal radium irradiation. This bill, requested by the Department of Veterans Affairs, will provide priority health care to a group of veterans that have so far been excluded from access to VA services. I urge all of my colleagues to support this bill.

Let me take you back over 40 years, to the 1940's and 50's, when thousands of military personnel (primarily Navy submariners and Army Air Corps pilots) received nasopharyngeal radium treatments to treat and prevent inner ear problems that developed due to the inadequate pressurization of their respective vessels. These treatments were considered the standard in the medical community at the time for children with severe middle ear obstructions and infections, often with accompanying deafness. To adapt the treatments to healthy adults, the Navy and Army conducted experiments on small groups of submariners and pilots. Subsequently, between 8,000 and 12,000 servicemen were irradiated for military purposes. The treatments were halted in the early 1960's as a result of two developments: pressurized planes and submarines became available (thus obviating the need for the treatments), and the clinical dangers associated with radiation were becoming apparent.

Looking back, we now know just how dangerous these treatments can be. The Centers for Disease Control and Prevention estimate that tissues at the exact site of radium placement were exposed to 2000 rem of radiation. That is 400 times greater than the maximum "safe" level of radiation exposure established by the Atomic Energy Commission many years ago. Parts of the brain received 24 rem, five times the accepted limit of exposure. Studies that have analyzed the health effects of external irradiation of the head and neck conclude that there is an increased risk of tumors of the brain, and of the thyroid, salivary, and parathyroid glands. One study done on individuals who had received nasopharyngeal radium treatments concluded there was an increased risk of developing head and neck tumors associated with the childhood treatments.

Unfortunately, the health effects of the treatments that were given to our veterans is unknown. Careful scientific studies cannot be done because the records documenting the treatments are incomplete or nonexistent. However, when such high levels of exposure are sustained, we must be concerned about long-term health effects, and thus, we have a responsibility to ensure access to health care by these veterans. Simply put, it is the right thing to do.

This legislation is a step in the right direction in helping these individuals. As Ranking Minority Member of the Senate Committee on Veterans' Affairs, I am well acquainted with the difficulties experienced by veterans who were exposed to radiation during service to their country and later sought help from the VA. The willingness of the VA to include this group of veterans is clearly demonstrated by the fact that VA initiated this legislation, and that is good.

In summary, this legislation grants veterans who received nasopharyngeal radium treatments the same status as other atomic veterans who served in the occupational forces in Nagasaki and Hiroshima, or who were present at the atmospheric test sites in Nevada and the Pacific. These veterans will now be able to enroll in the ionizing radiation registry, which entitles them to a full and complete physical examination. They will also gain access to medical care, to treat cancerous conditions detected during this examination that are associated with exposure to ionizing radiation.

It is especially important to provide physical examinations and health care to these veterans because documentation of the nasopharyngeal radium treatments was poorly done, if it was done at all. Thus, the relevant clinical information is not in their civilian or military medical records to alert a physician to potential problems. The appalling lack of documentation has proved to be a constant problem in ongoing efforts to grant benefits to atomic veterans of all types, and continues to plague us in this effort as well.

We will continue to study the plight of all atomic veterans, but this legislation offers eligible health care to a group of atomic veterans that have up to now been closed out of the VA. It is reasonable, compassionate, and long overdue.

Mr. LIEBERMAN. Mr. President, I am very pleased today to join with my colleagues, including Senators SPECTER and ROCKEFELLER, the Chairman and Ranking Member of the Veterans Affairs Committee, and the Chairman of the Armed Services Committee, Senator THURMOND, as an original cosponsor of this legislation which would authorize access to priority medical care for veterans treated with nasopharyngeal radium irradiation. Enactment of this legislation would be a major step forward for our veterans who received this treatment for inner-air problems between 1940 and 1960. I applaud the Clinton Administration for submitting this legislation.

Mr. President, nasal radium irradiation was the largest scale radiation experiment in the United States and the consequences of exposing so many people to ionizing radiation has not been adequately addressed. It was used to alleviate pressure changes associated with submarine and flying duties for our soldiers and to treat children with inner ear problems. We have a moral obligation to do everything we can to help these veterans and civilians. This legislation is especially important to me because veterans who received this treatment included Navy submariners trained in Connecticut. I've been working for the last four years to get similar legislation enacted.

Under this bill, veterans who received nasopharyngeal radium treatments will receive the same status as other atomic veterans who served in the occupational forces in Nagasaki and Hiroshima or were present at the test sites in Nevada and the Pacific. What this means is that these veterans will be able to enroll in the ionizing radiation registry which entitles them to a full and complete physical examination. They will also gain access to medical care to treat cancerous conditions detected during this examination that are associated with exposure to ionizing radiation.

Studies that have analyzed the health effects of external irradiation of the head and neck indicate that there is an increased risk of tumours of the brain and of the thyroid, salivary and parathyroid glands.

Mr. President, I've been working on many aspects of this problem for a number of years. I've been very concerned about notifying veterans who received this treatment so that they are aware of the concerns about the long term effects of such treatment and can take appropriate actions. Last September, the Veterans Administration agreed to provide such notification where they had the information available. The Veterans Administration is also considering performing a health surveillance involving about 400 veterans whose names were discovered in a logbook in April 1996 at the Submarine School Museum in Connecticut. This would also be a significant step forward.

I also remain very concerned about our civilians who have been exposed to

this treatment. The Center for Disease Control and Prevention estimates that between 500,000 and two million civilians received this treatment between 1945 and 1960. I was very pleased that CDC hosted a video conference on the treatment at Yale in September 1995 and has published notices in medical bulletins about the treatment, including fact sheets for the general public.

My number one priority on the civilian side now is attempting to ensure that civilians who received the treatment are notified. I have written to Secretary Shalala asking her to undertake a feasibility study about providing notice. People need to know that they had this treatment so that they can determine appropriate next steps, and our government should do everything possible to ensure that notice is provided.

Mr. President, many challenges remain as the government seeks to fulfill its moral obligation to our veterans. But enactment of this legislation would be an extremely important step forward.

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 531

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 531, A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 1069

At the request of Mr. MURKOWSKI, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1069, a bill entitled the "National Discovery Trails Act of 1997."

S. 1220

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1220, a bill to provide a process for declassifying on an expedited basis certain documents relating to human rights abuses in Guatemala and Honduras.

S. 1251

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. JEFFORDS), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Maine (Ms. COLLINS), the Senator from Maine (Ms. SNOWE), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1259

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. ROBB), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Illinois (Ms. MOSELEY-BRAUN) were added as cosponsors of S. 1259, a bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Coast Guard, and for other purposes.

S. 1482

At the request of Mr. COATS, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1482, a bill to amend section 223 of the Communications Act of 1934 to establish a prohibition on commercial distribution on the World Wide Web of material that is harmful to minors, and for other purposes.

S. 1610

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1610, a bill to increase the availability, affordability, and quality of child care.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 1677, a bill to reauthorize the North American Wetlands Conservation Act and the Partnerships for Wildlife Act.

S. 1682

At the request of Mr. D'AMATO, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1682, a bill to amend the Internal Revenue Code of 1986 to repeal joint and several liability of spouses on joint returns of Federal income tax, and for other purposes.

S. 1724

At the request of Ms. COLLINS, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1724, a bill to amend the Internal Revenue Code of 1986 to repeal the information reporting requirement relating to the Hope Scholarship and Lifetime Learning Credits imposed on educational institutions and certain other trades and businesses.

S. 1737

At the request of Mr. MACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1737, a bill to amend the Internal Revenue Code of 1986 to provide a uniform application of the confidentiality privilege to taxpayer communications with federally authorized practitioners.

S. 1789

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1789, a bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provision, and for other purposes.

SENATE CONCURRENT RESOLUTION 65

At the request of Ms. SNOWE, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of Senate Concurrent Resolution 65, a concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of Senate Concurrent Resolution 73, a concurrent resolution expressing the sense of Congress that the European Union is unfairly restricting the importation of United States agriculture products and the elimination of such restrictions should be a top priority in trade negotiations with the European Union.

SENATE CONCURRENT RESOLUTION 75

At the request of Mr. FEINGOLD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ROBB), the Senator from Illinois (Mr. DURBIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from California (Mrs. FEINSTEIN), the Senator from Mississippi (Mr. LOTT), and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of Senate Concurrent Resolution 75, a concurrent resolution honoring the sesquicentennial of Wisconsin statehood.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. SESSIONS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of Senate Concurrent Resolution 77, a concurrent resolution expressing the sense of the Congress that the Federal government should acknowledge the importance of at-home parents and should not discriminate against families who forego a second income in order for a mother or father to be at home with their children.

SENATE RESOLUTION 194

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of Senate Resolution 194, a resolution designating the week of

April 20 through April 26, 1998, as "National Kick Drugs Out of America Week."

SENATE RESOLUTION 195

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of Senate Resolution 195, a bill designating the week of March 22 through March 28, 1998, as "National Corrosion Prevention Week."

AMENDMENTS SUBMITTED

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

KENNEDY AMENDMENT NO. 2054

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986 to allow tax-free expenditures from education individual retirement accounts for elementary and secondary school expenses, to increase the maximum annual amount of contributions to such accounts, and for other purposes; as follows:

Strike sections 101 and 106, and insert at the end the following:

TITLE III—LOAN FORGIVENESS FOR TEACHERS

SEC. 301. FINDINGS AND PURPOSE.

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

(1) Our Nation is witnessing a 10-year rise in the elementary and secondary school age population. Between the fall of 1996 and the fall of 2006, total elementary and secondary school enrollment will rise from a record 51,700,000 to 54,600,000, a rise of approximately 3,000,000 children. Elementary school enrollment is projected to grow by 2 percent, from 37,300,000 to 38,100,000, while secondary school enrollment is expected to rise by 15 percent, from 14,400,000 to 16,500,000.

(2) In addition to the enrollment increases, many of the 2,600,000 elementary and secondary school teachers working in 1998 will begin to reach retirement age. According to the National Center for Education Statistics data, between one-third and one-half of all elementary and secondary school teachers are 45 years old or older. Qualified, experienced elementary and secondary school teachers will be leaving the profession at a time when the demand for the teachers is at the highest level in our Nation's history.

(3) There is a lack of qualified elementary and secondary school teachers in specific geographic and content areas. More than one-half, 56 percent, of secondary school students taking physical science courses are taught by teachers who have no background in physical science. Twenty-seven percent of secondary school students taking any level mathematics course are taught by teachers with no mathematics background. Students in inner-city schools have only a 50 percent chance of being taught by a qualified mathematics or science teacher. States that have large percentages of classes taught by teachers without a background in a particular subject area, such as Tennessee (26.5 percent), Florida (26.4 percent), Louisiana (26.2 percent), and Maryland (25.6 percent), demonstrate the need for increased numbers of elementary and secondary school teachers with the necessary qualifications.

(4) Our Nation must address the need described in paragraph (3) to ensure a qualified elementary and secondary school teacher for every child in every elementary and secondary school course.

(b) PURPOSE.—The purpose of this section is to create a Federal student loan forgiveness program to attract individuals to careers as elementary and secondary school teachers.

SEC. 302. LOAN FORGIVENESS FOR TEACHERS.

Part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.) is amended by inserting after section 428J (20 U.S.C. 1078-10) the following:

"SEC. 428K. LOAN FORGIVENESS FOR TEACHERS.

"(a) PROGRAM AUTHORIZED.—The Secretary is authorized to carry out a program of assuming the obligation to repay a loan made, insured, or guaranteed under this title (excluding loans made under section 428A for any new borrower after July 1, 1998, who is employed as a full-time elementary school or secondary school teacher—

"(1) in a school served by a local educational agency that is eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.); or

"(2) who teaches mathematics, science, foreign language, bilingual education, or any other area that the State educational agency determines to be an area for which there is a shortage of qualified elementary school or secondary school teachers.

"(b) LOAN REPAYMENT.—

"(1) IN GENERAL.—The Secretary shall assume the obligation to repay—

"(A) 15 percent of the total amount of loans incurred by the borrower under this title, not to exceed $1,200 per year, for each of the first two years the borrower meets the employment requirement described in subsection (a);

"(B) 20 percent of such total amount, not to exceed $1,600 per year, for each of the third and fourth years the borrower meets such requirement; and

"(C) 30 percent of such total amount, not to exceed $2,400, for the fifth year the borrower meets such requirement.

"(2) CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the refunding of any repayment of a loan under this title.

"(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

"(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

"(d) APPLICATION FOR REPAYMENT.—

"(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Loan repayment under this section shall be on a first-come, first-served basis and subject to the availability of appropriations.

"(2) CONDITIONS.—An eligible individual may apply for repayment after completing each year of qualifying employment. The borrower shall receive forbearance while engaged in qualifying employment unless the borrower is in deferment while so engaged.

"(e) DEFINITIONS.—For the purpose of this section the term "eligible lender" has the meaning given the term in section 435(d).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,600,000 for each of the fiscal years 1999 and 2000.".

DODD AMENDMENT NO. 2055

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

Strike section 101, and insert the following:

SEC. 101. FUNDING FOR PART B OF IDEA.

Any amounts of revenue increases resulting from the enactment of title II shall be used to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

LEVIN AMENDMENTS NOS. 2056–2057

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

AMENDMENT NO. 2056

After title II add the following:

TITLE ___—MISCELLANEOUS

SEC. ___. EXTENSION OF PERIOD OF TIME FOR COUNTING VOCATIONAL EDUCATIONAL TRAINING AS A WORK ACTIVITY UNDER THE TANF PROGRAM.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended by striking "12" and inserting "24".

AMENDMENT NO. 2057

At the end of title I, insert:

SEC. ___. INCREASED LIFETIME LEARNING CREDIT FOR TECHNOLOGY TRAINING OF ELEMENTARY AND SECONDARY TEACHERS.

(a) IN GENERAL.—Section 25A(c) (relating to lifetime learning credit) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE FOR TECHNOLOGY TRAINING OF CERTAIN TEACHERS.—If any portion of the qualified tuition and related expenses to which this subsection applies—

"(A) are paid or incurred by an individual who is a kindergarten through grade 12 teacher in an elementary or secondary school, and

"(B) are incurred as part of a program which is approved and certified by the appropriate local educational agency as directly related to improvement of the individual's capacity to use technology in teaching,

paragraph (1) shall be applied with respect to such portion by substituting '50 percent' for '20 percent'."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenses paid after December 31, 1997, for education furnished in academic periods beginning after such date.

WELLSTONE AMENDMENT NO. 2058

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by

him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.

Section 413 of the Social Security Act (42 U.S.C. 613) is amended by adding at the end the following:

"(k) REPORT ON THE STATUS OF FORMER TANF RECIPIENTS.—

"(1) DEVELOPMENT OF PLAN.—The Secretary shall develop a plan to assess, to the extent possible based on all available information, the number and percentage of former recipients of assistance under the State programs funded under this part that are, as of the date that the assessment is performed, economically self-sufficient. In determining economic self-sufficiency, the Secretary shall consider—

"(A) the number and percentage of such recipients that are, as of the date of the assessment, employed;

"(B) the number and percentage of such recipients earning incomes at or above 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section for a family of the size involved); and

"(C) the number and percentage of such recipients that have access to housing, transportation, and child care.

"(2) REPORTS TO CONGRESS.—Beginning 4 months after the date of enactment of this subsection, the Secretary shall submit biannual reports to the appropriate committees of Congress on the assessment conducted under this subsection. The reports shall analyze the ability of former recipients of assistance under the State programs funded under this part to achieve economic self-sufficiency. The Secretary shall include in the reports all available information about the economic self-sufficiency of such recipients, including data from quarterly State reports submitted to the Department of Health and Human Services (in this paragraph referred to as the 'Department'), data from State applications submitted to the Department for bonuses, and to the extent the Secretary determines they are relevant to the assessment—

"(A) reports prepared by the Comptroller General of the United States;

"(B) samples prepared by the Bureau of the Census;

"(C) surveys funded by the Department;

"(D) studies conducted by the Department;

"(E) studies conducted by States;

"(F) surveys conducted by non-governmental entities;

"(G) administrative data from other Federal agencies; and

"(H) information and materials available from any other appropriate source.".

MACK (AND D'AMATO) AMENDMENT NO. 2059

(Ordered to lie on the table.)

Mr. MACK (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

At the end, add the following:

TITLE ___—MEASURES TO ENCOURAGE RESULTS IN TEACHING

SEC. ___01. SHORT TITLE; FINDINGS; AND PURPOSES.

(a) SHORT TITLE.—This title may be cited as the "Measures to Encourage Results in Teaching Act of 1998".

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

(1) All students deserve to be taught by well-educated, competent, and qualified teachers.

(2) More than ever before, education has and will continue to become the ticket not only to economic success but to basic survival. Students will not succeed in meeting the demands of a knowledge-based, 21st century society and economy if the students do not encounter more challenging work in school. For future generations to have the opportunities to achieve success the future generations will need to have an education and a teacher workforce second to none.

(3) No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process. At the same time, nothing can fully compensate for weak teaching that, despite good intentions, can result from a teacher's lack of opportunity to acquire the knowledge and skill needed to help students master the curriculum.

(4) The Federal Government established the Dwight D. Eisenhower Professional Development Program in 1985 to ensure that teachers and other educational staff have access to sustained and high-quality professional development. This ongoing development must include the ability to demonstrate and judge the performance of teachers and other instructional staff.

(5) States should evaluate their teachers on the basis of demonstrated ability, including tests of subject matter knowledge, teaching knowledge, and teaching skill. States should develop a test for their teachers and other instructional staff with respect to the subjects taught by the teachers and staff, and should administer the test every 3 to 5 years.

(6) Evaluating and rewarding teachers with a compensation system that supports teachers who become increasingly expert in a subject area, are proficient in meeting the needs of students and schools, and demonstrate high levels of performance measured against professional teaching standards, will encourage teachers to continue to learn needed skills and broaden teachers' expertise, thereby enhancing education for all students.

(c) PURPOSES.—The purposes of this title are as follows:

(1) To provide incentives for States to establish and administer periodic teacher testing and merit pay programs for elementary school and secondary school teachers.

(2) To encourage States to establish merit pay programs that have a significant impact on teacher salary scales.

(3) To encourage programs that recognize and reward the best teachers, and encourage those teachers that need to do better.

SEC. ___02. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

(a) AMENDMENTS.—Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) by redesignating part D as part E;

(2) by redesignating sections 2401 and 2402 as sections 2501 and 2502, respectively; and

(3) by inserting after part C the following:

"PART D—STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY

"SEC. 2401. STATE INCENTIVES FOR TEACHER TESTING AND MERIT PAY.

"(a) STATE AWARDS.—Notwithstanding any other provision of this title, from funds described in subsection (b) that are made available for a fiscal year, the Secretary shall make an award to each State that—

"(1) administers a test to each elementary school and secondary school teacher in the State, with respect to the subjects taught by the teacher, every 3 to 5 years; and

"(2) has an elementary school and secondary school teacher compensation system that is based on merit.

"(b) AVAILABLE FUNDING.—The amount of funds referred to in subsection (a) that are available to carry out this section for a fiscal year is 50 percent of the amount of funds appropriated to carry out this title that are in excess of the amount so appropriated for fiscal year 1999, except that no funds shall be available to carry out this section for any fiscal year for which—

"(1) the amount appropriated to carry out this title exceeds $600,000,000; or

"(2) each of the several States is eligible to receive an award under this section.

"(c) AWARD AMOUNT.—A State shall receive an award under this section in an amount that bears the same relation to the total amount available for awards under this section for a fiscal year as the number of States that are eligible to receive such an award for the fiscal year bears to the total number of all States so eligible for the fiscal year.

"(d) USE OF FUNDS.—Funds provided under this section may be used by States to carry out the activities described in section 2207.

"(e) DEFINITION OF STATE.—For the purpose of this section, the term 'State' means each of the 50 States and the District of Columbia.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. ___03. TEACHER TESTING AND MERIT PAY.

(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use Federal education funds—

(1) to carry out a test of each elementary school or secondary school teacher in the State with respect to the subjects taught by the teacher; or

(2) to establish a merit pay program for the teachers.

(b) DEFINITIONS.—In this section, the terms "elementary school" and "secondary school" have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

WELLSTONE AMENDMENT NO. 2060

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. REPEAL OF FOOD STAMP BENEFIT REDUCTIONS.

(a) THRIFTY FOOD PLAN.—Section 3(o)(4) of the Food Stamp Act of 1977 (7 U.S.C. 2011(o)(4)) is amended by inserting "103 percent of" after "reflect".

(b) INCOME EARNED BY HIGH SCHOOL STUDENTS.—Section 5(d)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(7)) is amended by striking "17" and inserting "21".

(c) INDEXING OF STANDARD DEDUCTION.—Section 5(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(1)) is amended by inserting before the period at the end the following: ", adjusted on October 1, 1998, and each October 1 thereafter, to the nearest lower dollar increment to reflect changes in the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, for items other than food, for the 12 months ending the preceding June 30".

(d) FAMILIES WITH HIGH SHELTER COSTS.—Section 5(e)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)) is amended—

(1) by striking "EXPENSE DEDUCTION.—" and all that follows through "A household" and inserting "EXPENSE DEDUCTION.—A household"; and

(2) by striking subparagraph (B).

(e) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 1998.

GORTON (AND FAIRCLOTH) AMENDMENT NO. 2061

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mr. FAIRCLOTH) submitted an amendment intended to be proposed by them to the bill, H.R. 2646, supra; as follows:

At the appropriate place, add the following:

SECTION 1. UNIFORM DISCIPLINARY POLICIES.

Section 615(k) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(k)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following:

"(10) UNIFORM DISCIPLINARY POLICIES.—Notwithstanding any other provision of this Act, each State educational agency or local educational agency may establish and implement uniform policies with respect to discipline and order applicable to all children within its jurisdiction to ensure safety and an appropriate educational atmosphere in its schools.".

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

BYRD (AND OTHERS) AMENDMENT NO. 2062

Mr. BYRD (for himself, Mr. DORGAN, Mr. STEVENS, and Mr. SARBANES) proposed an amendment to the bill (S. 1768) making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, for the fiscal year ending September 30, 1998, and for other purposes; as follows:

At the appropriate place, insert the following new title:

TITLE ___—EMERGENCY TRADE DEFICIT REVIEW COMMISSION

SEC. __01. SHORT TITLE.

This title may be cited as the "Emergency Trade Deficit Review Commission Act".

SEC. __02. FINDINGS.

Congress makes the following findings:

(1) The United States continues to run substantial merchandise trade and current account deficits.

(2) Economic forecasts anticipate continued growth in such deficits in the next few years.

(3) The positive net international asset position that the United States built up over many years was eliminated in the 1980s. The United States today has become the world's largest debtor nation.

(4) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries.

(5) The United States has one of the most open borders and economies in the world. The United States faces significant tariff and nontariff trade barriers with its trading partners. Current overall trade balances do not reflect the actual competitiveness or productivity of the United States economy.

(6) Since the last comprehensive review of national trade and investment policies was conducted by a Presidential commission in 1970, there have been massive worldwide economic and political changes which have profoundly affected world trading relationships. Globalization, the increased mobility of capital and technology, the role of transnational corporations, and the outsourcing of production across national boundaries, are reshaping both the comparative and competitive trade advantages among nations.

(7) The United States is once again at a critical juncture in trade policy development. The nature of the United States trade deficit and its causes and consequences must be analyzed and documented.

SEC. __03. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Emergency Trade Deficit Review Commission (hereafter in this title referred to as the "Commission").

(b) PURPOSE.—The purpose of the Commission is to study the causes and consequences of the United States merchandise trade and current account deficits and to develop trade policy recommendations for the 21st century. The recommendations shall include strategies necessary to achieve United States market access to foreign markets that fully reflects the competitiveness and productivity of the United States and also improves the standard of living of United States citizens.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members of whom—

(A) 1 Senator and 2 other persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate;

(B) 1 Senator and 2 other persons shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate;

(C) 1 Member of the House of Representatives and 2 other persons shall be appointed by the Speaker of the House of Representatives; and

(D) 1 Member of the House of Representatives and 2 other persons shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS OF MEMBERS.—

(A) APPOINTMENTS.—Persons who are appointed under paragraph (1), shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(B) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to analyzing the causes and consequences of United States merchandise trade and current account deficits.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

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

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

SEC. __04. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for developing trade policy recommendations, by examining the economic, trade, tax, and investment policies and laws, and other incentives and restrictions that are relevant to addressing the causes and consequences of the United States merchandise trade and current account deficits.

(b) RECOMMENDATIONS.—The Commission shall examine and make recommendations to Congress and the President on the following:

(1) The manner in which the Government of the United States establishes and administers the Nation's fundamental trade policies and objectives, including—

(A) the relationship of the merchandise trade and current account balances to the overall well-being of the United States economy and any impact the trade balance may have on wages and employment in various sectors of the United States economy;

(B) any effects the merchandise trade and current account deficits may have on the areas of manufacturing and technology and on defense production and innovation capabilities of the United States;

(C) the impact that United States monetary and fiscal policies may have on United States merchandise trade and current account deficits; and

(D) the coordination, allocation, and accountability of trade responsibilities among Federal agencies and the means for congressional oversight of the trade policy process.

(2) The causes and consequences of the merchandise trade and current account deficits and specific bilateral trade deficits, including—

(A) identification and quantification of the macroeconomic factors and bilateral trade barriers contributing to the United States merchandise trade and current account deficits;

(B) identification and quantification of any impact of the merchandise trade and current account deficits on the domestic economy, industrial base, manufacturing capacity, number and quality of jobs, productivity, wages, and the United States standard of living;

(C) identification and quantification of trade deficits within individual industrial, manufacturing, and production sectors, and any relationship to intraindustry and intracompany transactions;

(D) a review of the adequacy of the current collection and reporting of import and export data, and the identification and development of additional data bases and economic measurements that may be needed to

properly quantify the factors described in subparagraphs (A), (B), and (C);

(E) the relationship that tariff and nontariff barriers may have to the merchandise trade and current account deficits and the extent to which such deficits have become structural;

(F) the extent to which there is reciprocal market access substantially equivalent to that afforded by the United States in each country with which the United States has a persistent and substantial bilateral trade deficit; and

(G) the impact of transhipments on bilateral trade.

(3) Any relationship of United States merchandise trade and current account deficits to both comparative and competitive trade advantages within the global economy, including—

(A) a systematic analysis of the United States trade patterns with different trading partners, to what extent the trade patterns are based on comparative and competitive trade advantages, and how the trade advantages relate to the goods that are exported to and imported from various trading partners;

(B) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(C) the extent to which differences in the growth rates of the United States and its trading partners may impact on United States merchandise trade and current account deficits;

(D) any impact that labor, environmental, or health and safety standards may have on world trade;

(E) the impact that currency exchange rate fluctuations and any manipulation of exchange rates may have on United States merchandise trade and current account deficits;

(F) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(G) any effect that international trade, labor, environmental, or other agreements may have on United States competitiveness.

(4) The flow of investments both into and out of the United States, including—

(A) any consequences for the United States economy of the current status of the United States as a debtor nation;

(B) any relationship between such investments and the United States merchandise trade and current account deficits and living standards of United States workers;

(C) any impact such investments may have on United States labor, community, environmental, and health and safety standards, and how such investment flows influence the location of manufacturing facilities; and

(D) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a merchandise trade and current account deficit.

SEC. ___05. FINAL REPORT; CONGRESSIONAL HEARINGS.

(a) FINAL REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commission shall submit to the President and Congress a final report which contains—

(A) the findings and conclusions of the Commission described in section ___04;

(B) recommendations for addressing the problems identified as part of the Commission's analysis; and

(C) any proposals for administrative and legislative actions necessary to implement such recommendations.

(2) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

(b) CONGRESSIONAL HEARINGS.—Not later than 6 months after the final report described in subsection (a) is submitted, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall hold hearings on the report. Other committees of the House of Representatives and Senate with relevant jurisdiction may also hold hearings on the report.

SEC. ___06. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 1 or more hearings in Washington, D.C., and 4 in different regions of the United States.

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

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

SEC. ___07. COMMISSION PERSONNEL MATTERS.

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

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

(c) STAFF.—

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

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

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

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

SEC. ___08. SUPPORT SERVICES.

The Comptroller General of the United States shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. ___09. APPROPRIATIONS.

There are appropriated $20,000,000 to the Commission to carry out the provisions of this title.

MCCAIN (AND OTHERS) AMENDMENT NO. 2063

Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. GRAMS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 16, strike beginning with line 6 through page 18, line 5.

On page 19, strike beginning with line 2 through line 12.

On page 19, strike beginning with line 24 through page 20, line 2.

On page 26, strike beginning with line 7 through line 11.

On page 35, strike beginning with line 10 through page 38, line 18.

On page 40, strike beginning with line 1 through line 25.

On page 43, strike beginning with line 8 through line 13.

On page 4, strike beginning with line 13 through page 5, line 3.

FRIST AMENDMENT NO. 2064

(Ordered to lie on the table.)

Mr. FRIST submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION AUTHORITY FOR AIR SERVICE TO SLOT-CONTROLLED AIRPORTS.

(a) IN GENERAL.—Section 41714(i) of title 49, United States Code, is amended by—

(1) striking "CERTAIN" in the caption;

(2) striking "120" and inserting "90"; and

(3) striking "(a)(2) to improve air service between a nonhub airport (as defined in section 41731(a)(4)) and a high density airport subject to the exemption authority under subsection (a)," and inserting "(a) or (c),".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) apply to applications for slot exemptions pending at the Department of Transportation under section 41714 of title 49, United States Code, on the date of enactment of this Act or filed thereafter.

(2) APPLICATION TO PENDING REQUESTS.—For the purpose of applying the amendments made by subsection (a) to applications pending on the date of enactment of this Act, the

Secretary of Transportation shall take into account the number of days the application was pending before the date of enactment of this Act. If such an application was pending for 80 or more days before the date of enactment of this Act, the Secretary shall grant or deny the exemption to which the application relates within 20 calendar days after that date.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND THE CZECH REPUBLIC

STEVENS (AND OTHERS) EXECUTIVE AMENDMENT NO. 2065

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. THURMOND, Mr. WARNER, and Mr. ROBERTS) submitted an executive amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the end of section 3(2) of the resolution, add the following:

(C) REQUIREMENT OF PAYMENT OUT OF FUNDS SPECIFICALLY AUTHORIZED.—No cost incurred by the North Atlantic Treaty Organization (NATO) in connection with the admission to membership, or participation, in NATO of any country that was not a member of NATO as of March 1, 1998, may be paid out of funds available to any department, agency, or other entity of the United States unless the funds are specifically authorized by law for that purpose.

STEVENS (AND OTHERS) EXECUTIVE AMENDMENT NO. 2006

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. BYRD, Mr. CAMPBELL, Mr. WARNER, and Mr. ROBERTS) submitted an executive amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) protocols to the North Atlantic Treaty of 1949 on the accession of Poland, Hungary, and the Czech Republic. These protocols were opened for signature at Brussels on December 16, 1997, and signed on behalf of the United States of America and other parties to the North Atlantic Treaty; as follows:

At the end of section 3(2) of the resolution, add the following:

(C) RESTRICTION ON USE OF APPROPRIATED FUNDS.—None of the funds appropriated by any provision of United States law may be obligated for the payment of costs incurred in connection with NATO after September 30, 1998, unless the Secretary of Defense, with respect to any payment of costs under the Military Budget or the Security Investment Program of NATO, and the Secretary of State, with respect to any payment of costs under the Civil Budget of NATO, certify to Congress that such payment will not cause the total payments of the United States to the common budgets, accounts, and activities of NATO during the NATO fiscal year to exceed 20 percent of the total amount payable by NATO members to those budgets, accounts, and activities during that year.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

DOMENICI (AND BINGAMAN) AMENDMENT NO. 2067

Mr. STEVENS (for Mr. DOMENICI, for himself and Mr. BINGAMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, insert:

SEC. . Notwithstanding any other provision of law, the Department of the Army is hereby prohibited from moving forward with civilian personnel reductions at all Army Test Ranges resulting from proposed reductions in their fiscal year 1999 budget, until such time as the Congress has the opportunity to consider the merits of such action during the fiscal year 1999 defense appropriations process. Where civilian personnel are concerned, the Army is required to offer such Voluntary Separation Incentive Pay (VSIP) and Voluntary Early Retirement Authority benefits as are currently being offered, should such benefits be necessary at a future date.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

SPECTER AMENDMENT NO. 2068

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, H.R. 2646, supra; as follows:

At the end of the matter proposed to be inserted, insert:

TITLE ___—FLAT TAX

SEC. ___01. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "Flat Tax Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. ___01. Short title; table of contents; amendment of 1986 Code.
Sec. ___02. Flat tax on individual taxable earned income and business taxable income.
Sec. ___03. Repeal of estate and gift taxes.
Sec. ___04. Additional repeals.
Sec. ___05. Effective dates.

(c) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal 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 a section or other provision of the Internal Revenue Code of 1986.

SEC. ___02. FLAT TAX ON INDIVIDUAL TAXABLE EARNED INCOME AND BUSINESS TAXABLE INCOME.

(a) IN GENERAL.—Subchapter A of chapter 1 of subtitle A is amended to read as follows:

"Subchapter A—Determination of Tax Liability

"Part I. Tax on individuals.
"Part II. Tax on business activities.

"PART I—TAX ON INDIVIDUALS

"Sec. 1. Tax imposed.
"Sec. 2. Standard deduction.
"Sec. 3. Deduction for cash charitable contributions.
"Sec. 4. Deduction for home acquisition indebtedness.
"Sec. 5. Definitions and special rules.

"SECTION 1. TAX IMPOSED.

"(a) IMPOSITION OF TAX.—There is hereby imposed on every individual a tax equal to 20 percent of the taxable earned income of such individual.

"(b) TAXABLE EARNED INCOME.—For purposes of this section, the term 'taxable earned income' means the excess (if any) of—

"(1) the earned income received or accrued during the taxable year, over

"(2) the sum of—

"(A) the standard deduction,

"(B) the deduction for cash charitable contributions, and

"(C) the deduction for home acquisition indebtedness,

for such taxable year.

"(c) EARNED INCOME.—For purposes of this section—

"(1) IN GENERAL.—The term 'earned income' means wages, salaries, or professional fees, and other amounts received from sources within the United States as compensation for personal services actually rendered, but does not include that part of compensation derived by the taxpayer for personal services rendered by the taxpayer to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered.

"(2) TAXPAYER ENGAGED IN TRADE OR BUSINESS.—In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of the taxpayer's share of the net profits of such trade or business, shall be considered as earned income.

"SEC. 2. STANDARD DEDUCTION.

"(a) IN GENERAL.—For purposes of this subtitle, the term 'standard deduction' means the sum of—

"(1) the basic standard deduction, plus

"(2) the additional standard deduction.

"(b) BASIC STANDARD DEDUCTION.—For purposes of subsection (a), the basic standard deduction is—

"(1) $17,500 in the case of—

"(A) a joint return, and

"(B) a surviving spouse (as defined in section 5(a)),

"(2) $15,000 in the case of a head of household (as defined in section 5(b)), and

"(3) $10,000 in the case of an individual—

"(A) who is not married and who is not a surviving spouse or head of household, or

"(B) who is a married individual filing a separate return.

"(c) ADDITIONAL STANDARD DEDUCTION.—For purposes of subsection (a), the additional standard deduction is $5,000 for each dependent (as defined in section 5(d))—

"(1) whose earned income for the calendar year in which the taxable year of the taxpayer begins is less than the basic standard deduction specified in subsection (b)(3), or

"(2) who is a child of the taxpayer and who—

"(A) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

"(B) is a student who has not attained the age of 24 at the close of such calendar year.

"(d) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1997, each dollar amount contained in subsections (b) and (c) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1996' for 'calendar year 1992' in subparagraph (B) of such section.

"(2) ROUNDING.—If any increase determined under paragraph (1) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.

"SEC. 3. DEDUCTION FOR CASH CHARITABLE CONTRIBUTIONS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction any charitable contribution (as defined in subsection (b)) not to exceed $2,500 ($1,250, in the case of a married individual filing a separate return), payment of which is made within the taxable year.

"(b) CHARITABLE CONTRIBUTION DEFINED.—For purposes of this section , the term 'charitable contribution' means a contribution or gift of cash or its equivalent to or for the use of the following:

"(1) A State, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, but only if the contribution or gift is made for exclusively public purposes.

"(2) A corporation, trust, or community chest, fund, or foundation—

"(A) created or organized in the United States or in any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States;

"(B) organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals;

"(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and

"(D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.

A contribution or gift by a corporation to a trust, chest, fund, or foundation shall be deductible by reason of this paragraph only if it is to be used within the United States or any of its possessions exclusively for purposes specified in subparagraph (B). Rules similar to the rules of section 501(j) shall apply for purposes of this paragraph.

"(3) A post or organization of war veterans, or an auxiliary unit or society of, or trust or foundation for, any such post or organization—

"(A) organized in the United States or any of its possessions, and

"(B) no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"(4) In the case of a contribution or gift by an individual, a domestic fraternal society, order, or association, operating under the lodge system, but only if such contribution or gift is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

"(5) A cemetery company owned and operated exclusively for the benefit of its members, or any corporation chartered solely for burial purposes as a cemetery corporation and not permitted by its charter to engage in any business not necessarily incident to that purpose, if such company or corporation is not operated for profit and no part of the net earnings of such company or corporation inures to the benefit of any private shareholder or individual.

For purposes of this section, the term 'charitable contribution' also means an amount treated under subsection (d) as paid for the use of an organization described in paragraph (2), (3), or (4).

"(c) DISALLOWANCE OF DEDUCTION IN CERTAIN CASES AND SPECIAL RULES.—

"(1) SUBSTANTIATION REQUIREMENT FOR CERTAIN CONTRIBUTIONS.—

"(A) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any contribution of $250 or more unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgment of the contribution by the donee organization that meets the requirements of subparagraph (B).

"(B) CONTENT OF ACKNOWLEDGMENT.—An acknowledgment meets the requirements of this subparagraph if it includes the following information:

"(i) The amount of cash contributed.

"(ii) Whether the donee organization provided any goods or services in consideration, in whole or in part, for any contribution described in clause (i).

"(iii) A description and good faith estimate of the value of any goods or services referred to in clause (ii) or, if such goods or services consist solely of intangible religious benefits, a statement to that effect.

For purposes of this subparagraph, the term 'intangible religious benefit' means any intangible religious benefit which is provided by an organization organized exclusively for religious purposes and which generally is not sold in a commercial transaction outside the donative context.

"(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgment shall be considered to be contemporaneous if the taxpayer obtains the acknowledgment on or before the earlier of—

"(i) the date on which the taxpayer files a return for the taxable year in which the contribution was made, or

"(ii) the due date (including extensions) for filing such return.

"(D) SUBSTANTIATION NOT REQUIRED FOR CONTRIBUTIONS REPORTED BY THE DONEE ORGANIZATION.—Subparagraph (A) shall not apply to a contribution if the donee organization files a return, on such form and in accordance with such regulations as the Secretary may prescribe, which includes the information described in subparagraph (B) with respect to the contribution.

"(E) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this paragraph, including regulations that may provide that some or all of the requirements of this paragraph do not apply in appropriate cases.

"(2) DENIAL OF DEDUCTION WHERE CONTRIBUTION FOR LOBBYING ACTIVITIES.—No deduction shall be allowed under this section for a contribution to an organization which conducts activities to which section 11(d)(2)(C)(i) applies on matters of direct financial interest to the donor's trade or business, if a principal purpose of the contribution was to avoid Federal income tax by securing a deduction for such activities under this section which would be disallowed by reason of section 11(d)(2)(C) if the donor had conducted such activities directly. No deduction shall be allowed under section 11(d) for any amount for which a deduction is disallowed under the preceding sentence.

"(d) AMOUNTS PAID TO MAINTAIN CERTAIN STUDENTS AS MEMBERS OF TAXPAYER'S HOUSEHOLD.—

"(1) IN GENERAL.—Subject to the limitations provided by paragraph (2), amounts paid by the taxpayer to maintain an individual (other than a dependent, as defined in section 5(d), or a relative of the taxpayer) as a member of such taxpayer's household during the period that such individual is—

"(A) a member of the taxpayer's household under a written agreement between the taxpayer and an organization described in paragraph (2), (3), or (4) of subsection (b) to implement a program of the organization to provide educational opportunities for pupils or students in private homes, and

"(B) a full-time pupil or student in the twelfth or any lower grade at an educational organization located in the United States which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on,

shall be treated as amounts paid for the use of the organization.

"(2) LIMITATIONS.—

"(A) AMOUNT.—Paragraph (1) shall apply to amounts paid within the taxable year only to the extent that such amounts do not exceed $50 multiplied by the number of full calendar months during the taxable year which fall within the period described in paragraph (1). For purposes of the preceding sentence, if 15 or more days of a calendar month fall within such period such month shall be considered as a full calendar month.

"(B) COMPENSATION OR REIMBURSEMENT.—Paragraph (1) shall not apply to any amount paid by the taxpayer within the taxable year if the taxpayer receives any money or other property as compensation or reimbursement for maintaining the individual in the taxpayer's household during the period described in paragraph (1).

"(3) RELATIVE DEFINED.—For purposes of paragraph (1), the term 'relative of the taxpayer' means an individual who, with respect to the taxpayer, bears any of the relationships described in subparagraphs (A) through (H) of section 5(d)(1).

"(4) NO OTHER AMOUNT ALLOWED AS DEDUCTION.—No deduction shall be allowed under subsection (a) for any amount paid by a taxpayer to maintain an individual as a member of the taxpayer's household under a program described in paragraph (1)(A) except as provided in this subsection.

"(e) DENIAL OF DEDUCTION FOR CERTAIN TRAVEL EXPENSES.—No deduction shall be allowed under this section for traveling expenses (including amounts expended for meals and lodging) while away from home, whether paid directly or by reimbursement,

unless there is no significant element of personal pleasure, recreation, or vacation in such travel.

"(f) DISALLOWANCE OF DEDUCTIONS IN CERTAIN CASES.—For disallowance of deductions for contributions to or for the use of Communist controlled organizations, see section 11(a) of the Internal Security Act of 1950 (50 U.S.C. 790).

"(g) TREATMENT OF CERTAIN AMOUNTS PAID TO OR FOR THE BENEFIT OF INSTITUTIONS OF HIGHER EDUCATION.—

"(1) IN GENERAL.—For purposes of this section, 80 percent of any amount described in paragraph (2) shall be treated as a charitable contribution.

"(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), an amount is described in this paragraph if—

"(A) the amount is paid by the taxpayer to or for the benefit of an educational organization—

"(i) which is described in subsection (d)(1)(B), and

"(ii) which is an institution of higher education (as defined in section 3304(f)), and

"(B) such amount would be allowable as a deduction under this section but for the fact that the taxpayer receives (directly or indirectly) as a result of paying such amount the right to purchase tickets for seating at an athletic event in an athletic stadium of such institution.

If any portion of a payment is for the purchase of such tickets, such portion and the remaining portion (if any) of such payment shall be treated as separate amounts for purposes of this subsection.

"(h) OTHER CROSS REFERENCES.—

"(1) For treatment of certain organizations providing child care, see section 501(k).

"(2) For charitable contributions of partners, see section 702.

"(3) For treatment of gifts for benefit of or use in connection with the Naval Academy as gifts to or for the use of the United States, see section 6973 of title 10, United States Code.

"(4) For treatment of gifts accepted by the Secretary of State, the Director of the International Communication Agency, or the Director of the United States International Development Cooperation Agency, as gifts to or for the use of the United States, see section 25 of the State Department Basic Authorities Act of 1956.

"(5) For treatment of gifts of money accepted by the Attorney General for credit to the 'Commissary Funds, Federal Prisons' as gifts to or for the use of the United States, see section 4043 of title 18, United States Code.

"(6) For charitable contributions to or for the use of Indian tribal governments (or subdivisions of such governments), see section 7871.

"SEC. 4. DEDUCTION FOR HOME ACQUISITION INDEBTEDNESS.

"(a) GENERAL RULE.—For purposes of this part, there shall be allowed as a deduction all qualified residence interest paid or accrued within the taxable year.

"(b) QUALIFIED RESIDENCE INTEREST DEFINED.—The term 'qualified residence interest' means any interest which is paid or accrued during the taxable year on acquisition indebtedness with respect to any qualified residence of the taxpayer. For purposes of the preceding sentence, the determination of whether any property is a qualified residence of the taxpayer shall be made as of the time the interest is accrued.

"(c) ACQUISITION INDEBTEDNESS.—

"(1) IN GENERAL.—The term 'acquisition indebtedness' means any indebtedness which—

"(A) is incurred in acquiring, constructing, or substantially improving any qualified residence of the taxpayer, and

"(B) is secured by such residence.

Such term also includes any indebtedness secured by such residence resulting from the refinancing of indebtedness meeting the requirements of the preceding sentence (or this sentence); but only to the extent the amount of the indebtedness resulting from such refinancing does not exceed the amount of the refinanced indebtedness.

"(2) $100,000 LIMITATION.—The aggregate amount treated as acquisition indebtedness for any period shall not exceed $100,000 ($50,000 in the case of a married individual filing a separate return).

"(d) TREATMENT OF INDEBTEDNESS INCURRED ON OR BEFORE OCTOBER 13, 1987.—

"(1) IN GENERAL.—In the case of any pre-October 13, 1987, indebtedness—

"(A) such indebtedness shall be treated as acquisition indebtedness, and

"(B) the limitation of subsection (b)(2) shall not apply.

"(2) REDUCTION IN $100,000 LIMITATION.—The limitation of subsection (b)(2) shall be reduced (but not below zero) by the aggregate amount of outstanding pre-October 13, 1987, indebtedness.

"(3) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—The term 'pre-October 13, 1987, indebtedness' means—

"(A) any indebtedness which was incurred on or before October 13, 1987, and which was secured by a qualified residence on October 13, 1987, and at all times thereafter before the interest is paid or accrued, or

"(B) any indebtedness which is secured by the qualified residence and was incurred after October 13, 1987, to refinance indebtedness described in subparagraph (A) (or refinanced indebtedness meeting the requirements of this subparagraph) to the extent (immediately after the refinancing) the principal amount of the indebtedness resulting from the refinancing does not exceed the principal amount of the refinanced indebtedness (immediately before the refinancing).

"(4) LIMITATION ON PERIOD OF REFINANCING.—Subparagraph (B) of paragraph (3) shall not apply to any indebtedness after—

"(A) the expiration of the term of the indebtedness described in paragraph (3)(A), or

"(B) if the principal of the indebtedness described in paragraph (3)(A) is not amortized over its term, the expiration of the term of the first refinancing of such indebtedness (or if earlier, the date which is 30 years after the date of such first refinancing).

"(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) QUALIFIED RESIDENCE.—For purposes of this subsection—

"(A) IN GENERAL.—Except as provided in subparagraph (C), the term 'qualified residence' means the principal residence of the taxpayer.

"(B) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If a married couple does not file a joint return for the taxable year—

"(i) such couple shall be treated as 1 taxpayer for purposes of subparagraph (A), and

"(ii) each individual shall be entitled to take into account ½ of the principal residence unless both individuals consent in writing to 1 individual taking into account the principal residence.

"(C) PRE-OCTOBER 13, 1987, INDEBTEDNESS.—In the case of any pre-October 13, 1987, indebtedness, the term 'qualified residence' has the meaning given that term in section 163(h)(4), as in effect on the day before the date of enactment of this subparagraph.

"(2) SPECIAL RULE FOR COOPERATIVE HOUSING CORPORATIONS.—Any indebtedness secured by stock held by the taxpayer as a tenant-stockholder in a cooperative housing corporation shall be treated as secured by the house or apartment which the taxpayer is entitled to occupy as such a tenant-stockholder. If stock described in the preceding sentence may not be used to secure indebtedness, indebtedness shall be treated as so secured if the taxpayer establishes to the satisfaction of the Secretary that such indebtedness was incurred to acquire such stock.

"(3) UNENFORCEABLE SECURITY INTERESTS.—Indebtedness shall not fail to be treated as secured by any property solely because, under any applicable State or local homestead or other debtor protection law in effect on August 16, 1986, the security interest is ineffective or the enforceability of the security interest is restricted.

"(4) SPECIAL RULES FOR ESTATES AND TRUSTS.—For purposes of determining whether any interest paid or accrued by an estate or trust is qualified residence interest, any residence held by such estate or trust shall be treated as a qualified residence of such estate or trust if such estate or trust establishes that such residence is a qualified residence of a beneficiary who has a present interest in such estate or trust or an interest in the residuary of such estate or trust.

"SEC. 5. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITION OF SURVIVING SPOUSE.—

"(1) IN GENERAL.—For purposes of this part, the term 'surviving spouse' means a taxpayer—

"(A) whose spouse died during either of the taxpayer's 2 taxable years immediately preceding the taxable year, and

"(B) who maintains as the taxpayer's home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent—

"(i) who (within the meaning of subsection (d)) is a son, stepson, daughter, or stepdaughter of the taxpayer, and

"(ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part a taxpayer shall not be considered to be a surviving spouse—

"(A) if the taxpayer has remarried at any time before the close of the taxable year, or

"(B) unless, for the taxpayer's taxable year during which the taxpayer's spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

"(3) SPECIAL RULE WHERE DECEASED SPOUSE WAS IN MISSING STATUS.—If an individual was in a missing status (within the meaning of section 6013(f)(3)) as a result of service in a combat zone and if such individual remains in such status until the date referred to in subparagraph (A) or (B), then, for purposes of paragraph (1)(A), the date on which such individual dies shall be treated as the earlier of the date determined under subparagraph (A) or the date determined under subparagraph (B):

"(A) The date on which the determination is made under section 556 of title 37 of the United States Code or under section 5566 of title 5 of such Code (whichever is applicable) that such individual died while in such missing status.

"(B) Except in the case of the combat zone designated for purposes of the Vietnam conflict, the date which is 2 years after the date designated as the date of termination of combatant activities in that zone.

"(b) DEFINITION OF HEAD OF HOUSEHOLD.—

"(1) IN GENERAL.—For purposes of this part, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of such individual's taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

"(A) maintains as such individual's home a household which constitutes for more than one-half of such taxable year the principal place of abode, as a member of such household, of—

"(i) a son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 2 (or would be so entitled but for subparagraph (B) or (D) of subsection (d)(5)), or

"(ii) any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 2, or

"(B) maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 2.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over one-half of the cost of maintaining the household during the taxable year is furnished by such individual.

"(2) DETERMINATION OF STATUS.—For purposes of this subsection—

"(A) a legally adopted child of a person shall be considered a child of such person by blood;

"(B) an individual who is legally separated from such individual's spouse under a decree of divorce or of separate maintenance shall not be considered as married;

"(C) a taxpayer shall be considered as not married at the close of such taxpayer's taxable year if at any time during the taxable year such taxpayer's spouse is a nonresident alien; and

"(D) a taxpayer shall be considered as married at the close of such taxpayer's taxable year if such taxpayer's spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

"(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this part, a taxpayer shall not be considered to be a head of a household—

"(A) if at any time during the taxable year the taxpayer is a nonresident alien; or

"(B) by reason of an individual who would not be a dependent for the taxable year but for—

"(i) subparagraph (I) of subsection (d)(1), or

"(ii) paragraph (3) of subsection (d).

"(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual shall be treated as not married at the close of the taxable year if such individual is so treated under the provisions of section 7703(b).

"(d) DEPENDENT DEFINED.—

"(1) GENERAL DEFINITION.—For purposes of this part, the term 'dependent' means any of the following individuals over one-half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer (or is treated under paragraph (3) or (5) as received from the taxpayer):

"(A) A son or daughter of the taxpayer, or a descendant of either.

"(B) A stepson or stepdaughter of the taxpayer.

"(C) A brother, sister, stepbrother, or stepsister of the taxpayer.

"(D) The father or mother of the taxpayer, or an ancestor of either.

"(E) A stepfather or stepmother of the taxpayer.

"(F) A son or daughter of a brother or sister of the taxpayer.

"(G) A brother or sister of the father or mother of the taxpayer.

"(H) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

"(I) An individual (other than an individual who at any time during the taxable year was the spouse, determined without regard to section 7703, of the taxpayer) who, for the taxable year of the taxpayer, has as such individual's principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(2) RULES RELATING TO GENERAL DEFINITION.—For purposes of this section—

"(A) BROTHER; SISTER.—The terms 'brother' and 'sister' include a brother or sister by the halfblood.

"(B) CHILD.—In determining whether any of the relationships specified in paragraph (1) or subparagraph (A) of this paragraph exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child satisfies the requirements of paragraph (1)(I) with respect to such individual), shall be treated as a child of such individual by blood.

"(C) CITIZENSHIP.—The term 'dependent' does not include any individual who is not a citizen or national of the United States unless such individual is a resident of the United States or of a country contiguous to the United States. The preceding sentence shall not exclude from the definition of 'dependent' any child of the taxpayer legally adopted by such taxpayer, if, for the taxable year of the taxpayer, the child has as such child's principal place of abode the home of the taxpayer and is a member of the taxpayer's household, and if the taxpayer is a citizen or national of the United States.

"(D) ALIMONY, ETC.—A payment to a wife which is alimony or separate maintenance shall not be treated as a payment by the wife's husband for the support of any dependent.

"(E) UNLAWFUL ARRANGEMENTS.—An individual is not a member of the taxpayer's household if at any time during the taxable year of the taxpayer the relationship between such individual and the taxpayer is in violation of local law.

"(3) MULTIPLE SUPPORT AGREEMENTS.—For purposes of paragraph (1), over one-half of the support of an individual for a calendar year shall be treated as received from the taxpayer if—

"(A) no one person contributed over one-half of such support;

"(B) over one-half of such support was received from persons each of whom, but for the fact that such person did not contribute over one-half of such support, would have been entitled to claim such individual as a dependent for a taxable year beginning in such calendar year;

"(C) the taxpayer contributed over 10 percent of such support; and

"(D) each person described in subparagraph (B) (other than the taxpayer) who contributed over 10 percent of such support files a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such person will not claim such individual as a dependent for any taxable year beginning in such calendar year.

"(4) SPECIAL SUPPORT TEST IN CASE OF STUDENTS.—For purposes of paragraph (1), in the case of any individual who is—

"(A) a son, stepson, daughter, or stepdaughter of the taxpayer (within the meaning of this subsection), and

"(B) a student,

amounts received as scholarships for study at an educational organization described in section 3(d)(1)(B) shall not be taken into account in determining whether such individual received more than one-half of such individual's support from the taxpayer.

"(5) SUPPORT TEST IN CASE OF CHILD OF DIVORCED PARENTS, ETC.—

"(A) CUSTODIAL PARENT GETS EXEMPTION.—Except as otherwise provided in this paragraph, if—

"(i) a child receives over one-half of such child's support during the calendar year from such child's parents—

"(I) who are divorced or legally separated under a decree of divorce or separate maintenance,

"(II) who are separated under a written separation agreement, or

"(III) who live apart at all times during the last 6 months of the calendar year, and

"(ii) such child is in the custody of 1 or both of such child's parents for more than one-half of the calendar year,

such child shall be treated, for purposes of paragraph (1), as receiving over one-half of such child's support during the calendar year from the parent having custody for a greater portion of the calendar year (hereafter in this paragraph referred to as the 'custodial parent').

"(B) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—A child of parents described in subparagraph (A) shall be treated as having received over one-half of such child's support during a calendar year from the noncustodial parent if—

"(i) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

"(ii) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

For purposes of this paragraph, the term 'noncustodial parent' means the parent who is not the custodial parent.

"(C) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.—This paragraph shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provisions of paragraph (3).

"(D) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

"(i) IN GENERAL.—A child of parents described in subparagraph (A) shall be treated as having received over one-half such child's support during a calendar year from the noncustodial parent if—

"(I) a qualified pre-1985 instrument between the parents applicable to the taxable

year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 2 for such child, and

"(II) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this clause, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

"(ii) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this subparagraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

"(I) which is executed before January 1, 1985,

"(II) which on such date contains the provision described in clause (i)(I), and

"(III) which is not modified on or after such date in a modification which expressly provides that this subparagraph shall not apply to such decree or agreement.

"(E) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this paragraph, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.

"PART II—TAX ON BUSINESS ACTIVITIES

"Sec. 11. Tax imposed on business activities.

"SEC. 11. TAX IMPOSED ON BUSINESS ACTIVITIES.

"(a) TAX IMPOSED.—There is hereby imposed on every person engaged in a business activity located in the United States a tax equal to 20 percent of the business taxable income of such person.

"(b) LIABILITY FOR TAX.—The tax imposed by this section shall be paid by the person engaged in the business activity, whether such person is an individual, partnership, corporation, or otherwise.

"(c) BUSINESS TAXABLE INCOME.—

"(1) IN GENERAL.—For purposes of this section, the term 'business taxable income' means gross active income reduced by the deductions specified in subsection (d).

"(2) GROSS ACTIVE INCOME.—For purposes of paragraph (1), the term 'gross active income' means gross income other than investment income.

"(d) DEDUCTIONS.—

"(1) IN GENERAL.—The deductions specified in this subsection are—

"(A) the cost of business inputs for the business activity,

"(B) the compensation (including contributions to qualified retirement plans but not including other fringe benefits) paid for employees performing services in such activity, and

"(C) the cost of personal and real property used in such activity.

"(2) BUSINESS INPUTS.—

"(A) IN GENERAL.—For purposes of paragraph (1)(A), the term 'cost of business inputs' means—

"(i) the actual cost of goods, services, and materials, whether or not resold during the taxable year, and

"(ii) the actual cost, if reasonable, of travel and entertainment expenses for business purposes.

"(B) PURCHASES OF GOODS AND SERVICES EXCLUDED.—Such term shall not include purchases of goods and services provided to employees or owners.

"(C) CERTAIN LOBBYING AND POLITICAL EXPENDITURES EXCLUDED.—

"(i) IN GENERAL.—Such term shall not include any amount paid or incurred in connection with—

"(I) influencing legislation,

"(II) participation in, or intervention in, any political campaign on behalf of (or in opposition to) any candidate for public office,

"(III) any attempt to influence the general public, or segments thereof, with respect to elections, legislative matters, or referendums, or

"(IV) any direct communication with a covered executive branch official in an attempt to influence the official actions or positions of such official.

"(ii) EXCEPTION FOR LOCAL LEGISLATION.—In the case of any legislation of any local council or similar governing body—

"(I) clause (i)(I) shall not apply, and

"(II) such term shall include all ordinary and necessary expenses (including, but not limited to, traveling expenses described in subparagraph (A)(iii) and the cost of preparing testimony) paid or incurred during the taxable year in carrying on any trade or business—

"(aa) in direct connection with appearances before, submission of statements to, or sending communications to the committees, or individual members, of such council or body with respect to legislation or proposed legislation of direct interest to the taxpayer, or

"(bb) in direct connection with communication of information between the taxpayer and an organization of which the taxpayer is a member with respect to any such legislation or proposed legislation which is of direct interest to the taxpayer and to such organization, and that portion of the dues so paid or incurred with respect to any organization of which the taxpayer is a member which is attributable to the expenses of the activities carried on by such organization.

"(iii) APPLICATION TO DUES OF TAX-EXEMPT ORGANIZATIONS.—Such term shall include the portion of dues or other similar amounts paid by the taxpayer to an organization which is exempt from tax under this subtitle which the organization notifies the taxpayer under section 6033(e)(1)(A)(ii) is allocable to expenditures to which clause (i) applies.

"(iv) INFLUENCING LEGISLATION.—For purposes of this subparagraph—

"(I) IN GENERAL.—The term 'influencing legislation' means any attempt to influence any legislation through communication with any member or employee of a legislative body, or with any government official or employee who may participate in the formulation of legislation.

"(II) LEGISLATION.—The term 'legislation' has the meaning given that term in section 4911(e)(2).

"(v) OTHER SPECIAL RULES.—

"(I) EXCEPTION FOR CERTAIN TAXPAYERS.—In the case of any taxpayer engaged in the trade or business of conducting activities described in clause (i), clause (i) shall not apply to expenditures of the taxpayer in conducting such activities directly on behalf of another person (but shall apply to payments by such other person to the taxpayer for conducting such activities).

"(II) DE MINIMIS EXCEPTION.—

"(aa) IN GENERAL.—Clause (i) shall not apply to any in-house expenditures for any taxable year if such expenditures do not exceed $2,000. In determining whether a taxpayer exceeds the $2,000 limit, there shall not be taken into account overhead costs otherwise allocable to activities described in subclauses (I) and (IV) of clause (i).

"(bb) IN-HOUSE EXPENDITURES.—For purposes of provision (aa), the term 'in-house expenditures' means expenditures described in subclauses (I) and (IV) of clause (i) other than payments by the taxpayer to a person engaged in the trade or business of conducting activities described in clause (i) for the conduct of such activities on behalf of the taxpayer, or dues or other similar amounts paid or incurred by the taxpayer which are allocable to activities described in clause (i).

"(III) EXPENSES INCURRED IN CONNECTION WITH LOBBYING AND POLITICAL ACTIVITIES.—Any amount paid or incurred for research for, or preparation, planning, or coordination of, any activity described in clause (i) shall be treated as paid or incurred in connection with such activity.

"(vi) COVERED EXECUTIVE BRANCH OFFICIAL.—For purposes of this subparagraph, the term 'covered executive branch official' means—

"(I) the President,

"(II) the Vice President,

"(III) any officer or employee of the White House Office of the Executive Office of the President, and the 2 most senior level officers of each of the other agencies in such Executive Office, and

"(IV) any individual serving in a position in level I of the Executive Schedule under section 5312 of title 5, United States Code, any other individual designated by the President as having Cabinet level status, and any immediate deputy of such an individual.

"(vii) SPECIAL RULE FOR INDIAN TRIBAL GOVERNMENTS.—For purposes of this subparagraph, an Indian tribal government shall be treated in the same manner as a local council or similar governing body.

"(viii) CROSS REFERENCE.—

"For reporting requirements and alternative taxes related to this subsection, see section 6033(e).

"(e) CARRYOVER OF EXCESS DEDUCTIONS.—

"(1) IN GENERAL.—If the aggregate deductions for any taxable year exceed the gross active income for such taxable year, the amount of the deductions specified in subsection (d) for the succeeding taxable year (determined without regard to this subsection) shall be increased by the sum of—

"(A) such excess, plus

"(B) the product of such excess and the 3-month Treasury rate for the last month of such taxable year.

"(2) 3-MONTH TREASURY RATE.—For purposes of paragraph (1), the 3-month Treasury rate is the rate determined by the Secretary based on the average market yield (during any 1-month period selected by the Secretary and ending in the calendar month in which the determination is made) on outstanding marketable obligations of the United States with remaining periods to maturity of 3 months or less."

(b) CONFORMING REPEALS AND REDESIGNATIONS.—

(1) REPEALS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are repealed:

(A) Subchapter B (relating to computation of taxable income).

(B) Subchapter C (relating to corporate distributions and adjustments).

(C) Subchapter D (relating to deferred compensation, etc.).

(D) Subchapter G (relating to corporations used to avoid income tax on shareholders).

(E) Subchapter H (relating to banking institutions).

(F) Subchapter I (relating to natural resources).

(G) Subchapter J (relating to estates, trusts, beneficiaries, and decedents).

(H) Subchapter L (relating to insurance companies).

(I) Subchapter M (relating to regulated investment companies and real estate investment trusts).

(J) Subchapter N (relating to tax based on income from sources within or without the United States).

(K) Subchapter O (relating to gain or loss on disposition of property).

(L) Subchapter P (relating to capital gains and losses).

(M) Subchapter Q (relating to readjustment of tax between years and special limitations).

(N) Subchapter S (relating to tax treatment of S corporations and their shareholders).

(O) Subchapter T (relating to cooperatives and their patrons).

(P) Subchapter U (relating to designation and treatment of empowerment zones, enterprise communities, and rural development investment areas).

(Q) Subchapter V (relating to title 11 cases).

(2) REDESIGNATIONS.—The following subchapters of chapter 1 of subtitle A and the items relating to such subchapters in the table of subchapters for such chapter 1 are redesignated:

(A) Subchapter E (relating to accounting periods and methods of accounting) as subchapter B.

(B) Subchapter F (relating to exempt organizations) as subchapter C.

(C) Subchapter K (relating to partners and partnerships) as subchapter D.

SEC. ___03. REPEAL OF ESTATE AND GIFT TAXES.

Subtitle B (relating to estate, gift, and generation-skipping taxes) and the item relating to such subtitle in the table of subtitles is repealed.

SEC. ___04. ADDITIONAL REPEALS.

Subtitles H (relating to financing of presidential election campaigns) and J (relating to coal industry health benefits) and the items relating to such subtitles in the table of subtitles are repealed.

SEC. ___05. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title apply to taxable years beginning after December 31, 1997.

(b) REPEAL OF ESTATE AND GIFT TAXES.—The repeal made by section ___03 applies to estates of decedents dying, and transfers made, after December 31, 1997.

(c) TECHNICAL AND CONFORMING CHANGES.—The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but in any event not later than 90 days after the date of enactment of this title, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the changes in the substantive provisions of law made by this title.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

CRAIG AMENDMENT NO. 2069

Mr. STEVENS (for Mr. CRAIG) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 36, strike lines 6 through 10 and insert in lieu thereof the following:

(b)(1) For any previously scheduled projects that are referred to in, but not authorized pursuant to, subsection (a)(1), the Chief may, to the maximum extent practicable, prepare and authorize substitute projects within the same state to be offered or initiated in fiscal year 1998 or fiscal year 1999. Such projects shall be subject to the requirements of subsection (a)(2).

DASCHLE AMENDMENT NO. 2070

Mr. STEVENS (for Mr. DASCHLE) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, following line 5, insert the following:

An additional amount for emergency river and shoreline repairs along the Missouri River in South Dakota to be conducted at full Federal expense, $2,500,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for South Dakota emergency river and shoreline repair if the Secretary of the Army certifies that such work is necessary to provide flood related benefits: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project. Provided further, That the entire amount shall be available only to the extent an official budget request of $2,500,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COCHRAN (AND OTHERS) AMENDMENT NO. 2071

Mr. STEVENS (for Mr. COCHRAN, Mr. BUMPERS, Mr. D'AMATO, and Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 5, after line 3, insert the following:

"TREE ASSISTANCE PROGRAM

"An amount of $8,700,000 is provided for assistance to replace or rehabilitate trees and vineyards damaged by natural disasters: Provided, That the entire amount is available only to the extent that an official budget request for $8,700,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act."

BOXER AMENDMENT NO. 2072

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, following line 5, insert the following:

An additional amount for emergency levee repairs at Suisun Marsh, California to be conducted at full Federal expense, $1,100,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expend the funds appropriated for the Suisun Marsh, California levee repair to proceed with engineering and design and reconstruction if the Secretary of the Army certifies that such work is necessary to provide flood control benefits in the vicinity of Suisun Marsh, California: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: Provided further, That the entire amount shall be available only to the extent an official budget request of $1,100,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

INOUYE AMENDMENT NO. 2073

Mr. STEVENS (for Mr. INOUYE) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 18, following line 5, insert the following:

An additional amount for emergency maintenance dredging at Apra Harbor, Guam to be conducted at full Federal expense, $1,400,000, to remain available until expended: Provided, That the Secretary of the Army is authorized and directed to obligate and expand the funds appropriated for the Apra Harbor, Guam emergency maintenance dredging if the Secretary of the Army certifies that such work is in the national interest: Provided further, That the Corps of Engineers shall not be responsible for the future costs of operation, repair, replacement or rehabilitation of the project: Provided further, That the entire amount shall be available only to the extent an official budget request of $1,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COCHRAN (AND BUMPERS) AMENDMENT NO. 2074

Mr. STEVENS (for Mr. COCHRAN, for himself and Mr. BUMPERS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 3, line 3, strike "and".

On page 3, line 4, before the period, add "; and for boll weevil eradication program loans as authorized by 7 U.S.C. 1989, $222,000".

BOXER AMENDMENT NO. 2075

Mr. STEVENS (for Mrs. BOXER) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 45, line 13, after the words, "highway program made available by this Act", insert the following: ": *Provided further*, That 23 U.S.C. 125(b)(1) shall not apply to projects resulting from the Fall 1997 and Winter 1998 flooding in the western States".

LOTT (AND OTHERS) AMENDMENT NO. 2076

Mr. STEVENS (for Mr. LOTT, for himself, Mr. LIEBERMAN, Mr. GREGG, Mr. HOLLINGS, Mr. KYL, Mr. STEVENS, Mr. MCCONNELL, Mr. HELMS, Mr. SHELBY, Mr. BROWNBACK, and Mr. KERREY) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in title II of the bill insert the following new general provisions:

SEC. . SUPPORT FOR DEMOCRATIC OPPOSITION IN IRAQ.

In addition to the amounts appropriated to the President under Public Law 105–118, there is hereby appropriated $5,000,000 for the "Economic Support Fund," to remain available until September 30, 1999, for assistance to the Iraqi democratic opposition for such activities as organization, training, disseminating information, developing and implementing agreements among opposition groups, and for related purposes: Provided further, That within 30 days of enactment into law of this Act the Secretary of State shall submit a detailed report to the appropriate committees of Congress on plans to establish a program to support the democratic opposition in Iraq: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

SEC. . ESTABLISHMENT OF RADIO FREE IRAQ.

In addition to the amounts appropriated to the United States Information Agency under Public Law 105–119, there is hereby appropriated $5,000,000 for "International Broadcasting Operations," to remain available until September 30, 1999, for a grant to Radio Free Europe/Radio Liberty for surrogate radio broadcasting to the Iraqi people: Provided, That such broadcasting shall be designated "Radio Free Iraq": Provided further, That within 30 days of enactment into law of this Act the Broadcasting Board of Governors shall submit a detailed report to the appropriate committees to Congress on plans to establish a surrogate broadcasting service to Iraq: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress.

LEVIN AMENDMENT NO. 2077

Mr. LEVIN proposed an amendment to the bill S. 1768, supra; as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Congress urges the President to enter into an agreement with the North Atlantic Treaty Organization (NATO) that sets forth—

(1) the benchmarks that are detailed in the report accompanying the certification that was made by the President to Congress on March 3, 1998;

(2) a schedule for achieving the benchmarks; and

(3) a process for NATO to carry out a formal review of each failure, if any, to achieve any such benchmark on schedule.

(b) The President shall submit to Congress—

(1) not later than June 30, 1998, a report on the results of the efforts to obtain an agreement described in subsection (a); and

(2) semiannually after that report, a report on the progress made toward achieving the benchmarks referred to in subsection (a)(1), including a discussion of each achievement of a benchmark referred to in that subsection, each failure to achieve a benchmark on schedule, and the results of NATO's formal review of each such failure.

STEVENS AMENDMENT NO. 2078

Mr. STEVENS proposed an amendment to amendment No. 2077 proposed by Mr. LEVIN to the bill, S. 1768, supra; as follows:

At the end of the amendment, add the following: (c) The enactment of this section does not reflect approval or disapproval of the benchmarks submitted by the President in the certification to Congress transmitted on March 3, 1998.

KYL AMENDMENT NO. 2079

Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, add the following:

SEC. 205. In addition to the amounts provided in Public Law 105–56, $151,000,000 is appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide": *Provided*, That the additional amount shall be made available for enhancements to selected theater missile defense programs to counter enhanced ballistic missile threats: *Provided further*, That of the additional amount appropriated, $45,000,000 shall be made available only for the procurement of items and equipment required for a third Arrow missile defense battery: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $151,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

ASHCROFT AMENDMENT NO. 2080

Mr. ASHCROFT proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—FAMILY FRIENDLY WORKPLACE

SEC. ___1. SHORT TITLE.

This title may be cited as the "Family Friendly Workplace Act".

SEC. ___2. PURPOSES.

The purposes of this title are—

(1) to assist working people in the United States;

(2) to balance the demands of workplaces with the needs of families;

(3) to provide such assistance and balance such demands by allowing employers to offer compensatory time off, which employees may voluntarily elect to receive, and to establish biweekly work programs, in which employees may voluntarily participate; and

(4) to give private sector employees the same benefits of compensatory time off, biweekly work schedules, as have been enjoyed by Federal Government employees since 1978.

SEC. ___3. WORKPLACE FLEXIBILITY OPTIONS.

(a) COMPENSATORY TIME OFF.—

(1) IN GENERAL.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) COMPENSATORY TIME OFF FOR PRIVATE EMPLOYEES.—

"(1) VOLUNTARY PARTICIPATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no employee may be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation. The acceptance of compensatory time off in lieu of monetary overtime compensation may not be a condition of employment.

"(B) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), an employee may only be required under this subsection to receive compensatory time off in lieu of monetary overtime compensation in accordance with the agreement.

"(2) GENERAL RULE.—

"(A) COMPENSATORY TIME OFF.—An employee may receive, in accordance with this subsection and in lieu of monetary overtime compensation, compensatory time off at a rate not less than one and one-half hours for each hour of employment for which monetary overtime compensation is required by this section.

"(B) DEFINITIONS.—In this subsection:

"(i) EMPLOYEE.—The term 'employee' does not include an employee of a public agency.

"(ii) EMPLOYER.—The term 'employer' does not include a public agency.

"(3) CONDITIONS.—An employer may provide compensatory time off to employees under paragraph (2)(A) only pursuant to the following:

"(A) The compensatory time off may be provided only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employee that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

"(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) The compensatory time off may only be provided to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved

in accordance with section 11(c), that the employee has chosen to receive compensatory time off in lieu of monetary overtime compensation.

"(C) An employee shall be eligible to accrue compensatory time off if such employee has not accrued compensatory time off in excess of the limit applicable to the employee prescribed by paragraph (4).

"(4) HOUR LIMIT.—

"(A) MAXIMUM HOURS.—An employee may accrue not more than 160 hours of compensatory time off.

"(B) COMPENSATION DATE.—Not later than January 31 of each calendar year, the employer of the employee shall provide monetary compensation for any unused compensatory time off accrued during the preceding calendar year that was not used prior to December 31 of the preceding calendar year at the rate prescribed by paragraph (8). An employer may designate and communicate to the employees of the employer a 12-month period other than the calendar year, in which case the compensation shall be provided not later than 31 days after the end of the 12-month period.

"(C) EXCESS OF 80 HOURS.—The employer may provide monetary compensation for an employee's unused compensatory time off in excess of 80 hours at any time after providing the employee with at least 30 days' written notice. The compensation shall be provided at the rate prescribed by paragraph (8).

"(5) DISCONTINUANCE OF POLICY OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF POLICY.—An employer that has adopted a policy offering compensatory time off to employees may discontinue the policy for employees described in paragraph (3)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (3)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (3)(A)(ii) at any time, by submitting a written notice of withdrawal to the employer of the employee. An employee may also request in writing that monetary compensation be provided, at any time, for all compensatory time off accrued that has not been used. Within 30 days after receiving the written request, the employer shall provide the employee the monetary compensation due in accordance with paragraph (8).

"(6) ADDITIONAL REQUIREMENTS.—

"(A) PROHIBITION OF COERCION.—

"(i) IN GENERAL.—An employer that provides compensatory time off under paragraph (2) to an employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of—

"(I) interfering with the rights of the employee under this subsection to request or not request compensatory time off in lieu of payment of monetary overtime compensation for overtime hours;

"(II) interfering with the rights of the employee to use accrued compensatory time off in accordance with paragraph (9); or

"(III) requiring the employee to use the compensatory time off.

"(ii) DEFINITION.—In clause (i), the term 'intimidate, threaten, or coerce' has the meaning given the term in section 13A(d)(2).

"(B) ELECTION OF OVERTIME COMPENSATION OR COMPENSATORY TIME.—An agreement or understanding that is entered into by an employee and employer under paragraph (3)(A)(ii) shall permit the employee to elect, for an applicable workweek—

"(i) the payment of monetary overtime compensation for the workweek; or

"(ii) the accrual of compensatory time off in lieu of the payment of monetary overtime compensation for the workweek.".

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended by adding at the end the following:

"(f)(1) In addition to any amount that an employer is liable under subsection (b) for a violation of a provision of section 7, an employer that violates section 7(r)(6)(A) shall be liable to the employee affected in an amount equal to—

"(A) the product of—

"(i) the rate of compensation (determined in accordance with section 7(r)(8)(A)); and

"(ii)(I) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee; minus

"(II) the number of such hours used by the employee; and

"(B) as liquidated damages, the product of—

"(i) such rate of compensation; and

"(ii) the number of hours of compensatory time off involved in the violation that was initially accrued by the employee.

"(2) The employer shall be subject to such liability in addition to any other remedy available for such violation under this section or section 17, including a criminal penalty under subsection (a) and a civil penalty under subsection (e).".

(3) CALCULATIONS AND SPECIAL RULES.—Section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by paragraph (1), is amended by adding at the end the following:

"(7) TERMINATION OF EMPLOYMENT.—An employee who has accrued compensatory time off authorized to be provided under paragraph (2) shall, upon the voluntary or involuntary termination of employment, be paid for the unused compensatory time off in accordance with paragraph (8).

"(8) RATE OF COMPENSATION FOR COMPENSATORY TIME OFF.—

"(A) GENERAL RULE.—If compensation is to be paid to an employee for accrued compensatory time off, the compensation shall be paid at a rate of compensation not less than—

"(i) the regular rate received by such employee when the compensatory time off was earned; or

"(ii) the final regular rate received by such employee,

whichever is higher.

"(B) CONSIDERATION OF PAYMENT.—Any payment owed to an employee under this subsection for unused compensatory time off shall be considered unpaid monetary overtime compensation.

"(9) USE OF TIME.—An employee—

"(A) who has accrued compensatory time off authorized to be provided under paragraph (2); and

"(B) who has requested the use of the accrued compensatory time off,

shall be permitted by the employer of the employee to use the accrued compensatory time off within a reasonable period after making the request if the use of the accrued compensatory time off does not unduly disrupt the operations of the employer.

"(10) DEFINITIONS.—In this subsection—

"(A) the terms 'monetary overtime compensation' and 'compensatory time off' shall have the meanings given the terms 'overtime compensation' and 'compensatory time', respectively, by subsection (o)(7); and

"(B) the term 'unduly disrupt the operations of the employer', used with respect to the use of compensatory time off by an employee of the employer, means to create a situation in which the absence of the employee during the time requested would likely impose a burden on the business of the employer that would prevent the employer from providing an acceptable quality or quantity of goods or services during the time requested without the services of the employee.".

(4) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

(b) BIWEEKLY WORK PROGRAMS.—

(1) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

"SEC. 13A. BIWEEKLY WORK PROGRAMS.

"(a) VOLUNTARY PARTICIPATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

"(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists, an employee may only be required to participate in such a program in accordance with the agreement.

"(b) BIWEEKLY WORK PROGRAMS.—

"(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

"(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

"(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2—weeks involved.

"(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

"(A) AGREEMENT OR UNDERSTANDING.—The program may be carried out only in accordance with—

"(i) applicable provisions of a collective bargaining agreement between the employer and the representative of the employees that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)); or

"(ii) in the case of an employee who is not represented by a labor organization that is recognized as provided for in section 9(a) of the National Labor Relations Act, an agreement or understanding arrived at between the employer and employee before the performance of the work involved if the agreement or understanding was entered into knowingly and voluntarily by such employee and was not a condition of employment.

"(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written or otherwise verifiable statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

"(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case

of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

"(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

"(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

"(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

"(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement or understanding described in paragraph (2)(A)(ii).

"(B) WITHDRAWAL.—An employee may withdraw an agreement or understanding described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

"(d) PROHIBITION OF COERCION.—

"(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

"(B)

"(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

"(e) DEFINITIONS.—In this section:

"(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

"(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the representative of employees of the employer that is recognized as provided for in section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

"(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

"(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

"(5) EMPLOYEE.—The term 'employee' does not include an employee of a public agency.

"(6) EMPLOYER.—The term 'employer' does not include a public agency.

"(7) OVERTIME HOURS.—The term 'overtime hours'—

"(A) when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer; or

"(B) when used with respect to flexible credit hour programs under subsection (c), means all hours worked in excess of 40 hours in a week that are requested in advance by an employer, but does not include flexible credit hours.

"(8) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).".

(2) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting "(A)" after "(3)";

(B) by adding "or" after the semicolon; and

(C) by adding at the end the following:

"(B) to violate any of the provisions of section 13A;".

(c) LIMITATIONS ON SALARY PRACTICES RELATING TO EXEMPT EMPLOYEES.—

(1) IN GENERAL.—Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(m)(1)(A) In the case of a determination of whether an employee is an exempt employee described in subsection (a)(1), the fact that the employee is subject to deductions in pay for—

"(i) absences of the employee from employment of less than a full workday; or

"(ii) absences of the employee from employment of less than a full pay period,

shall not be considered in making such determination.

"(B) In the case of a determination described in subparagraph (A), an actual reduction in pay of the employee may be considered in making the determination for that employee.

"(C) For the purposes of this paragraph, the term 'actual reduction in pay' does not include any reduction in accrued paid leave, or any other practice, that does not reduce the amount of pay an employee receives for a pay period.

"(2) The payment of overtime compensation or other additions to the compensation of an employee employed on a salary based on hours worked shall not be considered in determining if the employee is an exempt employee described in subsection (a)(1).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of enactment of this Act and shall apply to any civil action—

(A) that involves an issue with respect to section 13(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(1)); and

(B) in which a final judgment has not been made prior to such date.

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "except that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

SEC. ___4. TERMINATION.

The authority provided by this title, and the amendments made by this title, terminates 5 years after the date of enactment of this Act.

PROTOCOLS TO THE NORTH ATLANTIC TREATY OF 1949 ON ACCESSION OF POLAND, HUNGARY, AND CZECH REPUBLIC

CRAIG EXECUTIVE AMENDMENT NO. 2081

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the resolution of ratification for the treaty (Treaty Doc. No. 105-36) supra; as follows:

At the appropriate place in section 3 of the resolution, insert the following:

( ) STATUTORY AUTHORIZATION FOR DEPLOYMENTS IN BOSNIA AND HERZEGVIAN.—Prior to the deposit of the United States instrument of ratification, there must be enacted a law containing specific authorization for the continued deployment of the United States Armed Forces in Bosnia and Herzegovina as part of the NATO mission in that country.

Mr. CRAIG. Mr. President, today I am filing an amendment related to the resolution of ratification for the proposed expansion of the North Atlantic Treaty Organization.

Last May, President Clinton publicly embraced the idea of a "new NATO" mission. It is my concern that the President's vision of a new NATO will signal the end of NATO as a defensive alliance and begin its role as a regional peacekeeping organization. The President declared:

> We are building a new NATO. It will remain the strongest alliance in history, with smaller, more flexible forces, prepared to provide for our defense, but also trained for peacekeeping. It will work closely with other nations that share our hopes and values and interests through the Partnership for Peace. It will be an alliance directed no longer against a hostile bloc of nations, but instead designed to advance the security of every democracy in Europe—NATO's old members, new members, and non-members alike.

I cannot support the President's call for a new NATO to be the de facto regional peacekeeper in Europe. President Clinton's peacekeeping operation in Bosnia has been going on for more than two years, without authorization from Congress, with costs mounting far above every estimate, and with mission end-dates repeatedly broken. The mission in Bosnia is now just what we were promised it would not be: an unauthorized, open-ended, no end-date, nation building deployment with no withdrawal criteria.

In 1995, President Clinton vowed that the U.S. troop deployed to Bosnia

"should and will take about one year." Three years, and $8 billion later, the Administration now admits "we do not propose a fixed end date for the deployment." Will the expansion of NATO be a green light for other unauthorized, open-ended, and cost missions for the U.S.?

Today I am filing an amendment which provides that before the President can deposit the instruments of ratification for NATO expansion he must receive authorization for the Bosnia mission. Let me be clear on one point: this is NOT a "war power" amendment. This does not say he cannot continue the deployment in Bosnia without authorization, nor does it cut off funds for that mission, nor does it set an end-date for that mission, nor does it establish withdrawal criteria. It does, however, require the President to cooperate with Congress to set reasonable parameters for that mission before he gets a blank check—like a "new NATO "—for more just out of area, out of Article 5 missions.

Membership in NATO is a commitment of U.S. blood. This is a responsibility that I do not take lightly. For the sake of our men and women serving in this dangerous and volatile region, the mission in Bosnia ought to be authorized by Congress.

CRAIG (AND HUTCHISON) EXECUTIVE AMENDMENT NO. 2082

(Ordered to lie on the table.)

Mr. CRAIG (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by them to the resolution of ratification for the treaty (Treaty Doc. No. 105–36) supra; as follows:

In section 3(2)(A), strike "Prior" and insert "Subject to subparagraph (C), prior".

In section 3(2)(B)(i), strike "Not" and insert "Subject to subparagraph (C), not later than 180 days after the date of adoption of this resolution, and not".

At the end of section 3(2), add the following new subparagraph:

(C) RESOLUTION OF APPROVAL.—

(i) IN GENERAL.—Prior to the date of deposit of the United States instrument of ratification, the Senate has adopted a resolution, by an affirmative vote of two-thirds of the Senators present and voting, stating in substance the approval of the certification under subparagraph (A), and the first report required to be submitted under subparagraph (B).

(ii) PROCEDURES.—A resolution described in subparagraph (A)(ii) that is introduced on or after the date of certification under subparagraph (A)(i) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

Mr. CRAIG. Mr. President, today I am filing an amendment to the resolution of ratification for the proposed expansion of the North Atlantic Treaty Organization.

As the Senate begins debate about expansion, I think it is fair to say that most Senators—whether they favor, oppose, or are undecided about the proposed treaty revision—can all agree that the issue of cost to the U.S. taxpayer is of great concern. Unfortunately, these costs are yet to be determined. The Administration claims the NATO expansion bill for the U.S. will be approximately $1 billion. On the other hand, the Congressional Budget Office contends it will cost taxpayers $125 billion. Given the enormous discrepancy between the estimates, it only makes sense that we know what actual costs will be before we make an irrevocable decision to enlarge NATO.

I would like to commend the Foreign Relations Committee for their fine work in crafting language detailing American cost obligations to NATO. However, there seems to be one problem: all of this cost related information will be made available to Congress only after the Senate's advice and consent to expansion is final and irrevocable. That means if the information is not satisfactory to the Senate, we will have no recourse.

The amendment I am filing simply provides that the Congress has the fullest possible information as to what we will pay for, before we commit to the United States to this tremendous political and economic decision by requiring a Senate vote of approval related to cost, benefits, burden-sharing, and military implications of NATO enlargement prior to the President depositing the instruments of ratification.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS AND FOR OVERSEAS PEACEKEEPING EFFORTS

HUTCHISON AMENDMENT NO. 2083

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 1768, supra; as follows:

At the end of the bill, insert the following title:

TITLE —UNITED STATES ARMED FORCES IN BOSNIA WITHDRAWAL

SECTION 1. SHORT TITLE.

This title may be cited as the 'United States Armed Forces in Bosnia Withdrawal Act of 1998'.

SEC. 2. FINDINGS AND DECLARATIONS OF POLICY.

(a) FINDINGS.—The Congress finds the following:

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff further expressed the critical importance of establishing a firm deadline, in the absence of which there is a potential for expansion of the mission of U.S. forces;

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(7) Notwithstanding the passage of two previously established deadlines, the reaffirmation of those deadlines by senior national security officials, and the endorsement by those same national security officials of the importance of having a deadline as a hedge against an expanded mission, the President announced on December 19, 1997 that establishing a deadline had been a mistake and that U.S. ground combat forces were committed to the NATO-led mission in Bosnia for the indefinite future;

(8) NATO military forces have increased their participation in law enforcement activities in Bosnia aimed at capturing alleged war criminals.

(9) U.S. Commanders of NATO have stated on several occasions that, in accordance with the Dayton Peace Accords, the principal responsibility for apprehending war criminals lies with the Bosnian parties themselves.

(10) The Secretary of Defense has affirmed this understanding on several occasions, including on March 3, 1997, when he stated that "[t]he apprehension of war criminals is not a part of the mission . . . It is a police function . . . it is not a military-type mission.

(b) DECLARATIONS OF POLICY—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the open-ended deployment of United States Armed Forces on the ground in the Republic of Bosnia Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a withdrawal of United States Armed Forces ground combat troops by January 1, 1999.

(3) identifies the following conditions that should be satisfied as a minimum to create the environment in which such an orderly transition can take place:

(i) The original parties to the Dayton Accords should be reconvened so that progress towards full implementation can be ascertained and modifications as necessary be made;

(ii) The process of establishing defensible sectors in Bosnia and Herzegovina that was started in the Dayton Peace Accords should be accelerated;

(iii) Establishment of a Combined Joint Task Force (CJTF) in accordance with the President's Partnership for Peace initiative. The CJTF should be under American command but to be turned over to allied command within 90 days;

(iv) Establishment of a civilian led/operated police training task force, including the establishment of a police training academy capable of graduating 500 police every quarter. This force will have ultimate responsibility for maintaining peace and order, as envisioned by the Dayton Accords;

(v) The United States should advise its allies in the NATO-led peacekeeping force in Bosnia that no U.S. ground forces shall be deployed to the province of Kosovo should the conflict there escalate;

(vi) Cessation of U.S. military involvement in local broadcast and print media operations.

SEC. 3. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) PROHIBITION—It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after January 1, 1999.

(b) EXCEPTIONS—The prohibition contained in subsection (a) shall not apply—

(1) with respect to the deployment of United States Armed Forces after January 1, 1999, but not later than May 1, 1999, for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina; or

(2)(A) if the President transmits to the Congress a report containing a request for an extension of deployment of United States Armed Forces for an additional 180 days after the date otherwise applicable under subsection (a); and

(B) if a joint resolution is enacted, in accordance with section 4, specifically approving such request.

SEC. 5. SENSE OF THE CONGRESS REGARDING THE USE OF DEPARTMENT OF DEFENSE FUNDS OR OTHER FEDERAL DEPARTMENT OR AGENCY FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

It is the sense of Congress that U.S. policy in Bosnia, as that relates to the use of our forces as a part of the NATO force, should not be changed to include a NATO military mission to hunt down and arrest alleged war criminals and that there should be no change to U.S. or NATO policy regarding alleged war criminals until the Congress has had the opportunity to review any proposed change in policy and authorize the expenditure of funds for this mission.

It is the Sense of the Congress that none of the funds appropriated or otherwise available to the Department of Defense or to any other Federal department or agency may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the NATO-led force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska ('Bosnian Entities').

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of NATO Forces involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 24, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Health Care Quality.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. president, I would like to announce for the information of the Senate that the hearing scheduled before the Subcommittee on Forests and Public Land Management will also include S. 1807, a bill to transfer administrative jurisdiction over certain parcels of public domain land in Lake County, OR, to facilitate management of the land, and for other purposes.

The hearing will take place Wednesday, March 25, 1998, at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

ADDITIONAL STATEMENTS

NATIONAL RECOGNITION FOR PROGRAMS IN RURAL MEDICINE AT EAST TENNESSEE STATE UNIVERSITY

• Mr. FRIST. Mr. President, both East Tennessee State University's (ETSU) College of Nursing and the James Quillen College of Medicine are featured in the "1998 Best Graduate Schools," published by U.S. News and World Report. This national recognition was given because of their excellent reputation for providing a variety of programs and specialty offerings.

According to the guide, the Quillen College of Medicine is ranked sixth in the nation for its programs in rural medicine. The ETSU College of Nursing is ranked 26th among the nation's more than 300 graduate schools offering the family nurse practitioner program, which is part of the university's master of science in nursing curriculum. The rankings were determined based on a reputation survey that was sent to academic deans and senior faculty members at medical and nursing schools across the country. These programs are to be commended for providing high quality education and for their efforts to meet the health care needs in rural areas.

As a physician, I know that programs in rural medicine are necessary and vital in meeting the health care needs of those who otherwise would not have access to care. Mr. President, it is programs like these that promote and encourage an interest in rural medicine for young people entering the medical profession today.•

U.N. CONVENTION TO COMBAT DESERTIFICATION

• Mr. FEINGOLD. Mr. President, I rise today to urge the Senate to exercise its role to advise and consent on international treaties and take up consideration of the United Nations Convention to Combat Desertification, which the President submitted to this body in 1996.

The purpose of the Convention is to combat desertification and mitigate the effects of drought on arid, semi-arid, and dry sub-humid land. The Convention addresses the fundamental causes of famine and food insecurity in Africa by encouraging partnerships between governments, local communities, nongovernmental organizations and aid donors.

As Ranking Member on the Subcommittee on African Affairs, I feel it is especially important that the Senate exercise its advice and consent on this Convention. It is a mechanism by which the people of Africa will be assisted in preserving and protecting their land, which is a vital link in Africa's fight to become self-sufficient. As Americans, we understand the importance of land and what land can bring us: food, a place to live, and, perhaps most importantly, a place to call home. Whatever their political differences, the people of Africa can agree that protecting the land from drought and erosion is a priority.

The consideration of this Convention will also refocus the Senate's attention

on the plight of the African people. Unlike the other environmental conventions on which the Senate has focused attention in recent years, the Convention on Climate Change and Biological Diversity, the Convention on Desertification does not establish a new financial "mechanism" to administer funds for convention-related projects and activities. Instead, it emphasizes the need to mobilize substantial funding from existing sources and to rationalize and strengthen their management.

In light of the President's visit to Africa, which began today, it is especially important that the Senate be actively engaged regarding Africa. This Convention is a perfect opportunity for the Senate to go on record in support of programs that are both vital to the African continent and consistent with United States foreign, economic, and environmental policy.

I hope that the Senate Committee on Foreign Relations, and the full Senate, will consider this Convention in the near future.•

DAVID DOMENICI AND JAMES FORMAN, JR: LIGHTING CANDLES

• Mr. MOYNIHAN. Mr. President, there is an article in the Metro section of today's Washington Post, "A New Way to See the Future," about a small school which is going about the difficult business of reclaiming young people here in the District of Columbia. The school, which is called See Forever, was started by two lawyers, David Domenici and James Forman, Jr. See Forever—on its way to becoming a charter school—only enrolls those students who have become "entangled" in the D.C. court system. The regime consists of a regimented schedule, strict discipline, core classes and electives, participation in a school-run catering service, and paid internships (the money from which is put into Merrill Lynch investment funds, which the students learn to manage). The school runs 12 months a year, and 10 and one-half hours a day. The youngsters enrolled are turning their lives around; they are beating the odds.

Adlai E. Stevenson once remarked of Eleanor Roosevelt that she "would rather light candles than curse the darkness." So it seems with David Domenici and James Forman, Jr. (whose father was active in the civil rights movement a generation ago). Of course, knowing David's father—the senior Senator from New Mexico—it is not surprising at all that David should dedicate his life to helping those less fortunate.

Mr. President, throughout the course of our nation's history, we have seen the shift from labor to capital—in agriculture, in manufacturing, etc. But there is one enterprise that remains stubbornly labor-intensive, if we are to do it properly. And that enterprise is raising our children, especially those who are socially and economically disadvantaged. David Domenici and James Forman, Jr. understand. The student-teacher ratio at See Forever is 5–1, and more than sixty volunteers help tutor the twenty or so students.

Two years ago, I published a book on social policy, "Miles to Go." I ended that book by saying,

> Even were governments specifically qualified for such work, which is to say the restoration of individual character and moral instruction in everyday life, the national government has entered a time of chronic, even disabling fiscal stricture. . . It is a time for small platoons; a time possibly to be welcomed for such can move quickly, and there are miles to go.

David Domenici and James Forman, Jr. have formed one such "small platoon" and we—and the lives of those whom they touch—are lucky for it.

I ask that the article, "A New Way to See the Future," be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 23, 1998]

A NEW WAY TO SEE THE FUTURE—SCHOOL WITH HIGH-POWERED BACKERS AIMS TO HELP TROUBLED D.C. TEENS

(By Peter Slevin)

Sherti Hendrix was 15 years old and headed nowhere but down. School was lousy and the rest of the day seemed worse. After she was jailed overnight in the District for fighting with a teacher, nothing ahead or behind her looked good.

The same was true for Jerome Green. Kicked out of one New York school at age 14 for what he called "cussing teachers . . . and fighting," he blew another opportunity by getting arrested in Washington, accused of street fighting.

Both teenagers are now on a different track. Both got another chance to do things right. Both say an innovative school program run by a pair of fired-up young District lawyers is helping them believe in themselves and in a future no longer entirely bleak.

The school is called See Forever. Not yet one year old, it serves about 20 students in a row house on a tattered block of Sixth Street NW. Amid modest beginnings, See Forever's dreams are big and its backers include some of the best-known faces in Washington.

The two lawyers are David Domenici, 33, son of Sen. Pete V. Domenici (R–N.M.), and James Forman Jr., 30, namesake of the civil rights activist who presented the 1969 "Black Economic Manifesto," demanding $500 million in reparations from white churches and synagogues.

Domenici and Forman, who have run study and work programs for youngsters in trouble before, believe too many adolescents are written off early by a D.C. juvenile justice system that seems forever short on solutions.

"We're trying to get kids into the game. They've been locked out. They're not players," Forman said. "They need discipline. They need high standards. They need jobs. One of our goals is to change the vision of where they can go."

It's not just another struggling D.C. program for delinquent youths.

The idea for the school was hatched by Deputy Attorney General Eric H. Holder Jr., a former U.S. attorney for the District, and Holder's friend Reid Weingarten, one of Washington's most prominent white-collar criminal defense lawyers. The first fund-raiser was sponsored by then-Commerce Secretary Ron Brown before his death in an April 1996 plane crash.

Another fund-raiser—a $100-a-plate gathering March 10—drew poet Maya Angelou and a constellation of D.C. power players, including Health and Human Services Secretary Donna E. Shalala, White House Chief of Staff Erskine B. Bowles, former U.S. Senator Robert J. Dole and a half-dozen senators.

See Forever has a $500,000 budget this year and plans to spend $2 million in coming years to expand the school to 100 children, including space for 20 boarders. In September, it will become a D.C. charter school—The Maya Angelou Public Charter School—which will mean an allocation of $6,000 in D.C. tax money per student and the authority to award high school diplomas.

One D.C. Superior Court judge, who asked not to be identified, calls See Forever "the only program I have complete faith in." Such words are high praise for a largely untested program, but students echo the sentiment.

"These streets are only going to lead you to getting locked up. Or you'll probably die," Sherti, now 16, said. "Today, I'm not all the way all right, but I'll be all right for the future. I know what I'm capable of doing."

For that, Sherti credits the adults at See Forever, where the student-teacher ratio is 5 to 1 and more than 60 volunteers come each week to tutor the teenagers individually. The 12-month school calendar and 10½-hour day are not for the faint of heart, and some students drop out early.

The school is open only to students who have been entangled in the D.C. court system, but the seriousness of their situations varies. What gets each teenager in the door at See Forever, after interviews and recommendations, is that school's assessment that the youngster can be saved.

Twenty percent of the students, Forman estimates, were "factually and legally innocent," and the cases were dropped. An additional 50 percent were picked up for crimes such as joy riding, fighting or theft. The remaining 30 percent faced more serious charges, including armed robbery.

In a typical tightly structured day, the teenagers are kept occupied from 9:30 a.m. until 8 p.m. They eat two meals a day cooked by other students in a catering kitchen. Each student gets lots of individual attention and is tutored every night. Some stay until 11 p.m. because they prefer the place to home.

Study subjects are broken into five 80-minute classes. Core subjects are math, English, social studies and computer. Electives have included a layman's law class taught by two Pentagon lawyers, an art class led by Domenici's sister Helen, and classes in jazz appreciation and public speaking.

All students do internships part of the year. The school requires that they be paid $130 a week, and the money goes into bank accounts and Merrill Lynch investment funds that they learn to manage. Each student also works in a moneymaking catering service called Untouchable Taste, run by the school.

A guiding principle is that job skills and schoolwork are connected. See Forever aims to be broader than either a conventional school or a vocational school by combining the best elements of each. If the skills are

useful, the reasoning goes, jobs will be available and the students will stay motivated.

"Schools dump kids with behavioral problems, learning problems, those who've been locked up," said Forman, a Yale Law School graduate on leave from the D.C. Public Defender Service. "D.C. taxpayers are spending money that is being wasted on programs that aren't working."

Judges and advocates alike acknowledge that options are painfully limited for children in the District's court system. D.C. delinquents are offered few broad services close to home. Some are sent to distant states in search of programs that work at costs that exceed $100,000 a year per child.

Some of Washington's most violent teenagers, and many who are not, end up at the city's Oak Hill Youth Center, a widely perceived failure that has operated under court supervision since 1986. In November, Department of Human Services Director Jearline Williams and the D.C. financial control board declared a state of emergency at Oak Hill because of poor conditions.

See Forever, with room for only about 20 students, can serve only a fraction of the needs of a city where supervision or jail beds were required for 3,800 youths in 1996. The goal is to set a tone, create a model. As Holder said, "If it works, maybe it can be copied."

Angelou, taking the stage at the March 10 fund-raiser, told the students of her own life.

"Somebody would've looked at me as an illiterate or semiliterate black girl on the dirt roads of Arkansas and said, 'Never!'" Angelou said, adding ebulliently, "Look at me now!"

She sang a Negro spiritual, "Don't You Let Nobody Turn You Around," and told students, "Keep on walking, keep on talking, keep on learning, keep on burning, keep on laughing."

Jerome is feeling good about things. In an essay, he recalled how difficult his work at See Forever seemed at first. He said he got mad and sometimes skipped his schoolwork. But then he made a discovery: He could do it.

"Now that I have finally made a change, I want to look back on everyone who told me I was stupid or dumb," Jerome said. "I want to see if they are still on the street selling drugs. I want to ask them. 'Who's dumb now?'"•

IN MEMORY OF PATRICIA COLBERT ROBINSON

• Mr. HOLLINGS. Mr. President, today I would like to mourn the passing of a great woman and pay tribute to her legacy. On March 11, one of the leading lights of the Charleston theater community, Patricia Colbert Robinson, was extinguished. Mrs. Robinson was a well-known and beloved Charleston author, poet, playwright, and actress. Together with her husband, Emmett E. Robinson Jr., and fellow actress Dorothy D'Anna, she ran the Footlight Players, Charleston's community theater group, for almost three decades. In addition to acting in many of the Players' productions, Mrs. Robinson helped raise money and organized publicity for their events.

Patricia Robinson was a woman of many talents, and her interests encompassed all the arts. She once won first place in the Poetry Society of South Carolina spring forum. In addition to her poems, she wrote or co-authored seven novels. She also wrote for the Charleston News and Courier and The Charleston Evening Post.

Mrs. Robinson set many of her stories in Charleston and portrayed the city with a fine eye for detail and much love. Surprisingly, she was not a native Southerner. She was born and reared in Pittsburgh, but moved to Charleston in 1944. Nonetheless, she loved the city as ardently as its longest residents and always exhibited a great passion for its architecture, history, and people. Charlestonians reciprocated by embracing her as a neighbor and honorary native daughter.

With the passing of Patricia Colbert Robinson, Charleston has lost one of its most beloved literary and artistic figures. The people of Charleston have lost a beloved friend who entertained them on the stage and on paper, and who reminded them in beautiful prose of the rich history and beauty of their city. She will be much missed.•

ORDER FOR PRINTING OF SENATE DOCUMENTS

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the following Senate documents be printed in the usual number: Senate Document 99–33, Senate Document 98–29, and Senate Document 97–20.

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

ORDERS FOR TUESDAY, MARCH 24, 1998

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, March 24, and immediately following the prayer the routine requests through the morning hour be granted, and the Senate resume consideration of S. 1768, the emergency supplemental appropriations bill.

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

Mr. ASHCROFT. I further ask unanimous consent that from 12:30 p.m. to 2:15 p.m. the Senate stand in recess for the weekly policy luncheons to meet.

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

PROGRAM

Mr. ASHCROFT. Mr. President, tomorrow the Senate will resume consideration of the emergency supplemental appropriations bill with the hope of concluding action on the bill during Tuesday's session.

As a reminder to all Members, a second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed last Friday to occur on Tuesday, March 24, at 5:30 p.m. in an effort to work out an agreement for an orderly handling of the bill. Therefore, a second cloture vote is scheduled to occur on the Coverdell A+ bill on Tuesday at 5:30 p.m. if an agreement cannot be reached in the meantime. In addition, as under the previous consent, all second-degree amendments must be filed by 4:30 p.m.

Subsequently, Members can anticipate a great deal of action on the supplemental appropriations bill tomorrow as the Senate works through amendments to the legislation. Also, it is hoped progress will be made on the Coverdell education bill during Tuesday's session. In addition, the Senate may consider any executive or legislative items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ASHCROFT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:15 p.m. adjourned until Tuesday, March 24, 1998, at 9:30 a.m.