SENATE—*Tuesday, March 24, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Dear Father, thank You for this quiet moment with You when we can receive the peace of knowing we are loved and forgiven, the healing of hurts from harbored memories, the answers to problems that seem unsolvable, and a vision for our Nation that would otherwise be beyond human expectation. To know You is our greatest desire and to serve You is life's greatest delight.

Gracious Lord of all life, forgive our imposed dichotomy between the sacred and the secular. Every person, situation, and responsibility is sacred to You because everyone and everything belongs to You. Give us a renewed awareness that all we have and are is Your gift. May we cherish the wonder of life You have entrusted to us. May our gratitude be the motive for our work today in this Senate. We want our work to be an expression of our worship of You. Therefore, we make a renewed commitment to excellence in everything we do and say. In the name of Him who is the Way, the Truth, and the Life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Alaska, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, on behalf of the majority leader, I announce that this morning's session will be one where we resume consideration of the emergency supplemental appropriations bill, with hope of concluding action on the bill during today's session.

As under a previous consent agreement, from 12:30 to 2:15 the Senate will recess for the weekly policy luncheons to meet. As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, is scheduled to occur at 5:30 p.m. if an agreement cannot be reached prior to that time. In addition, by consent, all second-degree amendments to that legislation must be filed by 4:30 p.m.

Again, it is hoped that good progress can be made on the emergency supplemental appropriations bill during today's session. All Members should contact either Senator BYRD or myself regarding this legislation if they intend to offer an amendment as the Senate attempts to complete action on this supplemental appropriations bill before the cloture vote.

Also, it is hoped that headway will be made on the Coverdell education bill. In addition, the Senate may consider any executive or legislative items cleared for action. And, on behalf of the majority leader, I thank our colleagues for their attention to his message.

ORDER OF PROCEDURE

Mr. STEVENS. For myself, let me say this, Mr. President. If we do get cloture on the Coverdell bill, that will mean we cannot finish this bill, the supplemental, until the cloture time has expired. We believe that we are very close to having cloture on the Coverdell bill, and it is imperative that we finish this supplemental bill so that when the House passes its bill we can go immediately to conference. It is our intent to take this bill through third reading and have it ready for immediate action without any further requests, based on a unanimous-consent agreement, to send the bill to the House for conference as soon as we are aware that the House bill has been received in the Senate.

That means it is imperative, if Senators believe, as I do, that our first job must be to assure we do not take money from the defense accounts to repay the costs of the deployment that has already been made in Bosnia, already been made in southwest Asia. If we cannot get this bill passed before April 1, that money is going to start coming out of the readiness accounts that apply to the men and women in the armed services who are still deployed in the continental U.S. and throughout areas other than Bosnia and the Iraq area.

The consequence of not passing this bill before April 1 is that the people who may have to be sent over to replace those already deployed—and we are making our rotations every 6 months—might not have the readiness and the edge that they need to go into a combat area. It is just imperative that we pass this bill before April 1. I have said that before on the floor. I again urge Senators to realize there is a timeframe problem on this bill and we do not want it to get involved in waiting for the cloture period on the A+ bill to expire.

I hope Senators will contact us. We are more than willing to consider any amendment. I hope Senators will listen to us with regard to time limits on their amendments. And we do have a pending amendment. Senator ASHCROFT is here to present his amendment. As soon as that is over, we really have a schedule of amendments ready to proceed, and I hope Senators will come as we call them and assist us by entering into time agreements. The time we will be taking off for the period of the luncheons is certain.

I remind Senators, tonight we start a new routine—the leader's seminars that are going to take place, with the distinguished former majority leader coming at 6 p.m., in the Old Senate Chamber, for Members only. A chance to listen to the former majority leader, Senator Mansfield, I think is something we must all make time for. It is a memorable thing. We are starting, I think, a great new tradition in the Senate from today.

Mr. KENNEDY. Mr. President, I have just a question of the floor manager. I have no amendments. I am quite prepared to vote at any time on this particular measure. I am just wondering if we are going to have any time prior to the 5:30 vote so we could discuss the Coverdell amendment. I want to accommodate the floor manager. I don't want to interrupt the orderly procedure. It is 9:40 now. I note we do have an issue before the Senate which is not directly related to the supplemental which will be taking up some time. So I am just wondering if there is any time that is preferable to the Senator, or whether there might be a designated period of time before a vote on the legislation of Senator COVERDELL, and maybe those that oppose it—not a lengthy time, but maybe there is a time that we could address it prior to 5 or 5:30 that would be convenient?

Mr. STEVENS. The Senator makes a good request, and I will consult with the majority leader on that. As the Senator knows, we took almost 2 hours yesterday on that bill. But I do think it would be a fair thing to have a period prior to the vote at 5:30 so both sides might state their positions.

It is not our intention this morning to have any morning hour time. We have Senator ASHCROFT's amendment pending. Senator HUTCHISON is waiting to bring up an amendment, and there are other amendments waiting in line behind that. So it is our hope that we can dispose of many of those this morning if possible. And if we can, that will mean we can open up some time later in the afternoon for a period for the discussion of the Senator from Massachusetts. I hope that is agreeable.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. KENNEDY. I appreciate the cooperation and courtesy of the Senator. I see Senator ASHCROFT on the floor now. I know he wants to address the comptime issue, which is not directly related. I am prepared to respond to that. But, again, I have no interest in taking us off the measure which we have before us. I just want to cooperate with the floor manager on it. I was unaware that this amendment was coming up, but that's life around here.

But I want to cooperate with the Senator from Alaska in any way, so they can move the process forward. As I say, I am ready to vote on the supplemental now. I do not intend to either speak or offer amendments on it.

Mr. STEVENS. This amendment was offered last evening and is the pending amendment. It needs to be disposed of. I hope as soon as possible we will dispose of this amendment and move on to another amendment that Senator HUTCHISON also discussed last night, and that is the amendment pertaining to some conditions on the Bosnia deployment. That is relevant to the money in the bill. We expect to get to that as soon as possible.

But I commit to the Senator from Massachusetts, we will notify him if there is a lull in activities here and try to accommodate his request for some morning hour time. Senator COVERDELL still has about 20 minutes coming under the agreement we reached yesterday for equal time, under the discussion that took place yesterday, but now that has to be accommodated, and we will do our best to do so.

I yield to Senator ASHCROFT.

RESERVATION OF LEADER TIME

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

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

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

The assistant 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 resumed consideration of the bill.

Pending:

Stevens (for Kyl) amendment No. 2079, to provide contingent emergency funds for the enhancement of a number of theater missile defense programs.

Ashcroft amendment No. 2080, 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 bi-weekly work programs as Federal employees currently enjoy to help balance the demands and needs of work and family, and 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.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2080

Mr. ASHCROFT. Mr. President, I appreciate this opportunity to spend a few moments speaking about two of America's most fundamental values. These values are embraced by our people across the Nation from sea to shining sea. If we were to inventory values among the American people, I think these would percolate to the top. They are the values of family and the values of work. These values come together when we think about how our workplaces impact families.

Sometimes when they come together, it is through collision. This collision takes place when the value of family conflicts with the value of work—the workplace actually competes with the family and the family's needs. Sometimes, though, they can come together through cooperation instead of by collision. I think that is what we ought to seek to encourage in our culture that these two most important values of our culture—work and family—should be able to coexist and to cooperate. They must be able to coexist and cooperate to build a strong America. But when one of these values undermines, erodes or undercuts the other value, we develop tensions that keep us from operating at our highest and best.

How we resolve the particular conflicts between these values that are important will determine how well we do in the next century. Most of us want to be survivors in the next century; we don't want to be succumbers. We want to be swimmers; we don't want to be sinkers. We want America to continue to define the world culture. We want the 21st century to be marked as an American century. We can do that if the Congress builds an important framework which allows people to respect these values in cooperation rather than in conflict. If we make it possible for the value of work to be a value which can be elevated without undermining or eroding the value of family.

So it is important for us to make sure that, as a Government, that we allow rules to exist and we provide a framework in which both the value of work and the value of family can flourish. Without hard work, we will never make it. Without strong families, we will never make it. Without finding a way to harmonize these competing interests—we will never be able to succeed in the next century.

Since 1965, the amount of time that parents spend with their children has dropped 40 percent. This is a decrease of almost half of the amount of time that parents spend with their children. This does not necessarily threaten the work part of the equation, but it certainly indicates that there is a serious challenge to the family side of the equation. These two values of work and family must work together—must be elevated together. And if we have elevated work to the detriment of family, we have to find out ways, we have to seek out ways, we have to search for ways to make it possible for families to spend more time together.

A 1993 study found that 66 percent—two out of every three adults surveyed nationwide—wanted to spend more time with their children.

How can we begin to restore a balance? How can we restore the capacity of families to have that kind of chemistry within them that builds the strong sense of loyalty, of belonging, and of confidence that provides the basis for transmitting values from one generation to the next?

The family is the best department of education; it is the best department of social services and health; it is the best employment training in the world. If we have strong families, we will succeed.

How can we make it possible for these 66 percent of American adults who want to spend more time with their children to do so?

Fifty-five percent of the adults surveyed are willing to give up some seniority or pay at work in exchange for more personal time. People feel this need to be with their family very strongly.

According to the U.S. Department of Labor in its report "Working Women Count"—and here is the cover of the report. This was the executive summary of the cover from the Women's Bureau, the U.S. Department of Labor. According to that, "The number one issue women want to bring to the President's attention is the difficulty of balancing work and family obligations."

That was out of this report from the President's Department of Labor, U.S. Department of Labor, May 1994.

In 1940, just 2 years after the passage of the Fair Labor Standards Act, 67 percent of all the families had sort of a traditional structure. Let's go to the next chart.

In 1938, only 2 out of 12 women with school-aged children worked outside the home. So for these women, they had lots of time with their children. Only 2 out of 12, 1 out of 6—about 17 percent—only 2 out of 12 worked outside the home. Look at the difference today. By 1995, we had a situation where 9 out of 12 women with school-aged children worked outside the home.

This represents a major change in America's families, a substantial change in the structure of the home, a

major change in the ability of people to spend time with their children. It is becoming very clear that we need to do something to make it possible, if we can, to allow families to spend time together.

By 1995, only 70 percent of families had a traditional structure; 43 percent of all families had two working spouses.

In 1995, almost 70 percent of single women headed families with children. That is a real situation where not only do you not have a mom and dad to work to help children together, but you have one-parent families. And if you take that one-parent family into a rigid employment environment where there is no ability to accommodate the needs of the family, you basically have a situation where there is no capacity to meet the needs of children when the work of the family comes in conflict with the work of the workplace.

There is a way for us to improve this situation. There is a way for us to help American families meet the needs of their families and the needs of the workplace as well. This solution was recognized as far back as 1945 when the Federal Employee Pay Act was passed to give Federal workers a compensatory time-off option. I want to restate the date. That is 1945. That is a long time ago. In 1945, over half a century ago, Federal workers began to have the ability, instead of taking time-and-a-half pay for overtime hours they worked, to take time off sometime later when they realized, "Wait a second, all the time-and-a-half pay in the world will never buy me more time with my family if I can't get a break. Could I possibly make it some time so that when I work an extra hour, instead of getting an hour and a half pay for the overtime, I would get time off sometime later to spend with my family?"

This concept was recognized again in 1978 when Congress gave flextime options to the Federal Government. I think it is important to note that that was a major step forward. It took individuals looking down the tunnel of time a little bit to understand there would be more and more women in the work force, more and more families without time spent by parents for children.

Among those who were at the forefront of the march to help preserve the capacity of families to spend time with their children is the senior Senator from Alaska, who was part of this 1978 effort to give Federal Government employees options for flextime in addition to comptime.

What is important is that in 1994, President Clinton decided that flextime was so valuable that he extended this sort of flexible-working-arrangement time situation to a whole group of individuals in the executive department of Government, because he understood the need that workers and their families have to spend more time together. The Federal workers have it.

Here is a little chart: Flexible scheduling today. Who can benefit? Mr. President, 2.9 million Federal employees are eligible for flexible scheduling benefits under the current law.

Who can't have it? By law, 59.2 million private-sector workers cannot make the same choices about their work schedules. Special privilege to the Federal worker with flexible scheduling; the absence of this capacity to assist individuals, reinforce the value of family and work together for non-Federal workers.

When asked, 8 out of 10 respondents supported continuation of the program in the Federal sector. The General Accounting Office, conducted the study and workers indicated that they approve the program; 72 percent stated they had more flexibility to spend time with their families. Just think of that, flexible working arrangements had helped 72 percent of the Federal employees spend more time with their families—that is something we should encourage—rather than discourage, all Americans to do.

What is interesting is that these studies also included that productivity went up. What we are beginning to define here is a win-win situation. The workers have their capacity to spend more time with their family—at the same time—the employer has its capacity elevated because productivity goes up. This defines a new way of looking at the relationship between employees and employers. We need for the next century to see ourselves as teams going forward together, not adversaries that can only move forward if the other moves backward. That is a very important concept as we face the 21st century. We will never do well in the 21st century if we don't understand that we only walk forward together.

Seventy-four percent of Federal employees participating in these programs said that alternative work schedules improve their morale. Overwhelmingly, American workers want the same options to be available in the private sector.

There is a group of those who survey public attitudes, Penn and Schoen, these are pollsters who often work for President Clinton. Their studies show that 75 percent favor allowing employees the choice of getting time off, time and a half either in wages or as time off. Three out of four, 7½ out of 10 people surveyed said they would like to have that choice—they just want a choice. Fifty-seven percent said they would take time off instead of being paid, if the option were available, from time to time.

What is interesting is that you don't have to make a choice under these proposals to always take time as comptime and never get paid for it. As a matter of fact, you can take it as comptime when you have something, some needs, arising in your families, not take it as comptime if you need the money more—it is your decision. Unlike the current situation when workers have no choice, no choice whatsoever, as to whether time is more valuable than money.

If you decide you want it as comptime and later on change your mind because you need the money, the proposal allows you to cash in the comptime. Fifty-eight percent of those who would choose the option of time off would choose it more often than pay, they say. This indicates that there is a strong demand and a capacity of American workers who believe they could make their own choice here. They would like simply to have the choice. In fact, a recent poll by Money magazine found that 64 percent of the American people and 68 percent of women would rather have their overtime in the form of time off than in cash wages.

We wouldn't be here to tell people that they had to take it in time off, to say they must take it in wages or must take it in time off. I think what we ought to do is allow people to have the flexibility to meet their needs at the moment, to meet the needs of their families at the moment. There are times when they might prefer to work a little extra and have the extra cash, but there are times when they would be asked to work overtime and they would like to say, "You know, I have been working a lot, I need to spend time with my family, we need to take a day off together, we need to go to the zoo, we need to go to the basketball game, we need to see our son and daughter in a play; how about I work the extra time you are asking me and I get time and a half off later on?" Eighty-two percent of the people said they support the Republican proposal to give working men and women more control over their time.

This is the challenge we face. We have two competing values in America: the value of work, which is understood as one of the primary values of our culture, and the value of family, family the primary institution of our culture. We shouldn't have them colliding and conflicting in the law. We should have them cooperating, and we should find ways to give people more options to make choices that respect both of those values.

Let me make a few points about the amendment which I propose. First of all, it does not alter the 40-hour workweek. It is a new section at the end of the Fair Labor Standards Act that does not revise the 40-hour workweek, and it is voluntary, totally voluntary. Anyone who wants to operate under the current law could continue to operate that way without discrimination, and

if there are any violations of this provision, the penalties are doubled for violations.

It just provides that there is a potential for compensatory time off when time is more valuable than money to individuals. There would be limits so that we wouldn't have a situation where people might be putting a lot of compensatory time off into a bank and then if the employer went out of business or were to leave the area that the person, his or her time off or income would be jeopardized. Accumulation would be limited to 160 hours. At the end of every year, any accumulated time would be cashed out so that if you didn't use your comptime by the end of the year, you just got time-and-a-half pay. Or any time prior to taking the time off that a worker decides, "Hey, I don't think I am going to be able to afford to take that time off, I just would like to have my money instead," the law would allow the worker to just take the time-and-a-half pay instead of the time off for comptime. Under this amendment, cashing-out your comp time bank is an absolute right.

There is a strong provision in this amendment which would allow for a reasonable use, at the employee's option, of the time off if it does not unduly disrupt the employer's operation. The undue-disruption criterion has been used in the employment setting for quite some time now, so that there is relatively good understanding that employers are required to make a significant showing, and can't just unreasonably deny an employee's request to take that time off.

Sometimes people worry about whether or not there would be some sort of coercion under this proposal. I think it is important for us to understand that there are strong protections to prohibit coercion. The protections that are provided in this law would be far greater than the protections that are enjoyed by the State and local and Federal Government workers as it relates to comptime now.

For instance, for State and local workers, workers can be required to participate—as a condition of employment—in comptime provisions. Ours would be totally voluntary in the private sector. So that is a protection, a safeguard, against coercion of any worker who didn't want to participate in comptime. This would be an authorization for an employer and employee to work together, but an employee who chose not to participate in getting comptime off could, with total assurance, have the resources instead, and even if the worker decided to take the comptime off and later changed his or her mind, just like that, the money has to be paid.

Management can decide when a worker must use comptime under the State and local workers' law. Not so under ours. Management cannot dictate, and the workers would have the right to make choices about when to use them.

Under the State and local workers' law, comptime is paid in cash only when the worker leaves the job. Under the State and local situation, in order to convert your comptime to cash, you have to leave your job. Not so under the provision of the amendment which we are proposing. Any time you want to convert your comptime to cash, you could automatically do it, as a matter of right. Just say, I want to change from the comptime which I have in the bank, time I had intended to take off, and I would like to have the overtime pay instead.

Under S. 4, participation is strictly voluntary. It cannot be required. This is in stark contrast to the required participation condition of State and local workers which currently is the law now.

Under this proposal, workers cannot be coerced into using their comptime. For state and local government workers—management can decide when the comptime is to be used. Under this proposal, workers cannot be coerced, comptime must be cashed out on request under our proposal and must be cashed out at the end of every year.

You can only cash out your comptime under the State and local provisions which have been in effect now for the last, basically, dozen years. You can only get your money when you leave the job. Under our proposal, you get the money anytime you decide you want the money.

Now, in addition to the compensatory time option to make the values of family and work harmonious—so that they are in cooperation, not in conflict—so that they work together in harmony and unity to provide a better setting for workers, there is another thing besides comptime. It is called flexible schedules.

One of the most popular programs in the Federal Government is the ability to—the ability to—allocate hours from one week to the next and to figure the 40-hour week over a 2-week period. A lot of Federal workers have done this so that they can take a day off, an extra day off every other week.

When a lot of folks are asked the question, would you like to have every other Friday off or every other Monday off or would you like to have a weekday off every other week, they respond very positively to that. In order to do that, sometimes you will have to allow people, as a matter of choice, to say, "I'll work more than 40 hours in one week in return for working less the next week." So that the most popular schedule among Federal workers in flexible working arrangements is to work 45 hours the first week, 35 hours the next week, and in so doing by working 9 hours a day for most of the days, have every other Friday off.

Now this gives people a chance to take a weekday off so that they can go to the schoolhouse and talk to teachers or they can attend events or maybe even just go to the motor vehicle department and stand in line so they can get their license renewed. Or maybe just be told that they did not bring the right supporting documents and get sent home to get whatever is necessary.

But this ability to have flex hours at the option of the workers—at the request of the workers—so that people can take an extra day off every other week and still preserve their paycheck and still have the complete capacity, is an important thing. This flexible credit hour provision is important because not all workers earn overtime. In other words, comptime alone will not solve the problem. Workers who do not earn overtime also would like to have some time off so they can just rearrange their schedule but would be precluded from doing so under a comp time only plan.

Flexible scheduling. Sure, lots of people who work overtime can take Friday off every other week, if they are working enough overtime. The vast majority of people do not get overtime, but they would like to have flexible scheduling. They would like to have some time off in which they can meet the needs of their families.

Only 20 percent of workers who get paid by the hour report receiving overtime during a typical week—only one out of five. Seventy-two percent of those reporting overtime compensation are men. So that some of the people who need flexibility—women—need to be able to take some time off, but are not the ones who are getting the capacity to take time off. Comptime alone would help only 1.9 million working women. That is only 4.5 percent of all the working women in the private sector.

Other flexible scheduling options: Instead of helping just 4.5 percent of the women, flexible scheduling options would help 67 percent of all working women. In addition to the comptime for people who actually get overtime, we ought to be working with individuals who are only going to get 40 hours a week. We can do this by giving them the opportunity to tailor that 40 hours a week in ways that gives them time off to spend with their families, spend with their children, or if they do not have families, they can spend it on themselves.

The idea that individuals should not be able to agree with their employers to arrange things so they can have a more fulfilling life—to be with their children or take care of themselves—is an idea of the past. American workers know how to accommodate their needs and should be able to agree with their employers in a framework of protections to do that.

Comptime would only help 5 million working men. That is only 10 percent of the working men in the private sector. The other flexible scheduling options provided in this amendment would benefit 61 percent of all men working in the private sector.

Who would gain from flexible scheduling? Mr. President, 59.2 million private sector workers would have new choices in setting work schedules and making time for their family and friends—30.4 million men, 28.8 million women.

These are individuals with families; these are individuals who have something that competes with the workplace for their interests. We should not make it a situation where in order to do your job you cannot be a parent or be a good parent or in order to be a good parent you have to be a bad employee. We should provide the flexibility of scheduling. We should tailor the laws of this country to make it possible for individuals—to make it possible for individuals—to be able to meet the needs of their families and the workplace.

We mentioned earlier, when we surveyed the situation in Government, the General Accounting Office said two things happened: Morale and productivity went up, and worker satisfaction and their ability to spend time with their families went up. Wait a second. Here is a win-win situation. The value of work went up and the value of family went up. When Government can provide a basis for enhancing the value of families and enhancing the value of work in this culture, we ought to seize that opportunity. Too much of what we do impairs the value of these cultures.

Well, there are others who have said there are other solutions. Frankly, the solution that has been proposed on the other side of the aisle is more unpaid leave, more of the so-called Family and Medical Leave. And that is a tragedy because unpaid leave exacerbates one of the problems that families are enduring—that is, they need resources.

A lot of families would not have both adults in the work force if they did not need the money. So telling people that they should not get money, that they should take unpaid leave, is saying, sure, we know you are having a problem spending time with your family and a problem funding your family, so you should take more time with your family and, therefore, have greater difficulty funding it. That is a vice. That is a crack into which we should not let families fall.

That exacerbates the tension between the home place and the workplace. It does not lift them both together. Let me give you some data which I found to be stunning. The Family and Medical Leave Commission report, which included notable Members of this Chamber, reported that in order to make up for the money people lost when they took family leave, 28 percent of the families had to borrow money—go further into debt.

This basically says, if you need to have some time off, you have to go into debt to spend time with your family. We should not try to force people into financial crisis. As a matter of fact, 10.4 percent of the families who took family and medical leave had to go on welfare in order to accommodate the needs that arose from the lack of resources when they took family and medical leave. And this is stunning, 42 percent—41.9 percent; let me not overstate it—41.9 percent had to put off paying bills.

I don't know about most folks, but if I have to put off paying a bill, that is a matter of serious tension. If you have to go on welfare just to make up for your family and medical leave that you took for your time off, that is a matter of serious tension. Or if you have to go into debt, 28.1 percent had to borrow money under the family and medical leave provisions in order to meet the needs of their family. That is serious tension.

I think it would be far better if, instead of asking people to take a pay cut, which you have to do in order to address the needs of your family under family and medical leave, that you should allow us to have flexible working arrangements where you might have compensatory time off as a result of overtime you have worked or you have a flexible working schedule that you have designed.

Well, the provisions in this bill are not the kinds of things that are new or novel or have not been tested. Since 1945, comptime has been available to Federal workers. We have seen how it works. Since 1985, it has been available to State and local workers. We know how it works. And we have designed a superior product with more choices for workers in this amendment than are existent for Federal workers and for State and local workers who like the program. It seems like common sense.

We offered this during the 104th Congress, the Work and Family Integration Act. It was selected as one of the top 10 agenda items on the Republican side of the Senate for the 105th Congress. This past summer the bill was filibustered by the other side of the aisle.

Yesterday, there was a lot of talk in this Chamber about having time for debate, having time for amendments, and the need to have amendments and debate. Well, you know, last year we brought up the Family Friendly Workplace Act. There was not a single amendment brought forward by the individuals who opposed this on the other side of the aisle. Not one amendment came to the floor, and yet they would not let us vote. They talked and talked and talked. I stood on this floor and encouraged them to offer amendments to address their concerns. I encouraged them to offer these amendments so the issues could be resolved—so we could end up with a product they could support. Not one amendment was offered.

We did fail to get two cloture votes while I, along with many other Republicans, stood on the floor and asked for our colleagues on the other side of the aisle to offer their amendments. They simply were not forthcoming. We even had Republican Members come down to offer our own amendments to address some of their concerns. But we were unable to because Democrats were stonewalling the issue.

Eventually President Clinton rhetorically supported comptime. He even spoke to me personally about it. The very day of the last failed cloture vote, I was told that flextime is the most important thing we could do for American families by the President himself. But when we tried to begin negotiations, it became a series of unreturned phone calls while making continued statements to the press of the importance of flextime and their desire to compromise—but no real negotiations.

Not only did I try to get the White House to sit down and talk, so did the chairman of the Labor Committee and Congressman BALLENGER, the sponsor of the House comptime bill. We were told, "Wait until we finish the budget," and then "Wait until the fast track vote," and wait and wait and wait.

I am reminded of the old saying in the Ozarks, "Wait is what broke the bridge down." I think the bridge collapsed under the waiting of the bridge. We are still waiting.

Well, we will not wait idly by while millions of Americans are denied the ability to balance their work and family demands. This is something the American people deserve. This is something that is essential to the survival of our culture. We must respect our families. We must give them the opportunity to survive, and we must have a competitive and productive work force. And there are ways for this to happen. We must harmonize these values. They must work together in cooperation. They cannot work antagonistically in conflict.

This is an issue that the Democrats in Congress and the President will not be able to make disappear. I will continue to bring this issue up at every opportunity. We have been accused of being unwilling to compromise. Well, we have made changes in the bill to try to address concerns that have been raised.

We added bankruptcy protections to ensure that employees will be able to collect accumulated comptime if their employer declares bankruptcy. We limited the number of hours that an employee can accrue from 240 hours to 160 to make sure that a person does not get too many hours of comptime out there and somehow it might not be fulfilled.

We have put a sunset provision on the bill saying, look, we are only trying it for 5 years. Let the American people find out about it. If it is abusive to the workers, it will be over in 5 years. It will not be abusive. If this was an abuse of workers, they would have curtailed it after 5 years in 1950, from the time it started in 1945; or for State and local workers in 1990, after it was started in 1985.

We completely eliminated the flexible credit hour provisions of the bill so that we are just talking about flexible scheduling. This amendment only permits workers to move 10 hours from one week to the next, but that would provide a basis for a day off every other week.

We will find out who really supports giving workers the flexible work schedules that workers desperately need. We will do so by asking that this bill move forward. We will find out who believes that it is appropriate for Government to allow flexible work schedules for their own employees and for salaried workers but not for laborers, those who have built this great Nation. Everybody has flexible work time. All the Government does, all the salaried workers. The boardroom has it, the people on salary.

Local and State governments have it. But who doesn't have it? Hourly workers in America, the people who built this country. They are in the minority now. They don't have it. I believe it is time for them to have this same kind of capacity to be with their families the way others have found it to be with theirs. We also will find out who really cares about women's positions in the workplace.

It is interesting to note that Working Woman Magazine says this:

> Poll after poll shows that Americans want to spend time with their families and cite flexible scheduling as a top priority. . . . Give women what they want, not what you (Members of Congress) think they need.

That is what Working Woman Magazine said. This is a fight that must be continued. I believe that this is a fight that should be continued for the hourly workers of America, who don't happen to be Federal workers, who don't happen to be State workers, who don't happen to be local government workers, who don't happen to be salaried workers, who don't happen to inhabit the walnut-paneled boardrooms of America, but do happen to have families and do happen to have the same kinds of needs.

President Clinton and the Democratic platform have all endorsed flextime as a way to help Americans balance the needs of work and family. It is time for that endorsement to become a reality. It is time for Congress to stop ignoring the serious challenges that are facing families in today's workplace and give American workers what they want and need.

This issue will not go away. This issue of giving working Americans the ability to balance work and family must be addressed. I am not going to tie up this supplemental appropriations bill with this amendment at this time. But I lay this before the Congress as a clear signal and indication that this is a must-address issue. I will bring this issue back to the floor on an insistent basis. While we are meeting the emergency needs of Government, we cannot continue to ignore the needs, emergency needs, of families and of the American work force, particularly those who have built this Nation as hourly workers.

So I will withdraw my amendment at this time. I will indicate that this is a must-address issue, but I will not allow it to foreclose or preclude or otherwise impair our ability to address the emergency needs of troops that are deployed by this country overseas. But I will say that neither will I allow this body to ignore this issue and thereby ignore the needs of American families, just as we are not going to ignore the needs of the American Government.

Mr. President, I ask for the opportunity to withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska, Mr. STEVENS, is recognized.

Mr. STEVENS. Mr. President, I thank the Senator for his courtesy. He is the original sponsor of the legislation that provided the Federal system flextime and comptime, and I have supported what the Senator is doing. I think it is a step that should be taken. I regret that we cannot proceed, but I appreciate the fact that he has seen fit to withdraw this amendment now so that we can proceed and try to keep this bill limited to those items that are emergency in nature, which affect our defense and affect the disasters that have taken place in this country. I commend the Senator for his action. I am very appreciative of it.

AMENDMENT NO. 2079

Mr. STEVENS. Mr. President, as I understand it, the Kyl amendment that I offered on behalf of the Senator from Arizona is the pending amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. Mr. President, I would like to have that remain the pending amendment now so we can see if we can dispose of it. I am not sure we can do that before noon, but I hope that we can. I urge any Members who have any questions about this to come and discuss them with me. Unfortunately, Senator KYL is not here. I am not sure whether he will be here today because of illness. It is not serious; he just has a problem, I am told.

Let me say this to the Senate. I and a number of my colleagues have watched with concern as Iran has worked aggressively to develop longer range theater ballistic missiles.

There have been many reports that a new Iranian missile, the Shahab-3, may be tested within the coming year.

This new missile, with a range approaching 1,300 kilometers, can now reach targets in the Middle East that were previously not threatened by ballistic missiles from Iran.

Further, the Shahab-3's velocity and range could require changes in our own theater missile defense systems currently under development.

Obviously, our allies, particularly Israel, are very concerned about this new Iranian missile development effort. In parallel—and I believe this is of utmost importance—North Korea has continued to pursue the development of a longer range missile. They are working on the no dong and the taepo dong missiles. These missiles have created concern not just in Asia, but in my home State of Alaska, as well as in Hawaii, which is the home State of both of my colleagues from Hawaii.

Now, I believe the Senate should know that the first targets within the reach of the longer range Korean missiles are in fact the States of Alaska and Hawaii.

As a nation, I think we have to react swiftly to the threat posed by these new ballistic missile development and test efforts.

Senator KYL and others who have watched this issue closely have urged that we take action now to respond to this threat. Therefore, I have offered this amendment on behalf of Senator KYL and myself to provide emergency appropriations to respond to this dangerous new threat.

The amendment will provide $151 million for urgent development efforts which directly address these new missile threats. I might say that this matter has been reviewed by the Deputy Secretary of Defense. They have indicated that if additional resources are not made available, they can address these initiatives with reallocation of existing funds. Now, that is exactly what we don't want. The funds have already been allocated, and what this bill is doing is trying to make additional funds available to make up for the ones that have already been used in Bosnia and in the deployment in Southwest Asia.

This amendment provides for better integration of Army and Navy missile defense systems and radars, for additional testing of the Patriot and lower tier systems against these longer range theater ballistic missiles, and other efforts which will link our existing sensors, communications, and weapon systems to defeat improved theater ballistic missiles.

In addition, the amendment specifically provides funds to assist Israel in purchasing a third arrow missile battery. The capabilities of the emerging

Iranian threat force us and Israel to add additional batteries to protect not only our forces, but our allies in Israel.

Mr. President, I believe these efforts have some of the most urgent projects we could undertake in the Department of Defense. As I indicated, Deputy Secretary of Defense John Hamre wrote a letter bringing these needed investments to the attention of our colleagues in the House. The emergency supplemental before us provides an opportunity to deal with these critical investments. But we cannot do it from here directly. This amendment provides that the moneys in the amendment will only be available if there is an official budget estimate for the amounts that are designated to be an emergency. This would be in a request transmitted to the Congress as emergency requirements, as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Now, as I say, the amendment I offered for the Senator from Arizona, Mr. KYL, does not make that money available. It will only be available if the administration agrees that there is a critical issue here and that these moneys should be available now to deal with these issues.

Mr. President, we have troops, once again, stationed in this area. We do not have an adequate theater missile defense system. We don't have a missile defense system that is even currently planned for the total 50 States. When it was presented to our committee, the Department specifically pointed out that it was not possible for a period of 15 or more years to cover the States of Alaska and Hawaii. But a theater missile defense system would.

I believe there is an emergency. I believe it is highly important that we proceed to make these investments. I do not think the investments should be made available from funds we have already appropriated for other critical projects in the Department; nor do I think we should defer acquisitions of new systems. That has been done too much already.

Mr. President, we spent more time in the last 3 years reprogramming money we have already made available to the Department of Defense than we have in considering how much money should be available to the Department of Defense. I don't want to start the concept of reprogramming. What this does is, it says to the administration that if they are as serious as we are about proceeding now with the ballistic missile defense system—we have made the finding ourselves that it is an emergency, and we ask the President to simply make the decision. I hope the executive branch will agree that these funds will respond to security crises and the projects should be added. If they do not, these funds would not be available under this amendment. I do believe that my good friend from Hawaii wants to make a statement on the matter when he arrives.

(At the request of Mr. STEVENS, the following statement was ordered to be printed in the RECORD.)

Mr. KYL. Madam President, my amendment to the supplemental appropriations bill (S. 1768) would accelerate the development and deployment of theater missile defense systems.

Recent revelations that Iran has nearly completed development of two new ballistic missiles—made possible with Russian assistance—that will allow it to strike targets as far away as Central Europe have convinced me that U.S. theater missile defenses must be accelerated in order to counter the emerging Iranian threat. This increased Iranian missile threat has materialized much sooner than expected due to the extensive assistance Russia has provided over the past year.

According to press reports, development of Iran's 1,300 kilometer-range Shahab-3 missile, which will be capable of reaching Israel, could be completed in 12 to 18 months. Development of a longer-range missile, called the Shahab-4, whose 2,000 kilometer range will allow it to reach targets in Central Europe, could be completed in as little as three years. Both missiles could be armed with chemical or biological warheads. These revelations are part of a string of very troubling disclosures that have surfaced over the past year detailing the extensive aid Russia has provided to Iran.

A bipartisan group of Senators and Representatives have been working on various legislative approaches to address the Iranian threat for some time. For example, last fall both Houses of Congress passed a Concurrent Resolution which Representative JANE HARMAN and I submitted expressing the sense of the Congress that the Administration should impose sanctions against the Russian organizations and individuals that have transferred ballistic missile technology to Iran. The annual foreign aid bill passed last year also contains a provision conditioning the release of foreign aid to Russia on a halt to the transfer of nuclear and missile technology to Iran. And, Senator LOTT and Representative GILMAN have introduced legislation that would require that sanctions be imposed against any entity caught transferring goods to support Iran's ballistic missile program.

In addition to these legislative initiatives, the Administration has engaged in a series of diplomatic exchanges with the Russians. According to press accounts, Vice President GORE has raised the issue with Prime Minister Chernomyrdin on several occasions. President Clinton has discussed the matter with President Yeltsin at the Helsinki summit in March 1997 and at the P-8 summit last June. The President also appointed Ambassador Frank Wisner as his special envoy to hold detailed discussions with Russian officials about the dangers of aiding Iran's ballistic missile program. This is a very serious issue which the Clinton Administration has clearly acknowledged.

As a result of the Administration's diplomatic efforts, in January Russian Prime Minister Chernomyrdin signed a decree issuing catch-all export controls on nuclear, biological, chemical, and missile technology. The Russian government has also said it will not assist Iran's missile program. While we all hope this will lead to an end to the transfer of Russian missile hardware and expertise to Iran, I think the jury is still out on whether Moscow will fully comply with its obligations. For example, just one month after Prime Minister Chernomyrdin issued the decree on catch-all export controls, the Washington Times reported that Russia was still providing missile aid to Tehran. Specifically Russia and Iran's intelligence services were reportedly coordinating a visit to Moscow by a group of Iranian missile technicians and Russian missile experts were planning to teach courses in Tehran on missile guidance systems and pyrotechnics.

It is also worth remembering that Russia promised three years ago to phase out conventional arms sales to Iran and to join the Missile Technology Control Regime. In addition, last March, President Yeltsin assured President Clinton at the Helsinki summit that it was not Russia's policy to assist Iran's missile program. But Russia has given missile aid to Iran in violation of these commitments. Deputy Assistant Secretary of State Einhorn summarized this situation well in Senate testimony last year stating,

> We have pressed the Russian leadership at the highest levels and we have been told that it is not Russia's policy to assist Iran's long-range missile program. But the problem is this: There's a disconnect between those reassurances, which we welcome, and what we believe is actually occurring.

In any event, the United States and our allies must be prepared to protect ourselves from the possibility that Iran will use ballistic missiles armed with nuclear, biological, or nuclear warheads. It is that possibility that this amendment is intended to address. Neither the United States nor Israel will have missile defenses capable of countering the threat from the Shahab-3 or Shahab-4 missiles before those systems are deployed. This amendment provides funding to accelerate the development of some key theater missile defense systems, as well as procurement of items for a third Arrow missile defense battery for Israel.

In crafting this amendment, I have worked closely with the Defense Department and my colleagues in the House of Representatives. Last month,

Deputy Defense Secretary Hamre identified a variety of initiatives which DoD felt were needed to counter the new missile threat from Iran. In a letter to Representative WELDON, Mr. Hamre indicated the Administration felt so strongly about the need for these new initiatives that if additional funding was not provided, that the Ballistic Missile Defense Organization would reprogram $100 million from existing missile defense programs for this purpose. Reprogramming missile defense funds would be counterproductive since, in effect, we would be robbing Peter to pay Paul.

The $100 million of funding for initiatives identified by DoD are the core of this amendment. This funding requested by the Administration would provide:

$35 million for integration of the Patriot (PAC–3), Navy Upper and Lower Tier, and THAAD radar systems to allow earlier, more accurate cueing that will increase the effective range of these missile defense systems.

$15 million to accelerate completion of the PAC–3 remote launch capability. Remote launch allows PAC–3 missiles to be deployed at considerable distances from the PAC–3 radars effectively doubling the amount of territory defended.

$40 million for one additional test flight of the PAC–3 and Navy Lower Tier systems to test their capabilities against longer-range missiles such as the Shahab-3 missile that Iran is developing.

$10 million to improve interoperability between the Arrow and U.S. TMD systems.

In addition to providing funding for the programs identified by the Administration, this amendment would also provide $6 million to integrate a variety of sensors and communication systems to provide better, more accurate early warning data from a missile launch, and $45 million to purchase a third radar for the Israeli Arrow system, the first step toward eventually providing a third battery of the system to Israel.

The proposals contained in this amendment enjoy bipartisan support. Last week, the House National Security Committee passed a bill, which is very similar to the amendment I have offered, by a vote of 45 to 0. It is also important to note that the amendment I have offered simply makes $151 million in funding available to the administration. In order for the Administration to use this funding it must designate it as an emergency requirement.

In closing, I thank the distinguished Chairman of the Appropriations Committee, Senator STEVENS for his support and urge my Senate colleagues to support this amendment which will help ensure that the United States and its allies can take meaningful steps to counter the growing threat from Iran's missile program.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

AMENDMENT NO. 2085

(Purpose: Treatment of Educational Accomplishments of National Guard Challenge Program Participants)

Mr. STEVENS. Mr. President, I have three amendments that have been discussed on both sides of the aisle and have been cleared now. I send to the desk an amendment on behalf of Senator LEAHY; a second amendment proposed by myself and Senators COCHRAN, BOXER, and BUMPERS; and an amendment for Senator MCCAIN that has been cleared.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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 that the clerk read only the amendment that I offered for myself and Senator COCHRAN at this time.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for himself, Mr. COCHRAN, Mrs. BOXER, and Mr. BUMPERS, proposes an amendment numbered 2085.

The amendment is as follows:

On page 15, after line 21 of the bill insert: "SEC. . Notwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces."

Mr. STEVENS. Mr. President, this came to light during a hearing we held in the Defense Subcommittee of our Committee on Appropriations last week. Since that time, I have discussed it with members of the Joint Chiefs of Staff and other members in the armed services.

These young people who go through the Challenge Program get a general equivalent degree, a GED, but under our existing law a person must have a high school diploma to enlist. This amendment covers only those people who come through that program with a GED. They will have spent 20 weeks or more with the National Guard in a semimilitary situation, and they go through and get their GED, which is acceptable to colleges and universities but not acceptable for enlistment in the Armed Forces. Having spent their time with the National Guard in its Challenge Program, many of them really want to continue and go into military service and continue their education as a member of the armed services. We believe that opportunity ought to be there for these young people who have made a commitment to change their lives and who have made a commitment that they want to be part of the military system.

This, as I said, is something that is very limited in scope and only deals with a few hundred people in the country as a whole. But they are people that the Guard has worked with, and they have worked with the Guard.

As I said, that was one of the most impressive hearings that I have conducted in the Defense Appropriations Subcommittee. It was very emotional, really, to listen to these young people who came forward and told us they had problems with drugs, or being members of gangs, and they decided they wanted to change. And they have changed. One young man was in his second year at The Citadel. He got into The Citadel with a GED, but he could not have gotten into the Army, or the Navy, or the Air Force. We think that ought to change.

This provision will change that. I believe it should be adopted. It has been cleared on both sides, and Senator BYRD wishes to be listed as a cosponsor.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. STEVENS. I am pleased to make that request.

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

Mr. STEVENS. I urge adoption of the amendment.

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

The amendment (No. 2085) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, for the time being, I ask that the other two amendments I have sent to the desk be held in abeyance.

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

Mr. STEVENS. Mr. President, has the Kyl amendment finally been disposed of?

The PRESIDING OFFICER. It has not been disposed of.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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. I ask unanimous consent Senator BOND be listed as a cosponsor of amendment No. 2085.

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 legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. BYRD. Madam President, on behalf of Mr. BIDEN, I ask unanimous consent that Mark Tauber, a State Department Pearson Fellow on the Foreign Relations Committee staff, be granted floor privileges for the duration of consideration of S. 1768, the emergency supplemental appropriations bill.

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

Mr. BYRD. Madam 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 (Mr. ENZI). Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am now informed that the Kyl amendment has been cleared on both sides. Is it the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 2079) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2092

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an amendment numbered 2092.

Mr. STEVENS. 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 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B-278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission

under the Commission's Report and Order (FCC 97-157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) SECOND-HALF 1998 CONTRIBUTIONS.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

Mr. STEVENS. Mr. President, I am informed that this amendment is acceptable on both sides. This substitute is very similar to the original section 2004 of the bill before the Senate. We have made some changes based upon input from several Senators in segments of the telecommunications industry.

This amendment and legislation addresses the fact that the GAO has determined that the Federal Communications Commission established the Schools and Library and Rural Health Care Corporations in violation of the Government Corporations Control Act. That law states that agencies must have specific statutory authority to establish such corporations.

Our bipartisan bill urges the FCC to come to Congress with an acceptable structure. Our effort also mandates that the FCC report to Congress by May 8 of each year on the cost of this program.

Consumers experienced a 4.9 percent rate increase on their business phone bills after initial collections to fund this program. Congress needs to know why rates went up and how we can avoid such an outcome in the future.

I want to personally thank Senators HOLLINGS, MCCAIN, BURNS, DORGAN, and ROCKEFELLER for their help with this amendment. As I said, it has now been found acceptable to both sides as a substitute to the provisions that are in this bill as reported by the committee. I urge its adoption.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 2092) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I yield the floor.

Mr. LEAHY. Mr. President, I tell my friend, the senior Senator from Alaska, we have a matter that I think has been somewhat of a regional and local controversy about to be worked out. I advise the distinguished chairman of the Appropriations Committee, I think within a matter of minutes we will be able to move on that.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2098

Mr. LEAHY. Mr. President, I send an amendment to S. 1768 to the desk on behalf of myself, Mr. ABRAHAM and Mr. LEVIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. ABRAHAM and Mr. LEVIN, proposes an amendment numbered 2098.

Mr. LEAHY. 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:

At the appropriate place, add the following:

SEC. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);"

Mr. LEAHY. Mr. President, I am pleased to join my colleagues from the Great Lakes State today to offer an amendment that clarifies an issue that relates to ecological research involving Lake Champlain and its relatives, the Great Lakes of the Midwest.

Almost 10 years ago, I embarked on a campaign to reverse what was the appearance of initial environmental degradation of Lake Champlain. This campaign included access to the research and expertise of the National Oceanic and Atmospheric Administration and the National Sea Grant Program.

When I included Lake Champlain within the definition of the "Great Lakes" for the purpose, and solely for the purpose, of the National Sea Grant Program, that change ignited some regional anxiety in the Midwest, the traditional home of the five Great Lakes. It sparked a geography debate over the last month that has enlightened many a classroom. It certainly enlivened the conversation across many a dinner table, including my own in Middlesex, VT. But it has had the added advantage of even classes that did a poor job of teaching geography now had something with which they could do a good job, and people now know at least where the top northern tier of States are.

My original amendment only modified the term "Great Lakes" for the purpose of the National Sea Grant Program. But it snowballed into concerns that we would have to rewrite our encyclopedias or throw out our atlases. My amendment to the National Sea Grant Program simply allows Vermont colleges that border Lake Champlain to compete for Sea Grant College status and research funds.

Although Vermonters, I must admit to my good friends from the Midwest, and New Englanders have always thought of Lake Champlain as the "sixth Great Lake," because it is the sixth largest body of fresh water in the continental United States, I recognize the historical and emotional significance this definition carries in much of the Midwest where they have the fantastic Great Lakes—Huron, Ontario, Michigan, Erie and Superior. That is why I have been working with my colleagues of the Midwest to ensure their image of the Great Lakes remains intact, while allowing schools in Vermont to compete for research dollars on a level playing field with other schools within the National Sea Grant Program.

Over the last weeks, we have all heard tales of the greatness of Lake Champlain and the Great Lakes. We all agree that these lakes share in the greatness, whether from their common geological history or their shared biological system that supports the diverse flora and fauna in the region.

Lake Champlain is not as large as the Great Lakes of the Midwest, but it has proved its greatness throughout American history. The pivotal Battle of Valcour in 1776 on Lake Champlain was a key element in winning the Revolutionary War, because it turned back the British fleet coming down to resupply their forces. A turning point in the War of 1812 was the Battle of Plattsburg. And last year, the sister ship to the Smithsonian's Philadelphia, Benedict Arnold's gunboat, was discovered intact in Lake Champlain. So, if we expand the National Sea Grant Program to include Lake Champlain, we will be able to preserve the environmental, economic, and historical value of a lake that is a Vermont and a national treasure.

The amendment I am offering today with Senators LEVIN and ABRAHAM clarifies the definition of "Great

Lakes." Representative Fred Upton has also been extremely active and helpful in developing this solution. Senator LEVIN, the new chair of the Great Lakes task force, has made darn sure, as have his other colleagues and friends from the Midwest, that I have read every editorial written in their region. In fact, I expect at some moment to be in front of the blackboard saying, "I shall name"—but, because they are such good friends, and both are on the floor now, they didn't make me do that. But the fact that all of us are offering this amendment together is testimony to the shared understanding and respect for the importance of our lakes to our environment, our economy, and our history.

Unfortunately, while we have that shared interest, we also share some common threats to our lakes. In the last year, we have witnessed the spread of the zebra mussel infestation throughout Lake Champlain, because we connect through the St. Lawrence Seaway, and we share that with the other lakes. These small freshwater pests are threatening native mussels, community water systems, and the network of underwater shipwrecks that make up a rich part of our Nation's history. In fact, scientists forecast that zebra mussels and other invasive species are likely to reach their maximum levels within the next few years.

The zebra mussel represents one of the many connections between the Great Lakes and Lake Champlain, having spread through waterways by boaters who travel among our lakes. We share other concerns such as toxic pollutants, nutrient enrichment and habitat degradation, and these threaten our common fisheries.

For the most part, this Great Lakes debate has not been a dispute among scientists who know the common history and problems facing these lakes, but among politicians and columnists and radio talk show hosts. By pooling all of our resources on freshwater lake research and allowing schools conducting research on Lake Champlain to directly participate in the Sea Grant College Program, we are going to be better prepared to solve these environmental and economic problems. We have already heard from scientists who are excited about the prospect of sharing information and starting joint research projects to address these problems.

Our amendment will build on our existing partnership and ensure the Sea Grant Program protects the water resources, biodiversity, and economic health of the Great Lakes and Lake Champlain.

The purpose of my earlier amendment was not to change any maps but to promote ecological research on the common problems facing our lakes. I understand the symbolic issue this has become with our friends in the Midwest and, because they are my friends, I do not want to create problems for them.

Even though we are the sixth largest lake in this country, we have agreed to call Lake Champlain the cousin instead of a little brother to those larger lakes in the Midwest. But we accomplish our goal of improving the ecological health of our lakes. I think it is a win-win solution that achieves our purposes while skirting the symbolism. We can say, "Mission accomplished," because it means all our lakes will share the benefits of this research about the common problems, like phosphorous runoff, zebra mussels, and mercury pollution. It will help us avoid some of the pollution pitfalls that have stricken other lakes.

In the meantime, it has been a marvelous tourism ad for our beautiful lake. I have never seen so many pictures of Lake Champlain on television ringed by the Adirondack Mountains of New York and the Green Mountains of Vermont. In fact, having watched some more pictures of it today, it makes me all the more homesick. I can't wait to be back home this weekend.

I yield the floor with an invitation to any of my friends from the Midwest, or any other area: Come to Vermont; we would love to have you there.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, I thank Senator LEAHY for offering this amendment. It is a very important amendment to those of us in the Great Lakes for the reasons he has described. His initiative was aimed at making certain that Lake Champlain would be eligible to compete for certain funds. That eligibility is dependent upon Lake Champlain facing a common problem.

There is no reason why Lake Champlain should not be able to compete for funds where they face a common problem with the Great Lakes, such as zebra mussels or contaminated sediments. So that was never the problem. The problem was the redesignation of Lake Champlain as a Great Lake, and that is what created the difficulty.

Basically, what this Leahy amendment does is to reconfirm the historical definition of the Great Lakes. That historical definition of the five Great Lakes is learned by every child in the Great Lakes region. It is HOMES. It is the easy way for our children to learn what the Great Lakes are. HOMES—Lake Huron, Lake Ontario, Lake Michigan, Lake Erie and Lake Superior. Together they spell HOMES. That is a very significant part of our identity in the Great Lakes.

Senator LEAHY, in his amendment this morning and in his words on the floor, recognizes the importance of that historical identity to us, and we are very supportive of this amendment, indeed, have actively helped to create it, to cosponsor it.

I also thank Senator ABRAHAM who has played such an active role in this effort to maintain the Great Lakes as the traditional five Great Lakes. His role has also been critically important, as has the role of the other Great Lakes Senators who have been supportive of this amendment.

There are many, many laws that designate the Great Lakes as the five traditional Great Lakes. Under the Great Lakes Critical Programs Act, for instance, the Great Lakes have been defined as the "five Great Lakes." Under the Great Lakes Water Quality Agreement of 1978, the traditional "five Great Lakes" have been designated. And so forth throughout history, both legislative and geographic, the "five Great Lakes" have been clearly identified as those five Great Lakes that I have just identified.

I want to, again, state that this amendment may hopefully now resolve a controversy. We hope this will pass the House of Representatives. We believe it will. But this is not just a tempest in a teapot for those of us who live in the Great Lakes region. This is a matter of our very identity. The importance of these Great Lakes to us, to our economy, to our ecology, to our environment, and to our recreation is clear. So, in reversing the designation, as this amendment would, continuing Vermont and Lake Champlain as being eligible to compete for funds where there is a common problem is the right way to go.

We thank Senator LEAHY for his recognition of that. All of us who live in the Great Lakes region, I think, are now going to be assured that a traditional definition, which has been so important to us in our identities, will be maintained and will be restored.

Now this language will hopefully pass the House of Representatives, and I am sure with Senator LEAHY's support, it will do so. Again, I thank him, I thank Senator ABRAHAM, and I thank our colleagues from the Great Lakes region for their effort in this legislation.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

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

I rise today with my colleagues in support of the Leahy amendment which includes S. 1873, legislation which I had previously introduced with Senators LEAHY and LEVIN, legislation which will resolve the recent controversy surrounding the designation of Lake Champlain as a Great Lake. Since being signed into law last month, the Sea Grant College Program Act has received a tremendous amount of attention, not for the important research it fosters, but for a single sentence that designated Lake Champlain as a Great Lake for purposes of the bill.

Today's agreement will restore the designation of a "Great Lake" to the

original five. This has been made possible as a result of several weeks of discussion among myself, Senator LEVIN, and Senator LEAHY. I thank them for their efforts. I also thank and draw attention to Congressman FRED UPTON, our Michigan colleague in the House, for his important participation and contributions which have helped us reach this agreement.

Mr. President, I was extremely pleased to be an original cosponsor of the Sea Grant College Program Act as passed out of the Commerce Committee last year. This act is an important piece of legislation which supplies crucial funding for research into a host of problems which challenge the health of the Great Lakes, such as zebra mussel infestation.

Late last year, the Sea Grant College Program Act was amended to allow Vermont colleges and universities to apply to the Sea Grant programs in the hope of securing research grant dollars for the study of Lake Champlain. This amendment was offered as part of a managers' amendment which addressed a number of technical issues. Unfortunately, it did so in a manner totally unacceptable to the residents of the Great Lakes, in that it named Lake Champlain a "Great Lake."

As my colleague from Michigan indicated, at least in our part of the country, it is a very typical teaching device to have students memorize the names of the Great Lakes by using the acronym HOMES, H-O-M-E-S.

To add another letter to this acronym at this late date, Mr. President, would, in my judgment, not make sense. And I cannot quite figure out what acronym it would be that would be sufficiently memorable for our young people to use this as a study device.

Beyond that, we in Michigan pride ourselves in the fact that our State bears, as its own self-proclaimed motto, "The Great Lake State." Obviously, to the people in Michigan, it is quite important that we remain a State that is in contact with and connected to the Great Lakes.

For those reasons, among many others, great concern was registered, as has been previously noted by editorial writers and educators, and others, about the way the legislation that was passed with respect to Sea Grant colleges might affect the Great Lakes designation for other purposes.

So, Mr. President, although this designation only applied for purposes of the Sea Grant Program Act, it still created a serious perception problem. The residents of the Great Lakes take great pride in the Lakes. In all the world, there is no comparable system of fresh water. Even for the limited purposes outlined in this Sea Grant Program Act, the designation of any lake as a Great Lake beyond the original five was simply unacceptable. So this legislation introduced today strikes any reference to Lake Champlain as a Great Lake.

Yet, Mr. President, it is clear that something needs to be done to help Lake Champlain. While not a Great Lake, it is nevertheless an important body of water that is part of the Great Lakes freshwater system. Outside the obvious differences, Lake Champlain does share a host of similarities with its larger cousins and suffers from many of the same problems present in the five Great Lakes. Zebra mussel infestation is just one of the similarities. Michiganians especially can understand and empathize with Vermont's efforts to battle this invader. For this reason, my colleagues and I have agreed to language which will allow colleges and universities in Vermont to apply for a sea grant program in the same manner that a school in a Great Lakes State would apply.

Specifically, this legislation also makes clear that sea grant funds directed to the study of Lake Champlain are applicable to the Great Lakes system. Because funds directed to Vermont institutions for research on Lake Champlain will also be applicable to the Great Lakes, funding of sea grant research into Great Lakes problems will not be diminished.

So, Mr. President, I am pleased to have introduced this legislation earlier and to support this amendment now, which will reverse the designation of Lake Champlain as a Great Lake and will yet allow Vermont colleges and universities to apply to the Sea Grant Program.

I am pleased that we could come to an agreement with our colleague from Vermont. He is a tireless advocate for his State. The Great Lakes and the St. Lawrence River will benefit from his energy and understanding and support of the Sea Grant Program. And I look forward to working with him and the Great Lakes delegation in the months ahead to facilitate Sea Grant's efforts to preserve and protect the entire Great Lakes system.

Mr. President, before I yield the floor, I would also like to state for the record the names of a number of individuals who cosponsored my bill, which is now being incorporated into this amendment in the supplemental appropriations bill, because I know that they wish to be associated with this effort as we move to the finish line. So in addition to myself and Senators LEVIN and LEAHY, I ask unanimous consent to add on to that legislation as cosponsors Senators SANTORUM, DEWINE, GLENN, COATS, GORTON, and GRAMS.

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

Mr. ABRAHAM. Mr. President, I thank all the Senators for their help and their support of this legislation.

Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I would like to engage the chair of the Oceans and Fisheries Subcommittee, Senator SNOWE in a colloquy regarding her understanding of the amendment offered by Senator LEAHY and myself on the Sea Grant College Program. The Commerce Committee and its Oceans and Fisheries Subcommittee have jurisdiction over the Sea Grant College Program.

Ms. SNOWE. I would be pleased to join the Senator from Michigan in a colloquy.

Mr. ABRAHAM. The Leahy-Abraham amendment, which is based on a bill that I introduced, deletes the line in the National Sea Grant College Program Act that says "the term 'Great Lakes' includes Lake Champlain." This line was included in the recent reauthorization of the act, and it has caused all of the recent concern on this issue in the Great Lakes region. In lieu of this language, the amendment lists Lake Champlain separately from the Great lakes in the list of water bodies for which Sea Grant projects can be undertaken. It is therefore clear from the amendment that Lake Champlain is not designated a Great Lake under the National Sea Grant College Program Act. Nevertheless, I do think it would be useful to have the chairman of the authorizing subcommittee with jurisdiction over this issue state her understanding of the term "Great Lakes" in the act as it would be amended by our amendment.

Ms. SNOWE. Mr. President, I would be happy to comment on this issue. The Leahy-Abraham amendment makes a clear distinction between the Great Lakes and Lake Champlain. Lake Champlain is not a Great Lake. There are only five Great Lakes—Michigan, Superior, Huron, Ontario, and Erie. The Leahy-Abraham amendment clearly reflects this traditional understanding of the Great Lakes. With passage of the Leahy-Abraham amendment, there should be no doubt that the term "Great Lakes" in the Sea Grant Act means only Michigan, Superior, Huron, Ontario, and Erie.

Mr. ABRAHAM. I thank Senator SNOWE for her comments on this point.

Mr. LEAHY. Mr. President, I know we are about to go into recess. I ask unanimous consent to be able to continue for 3 more minutes.

The PRESIDING OFFICER. Under the previous order, 12:30 was the time to recess. Without objection, the Senator may proceed.

Mr. LEAHY. I thank the Chair.

Mr. President, I ask unanimous consent to add as cosponsors to this amendment Senators DEWINE, GLENN, KOHL, and GORTON.

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

Mr. LEAHY. Mr. President, I thank my two friends from Michigan for their efforts on this. The distinguished Senator from Michigan, Mr. ABRAHAM, is on the floor now. We have spent hours

going back and forth. And we are good friends. We talked about this a great deal, as we did with Senator LEVIN, whose office is down the hall from mine. It seems we went back and forth and discussed this over and over again, and the way to do it.

I commend them because they have made it very clear they do not want in any way to hurt the ecology of the environment of Lake Champlain, which is a spectacular lake. They have tried to find a way that they can retain their own identity, a well-deserved identity, and with a remarkable geographic situation with the five lakes. And I think we have ended up with a win-win situation.

So, Mr. President, I thank them for their help. It is one of the nice things about being in the Senate—when you know each other, you can sometimes work out things that would be more difficult otherwise.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 2098) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2:15 p.m.

There being no objection, at 12:34 p.m. the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The Senate continued with the consideration of the bill.

CHANGES TO THE BUDGET RESOLUTION AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314(b)(3) of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect an amount of budget authority provided that is the dollar equivalent of the Special Drawing Rights with respect to: (1) an increase in the United States quota as part of the International Monetary Fund Eleventh General Review of Quotas (United States Quota); and (2) any increase in the maximum amount available to the Secretary of the Treasury pursuant to section 17 of the Bretton Woods Agreements Act, as amended from time to time (New Arrangements to Borrow).

I ask unanimous consent to have printed in the RECORD a revision to the budget authority aggregates for fiscal year 1998 contained in section 101 of H. Con. Res. 84.

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

	Budget authority
Current aggregates	1,387,577,000,000
Adjustments	+17,861,000,000
Revised aggregates	1,405,438,000,000

Mr. DOMENICI. Mr. President, I also ask unanimous consent that revisions to the 1998 Senate Appropriations Committee allocation, pursuant to section 302 of the Congressional Budget Act, be printed in the RECORD,

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

	Budget authority	Outlays
CURRENT ALLOCATION		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	252,214,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	803,026,000,000	832,433,000,000
ADJUSTMENTS		
Defense discretionary		
Nondefense discretionary	+17,861,000,000	
Violent crime reduction fund		
Mandatory		
Total	+17,861,000,000	
REVISED ALLOCATION		
Defense discretionary	269,000,000,000	266,823,000,000
Nondefense discretionary	270,075,000,000	283,293,000,000
Violent crime reduction fund	5,500,000,000	3,592,000,000
Mandatory	277,312,000,000	278,725,000,000
Total	821,887,000,000	832,433,000,000

Mr. MCCONNELL. Mr. President, it is the desire of the chairman of the Appropriations Committee that we proceed with an amendment to the supplemental to add to the supplemental an agreement painfully worked out over the last few weeks with regard to the IMF new arrangements for borrowing and quota increase.

AMENDMENT NO. 2100

(Purpose: To provide supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes)

Mr. MCCONNELL. Mr. President, I send an amendment on behalf of Senator STEVENS, myself, Senator HAGEL, and Senator GRAMM of Texas to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. MCCONNELL) for himself, Mr. STEVENS, Mr. HAGEL, and Mr. GRAMM, proposes an amendment numbered 2100.

Mr. MCCONNELL. 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:

At the appropriate place, insert the following new title:

TITLE —INTERNATIONAL MONETARY FUND

That the following sums are appropriated, out of any money in the Treasury and otherwise appropriated, for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes, namely:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

GENERAL PROVISIONS

SECTION . CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) to eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with

the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. . TRANSPARENCY AND OVERSIGHT.—(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than July 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. . ADVISORY COMMISSION.—(a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. . BRETTON WOODS CONFERENCE.—Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. . REPORTS.—(a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which he borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. . CERTIFICATIONS.—(a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in direct support to the semiconductor, steel, automobile, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

SEC. . DEFINITIONS.—For the purposes of this Act, "appropriate committees" includes the Appropriations Committee, the Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

This title may be cited as the "1998 Supplemental Appropriations Act for the International Monetary Fund".

Mr. MCCONNELL. Mr. President, I will not propose a time agreement at this point. Rather, let me say with regard to the amendment that after a great deal of work with my colleagues, Senator STEVENS and Senator HAGEL, who spent an endless amount of time on this—and Senator ROBERTS, as well, was heavily involved in it; Senator GRAMM also spent a great amount of time on this; Senator CRAIG of Idaho is on the floor and spent hours on this proposition—

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

Mr. MCCONNELL. Yes.

Mr. CRAIG. Let me ask an instructive question, if I might, Mr. President. On page 8 of the amendment, line 13, you will find the word "direct." If the chairman has no difficulty with the removal of that word, I ask unanimous consent that it be stricken from the amendment.

Mr. MCCONNELL. It is my understanding that the Senator from Idaho would like to delete the word "direct."

Mr. CRAIG. That is correct; to read, "have resulted in support to."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

Mr. MCCONNELL. Mr. President, I therefore modify the amendment.

The modification to amendment (No. 2100) is as follows:

On page 8, line 13, strike the word "direct".

Mr. CRAIG. I thank the chairman.

Mr. MCCONNELL. I thank the Senator from Idaho and thank him as well for his considerable involvement in this discussion, which led to the final amendment that we have before us.

In addition, Senator BENNETT and Senator FAIRCLOTH were also involved in these discussions, and, of course, the usual and valuable contribution of the ranking member of the subcommittee, Senator LEAHY.

I believe we have produced a tough but fair bill. This bill would change the way IMF does business.

Let me offer some brief highlights of the reforms which we have agreed upon. This bill appropriates funds for

the IMF's emergency facility, the new arrangements to borrow without any restrictions, just as the Senate did, I might add, in the last year, in fiscal year 1998. However, for the new subscription to the IMF, the U.S. funding of the $14.5 billion quota cannot be released—I repeat, cannot be released—unless the Secretary certifies that the group of seven nations have publicly committed and are working toward changing the IMF's lending policies.

The conditions which we expect to see included in future loans tackled the systemic problems which caused the Asian crisis. The bill sets out the two conditions for future IMF agreements.

First, borrowers will have to comply with their international trade obligations and liberalize trade restrictions. Monopolies, protected tariffs for family or friendly enterprises, and off-budget accounts each have contributed to financial weaknesses and collapse in Asia. This legislation will ensure that the IMF meets those problems head on before sinking funds into a troubled economy.

Just as important, the bill attacks phony capitalism. Economies in trouble are often economies which have experienced chronic government manipulation and intervention where ministries subsidize favored individuals or enterprises. As a matter of routine, this bill expects market-distorting subsidies and government-directed lending to good friends rather than good business partners to come to an end.

In addition to setting new conditions for IMF lending, we have improved accountability and transparency in fund operations. Senator HELMS was deeply concerned about the General Accounting Office having access to the IMF decisionmaking process. I believe we have not only addressed this issue, but have also taken a step in the right direction in terms of expanding public access and involvement.

Public access is a problem that Senator LEAHY has drawn attention to for some years, so I especially appreciate his help in moving this bill in the right direction on that issue. As I pointed out in markup back in committee, Treasury only produces reforms and results when Congress requires action in law. While Treasury and the administration would have preferred a blank check, that would have been both unwise as well as unachievable. It was not possible to fund the NAB and Quota now and hope for reforms down the road. Not one of my colleagues was willing to support $18 billion with no strings attached at all.

While the crisis in the Pacific has created a sense of alarm and generated an urgency to passing this bill, I hope everyone understands that not one dime—not one dime of this money is planned for Asia. These funds are being appropriated to take care of some unknown country at some unknown time for unknown purposes. After today, however, what we will know is that IMF lending practices will, in fact, improve. We will know that U.S. resources will not be wasted on corrupt governments. We will know we are not going to subsidize unfair trading practices. In sum, we will know we have permanently and substantially changed the way IMF does business.

Mr. President, that completes my statement. I am going to yield the floor here momentarily. I see my good friend from Nebraska, Senator HAGEL, here. No one has spent more time on this complex question than the distinguished Senator from Nebraska. He has brought to this his usual intellect and energy and has been a very important part of working all this out in a way that I believe is going to improve the way IMF does business in the future.

So with that I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank my friend and distinguished colleague, the chairman of the appropriations subcommittee that is handling this piece of legislation. I am grateful.

I might add, Mr. President, there were many people who worked hard, and some even diligently, on this to get an achievable reform package that really would do what the chairman from Kentucky has pointed out it would accomplish. There is not one among us in this body who did not want real reform, nor understand that real reform was required within the IMF structure. That was accomplished. I am proud of what we have done here and how we have done it. I am proud of the product.

Beyond that, I think it is important to recognize that today we live in a global community, anchored by a global economy. Certainly all the markets of the world are important to the United States. Not just farmers and ranchers and small businesspeople, but every person in America is affected when markets go down and when currencies are devalued. Not that the United States should rescue or has the obligation or responsibility to rescue every economy, but we must lead because it is relevant, it is in our best interests, our national interest.

We know that markets respond to confidence. What we are doing here is projecting the leadership that America must project in a global economy and with that is attached a certain amount of confidence. Investors and others around the globe, regardless where they look for those investments and opportunities in stable, secure areas, can do so with some confidence that all nations of the world are interconnected and have some global responsibility for those markets.

I might also add to something the distinguished Senator MCCONNELL from Kentucky mentioned. This is not foreign aid. There is some confusion about that when it is portrayed as a bailout to big bankers and big investors who care little about jeopardizing their own interests, thinking that there is some safety net of taxpayers' dollars under them. This is not a foreign aid bill. This is a process where for 50 years the United States has been essentially on a credit/demand process loaning money into the International Monetary Fund. We are repaid for those loans, and we are repaid with interest for those loans. We can get our money out of the IMF at any moment. The IMF moneys and accounts are backed up by gold reserves. The United States has never lost one dollar on any loan it has made to the IMF. As a matter of fact, it should be pointed out the United States, in fact, in 1978, took advantage of the IMF.

So it is my opinion, and I think the opinion of many of my colleagues, that the IMF can play an important role in the world. It should not be the banker for everyone. It should not be the safety net for every investor, no. But, in a world that is interconnected—and when markets in Asia go down that backs up to every market in America; that we are connected—the IMF institute, and that kind of institution, is important as we trade and become more globally linked.

So I am pleased that I have had an opportunity, along with many of my colleagues who were mentioned by Senator MCCONNELL, to have played a small role in this. I encourage my colleagues to support what has been done here today and what has been agreed upon and the language that is in this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, once again I thank the distinguished Senator from Nebraska. I am told that the other side has cleared, now, a time agreement on this amendment.

So I ask unanimous consent there be a 20-minute time agreement on this amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCONNELL. Mr. President, I am not prepared to speak any further. I don't know whether the Senator from Nebraska would like to speak further or not. Therefore, seeing no one on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. 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. McCONNELL. Mr. President, I have been around here long enough where I should have realized a quorum call was counting against the 20 minutes. So I think what I will do is ask unanimous consent that there be 20 minutes on this amendment beyond the current time, equally divided.

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

Mr. McCONNELL. Mr. President, the distinguished Senator from North Carolina, an enthusiastic supporter of the compromise that we have worked out—just joking, Mr. President. I am unaware of any opponents of the compromise, other than the distinguished Senator from North Carolina. So I think it would be appropriate to yield him some of the time against the amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Thank you, Mr. President, and I thank Senator McCONNELL.

I do not support the IMF compromise because I think it is incredibly weak. I did not support IMF funding out of the committee, and I think it is absolutely sinful to support $14 billion more to go to the IMF. It is everything but an emergency. It probably isn't even needed. In fact, Federal Reserve Chairman Greenspan said there was just the remote possibility of it ever being needed. The IMF is the problem; it is not the cure. Once people realize that, I think they will be in less of a hurry to give them $90 billion.

Further, this has no possibility of ending our international economic problems. There will be other bailouts. The IMF has created a safety net for international lenders. We have put together a corporate welfare project, the likes of which we have never in this world seen. We have privatized the profit, and we have socialized the losses. We are asking today for $18 billion for Asia. Well, it sounds fine. Why don't we go ahead and ask for $40 billion so we can be ready for Russia in 6 months? We might as well have it in reserve.

We do not want to do anything that would inconvenience Mr. Camdessus, who flies around the country in leased jets with 2,000 economists—2,000. On October 25, 1997, his 2,000 economists said that South Korea was an excellent country in superb financial shape, a banking system to really be emulated by the rest of the world, a governance of a country you couldn't improve upon. And before the ink dried on the report, the whole thing was in chaos. If he had had 3,000, he might have done better.

We have said three things had to be done before they could get the money:

They had to comply with international trade agreements that the countries have already signed. One thing.

Two, ensure no crony capitalism;

Three, ensure that foreign borrowers, i.e., U.S. borrowers, were not going to be discriminated against.

How tough would it be for each country to comply with those rules before they get an IMF loan? Obviously, way too tough because we have now weakened the language. The new language says that G–7 countries will require a public commitment. Will somebody tell me what requiring a public commitment means? If it gets weaker than that, it couldn't run off the table.

Anybody who votes for this amendment is voting for corporate welfare of the highest order; we are voting for international banking welfare of the highest order; we are saying to any lending institution anywhere in the world, "Lend anybody anything, 20 percent, 30 percent, whatever rate you can get, and the American taxpayer will bail you out." That is simply what we are doing here. It is the ultimate in bad business, it is the ultimate in foolishness, but we are determined to do it. I intend to vote against it.

Thank you, Mr. President. I yield back my time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I yield 3 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President. I thank the Senator from Kentucky.

I rise to briefly state my strong support for the $3.5 billion in NAB, the new arrangements to borrow, and also the additional $14.5 billion in replenishment. The conditions attached to this amendment, I believe, are a good compromise based on the Hagel-Gramm-Roberts bill that was introduced last week, which will make the IMF, I believe, work better in the future than it has worked up to now. It is my hope there can be further improvements also in conference.

I thank the majority leader Senator LOTT for his strong leadership and support and also the hard work that Senator HAGEL and Senator ROBERTS, also Senator McCONNELL and Senator Phil GRAMM, Senator MACK of Florida and also Senator CRAIG, among others, who have worked very hard to reach this compromise over the last few days. I really believe the IMF is too important at this time not to replenish, not to continue to show strong American leadership in this area.

The financial crisis of other nations can no longer exist in a vacuum. They affect every other nation as we move closer to a global economy. I encourage the support of my colleagues for this very important amendment.

I thank you very much, Mr. President, and I yield the floor.

Mr. McCONNELL. I yield 4 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

As we debate the issue of increasing the American share in reserve funds of the International Monetary Fund, I think we should first consider the following two questions: Would it make sense for U.S. companies and employees to pay taxes to bail out foreign competitors of American business? Should Americans pay taxes to bail out foreign countries that have engaged in unfair business practices that previously made it difficult for American companies to sell their goods at home and abroad?

The resounding answer to these questions is no. These would, however, be the precise ramifications were Congress to approve IMF funding legislation that does not require all countries who receive IMF loans to engage in just and fair business practices that do not threaten the American companies whose very tax dollars make these IMF contributions possible.

I would like to touch on the recent IMF loan to South Korea, which I believe is a compelling example for why the IMF must be reformed.

By many accounts, South Korea's economic crisis stems in large part from the government's practice of extending favorable loans to industrial conglomerations to rapidly expand in export-oriented sectors. When world markets could not absorb the resulting excess production capacity in these industries, the prices for South Korea's major export products declined, which in turn threatened South Korea's ability to repay these loans.

Such government-directed subsidization for expansion can be seen in the 350 percent debt-to-equity ratio of the three major South Korean semiconductor manufacturers, nearly 10 times the U.S. average. This practice of the government subsidizing rapid industrial expansion in overcrowded industrial sectors has threatened American industry. It has allowed South Korea to sell its products below market costs, jeopardizing American competitors, who operate in a free-market economic structure.

South Korean dumping has been well documented and has resulted in several antidumping rulings against the country's semiconductor conglomerations.

The results of these practices have been devastating for domestic semiconductor producers, including those in Idaho. Take, for example, Micron Technology, America's largest producer of

dynamic random access memory computer chips headquartered in Idaho, which employs more than 10,000 people. From their perspective, a United States-backed IMF loan to South Korea that does not put an end to some of South Korea's unsound and unfair economic practices would mean they would pay taxes to bail out foreign competitors who have engaged in business practices designed to undermine the U.S. semiconductor industry generally, and Micron specifically. American Microsystems, Incorporated, also in Idaho, would suffer from IMF loans that could be used to support their foreign competitors.

So as we consider this funding increase for the IMF, we have a unique opportunity to place some reforms on the IMF which would prevent loans such as the one granted to South Korea from threatening American businesses in the future.

The supplemental appropriations bill that was passed by the Appropriations Committee requires the Secretary of the Treasury to certify that IMF borrowers have to end government lending and subsidies to businesses, as well as comply with all international trade obligations they have made.

In addition, the Secretary of the Treasury would be required to certify that no IMF resources have resulted in supporting the borrower country's semiconductor, steel, automobile, or textile and apparel industries, and that both the IMF and the Treasury Department will strictly monitor these conditions.

These are good steps toward ensuring that IMF money, which is backed largely by the American taxpayer, will not in the future be used to undermine the American businesses and workers who generate this revenue.

Mr. President, that concludes my statement. I want to thank the Senators from Alaska and Kentucky and Nebraska for their leadership on this issue.

Mr. MCCONNELL. I say thank you to the Senator from Idaho.

The PRESIDING OFFICER. The time allocated to the Senator from Kentucky has expired.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the distinguished Senator from Idaho have 2 minutes to address the Senate.

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

Mr. CRAIG. Mr. President, I thank Senator MCCONNELL and Senator HAGEL for the work they have done on reform issues tied with this most critical IMF funding. I must tell you that at the outset I was not a champion of the idea that we bail out anybody—and I am still not. But clearly what we have done here is say to the IMF and to nations who would benefit from their loans that there needs to be the establishment of some clear-cut rules that impact loaning policies and the economy of those countries.

My colleague from Idaho has just spoken to an issue that I think so clearly demonstrates why we need to do what we need to do. Senator KEMPTHORNE and I, for the last several years, have worked in my State with a company that has fought overwhelming odds. They fought a major government of a growing economic power—the Korean Government—and a major industry in Korea. Why? Because of a very cozy relationship between this industry and its government to build an extremely large and excessive capacity to dominate a world market and, therefore, substantially underbid in the market the efficiencies of this company that was leading the world in technology and productivity. We should not allow this nor should we allow the taxpayers of this country to be a part in this bailing out.

Well, we are no longer doing that. We are making a major move to create transparency in the relationships that governments and their banking institutions and private industry in those countries have. That is what will strengthen the Asian economy. That is what will disallow the kind of Asian flu that currently exists, when we can work on equal footing, when all are treated relatively equal in a growing global economy.

That is what strengthens what the Senate is doing today. And clearly, the amendments that Senator MCCONNELL and Senator HAGEL and others have worked on will do just that in bringing about reforms. The United States must have a major voice in this issue.

The IMF and our support of it can, in fact, be that voice to bring about uniformity around the world for all citizens of the world, and certainly the citizens of our country, the banking institutions of our country, but most importantly, the private industry of our country which without Government support and without Government subsidy must compete in a world market where that subsidy and support exists.

So I thank my colleagues for working jointly together to accomplish what I think these amendments, included with the IMF funding, will accomplish.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. I thank the distinguished Senator from Idaho for his important contribution to this compromise.

I say to my chairman, I thought Senator ROBERTS was going to come over. He also was interested in this issue and has been significantly involved in it. But I do not see Senator ROBERTS yet.

Mr. STEVENS. I do commend Senator MCCONNELL, as chairman of the subcommittee, and Senators HAGEL, ROBERTS, KEMPTHORNE, CRAIG, Senator GRAMS of Minnesota, Senator Phil GRAMM of Texas, and my good friend from New Mexico also on this matter. I think it has brought about a better understanding of what we are doing. I must also say that the Secretary of Treasury, Mr. Rubin, has been working with us and helping to iron out this problem. He has had a working relationship with us, which I think bodes well for the future.

Did the Senator from New Mexico wish to say something? Time has expired.

Mr. DOMENICI. Could I speak for 2 minutes? One minute?

Mr. STEVENS. Does the Senator from North Carolina seek time?

Mr. HELMS. A couple minutes.

Mr. STEVENS. I yield back all of the time for the opposition, but ask unanimous consent to convert 4 minutes—2 minutes for the Senator from New Mexico and 2 minutes for the Senator from North Carolina. And that would be the end of the time on this amendment.

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

The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank the distinguished chairman for finding 2 minutes for me.

There are so many Senators who worked on this to get this amendment done with the appropriate reforms that will stand the test of international participation and yet be something that will be accommodating. I do not want to mention names, except I want to mention one freshman Senator—CHUCK HAGEL. I say to Senator HAGEL, it has been a pleasure working with you on this. And I compliment you for your leadership.

Mr. President, fellow Senators, there will be some Senators who disagree with this statement, but I think the final test of how you ought to vote in the Senate is whether the measure before you is the right thing to do. I do not think there is any question that, looking at our country and how we might suffer, if the countries that are in trouble in Asia do not have an opportunity consistent with reasonable reforms to get their economies back as soon as possible, we are going to suffer.

I am already suggesting that inland States, like New Mexico, are suffering immensely by way of layoffs in the computer chip business because of the slowdown in that market.

Now, I do not know that we are smart enough to know how to fix everything that went wrong there, but the amendments and this extension will, indeed, give the international community an opportunity to see if they cannot get vital reforms and make this International Monetary Fund functional and operative as those countries in that part of the world attempt to put their banking system and

their monetary policy back on sound ground.

Ultimately, it will never cost America anything. I do not believe it is going to cost us anything but reserves behind these loans. And participatory arrangements are adequate to cover any obligation that will be forthcoming. But we need a significant reserve. This amendment will let the other countries come in with their part and we will have a significant reserve for the future.

Mr. President, I support the pending amendment to the supplemental appropriations bill, authorizing and providing appropriations to the International Monetary Fund.

Primarily, it is the depletion of funds at the IMF that has brought the urgency of this matter to our attention. There are two funding issues before the Congress in the supplemental request: a $3.5 billion appropriation to the IMF's emergency reserve—the New Arrangements to Borrow, and the periodic appropriation for the US quota subscription, the regular pool of money at the IMF, equal to $14.5 billion.

The Budget Committee in February held a meeting with the Managing Director of the International Monetary Fund, Mr. Michel Camdessus to engage us in a frank discussion about the IMF. What I learned then I hope to share with many members inclined to vote against the IMF funding today.

I know that many Members are very suspicious of foreign aid—but let me explain today why this is not foreign aid and why the Senate should do everything possible to fund the IMF.

First, last Thursday we received the most current economic data and it shows the effects of the ongoing Asian financial crisis. January's US trade deficit surged to $12.0 billion, its highest level since 1987. This was led by a near doubling of our deficit with Asian countries excluding Japan and China.

This is a direct result of the Asian financial crisis—which has cut demand in Asia for U.S. exports. Because of the cheaper Asian currencies against the dollar, now Asian imports are much cheaper and much more competitive in the United States.

Second, the Asian crisis has convinced many of our top technology companies to warn of lower profits, including IBM, Compaq, Intel, Motorola, as well as many smaller companies.

In my state of New Mexico, the result has been announcements by Philips and Motorola that they will furlough or lay off hundreds of employees.

Mr. President, let me explain the problem facing the IMF and why the Senate must act and act quickly.

Presently the IMF has uncommitted resources to lend a further $10 to $15 billion to its members before its liquidity is reduced to historically low levels.

The lowest ratio ever allowed at the IMF by its members was 33%. Historically a comfortable level was 120–140%, but after the Mexico and Russian loans, liquidity fell to 88%. Presently the liquidity ratio is 47%. To lower today's ratio to 33% would require only $10–15 billion in possible loans to countries in crisis.

Mr. President, the 182-members of the IMF decided last year before the Asian crisis that the reserves of the IMF were too low. That was before they lent $20 billion to Korea, $10 billion to Thailand, and $5 billion to Indonesia.

Mr. President, let me be clear about one fact—if the U.S. chooses not to fund our share of the increase, there will be no increases from the other 181 members of the IMF. 85% of current members must increase their quotas for it to be implemented, and since the US holds over 17%, no US participation would guarantee no world participation in the increased funding.

This would mean that any more crises in Asia or other emerging markets, could see the IMF run seriously short of cash. And that is a risk neither America nor the US Senate should take.

While the IMF was created in 1944 originally to support global trade and economic growth by helping maintain stability in the international monetary system, as the monetary system has evolved, so has the IMF's duties.

With the Mexican peso crisis in 1995 and the current Asian financial crisis, this new IMF has become more apparent to all of us.

While the exact economic causes of the Mexico crisis are quite different from Asia, Mexico and Asia have one striking similarity. They represent a major structural change in international capital markets that has occurred over the past decade—the increasing capital flows into and out of emerging economies. Capital flows into emerging markets rose from $25 billion in 1986 to $235 billion in 1996.

Given the potentially destabilizing role of investor confidence especially when directing capital flows, we must ask—what is the role for domestic government policy or the IMF in addressing instability?

Mr. President, the Asian financial crisis has also raised an important policy question for the IMF—whether the Fund's willingness to lend in a crisis contributes to "moral hazard"—the tendency for countries or investors to behave recklessly while expecting the IMF will likely bail them out in an emergency.

There is no consensus on what role private financiers play in such crises and how they should bear the consequences of their actions. The IMF and the US still need to figure out how to safeguard a financial system without bailing out investors who are guilty of making bad decisions.

Mr. President, I believe most Senators can agree on one factor: the IMF is too secretive in its operations and escapes accountability and public debate.

The bill as written by Senator HAGEL would address this concern by requiring greater transparency by the IMF in its lending practices, its strategies with respect to borrowing countries, economic data collection, and its own accounting and financial information.

Demands for greater transparency at the IMF are forthright and appropriate as we consider the supplemental request, and given the IMF's extreme secrecy, this is an important condition we should insist upon for any US dollars spent at any international organization.

Mr. President, as more and more evidence becomes stronger on the long-term benefits of free trade, it is surely time that the IMF does more to promote it. In Senator HAGEL, he specifically addresses this as a condition of the IMF funding.

Immediately the WTO Financial Services Agreement comes to mind—what better way for many of the Asian countries to introduce needed competition to their banking industries than by signing on to the WTO Financial Services Agreement. The WTO and the IMF should be working more closely together to achieve the same goals—economic growth through free trade.

Mr. President, while many US Senators today may debate whether or not we should even have an IMF, a time of crisis such as today in Asia is not the appropriate time for the US to effectively gut the IMF.

Regarding the budgetary treatment of the IMF, the way we count the IMF contributions is a little unusual. Since 1967, the budget has treated contributions to the IMF as budget authority only; contributions to the IMF do not affect outlays or the budget deficit, or surplus. Only since 1980 has the Congress required an appropriation.

Last year's Balanced Budget Agreement specifically addresses the IMF funding until fiscal year 2002 and effectively allows legislation that provides an increase in U.S. contributions to the IMF to not be required to offset the budget authority. Section 314 provides a procedure to adjust the discretionary spending caps and budget totals.

Some in Congress have argued that the IMF is putting the US taxpayer at risk similar to the US savings and loan crisis in the 1980s. There is one stark difference: savings and loan institutions held a US government guarantee. With the IMF, there is no US guarantee in times of default. And even most economists agree that the prospects of an IMF default are negligible. No country has ever defaulted on its IMF loans, arrears on IMF loans are modest, and gold and currency reserves substantially exceed any foreseeable losses in the event of a liquidation.

The IMF has not cost the US Treasury the loss of any federal resources over the years.

In a democracy such as ours, the debate over replenishing the IMF's reserves is the perfect time to debate what role the IMF should play in the global capital market and its accountability to member nations. This is no different than the examination we give to our domestic programs to decide if they are still relevant in today's world.

Mr. President, today's financial world is an uncertain one—but the IMF has been a key component to the stability the United States has enjoyed over the last few years and also a key proponent of many US economic policies around the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 minutes.

Mr. HELMS. Mr. President, thank you for recognizing me.

I think at this point it would be appropriate to insert in the RECORD—and in a moment I shall ask that it be done—a piece written jointly for the Wall Street Journal by three distinguished people, all of whom are friends of most of us: First, Bill Simon, who was Secretary of the Treasury, and George Shultz, who was Secretary of State; and Walter Wriston, who was former chairman of City Bank.

Now, I will make no comment except that I share the views of my distinguished colleague from North Carolina. I ask unanimous consent that the aforementioned article published in the Wall Street Journal be printed in the RECORD.

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

[From the Wall Street Journal, Feb. 3, 1998]

WHO NEEDS THE IMF?

(By George P. Shultz, William E. Simon, and Walter B. Wriston)

President Clinton and the International Monetary Fund have shifted into overdrive in their effort to save the economies of Indonesia, the Philippines, South Korea and Thailand—or, to be more accurate, to save the pocketbooks of international investors who could face a tide of defaults if these markets are not now shored up. But this must be the last time that the IMF acts in this capacity. If it is not, further bailouts, unprecedented in scope, will follow. Therefore, Congress should allocate no further funds to the IMF.

It is the IMF's promise of massive intervention that has spurred a global melt-down of financial markets. When such hysteria sweeps world markets, it becomes more difficult to do what should have been done earlier—namely, to let the private parties most involved share the pain and resolve their difficulties, perhaps with the help of a modest program of public financial support and policy guidance. With the IMF standing in the background ready to bail them out, the parties at interest had little incentive to take these painful, though necessary, steps.

LARGEST BAILOUT EVER

The $118 billion Asian bailout, which may rise to as much as $160 billion, is by far the largest ever undertaken by the IMF. A distant second was the 1995 Mexican bailout, which involved some $30 billion in loans, mostly from the IMF and the U.S. Treasury. The IMF's defenders often tout the Mexican bailout as a success because the Mexican government repaid the loans on schedule. But the Mexican people suffered a massive decline in their standard of living as a result of that crisis. As is typical when the IMF intervenes, the governments and the lenders were rescued, but not the people.

The promise of an IMF bailout insulates financiers and politicians from the consequences of bad economic and financial practices, and encourages investments that would not otherwise have been made. Recall how the Asian crisis came about. Asia's "tiger" economies were performing well, with strong growth, moderate price inflation, fiscal discipline and high rates of saving. But these countries encountered a currency crisis because their governments attempted to maintain an exchange rate pegged to the U.S. dollar, while conducting monetary policies that diverged from that of the U.S. Capital inflows covered up this disparity for a time. But when the Thai currency wobbled on rumors of exchange controls and devaluation, the currency markets quickly swept aside increasingly unrealistic currency values.

This led quickly to a solvency crisis. It became difficult, if not impossible, to repay loans made in foreign currency on time. The devaluations shrank the values of local assets, which were often the product of speculative excesses, unwise ventures directed by government, and crony capitalism. The private lenders and borrowers involved were in deep trouble. They were, and are, more than ready for money from the IMF.

The world financial system has changed fundamentally since 1946, when the Bretton Woods agreement was approved. The gold standard has been replaced by the information standard, an iron discipline that no government can evade. Foreign exchange rates are now set by tens of thousands of traders at computer terminals around the globe. Their judgments about monetary and economic policies are instantly translated in the cross rates of currencies.

No country can hide from the new global information standard—but the IMF can lull nations into complacency by acting as the self-appointed lender of last resort, a function never contemplated by its founders. When the day of reckoning finally does arrive, the needed financial reforms are extremely difficult politically because they are imposed by the IMF under duress, rather than undertaken by the countries themselves. The photograph, widely published throughout Asia, of Indonesian President Soeharto signing on to IMF conditions with IMF Managing Director Michael Camdessus standing over him imperiously reinforces the perception of an outside institution dictating policy to a sovereign government.

Even though the IMF recognizes the causes of the crises and conditions its loans on remedial measures, many observers believe that these remedies often make the situation worse. In any event they are rarely carried out in a timely fashion. There are already indications that several Asian countries have violated the terms of their agreements. Furthermore, IMF-prescribed tax increases and austerity will cause pain for the people of these nations, producing a backlash against the West. There is already talk of a conspiracy to beat down Asian asset values in order to provide bargains and control for Western investors.

And yet, because these countries are able to avoid fundamental economic reforms, their currencies continue to collapse. Indonesia, South Korea and Thailand have each seen their currencies lose more than half their value against the U.S. dollar in recent weeks, despite the promised IMF bailouts. The loans from the IMF are, in fact, trivial when compared to the size of the international currency market, in which some $2 trillion is traded daily. These markets' instant verdicts on unsound economic and financial policies overwhelm the feeble efforts of politicians and bureaucrats.

The IMF's efforts are, however, effective in distorting the international investment market. Every investment has an associated risk, and investors seeking higher returns must accept higher risks. The IMF interferes with this fundamental market mechanism by encouraging investors to seek out risky markets on the assumption that if their investments turn sour, they still stand a good chance of getting their money back through IMF bailouts. This kind of interference will only encourage more crises.

Asian nations are facing financial difficulties not because outside forces have imposed bad economic policies on them but because they have imposed these policies on themselves. The issue is not whether the IMF can move from country to country dispensing financial and economic medicine. The issue is whether the governments in these countries have the political will to fix problems of their own making.

What should we do about the problem? We certainly shouldn't follow the advice of George Soros, a well known figure in the international currency markets, who has called for the creation of a new International Credit Insurance Corporation to be underwritten by taxpayers of the member countries. The new institution, which would operate in tandem with the IMF, would guarantee international loans up to a point deemed safe by the bureaucrats running the organization. "The private sector is ill-suited to allocate international credit," Mr. Soros writes in the Financial Times. "It provides either too little or too much. It does not have the information with which to form a balanced judgment."

APPALLING COMMENT

When will we ever learn? This appalling comment is exactly the opposite of the truth. The protected markets, not the open ones, are in trouble. Only the market, with its millions of interested participants, is capable of generating the information needed to make sound financial decisions and to allocate credit (or any other resource) efficiently and rationally. Governments and politically directed institutions like the IMF have shown time and again that they are incapable of making these kinds of decisions without creating the kinds of crises we are now facing in Asia.

The IMF is ineffective, unnecessary and obsolete. We do not need another IMF, as Mr. Soros recommends. Once the Asian crisis is over, we should abolish the one we have.

Mr. HELMS. I thank the Chair.

Mr. STEVENS. Is all time now expired on this amendment?

The PRESIDING OFFICER. All time has expired on this amendment.

Mr. STEVENS. Mr. President, we had a request not to go to a vote yet because of other circumstances and the presence of Members. I ask unanimous consent that this amendment be set

aside to be called up by either the majority leader or myself when it is time to vote.

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

Mr. STEVENS. Mr. President, I do have more amendments I want to take right away, but 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. 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 the following Senators be added as original cosponsors of amendment No. 2085 relating to the National Guard Youth Challenge Program: Senators LOTT, BOND, and FORD.

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

AMENDMENT NO. 2101

(Purpose: To expedite consideration of slot exemption requests)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator FRIST and Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FRIST, for himself and Mr. BYRD, proposes an amendment numbered 2101.

Mr. STEVENS. 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:

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.

Mr. STEVENS. Mr. President, this has been agreed to. It is an amendment that deals with slots at airports for commuter airlines. And it is a problem that, as I said, has been agreed to on both sides.

Mr. President, I urge the adoption of Senator FRIST's and Senator BYRD's amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

If there is no objection, the amendment is agreed to.

The amendment (No. 2101) was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. 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 Senator from Washington, Mr. GORTON, will offer an amendment to the IMF title of the bill. I will ask unanimous consent that there be a time agreement on that amendment. He can explain the amendment.

I ask unanimous consent that we have a 15-minute-per-side time agreement and that the vote on the Gorton amendment follow after the vote on the IMF amendment that has been set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Washington is recognized.

AMENDMENT NO. 2102

(Purpose: To limit International Monetary Fund loans to Indonesia.)

Mr. GORTON. 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 Washington [Mr. GORTON] proposes an amendment numbered 2102.

Mr. GORTON. 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:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Mr. GORTON. Mr. President, I speak to you and my colleagues here today as a supporter of the International Monetary Fund. I believe that the crisis in Southeast Asia is one that is important to the economy of the United States, and that those nations in Southeast Asia that are in great financial difficulty can be helped to work their own way out of these economic difficulties by the kind of prescriptions to which the International Monetary Fund has subjected them. One of those nations, South Korea, is bound to us by the close-as-possible ties of blood and sentiment over almost half a century and, reflecting the views of the people of the United States, has become a free market and a democracy.

Another of those nations, the Philippine Republic, has been tied to us for a full century and has struggled in the direction of free markets and of a democracy during that period of time. Today, it is a rather considerable success at both.

Thailand and Malaysia are trying, with great difficulty, to meet the financial challenges with which they have been faced.

One nation, however, does not fall into any of these categories. In Indonesia, President Soeharto is a wholly owned family enterprise. Its economy—behind those of all the other nations in Southeast Asia, from the point of view of the degree to which its benefits have been distributed among its people—is corrupt, undemocratic, and designed to primarily, it seems, at least through its economy, to benefit the immediate family and the close friends and henchmen of the now seven-term President of Indonesia, Mr. Soeharto. Indonesia has resisted, at every turn, the prescriptions that the International Monetary Fund has laid down for the recovery of its economy. As a consequence, I believe, and I believe firmly, that we in the United States should not bow to the will of this dictator, should not say that requirements that are being imposed on other nations that are trying, with great difficulties, to work their way out, with democratic institutions in place in those countries, should not be imposed on Indonesia.

This amendment is quite simple. It doesn't attempt to dictate to the International Monetary Fund what it does, but it does direct our Secretary of the Treasury to instruct our representative on the International Monetary Fund to use the voice and vote of the United

States to prevent the extension by the International Monetary Fund of loans or credits that would personally benefit the President of Indonesia or any member of the President's family or benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

Now, I understand, curiously enough, that there are those who object to this amendment on the grounds that that covers everything in Indonesia, that every institution that would be helped is owned, in whole or in part, by the President or by members of his family. In my view, that is the best possible argument in favor of this amendment. We have a financial structure in that country that has been built up to benefit the family of the President and his close associates, and only them. While my heart goes out to the people of Indonesia, I believe that if there is to be any International Monetary Fund aid to Indonesia with the consent and help of the United States, it should be to the people and not to the family of the President.

Essentially, Mr. President, that is what this amendment says—neither more nor less. We should not use our credits in the International Monetary Fund, with our vote, to bail out a President whose sole interest seems to be in the aggrandizement of his own family, who is indifferent to the requirements that the International Monetary Fund has laid out to them, who has caused the crisis in his country to become much worse, sharply worse, as a result of his inaction than it would have been had he followed the requirements of the IMF some time ago. We should not lend ourselves to his intransigence in any respect whatsoever, Mr. President. As a consequence, I ask my colleagues to support the amendment. I will reserve the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time? The time will be deducted equally if no one yields time.

Mr. FAIRCLOTH addressed the Chair.

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

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer an amendment.

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

AMENDMENT NO. 2103

(Purpose: To provide for an Education Stabilization Fund)

Mr. FAIRCLOTH. 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 North Carolina [Mr. FAIRCLOTH] proposes an amendment numbered 2103.

Mr. FAIRCLOTH. 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:

At the appropriate place, add the following:

SEC. ___. EDUCATION STABILIZATION LOANS AND FUND.

(a) LOANS.—

(1) IN GENERAL.—The Secretary of Education (referred to in this subsection as the "Secretary") shall make loans to States for the purpose of constructing and modernizing elementary schools and secondary schools.

(2) TERMS.—The Secretary shall make low interest, long-term loans, as determined by the Secretary, under paragraph (1). The Secretary shall determine the eligibility requirements for, and the terms of, any loan made under paragraph (1).

(3) ALLOCATION OF FUNDS.—The Secretary shall determine a formula for allocating the funds made available under subsection (b)(4) to States for loans under paragraph (1). The Secretary shall ensure that the formula provides for the allocation of funds for such loans to each eligible State. In determining the formula, the Secretary shall take into consideration the need for financial assistance of States with significant increases in populations of elementary school and secondary school students.

(4) DEFINITIONS.—In this subsection, 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).

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Education Stabilization Fund", consisting of the amounts transferred to or deposited in the Trust Fund under paragraph (2) and any interest earned on investment of the amounts in the Trust Fund under paragraph (3).

(2) TRANSFERS AND DEPOSITS.—

(A) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to $5,000,000,000 from the stabilization fund described in section 5302 of title 31, United States Code.

(B) DEPOSITS.—There shall be deposited in the Trust Fund all amounts received by the Secretary of Education incident to loan operations under subsection (a), including all collections of principal and interest.

(3) INVESTMENT OF TRUST FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the portion of the Trust Fund that is not, in the Secretary's judgment, required to meet current withdrawals.

(B) OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) PURPOSES FOR OBLIGATIONS OF THE UNITED STATES.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are extended to authorize the issuance at par of special obligations exclusively to the Trust Fund.

(D) INTEREST.—Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate.

(E) DETERMINATION.—Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(F) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(G) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

Mr. FAIRCLOTH. Mr. President, this amendment would transfer $5 billion from the Exchange Stabilization Fund at the Treasury Department to the Department of Education. There would be a new account established, the Education Stabilization Fund. This fund would be used to offer low-interest, long-term loans to States for the purpose of building and modernizing elementary and secondary schools.

The GAO has estimated that one-third of all schools, housing 14 million students, are in need of repair. In my home State of North Carolina, 36 percent of schools report they have at least one inadequate building, 90 percent of the schools report that they have construction needs up from $3.5 million to $10 million. We have a fast-growing student population, and many, many students are housed in trailers—literally hundreds of thousands are housed in trailers.

The purpose of this amendment is very simple. We have a slush fund at the Treasury Department called the Exchange Stabilization Fund. This fund is under the personal control of the Secretary of the Treasury. He can do whatever he wants with it. I think this is totally wrong. What has the Secretary done with the fund? Over the last 4 years, he has used it to supplement international bailouts, which was never the original intent for the funds. He loaned Mexico $12 billion. He promised Indonesia—which the Senator from Washington was just talking about—$3 billion. He has promised South Korea $5 billion, and everything indicates that Korea is going to call for

the money quickly. He has done all of this without any congressional approval or authorization.

This fund has over $30 billion available in it. It seems to be only common sense that if we can lend to Indonesia $3 billion, $5 billion to Korea, $12 billion to Mexico, and who knows where in the future it will be going, without any advice or consent from the Congress, then we can provide loans for school construction. I don't see how we can do otherwise.

The President had wanted $20 billion in new tax-free bonds. But with this amendment, we can start immediately with $5 billion in loans to schools. This would be loans, and it would have no budget impact. This is not an outlay; it's a revolving loan fund.

I urge all my colleagues to support the amendment. Mr. President, if we can provide $18 billion for the IMF, we can provide $5 billion for our schools.

I ask for the yeas and nays on the amendment, with the time for the vote to be determined by the manager of the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second at this time.

Mr. FAIRCLOTH. Mr. President, we will hold until we get a sufficient second.

Mr. GRAMM. 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. GRAMM. 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. GRAMM. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending question is the amendment offered by the Senator from North Carolina.

Mr. GRAMM. Mr. President, let me ask unanimous consent that the amendment of the Senator from North Carolina be temporarily set aside so that Senator SANTORUM and I might offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2104

(Purpose: To ensure that the surplus in fiscal years 1999 through 2003, proposed by the President to be dedicated to save Social Security, will not be lowered by the enactment of this Act)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. GRAMM), for himself, and Mr. SANTORUM, proposes an amendment numbered 2104.

Mr. GRAMM. 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:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

Mr. GRAMM. Mr. President, I am very happy to come over here this afternoon and be joined by my distinguished colleague from Pennsylvania in alerting the American people. I say the American people rather than alerting the Senate because I don't think the Senate wants to be alerted to a fraud that we continually perpetrate on the American people. That fraud is that we set out spending limits, we adopt budgets, and we know with absolute certainty that the way we define emergencies, floods, hurricanes—many things that are natural disasters—but the way we define emergencies is we know with certainty that every year we are going to have emergencies, and, yet, we don't put any money in the budget for that purpose.

So, for example, since Bill Clinton has been President, we have averaged $7.3 billion in emergency spending every single year. There was a time when we wrote budgets and we set aside money for the purpose of paying for natural disasters, because in a big country like America we know with absolute certainty that we are going to have natural disasters and that we are going to have to pay for them. In fact, we have averaged over the last 7 years on natural disasters $5.6 billion in spending. We have spent that amount every year on average for the last 7 years. Yet, during this time we have provided no money in the budget for this purpose.

So what we play is a little game. Here is how the game works:

The President stands before the American people in the Chamber of the House of Representatives, and says "Put Social Security first." Don't spend the surplus. Take that surplus and put it into Social Security. We all stand and we have a standing ovation. And the lead story in the Washington Post and on every network is "President Says Put Social Security First."

So the American people believe that the projected surplus in the President's budget that has come to the Congress and that shows a surplus of about $8 billion next year—people really believe that we are setting that aside to help save Social Security. And then at the same time, the President sends a disaster bill to Congress, says don't pay for it, simply take it out of the surplus, which has the effect of taking the money away from Social Security and has the effect of allowing us every single year to bust the budget that we have adopted.

The first point I would like to make is these are not unexpected expenses. In fact, I would like to predict right now that this won't be the last disaster bill we will have this year. This disaster bill, as it stands now, is for $2.6 billion, and we will end up spending at least twice this amount this year. And we will take every penny of it from the surplus, and we will take every penny of it, therefore, away from our effort to save and to rebuild the financial base of Social Security because we will not pay for this bill.

The second thing I want to note is there is a lot in this bill that is not an emergency; that is not unexpected. The President is now asking us to pay for the cost of having troops in Bosnia. Is anybody shocked that a bill was going to come due over the Bosnian deployment? Everybody knew this bill was going to come due. Why didn't we, the Senate and the President, provide the money in the appropriations bill for the Defense Department? We didn't provide it in the appropriations bill because we decided to cheat and not put the money in the appropriations bill, knowing that we would come back here today and that we would add that money in, and, as a result, we wouldn't have to count it against the budget and we could simply take it from the surplus.

We have a bill before us that has an emergency designation, and it has two kinds of outlays. It has outlays that are going to occur for the remainder of this year. Then it has outlays that will occur in 1999 and then on out through the year 2003.

The Senator from Pennsylvania and I have a very modest amendment. What we ought to be doing is paying for every bit of this spending because we knew every bit of it was coming. This is a shell game that we play every single year, which is why people are totally skeptical, as they should be, about our whole budget process. But while we should be paying for every bit of it, we know that we don't have the votes to do that.

So here is what we are saying. Take the money that we are going to spend this year and spend it and don't offset it. But the money that will be spent under this bill in 1999, 2000, 2001, 2002, and 2003, over that 5-year period, don't have an emergency designation for that spending, which means it will have to count against the spending caps in 1999.

For 1999, we have spending caps for discretionary spending, nondefense, and for the Defense Department. We

are spending under this bill $1.979 over a 5-year period, and we are spending $1.5 billion in 1999—not this year, but next year.

So what we are saying is spend the money but then count the money as part of next year's budget and against next year's spending cap so you can't commit today to spend next year, and not then commit to count it against the budget.

So the issue here is simple and straightforward. Should we count these outlays as part of the Federal budget next year when the expenditures occur next year and each year through the year 2003? I believe we should. Some of our colleagues are going to say, "Well, you know we can't make cuts this year because we would have to interrupt the expenditures of the various Government agencies that are spending money and we are halfway or more through the fiscal year." We are not talking about this year. We are talking about spending money in 1999. We have not even written the budget for 1999 yet. All we are saying is when we do write the budget in 1999, take the money we are spending under this bill in that year and count it as part of the money being spent that year. That way the surplus does not go down. That way we do not take money away from Social Security.

So I see this as being a test of whether all that rhetoric that the President said about putting Social Security first was phony or not. The fact that the President sent this bill with an emergency designation that said we are going to spend the Social Security money next year through this bill—that says, to begin with, that his position was phony. But now we are questioning whether or not the Senate is phony on this issue. Do we want to take money that is designated to save Social Security and spend it next year and for the remaining 4 years that this bill will spend out, or do we want to count that money against the budgets in those years so the surplus we expect can be used to save Social Security?

That is what this amendment is about.

So if you meant it when you stood up and applauded the President when he said "Put Social Security first," then you are going to want to vote for the amendment that I am offering with Senator SANTORUM. On the other hand, if that was your position then and now is another day and you are for it in the abstract, but when it gets down to spending the money you are not for that, then you are going to want to vote against this amendment.

So I yield the floor to let my cosponsor speak.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, the Senator from Texas did an excellent job of outlining the amendment. I think his comments are very persuasive. Let me add one element to the veracity of the comments of the Senator from Texas.

He said this bill has some $2.5 billion for offset emergencies. He said but on average, about this fiscal year, that we will get up to five. There was discussion in the Cloakroom about an amendment to add another $1.6 billion of emergency spending. So maybe before the day is out, as opposed to before the year is out, we will get to our $5 billion in emergency spending for this year.

When I say "emergency," people tend to think when you hear the term "emergency," an ambulance, or something that has to be done right away. A lot of these things don't have to be done right away. As the Senator from Texas laid out, a lot of this spending doesn't get spent right away. It gets spent in the long term.

What we are trying to do is say, look, if you have an emergency now, we have to spend the money now. We are in the middle of the fiscal year. We understand that to go back and ask to try to offset this money within the FEMA budget, or the Defense Department, or wherever the other spending proposals come from, would be very difficult. We understand the difficulty in these departments.

But there is no reason why our good friends, the appropriators, cannot within the context of this year's budget for this additional spending that we are going to pass today and appropriate today—whether they can't put it within their appropriations amounts for the fiscal year. That is responsible budgeting. That is, in fact, truth in budgeting.

The Senator from Texas is right about the issue of Social Security. I chair the leader's task force on the issue of Social Security here in the Senate. I was one of those people who stood up and applauded the President for saying "Save Social Security First." Use that money, use that surplus out there to direct the Social Security to save the Social Security system in the future.

If we are going to box this money, remember, we said we are going to put this money and set it aside. Well, here is the money. Here is the money. Here are those first few dollars that we had planned to set aside. They want to spend it right now.

That is not a good-faith promise to the American public. We know the President is not going to keep his promises. But that doesn't mean we shouldn't keep our promises.

I noticed, because I was watching across the aisle, that every single one of my Democratic colleagues jumped up when the President said "save Social Security first." Use that money that is there, that surplus that is coming down the road, and use that to save Social Security. They jumped up, and said, "Yes; we are going to use that money to save Social Security."

Here is the first vote of whether we are going to use the surplus to help transition for future generations the Social Security system, or whether we are going to use it for current political needs.

I will be honest with you. These are not emergency needs in the real sense of the word. These are not unpredictable needs. As the Senator from Texas said, with respect to defense, I think most Members of the Senate knew we were going to be in Bosnia. I certainly believe the President knew we were going to be in Bosnia. He certainly knew the costs associated with being in Bosnia. I think the President and the people at FEMA and the people here in the Senate knew that the money we appropriated for disasters was not going to be sufficient to be able to fund it. It has not been for the past 7 or 8 years that I can recollect since I have been here. We have always, or seemingly, had some money—some years more, some years less—for disasters, natural disasters that are out there because we never adequately appropriated.

I have to say I took my hat off to the Senator from Missouri, Senator BOND. That is his subcommittee. He has done a tremendous amount of work in trying to get FEMA to come forward with reforms so we don't have this open spigot where the money just flows out of here for natural disasters in some places not particularly well-accounted for. He has done a great job, and, in fact, has a bill before the Environment and Public Works Committee, I believe, to make some reforms in FEMA so we aren't back here every year with the President having this wide latitude to declare emergencies and spend all sorts of money outside of the confines of what we believe emergencies should be.

So we have hopefully in place some tools in the future to control the growth or the expansion of these emergencies we have to end up dealing with. But the issue before us now is a very simple one. It is one that I hope we can agree to because it does not affect current outlays, it does not affect the current year budget, and it doesn't put any pain on the administration to come up with money in this year's budget cycle.

I had a meeting the other day with the Chief of Naval Operations. He told me that as a result of the operations they deployed—whether it is the gulf, Korea, or Bosnia, or whatever—because of these extended deployments that they have had they have had to continually reprogram—not money; they can find the money other places within the Defense Department—he is spending more of his time doing bookkeeping or reprogramming money than he is out there leading our sailors. That is not a

good position for our CNO to be in. We want him to pay attention, not just to the accounting within the service, but how we are going to be an effective fighting force.

So I understand the problems and the concerns. Senator GRAMM's amendment and my amendment deals with the issue of not making the CNO go back and find money and shift it all around, but it says: Declare the emergency. You have the money this year, but in future years when we do have an opportunity to put it in context, keep it under the caps.

I know the caps are tough. I know Senator GRAMM and I, as well as every Member of the Senate, will come to the chairman of the Appropriations Committee and say: Mr. Chairman, I am going to need help for this project, or I am going to need this—and I understand that. But I also expect him to do it within the caps, as I expect him to do this within the caps for future year funding.

If we do not do that, then that downpayment on transitioning Social Security, that downpayment on creating that pool of money that is going to be so crucial for us to begin to develop a system in Social Security which is going to allow that transition for future generations of Americans to have some hope, some hope that Social Security will be there when they retire, will be frittered away, and all the promises that were made about how we are going to put Social Security first will go by the wayside when some other thing comes up first.

I suspect this will not be the last time we do this. We will be back with another emergency bill, I am sure, before the end of the year, and we will have other plans. The President in his budget already has spent some of the surplus with overprojecting his revenues and underprojecting his expenditures, and so the surplus has already been eaten up.

Look, I think there is a sincere feeling in this Chamber actually to take the surpluses that we are expecting in the next few years and use them for Social Security. I believe my colleagues, when they say that is what they would like to do with it, that they would like to save Social Security first, we can say that and we can mean it, but we have to do something to ensure that it is there. We have to make sure we are not robbing future generations with appropriations bills, year-to-year appropriations bills, spending more than the caps and thereby winnowing away that surplus.

This is our first opportunity to stand up and say we are going to live within the budget and thereby, living within the budget, we will have money available to do what is right for the American public and that is create a Social Security system that will be there for future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Alaska.

Mr. STEVENS. Mr. President, to begin with, let me say to my friend from Texas, I hope he will never again say that this Senator brought a bill to the floor to cheat. If he wants to start arguments here sometime, this Senator is fairly well ready for that. But I will just put that aside for now and discuss the merits of the issue that the Senator has brought to the Senate.

We have followed the Budget Act. If you look at our report that we filed with the Senate, on page 36, Members of the Senate will see the 5-year projection of outlays is in compliance with section 308(a)(1)(C) of the Congressional Budget Act of 1974 as amended. We have provided the 5-year projection associated with the budget authority that we provide in this bill. There are, in fact, follow-on costs for the outlays for moneys that are expended this year. They have to continue to spend for a period of years, and the Budget Act requires us to do this. It requires us not only to do it but to inform the Senate how much it is going to cost. There has been no cheating here. As a matter of fact, we have gone out of our way to make certain we have complied to the exact letter and dot and paragraph of that bill.

Now, I want the Senate to know the effect of this amendment was just the contrary to what the Senator from Pennsylvania said. If we do not provide this money on the basis of ongoing accounts based upon the emergency that exists now, every year subsequently, when there are amounts to be expended, the commanders will have to do the reverse of what the Senator from Pennsylvania said. They will have to take something out of their budget. Remember, we have a flat line budget now for 5 years. They will have to take something out to accommodate for an emergency that existed in 1998. We are providing money pursuant to the President's designation of an emergency, primarily for Southwest Asia and for Bosnia.

There are ongoing costs to this emergency. We have deployed people to Kuwait City and to the Persian Gulf. When the emergency is over, they will have to be brought back. Those costs are part of the emergency. But under the amendment of the Senator from Texas, they will be part of the normal operating costs of that year, and it will be just that much less available for training or for acquisition, for procurement of various items. Whatever the bill authorizes that year, these moneys will have to come out first because they have already been obligated first.

For instance, the Department of Defense estimates that it will cost $250 million to redeploy these forces that went to Southwest Asia. Once they are redeployed to the United States, they are reconstituted in their units, and that cost of reassociating with various units, the total cost of that is $250 million. That is still part of the emergency. That is not something that is just a normal event taking place in subsequent years, in the year 1999 or the year 2000. The impact of what the Senator from Texas has suggested would be to say: "The President can declare an emergency and have the funds not be counted for this year only" means that the emergency is over on September 30. Right? Wrong. Even if the deployment stopped at the end of September 30—I hope it will stop sooner—there would be ongoing costs associated with the emergency, and that is what we have covered as the Budget Act requires us to cover.

If this emergency designation is lifted, what are the consequences in 1999? We go into 1999, according to the CBO, with a $3.7 billion outlay deficit. What the Senator from Texas is saying is, notwithstanding that, we are going to add all the costs associated with the emergency from 1998 that are actually paid in 1999. If you talk about complicating the bookkeeping of the Department of Defense, I don't know of any better way to do it. If there is $400 million that remains unobligated as of September 30, and it pays out in 1999, CBO is going to score that $400 million for 1999. Even though it was an obligation that came about because of the 1998 emergency, and it is spent in 1999, we are going to have to take $400 million out. I wonder how many things are going to come out of Texas or Pennsylvania if that happens.

I am not going to do it because that is over to the Department of Defense. But I can assure you that any State involved that has outlays is going to suffer, and the program will be reduced. Accommodating this amendment will bring about $2 billion in 1999 of budget authority being utilized because it will take the outlays for that year based upon procurement rates of outlays and say you cannot start $2 billion worth of acquisitions because of an emergency that happened in 1998. We should tell the Department of Defense, cancel the F-18s, cancel the ships, cancel whatever it is we are going to try to procure. I am talking about procurement outlays, which are the ones that are going to suffer the most.

Mr. President, we have in this proposal—the Budget Act is very wise, really. There is an incentive to manage the money correctly, to not wish to spend it before the end of this year. The effect of the Senator's amendment would be if you can get the money spent before the end of the fiscal year, then you can take it all off this year, it doesn't count. But if you take anything into the next year, guess what. It counts against your next year's outlay allowance. So what does that do? It is

a rush to the cash register for September 30; a total disincentive to manage money right.

I have seen amendments that have been brought to the floor that attempted to reconstruct the whole apparatus of the Budget Act, and I have to say I have some problems with the Budget Act, and the Senate will hear about those later with regard to scoring. But this is not one of them. The Budget Act was correct. When we have an emergency or a disaster—this would cover the disaster money too, by the way.

I don't quite understand what they are doing, because we have disasters. When we had our great earthquake in 1964, we did not pay for some of those things that we had to do until 1966. Look at what is going on in Georgia right now, and Mississippi and Alabama. Does anyone think that all of those levees are going to be reconstructed by September 30? I want the Senate to start thinking, and, above all, I want to say again, I want the Senator from Texas to be careful when he accuses this Senator of cheating with an appropriations bill. That does not go down lightly with me.

I remember the days before when I saw majority Members arguing, and I can tell you the majority didn't last very long. The majority doesn't last very long when people come out and accuse chairmen of motives that are just absolutely unfounded.

Mr. President, at the appropriate time I will move to table the Senator's amendment. I can tell the Senate I will remember the Senators who do not vote to table this amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I want to answer the question about the cheating. I said the Senate and the President were cheating on a commitment that we made, and I stand by that point. I don't single any Senator out in the process. But the bottom line is, facts are stubborn things. Let me review the facts.

Eight weeks ago today the President of the United States stood at the Speaker's table at the House of Representatives, we were all there, and talked about the fact that we were about to have a surplus. And he used his words, great slogan—he has no program, as we know, but he has a great slogan—save Social Security first. We are going to have a program to save Social Security. In fact, there are three Members right here on the floor who are working on one.

But we can't save Social Security if we don't have the money. So, when the President said "save Social Security first, take the surplus and use it to save Social Security," there was an eruption of applause. We all stood up. We all applauded. And now we are in the process on this bill of taking $1,979,000,000 away from Social Security, money that would have gone to help us make the system solvent not just for our parents but for our children, and we are taking it away from Social Security because we are going around the budget.

The Senator from Alaska points out that we have had floods, we have had disasters. No one is saying not to provide the help.

Our amendment provides the assistance. We are for the assistance. But what we are saying is give the assistance this year and we won't even make you pay for it this year. But this bill spends money not just this year but for the next 5 years. All we are saying is, the money that will be spent next year and through the year 2003, count it as part of the budgets in those years.

Our colleague from Alaska tells us, "Well, the departments will have to change their budgets next year and in 2000 and 2001 and 2002 and 2003" if we make them count spending that they are incurring in those years. How many families have the option when Johnny falls down the steps and breaks his arm and they have to take Johnny to the emergency room and they have to have the arm set can say, "Well, now, we have already planned our vacation next year. We were going to buy a new refrigerator. You can't expect us to go back now and change our budget and not buy a refrigerator because Johnny broke his arm." That would be a great world for real Americans to be able to say, "Well, you know, we had planned on this and this thing happened and we don't want to have to change our plans."

The point is real American families change their plans every single day. So, far from being this outrageous proposal that is going to put great hardship on the American Government, we are not saying don't fund the emergencies; we are saying fund it. What we are saying is that we should pay for them. We are not even asking that they be paid for this year, but we are saying when you haven't even written the budget yet for 1999, why should you spend $1.533 billion next year and not even count it in next year's budget?

Finally, let me say that with regard to projects in Texas and Pennsylvania, I never thought we were going to balance the budget without making tough decisions. If we have to affect defense spending or nondefense spending in all 50 States and the District of Columbia to balance the budget and save Social Security, I thought that's what we were about.

But this amendment is eminently reasonable. You can be for it or you can be against it. Both those positions are perfectly legitimate. But you cannot say that we are going to use the surplus to save Social Security and put Social Security first and defend the surplus as the President has said and then turn around, as the President has done, and start spending the surplus, which he did when he sent this bill to Congress without offsetting spending. You can't do that and claim that you are serious about wanting to protect the surplus. You can't have it both ways. You can be for all these programs, you can be for this emergency spending without offsetting it, but you can't turn around and say that you are living up to the commitment that we have made.

So this is a serious issue. It seems every year that I and others end up offering these amendments saying we know there are going to be emergencies, we ought to be setting aside the money as we used to.

Let me just read you these numbers. Last year, we had $5.4 billion of emergency spending that we added directly to the deficit, some of it being spent this moment. The year before, we added $6.4 billion, the year before $10.1 billion, the year before $9 billion and the year before that $5.4 billion.

When we go back to 1991 and 1992, the numbers were pretty small, but beginning in the Clinton administration, we have averaged, if you take the actual outlays, $7.3 billion of emergency spending every single year since Bill Clinton has been President.

Now, did any of these expenditures occur because we had no way of anticipating they would occur? Absolutely not. We knew there were going to be emergencies. America is a big country, and we have emergencies every single year. But we set aside no money for the purpose of paying for them. How can anybody call the Bosnian deployment a new, unexpected emergency this year? Why didn't the President put the money in his budget last year? He didn't do it because it was a way of jimmying the books. It was a way of spending money without saying he was spending it, knowing that we would pay for it in a supplemental appropriation. And I can tell you what will happen this year. We will not provide money for Bosnia in the defense bill, and we will do the same thing again next year.

So here is the point: We do have the power under the Budget Act, with the compliance of the President and Congress, to spend the surplus. We have the power to do that by declaring an emergency. What Senator SANTORUM and I are saying is declare an emergency for spending this year, but the spending that is going to occur in 1999, 2000, 2001, 2002, and 2003, for the money that will be spent under this bill all the way out 5 years from now, go ahead and build that into the regular budget so that we don't raise total spending in those years from this bill and so that the surplus in those years that we are counting on for a budget that we have not yet brought to the floor of the Congress, but money we are counting on to

put Social Security first, will actually be there to put Social Security first.

So that is what we are trying to do in this amendment. It is an amendment you can be for or against, but it is not very confusing. It basically says pay for these programs. We don't have to. We, obviously, have the power not to, and we haven't in any year since Bill Clinton has been President. Not that we haven't voted on it. We voted on it regular like clockwork. I or another Senator have offered an amendment to each and every one of them, and all of these amendments have failed. But the point is we have it within the power to pay for them, and I hope we will pay for them.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the law we passed in August 1997, Public Law 105-33, contains this provision, which is the one I referred to before, but I want to read it now. It pertains to sequestration. When the OMB determines spending—they determine whether we lived up to the caps that are in the budget agreement—it first is instructed to examine those budgets. What it says is this:

OMB shall calculate in the sequestration report and subsequent budgets submitted by the President under section 1105(a) of title 31, United States Code, shall include adjustments to discretionary spending limits and those limits as adjusted for the fiscal year in and each succeeding year through 2002 as follows: Emergency appropriations—If for any fiscal year appropriations for discretionary accounts are enacted that the President designates as emergency requirements and the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all fiscal years from such appropriations.

Mr. President, what we are looking at is a finding by the Congressional Budget Office which has determined—that is what we put in our report on page 36, the 5-year projection. Incidentally, just as a footnote, I hope everyone knows, they assumed we won't pass this bill, it won't become law until July 1; therefore, the outlays cannot be made until subsequently in July, possibly August and September. So they moved into 1999 a considerable amount of money that actually is going to be spent this year because we are going to pass this bill and it is going to become law before the end of April. There is no question about that. It will, hopefully, become law the 1st of April.

But in any event, what has happened is we have complied with the law, and the law says we list the amounts. Although they are authorized for emergencies that have taken place this year, the spending may continue for a series of years.

The Senator used an interesting analogy about Johnny breaking his arm. We have disaster money here, and there are lots of homes that have been broken. If those homes were covered by insurance, they take a look at it, the insurance adjustor says we are going to pay X dollars, and you proceed to spend that money over a period of years. You get it from your insurance account.

They don't come by and say, "OK, you only get the amount of money you can spend this year." That is what the Senator from Texas is saying. The disaster account is a taxpayer insurance against the calamity of disasters that take place in this country. And as such, the impact of the Senator's amendment—anyone who has had a disaster in their State this year better listen to me now because he is saying that all you can do is count the emergency only for the money that can be spent this year. It is outlays. Very little of that money is going to be outlaid this year. We know that. It is primarily the disaster money that is carried out for a period of years.

The Senator mentions Bosnia, and I have opposed the Bosnian deployment. He is not correct in saying we have not budgeted and spent money, programmed money on a nonemergency basis. We have, in fact, appropriated money for Bosnia. We did this year but only through July 1. The emergency came about when the President of the United States found that we could not withdraw. Under his determination and the Joint Chiefs, they decided we have to stay there. We face the problem of paying between now and July 1 and through the end of the year for that deployment.

If we do not put up the money, the money comes, as I said before, from the readiness accounts for moneys we have already appropriated for the fiscal year 1998. That will mean the readiness accounts for the rest of the military not deployed to Bosnia or to Southwest Asia will pay the cost of the emergency.

Mr. President, that is a nice question, whether this is an emergency, but the President has declared it is an emergency and we have agreed it should be an emergency because we really believed when we made the bill up last year for 1998 that the troops would be out by July 1.

Having done that, we spent the balance of the money in the procurement accounts and in the readiness accounts. We were operating under a ceiling. What the Senator from Texas does now, if it is not considered emergency as the President declares it is an emergency, is we have to go back, as I said, and take it out of moneys that we put into, whatever it might be—aircraft acquisition, whatever it might be—in the Department of Defense.

It is not easy to find that kind of money, particularly when we have troops deployed in the field. Over 40 percent of our personnel are deployed overseas right now. If we are going to readjust anything, it has to be in the procurement accounts, and the procurement does not outlay dollar for dollar. If we cancel procurement, we only probably get 10, 15, 20 percent adjustment for outlays.

Again, I say, it will take billions from the 1990 account to deal with the millions that are involved in this bill for expenditure.

I am not going to belabor it except to say, once again, this is a killer amendment. I think it is against the Budget Act. I leave that to the Senator from New Mexico. I hope he will talk about it. At least in purpose it is against it. I think actually it is subject to a point of order, but I don't intend to raise a point of order. If the Senate doesn't understand this amendment, it doesn't understand defense economics and defense spending. I understand there are some people here who want to put the screws on us in terms of the next year.

Remember this, Mr. President. We have no firewall between defense and nondefense next year. We have to legislate it if we can get it. The effect of this is to take money out of defense when defense is already going to be under attack as far as money in 1999.

I just cannot be emphatic enough to deal with this in terms of what it means. It means that we are readjusting the concept of the accounting for emergency money. If you look at just the disaster account alone, it reneges on the commitment we have made to the people who are in the disaster area to help them pay for the cost of adjusting to that disaster.

My State has more disasters than any State in the Union. We don't have any right now, except me, and I feel like a disaster right now because I really don't like this amendment.

I think if Members of the Senate think about it, they will understand what we have done. This amendment impacts defense most damagingly because the funds for Southwest Asia assume current force levels and the current op tempo—the tempo of operations. We made these moneys available until expended. That means they can be expended in 1999 and subsequent years. That gives an incentive to the Department to manage their money wisely and not rush to expend it before the end of this year.

The effect of the Senator's amendment would be to reverse that decision of our committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, first, I say to the Senator from Alaska, he is absolutely right. I do not think either Senator GRAMM or I are intending, or what the Appropriations Committee did here, is

somehow outside the Budget Act or illegal or against the law. Absolutely not. The chairman and the committee followed the Budget Act to a "t." They declared the emergency. The President asked for emergency spending. They went ahead and spent the money outside of the parameters of the budget that we have for the country this year and for future years.

We just do not agree that we should do that. I think we do have the right, because we have done it in the past, to make that spending this year, frankly, for future years, to stay within the caps and to allow some reprogramming to be done within those accounts.

So my argument has never been, and I think the Senator from Texas would admit that his argument has never been, that what they have done is somehow wrong. Not wrong; certainly it is within the law. But to suggest that it is the right thing to do is another matter.

I understand the problems that the Senator has with the defense budget. I have as many concerns as he does with the top line number of defense. I think we are at a very tight defense budget for this year. I serve as a subcommittee chairman on the Armed Services Committee, and I understand the tough choices that have to be made.

I do not have as big a budget to oversee in my authorization. I have about $9 billion to oversee. But I have to make tough choices, and sometimes projects in Pennsylvania do not make it on there. They did not make it on there because they are not worthy projects, not because they are from Pennsylvania or from North Carolina or Texas or anywhere else. And I will assume and I will hope that the appropriations process is a similar one; that we look at the merits of the projects that are on there being requested by the Department and we sort it out on the basis of merit.

That is what I will continue to do and that is what I hope the Appropriations Committee will continue to do. It is a tough job. The resources are very slim. I accept what the Senator from Alaska is saying, that if we adopt this amendment, it will make that job somewhat tougher to do—next year by the tune of about $1.6 billion, and the following year $391 million, and then it sort of trails off to a couple million. But I understand that is a difficult task.

The point we are trying to make is, we did not require you to do it this year because you are halfway through the budget year and it would be very difficult to reprogram that money having been put in a cycle where you had a certain expectation of money, you spent to that level, so you spent half your money and then you are basically taking savings out of the last half of the money that is there, which requires a commensurately higher percentage of cuts than the overall amount.

So I understand that problem. That is why we tried to avoid that problem by saying, if you spend the money this year, you do not have to reprogram it. You can declare the emergency and you can spend it above the budget level.

I find it somewhat curious that the Senator from Alaska would attack our amendment by saying it creates an incentive to spend the money unwisely this year and that he opposes this amendment because we are going to have money being forced out of the pipeline prematurely so it can be spent on an emergency basis as opposed to being kept under the caps in future years.

The only reason we have released the pressure valve, if you will, for this year is because we know the objections that the Senator from Alaska would have if we put the caps on it this year. He would be opposed to it, I suspect, even more vociferously if we made the relevant departments stay within the caps every year as opposed to just future years. So I am not too sure that is necessarily a valid argument.

The bottom line here is very simple. What we are suggesting is to take the money that we know is going to be there for the surplus and use it for Social Security, not for emergency spending, particularly given the fact that I understand from the cloakroom there is another $1.6 billion to throw on top of this bill. It is going to be spent out over the next few years, money that the President has just asked for.

I have voted against disaster bills in the past. In fact, I stood on the floor of the Senate just a few years ago and said I would vote against a disaster bill when most of the money for that bill was going to Pennsylvania—my State. And I said I would do so unless we did something to make sure that that money was offset within the budget, because I feel it is that important. I think there is not truth in budgeting with this administration and with our budgets in the past when it comes to disaster assistance. We chronically have this problem that we do not appropriate enough money.

Again, I do not point to Senator BOND and his subcommittee as the problem. I point down to 1600 Pennsylvania Avenue to a President who just willy-nilly, in many cases, declares items eligible for assistance and expands the definition beyond what congressional intent is as to what is covered. Not that he declares disasters willy-nilly. In fact, they are very serious disasters. But what should be and is eligible to be paid for by the Federal Government is, in fact, where I think we have a problem with this administration, which I think the Senator from Missouri, Mr. BOND, is attempting to correct. So I give credit to him. But we still have the problem.

The problem has shown up in huge amounts of outlays that we spend every year on disasters because we continue to pay ever-increasing amounts from the Federal level on disasters around this country. That is a problem. All we are doing is allowing that spending to continue and not keeping within the discipline that we promised the American public. We promised, us right here in the Senate, we promised the American public that we would stand here and stick to our agreement, that we would not continue this stream of red ink, we would not just continue to spend money like there was no tomorrow, that we were going to put a budget agreement in concrete, we were going to stick to it, and, as a result of that, we would have surpluses, we would have a balanced budget, and we would have surpluses and, as a result, the economic prosperity that would come with that.

Right here today we are just saying, oh, we didn't mean it. You know, we had an unexpected—not so unexpected—expense so we have to break the deal. We are going to break the deal. We are just going to say, fine, we are going to spend more.

I am surprised there is just $1.6 billion more in the cloakroom ready to come down here to be spent. Let us throw in some more. I mean, this is open season. We have lied once. We have broken our promise once to the American public. We said we were going to keep the deal. Now we are not going to keep the deal. Why just 1.6 billion? Let us throw in a few more billion. Once you break it—I mean, it is like being a little bit pregnant—let us really have a party. Let us spend it all. Let us throw some more money down here and find out how much more we can throw on that we can consider an emergency that all we have to do is declare. We do not have to follow any law here. For those of you who think that there is a law that we follow that says "this is actually an emergency" and "this isn't an emergency"—no, no, no. We just have to say it is. That is all. We just say it is, and it is an emergency.

So let us bring all the turkeys out. Let us start flying around and shooting everything around here. And, by the way, there is lots of stuff in here that is not emergency, just supplemental spending that we are just going to throw out here and say, "Well, we'll just include it in. It's something we really wanted to do. Couldn't fit it in last year's budget, may not be able to fit it in this year's budget. It's going to fly. It's going to pass and we can help out some of our Members." It is just not the way we should do business.

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

Mr. SANTORUM. I will be happy to.

Mr. STEVENS. Does the Senator mean to say with regard to disaster money that is in this bill, that only the money that is spent this year will be treated as an emergency?

Mr. SANTORUM. That is correct. Under the legislation, that is correct.

Mr. STEVENS. So that the cost of repairing the levees in Georgia or Alabama or fixing the frozen trees in New Hampshire, wherever they might be, that money, if it is not spent this year, will have to be charged against the regular bill for that purpose in the next fiscal year?

Mr. SANTORUM. That is correct. Just like next year. When we appropriate money this year, when we appropriate money for next year, we will have in the FEMA budget money for anticipated disasters. That is what we will be putting money aside for. That is what we appropriate the money for in FEMA, for anticipated disasters and for spending on those disasters.

What we are saying is, we now have a leg up. We know what money we need to spend this year, so we are going to include it in that budgeted amount. So, yes.

Mr. STEVENS. Does the Senator understand, first we have to declare a disaster for that not to be accounted?

Mr. SANTORUM. That is correct.

Mr. STEVENS. That is what this bill does?

Mr. SANTORUM. Yes.

Mr. STEVENS. Some money is already over there in FEMA, but when it is spent, it is emergency money.

Mr. SANTORUM. That is correct.

Mr. STEVENS. I am not sure the Senator is understanding me yet. The money that we appropriate to FEMA, we just put in FEMA.

Mr. SANTORUM. Right.

Mr. STEVENS. It is counted in the budget. But when they spend it for real emergencies, we relieve them from accounting for that as far as sequestrations are concerned because it does not count against this year's allocation or the allocation in any year for which the outlay is made. Do you understand that?

Mr. SANTORUM. What we are suggesting is that money should count within the budget, that it should count within the amount for that appropriation.

Mr. STEVENS. I say to the Senator, I do not know if a disaster can recover under that situation—not one. We declared a disaster in South Dakota. We declared a disaster because of the earthquakes in California. We did it because of the fact we had to have the emergency designation in order to spend the money.

As a matter of fact, the Senator from New Mexico says there was not enough money. We had to add to it. That is what we are doing to it; we are adding to the money that we previously had. But whatever you spend in connection with these disasters, you do not have to account for it at the time of sequestration. It is only at the time of sequestration.

Mr. SANTORUM. I understand that. All I am saying is that money is going to be spent next year. That money is going to be spent next year. And in the appropriations bill that deals with these different accounts, we are saying we want to keep it under that cap, and that means to find money other places in the legislation, absolutely. That means that we are going to have to reduce other accounts to make sure we stay within those caps.

This is about, in our opinion—I know the Senator from Texas agrees—controlling the growth, controlling Government spending. What we are doing is saying, there is in fact a budget that says there is so much to spend, and whether we declare an emergency or not we are going to stay within that. If we declare an emergency, we can spend the money for that particular purpose—fine—but it is still going to stay in the aggregate cap for our total spending. That is the point we are trying to make.

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

Mr. SANTORUM. I am happy to.

Mr. DOMENICI. How big does a disaster have to be in terms of its outyear cost for you not to expect it to be paid for out of education money and NIH money and others? How about the Alaskan earthquake? I assume we had 5, 6 percent of the entire budget of the United States in one or two of those years. Is that big enough? Or should we assimilate that and reduce education funding and NIH funding and all the other funds, highway funds?

Mr. SANTORUM. I say to the Senator, I would expect in a $1.6-some trillion budget, that we can in fact find in this case for disasters some $2-plus billion, of which it is not even $2 billion. I think in our opinion it is $3.1 billion—no; less than that—it is $2.5 billion overall. And we are allowing this year's to go as an emergency. So I think $1.5 billion. So we can find $1.5 billion out of the next 5 years'—out of the next 5 years—spending. I think we can do that.

Mr. DOMENICI. I say to the Senator, because I know you intend always to be very precise and specific, and I laud you for that, and you are eloquent in your remarks, I hope you do not speak of a $1.7 trillion budget unless you want to take money out of Social Security and Medicare and all the other entitlements. That is two-thirds of the budget. So we ought to be talking about the right number. Nobody is expecting this to come out of Social Security. Are you?

Mr. SANTORUM. No, I am not.

Mr. DOMENICI. Out of Medicare?

Mr. SANTORUM. No. Roughly a third is discretionary.

Mr. DOMENICI. That is about right.

Mr. SANTORUM. Roughly a third. So roughly a third of the $1.7 trillion. So you are talking about around $550 billion. And we are talking about $1.5 billion out of $550 billion.

Mr. DOMENICI. That includes defense, which more than half of that is. Do you want it to come out of defense?

Mr. SANTORUM. Yes. Part of it does come out of defense within our amendment, yes, absolutely.

Thank you, Mr. President.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I did not intend to speak to this particular amendment because I have an amendment that is sponsored by Senator MOYNIHAN, Senator JEFFORDS, Senator LEAHY, Senator SNOWE, Senator COLLINS and I believe has been accepted by both sides.

But I think it is rather germane because it seems to me that in times of crisis our Nation sets aside its differences and we come to the aid of our neighbors. I do not say that because you had a disaster in the State of Washington, we are not going to be there to help you. That is what happened, and this country came forward together and made available emergency aid, some several billions of dollars. Then we had floods along the rivers. Those rivers were not in New York, but they were in the United States of America, and my State is part of this country. I think that our citizens would have been very upset with this Senator and my colleague if we had voted against providing aid to those who had their farms wiped out, their homes wiped out, their lives disrupted.

What are we doing? I mean, what in the world are we saying here? Are we saying, really, that you should cut the National Institutes of Health by half a percent to provide emergency relief? For whom? For our citizens. My gosh, we have sent troops all over the world to help out others. Are we really seriously saying that we should not make available disaster relief to our citizens without this clap trap of finding it under a budget cap next year? If it is an emergency, by gosh, the American citizens expect us to rally to our neighbors and to our friends and stop this parliamentary nonsense. That is what this is.

I want to tell you something. We should move to table this now. I am not going to do it because that is the chairman's spot. It is his responsibility. We have some important business to get done here. I have an amendment that I am going to offer to help the dairy farmers of New York and the people of New York who are devastated—hundreds of millions of dollars worth of damage, thousands and thousands of manhours lost. Thousands of homes were ravaged as a result of the ice storm when people's power went out for 2 or 3 weeks, and when they came back to their homes, they found them flooded because the pipes had burst.

Now, we have to get to the business of the people and do it here and now

and not get into this business of saying we are going to offset next year's expenditures. They have to rebuild those homes, and these are people of modest incomes. Are we really going to say here and now, oh, no, we are not going to do that unless we cut low-income assistance programs next year or unless we are going to cut—what program? Tell me. Tell me. What happens if you have a $10 billion disaster? Next year someplace we are going to start offsetting it? Let's get to the business of the people. This isn't the business of the people. This is playing games.

I would like to be able to offer my amendment, and I would like to move to set aside the pending business. I am going to withhold. New Yorkers have been devastated to the tune of hundreds of millions of dollars.

I just think what is being done absolutely puts us in a light that is irresponsible. If we want to make cuts and say that there are programs here that are not of an emergency nature, I will vote on them. If you want to build bicycle trails—I was here when that was put up, and I voted against bicycle trails—and if you want to build igloos someplace and say that is a disaster when it is not, I am going to vote against it. By gosh, let us not simply say that all of the emergency relief should be treated as a nondisaster. That is not being fair to our colleagues.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I think we can wrap this debate up and have a vote, if we are ready to do it. I do not know if the chairman is going to move to table the amendment or just have an up-or-down vote on it. But I would like to conclude by making several very simple points:

No. 1, no one is saying, and nothing in this amendment has the effect of saying, don't provide emergency money. That is not what the issue is here. This has nothing to do with providing emergency money. Nobody is saying provide it only this year. What we are saying is pay for it. What we are saying is that when you are committing to spend money over the next 5 years—and we have not even written budgets for those 5 years—that these expenditures ought to be counted in the budget.

Do we really take the position that anything we declare is an emergency, and what we are going to spend 4 or 5 years from now should have nothing to do with the budgets we are writing for those years 4 or 5 years from now? I reject that. If this is not the people's business, I don't know what the people's business is.

Finally, the example has been used about an insurance company paying a claim. We want the insurance company to pay the claim but we want the insurance company to cut their dividends. What we want to do here is to be sure that we are helping people who have suffered but that we pay for it by cutting other programs so that we don't end up in a position of claiming that we are setting aside money to rebuild Social Security, and, yet, if this amendment fails, we are going to have $2 billion less to rebuild Social Security with than if our amendment succeeds. That is what the issue is about.

It is pretty simple. And I suggest we vote on it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair. I actually would ask the Senator from Alaska, if he wants to respond, I would follow. I would be pleased to yield to the Senator from Alaska, but I would like to follow.

Mr. STEVENS. Does the Senator wish to speak on this amendment?

Mr. WELLSTONE. There are a number of amendments out here. I want to speak on another amendment.

Mr. STEVENS. I intend to make a short statement and move to table. Could the Senator make his comments after that?

Mr. WELLSTONE. I ask unanimous consent that after the Senator moves to table and we have the vote, I then be allowed to speak.

Mr. STEVENS. For how long?

Mr. WELLSTONE. Ten minutes.

Mr. STEVENS. I might say to the Senator that we have a 5:30 cloture vote, and we have an agreement. I am informed that following the vote on my motion to table we will have an agreement dividing time between the proponents and opponents of the cloture motion and then vote on the cloture motion. I will be more than willing to say the Senator gets the first 10 minutes after the cloture vote. The cloture vote was supposed to take place at 5:30. We are jammed in on it right now.

Mr. WELLSTONE. Mr. President, I say to my colleague, I want him to have a chance to respond. I know he wants to. I would then ask unanimous consent after we have the debate on the cloture vote and the cloture vote that I be allowed to speak after that vote.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. Mr. President, I am not prepared to agree to that because I understand that we have a commitment that we will go out of session at that time.

Mr. WELLSTONE. Mr. President, let me try one other unanimous consent. I ask unanimous consent that I be allowed to speak for 10 minutes before the vote on the IMF amendment.

Mr. STEVENS. I have no objection.

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

Mr. STEVENS. Mr. President, let me make sure that everybody understands what we are voting on. The Senator from Texas complains—and I think rightly—that we are spending really a great deal of money on disasters. They grow every year, and it is because the moneys that we have allocated to disasters under authorization laws and under regulations have increased.

I tell the Senator that the money available during the period right after the great earthquake in Alaska in 1964 compared to the amount of money that was available to those people who were harmed by the California earthquake—the California program for recovery—was much more heavily financed, and necessarily so. New concepts of assistance have grown since that time.

If the Senator wants to examine and ask the Congress to examine and put limits on what we spend after a disaster, this Senator would be pleased to work with him on it. If the Senator wants to say that we ought to predict how much money we are going to have available for disasters and put a cap on that, this Senator would never agree with that.

If the great Madrid Fault down by Tennessee ever slips again, as it did in the middle of the last century, to the extent that the bells in Boston rang when that earthquake took place in the middle of our continent, if that would happen today, the cost of that disaster would be just overwhelming. There is no way to predict how much money we are going to spend on disasters.

As applied to this bill now, I say to the Senator, if the Senate adopts this amendment, I will move to recommit this bill to the Appropriations Committee because we cannot afford to have such a heavy balance on the 1999 bill that we are working on now for fiscal year 1999 if the Senate adopts the amendment of the Senator from Texas. Disasters aside, the major impact of this amendment is on defense. It would say that any moneys that are spent for the Bosnian or Iraqi deployments after September 30 would count against the allocations that we are already looking at for 1999 under the budget that the President has submitted to us.

I have said before to the Senate, we believe that the impact of this amendment would mean procurement cuts—cuts in the amount of money we allocate to procurement of $2 billion in 1999. That is because when we authorized the use of $2 billion in 1999, the amount that actually would be spent would be about $400 million. That is what it does to the bill we are planning now.

I just do not think that we should have a supplemental that so hamstrings the budget for the full year of 1999 in a way that was never contemplated by the President's budget nor is it contemplated by the budget

before the Budget Committee and ready for submission to the Senate. This issue should come up but should come up in other ways, and that is how much money we will spend per person on a disaster.

Does the Senator seek time before I make a motion to table?

Mr. NICKLES. If the Senator will yield, I know there are two or three amendments in line.

Mr. STEVENS. The Senator is correct.

Mr. NICKLES. I have an amendment. I would be happy to introduce it now and you can stack it as well.

Mr. STEVENS. I might say to the Senator that we just had a discussion with the Senator from Minnesota, and I understand there is an agreement to postpone the cloture vote that has been scheduled for 5:30.

So I am going to move to table, and I would renew the request of the Senator from Minnesota that following that vote on my motion to table he get 10 minutes, and after that we will be happy to have any amendments that the Senator from Oklahoma has. All right.

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

Mr. STEVENS. Mr. President, I reluctantly but enthusiastically move to table the amendment of the Senator from Texas and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

The legislative clerk called the roll.

The result was announced—yeas 76, nays 24, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—76

Akaka	Domenici	Leahy
Baucus	Dorgan	Levin
Bennett	Durbin	Lieberman
Biden	Feinstein	Lott
Bingaman	Ford	Lugar
Bond	Frist	McConnell
Boxer	Glenn	Mikulski
Breaux	Gorton	Moseley-Braun
Bryan	Graham	Moynihan
Bumpers	Grassley	Murkowski
Burns	Gregg	Murray
Byrd	Hagel	Reed
Campbell	Harkin	Reid
Chafee	Hatch	Roberts
Cleland	Hollings	Rockefeller
Cochran	Inouye	Roth
Collins	Jeffords	Sarbanes
Conrad	Johnson	Shelby
Coverdell	Kempthorne	Smith (OR)
Craig	Kennedy	Snowe
D'Amato	Kerrey	Specter
Daschle	Kerry	Stevens
DeWine	Landrieu	
Dodd	Lautenberg	
Thompson	Torricelli	Wellstone
Thurmond	Warner	Wyden

NAYS—24

Abraham	Gramm	Mack
Allard	Grams	McCain
Ashcroft	Helms	Nickles
Brownback	Hutchinson	Robb
Coats	Hutchison	Santorum
Enzi	Inhofe	Sessions
Faircloth	Kohl	Smith (NH)
Feingold	Kyl	Thomas

The motion was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LEAHY. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will come to order. The majority leader is recognized.

Mr. LOTT. Mr. President, let me withhold while we confer a few minutes more. I don't seek recognition at this time.

Mr. LEAHY. Mr. President, parliamentary inquiry: What is the regular order at this point?

The PRESIDING OFFICER. The regular order is for the Senator from Minnesota to be recognized.

Mr. LEAHY. Mr. President, further, has all time run out on the pending amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. And will the Chair explain why it would not be the regular order to vote on that?

The PRESIDING OFFICER. The pending amendment is a Faircloth amendment No. 2103.

Mr. STEVENS. Under the unanimous consent agreement, the Senator from Minnesota has 10 minutes coming now.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. A further parliamentary inquiry, Mr. President. After that 10 minutes, what would then be the regular order?

The PRESIDING OFFICER. The cloture vote.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. D'AMATO. Mr. President, if I might——

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. WELLSTONE. Mr. President, I want to make sure that I have my time on the floor. I will be pleased to yield.

Mr. D'AMATO. Mr. President, I thank the Senator from Minnesota. I ask unanimous consent that I be given up to 2 minutes to submit an amendment, that has been agreed to by both sides, on behalf of Senator MOYNIHAN, Senator LEAHY, Senator SNOWE, Senator COLLINS and myself, with respect to the disaster bill and ask that the pending amendment be set aside for that purpose.

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

AMENDMENT NO. 2109

(Purpose: To provide funds to compensate dairy producers for production losses due to natural disasters)

Mr. D'AMATO. 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 New York [Mr. D'AMATO], for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Ms. SNOWE, and Ms. COLLINS, proposes an amendment numbered 2109.

Mr. D'AMATO. 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 5, line 5, strike "DAIRY AND". On page 5, line 8, strike "and dairy". On page 5, line 10, strike "and milk".

On page 5, line 20, beginning with the word "is", strike everything down through and including the word "amended" on line 23, and insert in lieu thereof:

"shall be available only to the extent that an official budget request for $4,000,000, 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."

On page 5, after line 23, insert the following:

"DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

"Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $10,000,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That in establishing this program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount is available only to the extent that an official budget request for $10,000,000, 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. D'AMATO. Mr. President, in response to the 100-year ice storm which

hit the Northeast area of the country, and to address the unmet needs of our dairy farmers, I offer this amendment with my colleagues, Senator MOYNIHAN, Senator JEFFORDS, Senator LEAHY, Senator SNOWE, and Senator COLLINS, to reimburse dairy farmers for up to $10 million for their milk losses.

Our amendment covers two types of dairy losses: first, the losses that farmers experienced by having to dump their milk because it either could not be shipped to market or it could not be processed properly; and, second, the losses they will see through decreased milk production over the next few months.

In addition, this amendment will allocate $4 million to provide relief to the dairy farmers who have had a cow die because of the storm. Our amendment, along with the provisions of this bill, will help prevent a lot of dairy farmers who have had thousands of dollars of losses from going out of business.

When disaster strikes, America responds. The damage, adversity, and loss experienced in the North Country and in New England deserves the attention and assistance of our Government.

I thank the chairman of the Appropriations Committee, Senator STEVENS, and the chairman of the Agriculture Subcommittee, Senator COCHRAN, as well as the two ranking members, Senator BYRD and Senator BUMPERS, for their support.

In times of crisis, our Nation sets aside its differences and our own troubles in order to help-out those who are truly in need.

Beginning on January 5, 1998, six counties in the northernmost part of New York State were ravaged by a fierce winter storm that covered the area in a three-inch blanket of ice. On January 10th, President Clinton declared the region a Federal disaster area.

This storm caused tremendous damage to homes, farms, roads and infrastructure throughout this area of northern New York—which we call the North Country.

Tragically, the effects of this storm led to nine deaths in New York.

This ice storm damaged thousands of utility poles, brought down countless miles of power lines and left several hundred thousand people in the dark for up to three weeks.

The loss of power in this region had a particularly difficult impact on North Country dairy farmers.

As some of my colleagues know, dairy cows must be milked at least twice a day, every day. Modern farms use electric milking machines to do this task and then transfer the milk to cooling tanks until it is picked up and taken to an area processing plant.

With no power, farmers did their best to try and milk their cows. For those who had generators and were able to milk their cows, they had to then store the milk.

Unfortunately, for a number of dairy farmers, the lack of power to cool the storage tanks made their milk unfit for consumption.

Farmers also faced the possibility that the milk truck could not reach the farm because icy road conditions, downed trees or downed utility poles made it impossible.

As these circumstances piled up, individual dairy farmers across the entire Northeast region were forced to dump their milk incurring thousands of dollars of losses along the way.

Farmers also have had to worry about mastitis. Mastitis is an inflammation of a cow's udder which can take hold in a cow when it is not milked regularly.

This inflammation can reduce milk production and cause a cow to become sick, requiring treatment with antibiotics. When a cow is being treated with antibiotics, that cow's milk cannot be used.

When a cow gets out of its milking cycle, there is nothing that can be done to make up for that lost production. That milk, and that income, is lost forever.

Overall, dairy production losses may likely add up to millions of dollars for dairy farmers in the North Country and northern New England.

Dairy farmers already run their operations on very tight margins—even a slight decrease in production can cost thousands of dollars and be the deciding factor in determining whether a farmer stays in business or not.

That is why I am offering this amendment—to help provide a measure of relief for New York and New England dairy farmers.

With the passage of this amendment, I believe we will help meet the needs of our dairy farmers as they continue to recover from the effects of this storm.

I am pleased to join with my colleagues in offering this amendment and I urge its adoption.

Mr. LEAHY. Mr. President, I would like to join my colleagues from the Northeast in support of Senator D'AMATO's amendment providing assistance to dairy farmers devastated by an ice storm earlier this year. I am proud to be a cosponsor of this amendment which will provide much needed assistance to dairy farmers in Vermont and throughout the Northeast.

This storm which hit the Northeast on January 9 left dairy farmers in Vermont, New York, New Hampshire and Maine without power for days at a time. I was happy to see that the disaster bill proposed by the administration and passed by the Appropriations Committee includes $4 million to reimburse dairy farmers for production losses suffered during the storm for milk that farmers were forced to dump.

Unfortunately the bill did not consider the long term losses that will be suffered by farmers until milk production returns to pre-storm levels. Now cows don't know whether the power is on or off, they still need to be milked twice a day every day. In addition to the costs incurred by the dumped milk, many cows suffered mastitis as a result of the delayed milking or were thrown off in their milking cycle to the extent that their milk production levels were significantly affected. In Vermont, it is estimated that the cost of long-term production losses will be $186,300. The total damages throughout the region will be much higher. For small dairy farms, this is just one more cost they can not afford to shoulder.

I urge my colleagues to support this important amendment.

Mr. MOYNIHAN. Mr. President, I rise to join my colleagues in emphasizing the importance of providing adequate assistance to the dairy farmers of the Northeast, who suffered tremendous losses due to the ice storm of January 1998. Our amendment will address an important gap in the Dairy and Livestock Disaster Assistance Program described in the supplemental—by providing for compensation for diminished milk production for the remainder of this year.

In the days and weeks following the January ice storm, my staff met with dairy farmers from upstate New York, and listened while they detailed the extent and the nature of their losses. My staff realized that one of the main needs expressed by our farmers—compensation for the diminished production which they knew would ensue for the remainder of the year—was not being addressed. Working with the New York Farm Service Agency, my staff developed an approach which will provide crucial assistance to our farmers for these losses. I am pleased to see that compensation for diminished milk production is included in this amendment.

Without electric power, farmers were unable to use electrical milking machines, in some cases for several days. Veterinarians at Cornell University estimate that two days of missed milkings will result in an average loss in milk production of ten percent for the remainder of the lactation cycle. The situation is analogous to damages to fruit trees, which suffer production losses in the months—or years—following a storm, in addition to the initial losses suffered at the time of the storm.

Diminished milk production losses will greatly surpass the value of milk dumped at the time of the storm. For example, in New York, the value of milk dumped in the days immediately following the storm is estimated to be $1 million. The New York Farm Service Agency projects $12 million in losses due to diminished milk production.

Dairy farmers in Vermont and Maine will be similarly affected.

The amount provided for dairy and livestock in the Administration's request—$4 million—drastically under represents the amount of damage. The $10 million which this amendment will provide for dairy and livestock farmers is based on the best estimates of damages available from the Farm Service Agencies of the affected states. Through this amendment, we will be able to compensate dairy farmers for 30 percent of the value of their demonstrated losses—the same proportion provided to other farmers under previous disaster relief programs.

The farmers of the Northeast dairy industry do not have sufficient means of emergency support outside of Federal aid. Many farmers were shocked to find that their private insurance policies, which do cover losses sustained due to fires, floods, and other natural disasters, will not cover damages sustained during ice storms. The states of New York, Maine and Vermont are offering limited assistance to their dairy farmers, but additional Federal aid is sorely needed.

Mr. President, I thank Senator STEVENS and Senator BYRD for their assistance with this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2109) was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2646

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote scheduled to occur at 5:30 this evening be postponed to occur at a time to be determined by the majority leader after notification of the Democratic leader.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, to notify all Members, we are working and getting very close, I think, to a unanimous-consent agreement being possible with regard to the education savings account issue, and other issues, but we are not quite there. So we think we can keep working on it and reach agreement hopefully early in the morning.

Also, I remind the Senate that we do have this very important opportunity to hear from our former distinguished majority leader, Mike Mansfield, at 6 o'clock. I would like for us to be able to start that right on time in deference to his agreeing to be with us. I urge all my colleagues to come to this first in a series of lectures from former majority leaders and Vice Presidents. Therefore, I ask unanimous consent that the Senate stand in recess until 7:30 p.m. at the conclusion of the 10-minute remarks by Senator WELLSTONE.

Mr. WELLSTONE. Reserving the right to object, and I will not, but I would be pleased, when we go back in session tomorrow, to speak. So you can go ahead, as long as I have consent I will be able to speak for 10 minutes when we go back in.

Mr. DASCHLE. Reserving the right to object, I would like to be recognized following the remarks made by the distinguished majority leader and then preceding whatever remarks the Senator from Minnesota would care to make.

Mr. LOTT. Mr. President, if the Senator would yield, I think that is a very generous offer by the Senator from Minnesota. We will make sure you get the 10 minutes tomorrow, hopefully, I guess, in the morning. That way we can recess before 6 o'clock and allow us to greet Senator Mansfield.

Mr. DASCHLE. Reserving——

Mr. WELLSTONE. If I could say, the understanding is I want a chance to speak before any vote on the IMF.

Mr. DASCHLE. Further reserving the right to object, just to clarify the proposal made by the majority leader, I would assume there would then be no more votes tonight.

Mr. LOTT. There will be no more votes when we come back in at 7:30, although we need to cooperate with the chairman of the Appropriations Committee and the ranking member to try to identify those amendments that will have to be disposed of, will have to be voted on. I urge, again, all Senators—I am not asking for amendments, but I am asking for cooperation in getting a limited number or identifying those amendments we are going to have to have a vote on so we can complete action on this emergency supplemental appropriations bill.

Mr. DASCHLE. Mr. President, again reserving the right to object for purposes of clarification, is it now the understanding of the Chair that I will be recognized following the remarks made by the majority leader?

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

Mr. STEVENS. Would the Senator just yield to me for one question of the majority leader?

We have a series of amendments, when we come back in, that have been cleared and that we are in the process of clearing. I just want to notify all Senators, we will be working on amendments to the bill after the presentation of the former majority leader. So in particular, we wanted to stress the needs for FEMA and CDBG amounts that are part of the request.

Ms. MIKULSKI. We want to debate them tonight?

Mr. STEVENS. No. We want to see if there is objection. So if anyone has any objection, I would like to know before we go out. Thank you.

Mr. LOTT. Mr. President, in view of one development that just occurred—and I think we will have the answer in just 2 or 3 minutes—I want to withhold that unanimous-consent request that we stand in recess until 7:30. I expect to renew that in 2 or 3 minutes. But I would like to hold it at this time; and, therefore, the Senator could be recognized in his own right to speak if that is what he has in mind.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I have indicated to the distinguished chairman of the Appropriations Committee my frustration with the amendment process. The majority leader has noted the need for cooperation.

I think we have been extraordinarily cooperative. I have encouraged my colleagues to withhold on an array of amendments that were proposed. Now we have an array of amendments here, including one now by the Senator from North Carolina having to do with school construction. If we want to get into a lot of these extraneous amendments, I have a whole pot load of amendments over here that we will begin offering.

So, Mr. President, I call for the regular order under these circumstances so we can go back to the business at hand. The business at hand is to deal with the IMF amendment and to get on with resolving these matters once and for all so we can finally come to cloture on this legislation. I call for the regular order and hope that at long last we can begin dealing with these issues one by one.

The PRESIDING OFFICER. The regular order is amendment No. 2100.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until 7:30 p.m.

There being no objection, at 5:40 p.m., the Senate recessed until 7:30; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ALLARD).

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

The Senate continued with consideration of the bill.

AMENDMENT NO. 2102, AS MODIFIED

The PRESIDING OFFICER. The pending amendment is the Gorton amendment No. 2102 to Senate bill 1768.

The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I ask unanimous consent the yeas and nays on that amendment be vitiated.

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

Mr. GORTON. I send a modification of that amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension of International Monetary Fund resources—

(1) directly to or for the direct benefit of the President of Indonesia or any member of the President's family; and

(2) the Secretary of the Treasury shall instruct the Executive Director to use the U.S. voice and vote to oppose further disbursement of funds to Indonesia on any IMF terms or conditions less stringent than those imposed on the Republic of Korea and the Philippines Republic.

Mr. GORTON. I ask unanimous consent Senator GREGG be added as a cosponsor to the modified amendment.

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

Mr. GORTON. Earlier this afternoon, I introduced an amendment which would have instructed the U.S. representative to the International Monetary Fund to vote against any proposal with respect to Indonesia that would have benefited President Soeharto or his family or his close associates.

I did so because it seemed to me that while several of the Nations in Southeast Asia that have been subjected to these runs on their currency and toward the present economic crisis were close friends of the United States, had developed democratic institutions like our own, were struggling toward free markets like our own, this was not taking place in Indonesia. It was a wholly-owned family subsidiary benefiting largely the Soeharto family and not the people of Indonesia.

I pointed out that it seemed to me unfair to impose heavy requirements on friends of ours like the Republic of Korea and the Philippine Republic and allow any IMF money to go to Indonesia that was resisting all of the attempts by IMF to reform its economy.

Others, including the Treasury, the distinguished chairman of the committee, and many others who have been interested in the International Monetary Fund asked me to modify my amendment. I have done so, to make it more narrow with respect to aid to the Soeharto family, narrow enough so I must say, I think it is symbolic only, but to require the United States not to favor any proposition with respect to Indonesia that is less stringent than those that the IMF is imposing on the Republic of Korea and the Philippine Republic, two of the closest allies and best friends with the longest association with the United States of any of the countries of Southeast Asia.

With that motion, I understand the amendment is acceptable and will be adopted by a voice vote. But I do want to say that I know that I represent a strong strain of opinion in this Senate that we should not be bailing out the Soeharto family, even indirectly, through our contributions to the International Monetary Fund.

I want the message to be heard loud and clear in Jakarta that true reforms to its economy are absolutely essential, that the International Monetary Fund and the United States are simply not interested in bailing out a family enterprise—fortunes stolen through corruption and inside dealing in the way that has been all too true in Indonesia over the course of the past decades—that there is a difference among the countries seeking aid in Southeast Asia from the International Monetary Fund. I am told that in some respects the requirements being imposed on Indonesia are tougher than those on South Korea and the Philippine Republic. If so, that is fine. But I certainly don't want us favoring Indonesia over those two nations that have been our allies for such an extended period of time.

So even if this amendment is only symbolic at this point—and it may very well be—I think the symbolism is important. I think that symbolism is vitally important.

I believe as a general proposition that it is in the interests of the United States to help the International Monetary Fund help countries that are willing to try to help themselves out of a severe economic crisis, even selfishly from the point of view of our own economy and our own exporters who are already seeing, in increasing trade deficits, the adverse impacts on trade in the crisis in Southeast Asia.

Certain IMF assistance is in the interest of the United States. Bailing out the Soeharto family is not, and that is what this amendment is designed to accomplish.

Mr. STEVENS. It is my understanding that the amendment of Senator GORTON has been cleared on both sides, and I know of no other debate. I congratulate the Senator for working so hard on this amendment. I remember the discussions that he and I had with various members of the South Pacific community in Australia when we were down there earlier this year. This certainly reflects the general feeling in the Senate.

The Senator is to be congratulated for doing this.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2102), as modified, was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The pending amendment is the Faircloth amendment, No. 2103.

Mr. STEVENS. I ask unanimous consent that amendment might be temporarily set aside.

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

AMENDMENTS NOS. 2111 THROUGH 2116, EN BLOC

Mr. STEVENS. I will send to the desk the managers' package of amendments that have been cleared on both sides: The first amendment, for Mr. LEAHY, to eliminate the State matching requirement with respect to certain amounts made available for fiscal year 1998 for the Small Business Development Center Program of the Small Business Administration; the second amendment, for Senators COVERDELL, COCHRAN, BUMPERS, BOXER, and CLELAND, to provide additional funds for emergency watershed and flood prevention separations and strike certain earmarks from the bill; third is an amendment, for Senator KENNEDY, to authorize the Secretary of Defense to lease or create another type of short-term interest in certain land near the Massachusetts Military Reservation; fourth is, for Senators COATS and LIEBERMAN, to extend the National Defense Panel to the end of fiscal year 1998; the fifth amendment is on behalf of Senators SHELBY, BYRD, BOXER, and Senator DORGAN, to provide funds for emergency railroad rehabilitation and repair; the last amendment is on behalf of Senators GREGG and HOLLINGS, to allow the transfer of funds from various agencies to the State Department to address the cost of departmental overhead.

As I indicated, these have all been cleared on both sides. I ask for their consideration.

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 No. 2111 through 2116, en bloc.

The amendments are as follows:

AMENDMENT NO. 2111

(Purpose: To eliminate the State matching requirement with respect to certain amounts made available for fiscal year 1998 for the Small Business Development Center program of the Small Business Administration)

At the appropriate place, insert the following:

SEC. . Notwithstanding section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) or any other provision of law, of the amount made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) for the account for salaries and expenses of the Small Business Administration, to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act (15 U.S.C. 648), any funds obligated or expended for the conduct of a pilot project for a study on the current state of commerce on the Internet in Vermont shall not be subject to a nonfederal matching requirement.

AMENDMENT NO. 2112

(Purpose: To provide additional funds for emergency Watershed and Flood Prevention Operations and to strike earmarks from the bill)

On page 4, line 1, beginning with the word "of", strike all down through and including the word "That" at the end of line 3.

On page 6, line 6, strike "$50,000,000" and insert "$100,000,000".

On page 6, line 7, beginning with the word "of", strike all down through and including the word "That" on line 10.

On page 6, line 12, strike "$50,000,000" and insert "$100,000,000".

Mr. COVERDELL. Mr. President, I would first like to commend the chairman, Senator STEVENS for his attention to Georgia disaster victims in this bill. I would also like to thank Senator COCHRAN for his fine work as Agriculture Subcommittee chairman in working through the many requests for assistance he has received.

Mr. COCHRAN. I thank the Senator.

Mr. COVERDELL. I would like to ask a question of Chairman COCHRAN if I might. Is it the Senator's understanding that the $40 million in the Emergency Conservation Program account and $10 million in the Emergency Watershed and Flood Prevention Program account we provided for the State of Georgia in the 1998 Emergency Supplemental Appropriations Bill is sufficient to fully cover our losses.

Mr. COCHRAN. The Senator from Georgia is correct with regard to the Emergency Conservation Program. Officials at the Department of Agriculture have reported that the $60 million that we provided for this program will be more than sufficient to address Georgia's disaster needs. Regarding the Emergency Watershed and Flood Prevention program, officials have reported that Georgia will require approximately $25 million, according to the current estimates.

Mr. COVERDELL. Would the Senator from Mississippi be willing to consider an amendment providing additional funds for the Emergency Watershed and Flood Prevention account in order to cover the $25 million needed for relief in Georgia and for needs resulting from more recent disasters elsewhere? And, if this assistance is provided at these levels, will it be sufficient to cover Georgia's estimated disaster needs?

Mr. COCHRAN. I would be happy to agree to the amount necessary to cover disaster assistance under the Emergency Watershed and Flood Prevention Program for Georgia in the wake of its recent flooding and tornado damage. In response to the second question, it is my understanding currently that the agricultural disaster needs of Georgia will be sufficiently addressed with a total supplemental appropriation of $100 million in the Emergency Watershed and Flood Prevention account and $60 million in the Emergency Conservation Program. So, yes, Georgia's needs will be accommodated, and the Senator's work on behalf of his state is appreciated.

Mr. COVERDELL. The Chairman's assistance is greatly appreciated. Rest assured these vital funds will go to good use in what has become a very trying year for Georgia farmers, and the Chairman's leadership is especially helpful to my state.

THE CHINO DAIRY PRESERVE IN SAN BERNARDINO COUNTY

Mrs. BOXER. Mr. President, one of the consequences of the torrential rains in Southern California has been massive flooding. In the Chino Basin in San Bernardino County, we have a dairy preserve that is home to more than 325 thousand dairy cows. Because of the heavy rains, wastewater wash flows and related manure that are usually stored in lagoons for subsequent disposal, have become inundated causing overflows. These overflows discharge into the Santa Ana River, threatening the underlying aquifer and impairing the water quality. It is important to note that the Santa Ana River is a drinking water source for more than 2 million citizens in Orange County, California. These threats include inorganic salts, parasites, bacteria and viruses and can pollute drinking water with high levels of nitrates that can be potentially fatal to infants.

I would like to ask Senator COCHRAN, chairman of the Agriculture Appropriations Subcommittee, a question. I have been told by the United States Department of Agriculture that $5 million of the amount requested by the Administration for California from the United States Department of Agriculture Natural Resources Conservation Service Watershed and Flood Prevention Operations, is for the Chino Dairy Preserve in San Bernardino County. Is this the understanding of the Chairman?

Mr. COCHRAN. Yes, I understand that the United States Department of Agriculture estimate includes $5 million for the Chino Dairy Preserve in San Bernardino County. I support this appropriation.

Mrs. BOXER. I thank the chairman.

This $5 million will provide important emergency work to begin repairing flood control channels, berms and other related activities that will ensure that this important watershed is provided every protection possible.

With this disaster assistance, we can begin the process of responding to this public health problem without delay and ensure that the citizens of Orange County will have continued confidence in their water supplies. I express my deep appreciation to the chairman, my colleagues on the Committee, and the U.S. Department of Agriculture for their support of this appropriation.

AMENDMENT NO. 2113

(Purpose: To authorize the Secretary of Defense to acquire a lease or other short-term interest in certain cranberry bogs near the Massachusetts Military Reservation, Massachusetts)

On page 15, below line 21, add the following:

SEC. 205. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located on the Quashup River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire the lease or other interest acquired under subsection (a).

AMENDMENT NO. 2114

(Purpose: To extend the National Defense Panel to the end of fiscal year 1998)

On page 15, after line 21, insert the following:

SEC. 205. (a) Section 924(j) of Public Law 104–201 (110 Stat. 2628) is amended to read as follows:

"(j) DURATION OF PANEL.—The Panel shall exist until September 30, 1998, and shall terminate at the end of the day on such date.".

(b) The National Defense Panel established under section 924 of Public Law 104–201 shall be deemed to have continued in existence after the Panel submitted its report under subsection (e) of such section until the Panel terminates under subsection (j) of such section as amended by subsection (a).

Mr. COATS. Mr. President, the report of the National Defense Panel (NDP) has been tremendously useful to the Congress as we consider the national security requirements for our military today, and into the 21st century. The termination of the National Defense Panel (NDP) is extended through fiscal year 1998 to provide additional details on their deliberations. The members of the National Defense Panel have provided insightful testimony on their assessment of the scope scale, and pace of

military transformation needed to address the operational challenges of the 21st century. They are also providing insights on transforming the defense industrial base and infrastructure. The NDP will retain status, staff, and facilities as directed in section 924 of the National Defense Authorization Act for 1997.

AMENDMENT NO. 2115

(Purpose: To provide funds for emergency railroad rehabilitation and repair on Class II and Class III railroads)

(On page 45 of the bill, between lines 13 and 14, insert the following:)

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $10,600,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not to exceed $5,250,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997 and in California in January 1997 and in West Virginia in September 1996: *Provided further*, That not less than $5,350,000 shall be solely for damage incurred in Fall 1997 and Winter 1998 storms: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amounts 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 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 all funds made available under this head are to remain available until September 30, 1998: *Provided further*, that the Secretary of Transportation shall report to the House and Senate Appropriations Committees not later than December 31, 1998, with recommendations on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters.

AMENDMENT NO. 2116

At the appropriate place in the bill, insert the following:

SEC. . (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105–119, may transfer any amount to the Department of State, subject to the limitation of subsection (b) of this section, for the purpose for making technical adjustments to the amounts transferred by section 404 of such act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the U.S. Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of P.L. 105–119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provisions of law.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2111 through 2116) were agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2117 TO 2119, EN BLOC

Mr. STEVENS. I have additional amendments that have been cleared on both sides. The first amendment, by Senator ASHCROFT, is on the IMF and opening markets to agriculture; second is an amendment by Senator HOLLINGS to send a Treasury team to collect data on industry statistics and the impact of the Asian economic crisis; and the last is an amendment by Senator GRASSLEY, accompanied by a statement that he wished to insert in the RECORD before adoption of the amendment regarding reforms in bankruptcy laws.

I send the package to the desk.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

The clerk will please report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes amendments Nos. 2117 through 2119, en bloc.

The amendments are as follows:

AMENDMENT NO. 2117

(Purpose: To use the voice and vote of the United States to enhance the general effectiveness of the International Monetary Fund)

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

AMENDMENT NO. 2118

Insert at the appropriate place in the IMF title:

SEC. . IMF INDUSTRY IMPACT TEAM.—(a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry; and

(D) the textile and apparel industry;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

AMENDMENT NO. 2119

At an appropriate place, add the following:

"(c) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the IMF and its members to encourage the IMF to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

"(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

"(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

"(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

"(4) promote international cooperation in insolvency matters by including—

"(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

"(B) other provisions appropriate for promoting such cooperation.

"The Secretary of the Treasury shall report back to Congress six months after the

enactment of this Act, and annually, thereafter, on the progress in achieving this requirement."

Mr. President, I rise to offer an amendment to the IMF funding amendment offered by Senator HAGEL. The amendment I offer relates to international bankruptcies. As chairman of the Subcommittee on Administrative Oversight and the Courts, which has jurisdiction over bankruptcy policy, I believe that it is crucially important to encourage the IMF to encourage nations which seek IMF economic assistance to implement meaningful bankruptcy and insolvency reforms. In fact, last year, I held extensive hearings on the subject of international bankruptcies. To my surprise, I learned that Wall Street analysts who assess how risky it is to invest in a particular developing country often look at the type of bankruptcy system in place. On the basis of these risk assessments, investors decide whether to invest in a particular country. In other words, bankruptcy reform will encourage private development and investment in emerging economies. My amendment has been developed to encourage the kind of bankruptcy reform which will in turn encourage increased private investment.

As I said, the lack of a developed insolvency system to deal with business failures has frequently been cited as an aggravating factor in the Asian financial crisis. Without effective legal procedures to deal with bankruptcies, jobs are needlessly lost and creditors are needlessly denied access to corporate assets. By encouraging the IMF to push for meaningful bankruptcy reform in economically troubled nations, we will strengthen the global marketplace and provide much-needed certainty to international investors.

The amendment I will offer has been developed in conjunction with the Office of Legal Advisor in the State Department as well as specialists in the field of international bankruptcies who have direct, first-hand experience working with the bankruptcy and insolvency systems in the troubled Asian nations. So, I believe my amendment will result in positive and meaningful change. I urge the passage of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments (Nos. 2117 through 2119) were agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2120

(Purpose: To strike unrelated and unnecessary HCFA funding from the bill)

Mr. STEVENS. Mr. President, I send an amendment to the desk on behalf of Senator NICKLES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS), for Mr. NICKLES, proposes an amendment numbered 2120.

On page 39, strike beginning with line 21 through line 24.

On page 50, strike beginning with line 20 through line 24.

Mr. STEVENS. Mr. President, Senator NICKLES intends to raise that amendment tomorrow. It has not been cleared.

AMENDMENT NO. 2080

Mr. KENNEDY. Mr. President, I opposed the amendment by the Senator from Missouri. The so-called "Family Friendly Workplace Act" is anything but family-friendly. It is anti-worker and anti-family, and it should not take time away from this emergency appropriations bill.

The amendment was offered three times in the last session, and each time, my colleagues on the other side failed to invoke cloture. The reason is clear: the "Family-Friendly Workplace Act" has an appealing title, but appalling substance. It will never become law—nor should it.

This amendment was offered last June while we were debating another necessary appropriations bill. That bill provided billions of dollars of relief to Americans in the Midwest, who were suffering the devastating effects of floods. Yet my colleagues on the other side insisted on delaying that emergency legislation, so they could offer this amendment.

On this side of the aisle, we stood up to the opposition. We said "no." We said that Americans in the Dakotas and Minnesota desperately needed help. They needed assistance to recover their homes, their property and their lives. We defeated the opposition's efforts to jam this bill through the Senate.

Each time the legislation was offered, we defeated it. Finally, last June, the bill's supporters withdrew. We thought we had seen the last of this regressive legislation.

But no, here we go again. Another essential appropriations measure is on the floor, and what do my friends on the other side do? They return to this anti-worker, anti-family amendment.

We won't let it happen this time, any more than we did last June.

Before I discuss the fatal flaws in this legislation, let me make one additional point. For the past ten days, the Senate has been trying to consider an education bill. Throughout that period, the Majority Leader has insisted that only amendments "germane" to the bill should be discussed. He refuses to allow those on this side to discuss amendments addressing the nation's crumbling public schools. He won't allow debate on amendments dealing with reducing class size. And he blocks discussion of amendments meant to encourage more college graduates to become teachers.

Somehow, these education amendments aren't important enough to warrant consideration on the floor of the Senate. The Majority will not allow full and fair debate on these significant policy issues.

But there is a double standard at work. The appropriations measure currently before us is an emergency measure. It provides essential support to our troops in Bosnia and other troubled areas of the world. And, it gives emergency relief to families devastated by tornadoes, floods and ice storms, from Maine to Florida to California.

Apparently the Majority Leader is prepared to delay this emergency appropriations bill with a totally unrelated amendment.

The inconsistency is obvious. The Majority will not permit debate on important education amendments, because they do not want to delay tax breaks to families who can afford to send their children to private school. But when it comes to postponing essential financial help to American soldiers overseas, and American families at home suffering from disastrous weather conditions—that is acceptable to my Republican friends. Those on the other side of the aisle may find this approach satisfactory, but those on this side couldn't disagree more.

Now, I'd like to offer a few words on the substance of the amendment. Just a brief review demonstrates why it is unacceptable, and why it will never become law.

First, the amendment is a pay cut for 65 million American workers. The so-called "biweekly work schedule" lets employers schedule workers for 60, 70, even 80 hours in a single week. Employers pay every hour at the employee's regular rate, as long as the total number of hours worked in a two-week period does not exceed 80. Under current law, every hour worked over 40 must be paid at time-and-a-half. This proposal would abolish that guarantee.

Second, the amendment cuts benefits. In many industries, health and retirement benefits are based on the number of hours that employees worked. But the amendment does not guarantee that "comp time" or "flexible credit hours" must be considered "hours worked" for these important purposes. The result could be lower pensions and fewer health benefits. This does not help working families.

The amendment does not even assure employees an increase in time off. If an employee takes 8 hours of comp time on a Monday in order to spend time with her family, the employer is free to force the employee to work on Saturday to make up for the lost time. The employer does not even have to pay time-and-a-half for the hours worked on Saturday. The comp time hours used on Monday do not count toward

the 40-hour week. This does not help working families.

Despite supporters' claims, this provision does not move the Fair Labor Standards Act into the 21st century. Instead, it turns back the clock, and makes it harder for workers to juggle the obligations of their job with the demands of their family.

Third, the proposal abolishes the 40-hour week. That protection has been basic to employee-employer relations for nearly 60 years. Yet the Republicans want to return to the days when employees could be forced to work from sunup to sundown, day after day. This does not help modern working families juggle their obligations at home and at work.

Finally, the amendment does not guarantee employee choice. The employer chooses who works overtime and when an employee can use accrued comp time. The employer is free to assign all the overtime work to employees who will accept comp time. Those employees who need the money the most, who can't afford to take time off, would be hurt the most. Their paychecks would be smaller. This is discrimination, and it is wrong—but the proposal does nothing to prevent it.

And nothing in the proposal guarantees that workers can take time off when they want to or need to. The proposal does not guarantee any worker the right to use compensatory time under any circumstances. Even if the employee has a legal right under the Family and Medical Leave Act to take time off, the amendment does not give the employee the right to use earned compensatory hours for that purpose.

This amendment is a cruel hoax. It does not help working men, it does not help working women, and it does not help working families.

Many organizations that have historically struggled for the rights of working women and their families recognize the fatal flaws in this proposal. 9 to 5, the National Association of Working Women; the American Nurses Association; the Business and Professional Women; the National Council of Jewish Women; the National Women's Law Center; the Women's Legal Defense Fund; the League of Women Voters; the American Association of University Women—the list goes on and on.

These organizations have fought for years to improve working women's lives on the job and in the home. They have supported affordable and high-quality child care. They have supported a living wage on the job. They were in the forefront of the battle to achieve Family and Medical Leave. From pay equity to pension equity to equal opportunity at home and at work, these organizations and others like them have worked tirelessly with and for working women.

Yet these groups uniformly oppose this proposal. Last spring they sent a letter to Senators LOTT and DASCHLE, expressing their belief that the bill "fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers."

These organizations understand that working women may want more time with their families, but they cannot afford to give up overtime pay. As the letter to Senators LOTT and DASCHLE explained, "Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40-hour work week."

Democrats in Congress understand these concerns, and we are prepared to honor them. Unfortunately, this legislation either ignores these problems or makes them worse.

This is a bad bill, and the President has rightly promised to veto it should it ever reach his desk. But it should never leave the Senate.

The Senate was right to reject this proposal last year, and we would have done so again today.

DISASTER RELIEF NEEDS OF U.S. MILITARY INSTALLATIONS IN CALIFORNIA

Mrs. BOXER. Mr. President, as I did during the Appropriations Committee mark-up of the emergency supplemental bill, I wanted to take a few moments and thank Senator STEVENS and Senator BYRD for their efforts on this important legislation. Once again, my state of California will be able to rebound from a devastating natural disaster, thanks to the leadership of these two distinguished Senators.

One of the consequences of El Nino has been extensive damage to the military infrastructure in my state. High winds and massive flooding have left a trail of destruction that must be addressed. This legislation includes important disaster funding that is critical to the readiness of our Armed Forces and to the quality of life of our military personnel.

I was pleased that the administration requested $50 million in contingency funding for El Nino related disasters. I am also thankful that a portion of these funds have been designated to repair Marine Corps facilities and Air Force family housing in California. However, it is my understanding that damage estimates from California are still evolving and it is likely that the current allotment for California will not be sufficient.

I would like to ask Senator STEVENS, Chairman of the Appropriations Committee, if it is his intention during conference committee to increase disaster funding for California military installations when better estimates from the Defense Department are made available?

Mr. STEVENS. Mr. President, in the bill being reported by the House today, the House of Representatives has included additional funds for damages incurred from these storms. This amount is based on updated figures that have become available, subsequent to the President's submission to the Congress.

Mrs. BOXER. Mr. President, I thank my friend, Chairman STEVENS, for his continued leadership. His assistance is greatly appreciated. These funds are very important to California and to those serving our nation in the Armed Forces.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

ANNIVERSARY OF THE EDISON, NJ, PIPELINE ACCIDENT

Mr. LOTT. Mr. President, I rise today to recognize the anniversary of the tragic and frightening natural gas explosion that occurred four years ago near Edison, New Jersey. According to the National Transportation Safety Board, that accident was caused by a gouge in a major natural gas pipeline from unreported external damage during excavation. This dramatic accident caused Congress to focus on underground damage prevention.

Mr. President, I knew then that we needed to act to prevent future damage to the American underground infrastructure. I started working with Senator Bradley and Senator LAUTENBERG to develop "one-call" legislation to improve state laws so as to require excavators to call before they dig, and facility owners to mark their underground facilities accurately when notified. In spite of the clear need to act to reduce the number of dangerous and disruptive accidents at our underground facilities, the consensus needed to pass a one-call bill has eluded Congress for four years. This Congress is going to be different.

Mr. President, the Senate has twice passed a one-call bill in this Congress. The Senate has made a great start. The Senate has a bipartisan bill. The Senate has a bill passed by all 100 members. The Lott-Daschle one-call bill (S.1115) passed the Senate unanimously. In the House, the Baker-Pallone one-call bill (H.R. 3318) is moving ahead. I believe this legislation is a compatible component for the ISTEA

bill. There is an overwhelming logic that as this Congress deals with the surface infrastructure it should deal with our underground infrastructure. ISTEA is the right legislative vehicle for one-call.

I promised my good friend, Bill Bradley, when he left the Senate that I would continue the legislative effort. This Congress is not going to let another anniversary pass without enacting a one-call bill into law. This Congress will not turn its back on Edison, New Jersey. This Congress will not turn its back on a common sense safety procedure. This Congress will not allow future Americans to be subjected to the tragic consequences of an avoidable natural gas explosion.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, March 23, 1998, the federal debt stood at $5,539,832,909,123.38 (Five trillion, five hundred thirty-nine billion, eight hundred thirty-two million, nine hundred nine thousand, one hundred twenty-three dollars and thirty-eight cents).

Five years ago, March 23, 1993, the federal debt stood at $4,219,501,000,000 (Four trillion, two hundred nineteen billion, five hundred one million).

Ten years ago, March 23, 1988, the federal debt stood at $2,481,367,000,000 (Two trillion, four hundred eighty-one billion, three hundred sixty-seven million).

Fifteen years ago, March 23, 1983, the federal debt stood at $1,229,199,000,000 (One trillion, two hundred twenty-nine billion, one hundred ninety-nine million).

Twenty-five years ago, March 23, 1973, the federal debt stood at $457,287,000,000 (Four hundred fifty-seven billion, two hundred eighty-seven million) which reflects a debt increase of more than $5 trillion—$5,082,545,909,123.38 (Five trillion, eighty-two billion, five hundred forty-five million, nine hundred nine thousand, one hundred twenty-three dollars and thirty-eight cents) during the past 25 years.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:03 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, has announced that the Speaker has signed the following enrolled bill:

S. 758. An act to make certain technical connections to the Lobbying Disclosure Act of 1995.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

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–4374. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "The Economic Effects of the Northeast Interstate Dairy Compact"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4375. A communication from the Assistant Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of a rule received on February 26, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4376. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, a notice relative to 1998 salary range structure; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4377. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the annual report of the performance plan for fiscal year 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4378. 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 a cost comparison; to the Committee on Armed Services.

EC–4379. 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 a cost comparison; to the Committee on Armed Services.

EC–4380. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to Congressionally-mandated reporting requirements; to the Committee on Armed Services.

EC–4381. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation relative to authorize military construction; to the Committee on Armed Services.

EC–4382. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled the "National Defense Authorization Act for Fiscal Year 1999"; to the Committee on Armed Services.

EC–4383. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Armed Services.

EC–4384. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Armed Services.

EC–4385. A communication from the Director of the Office of the Secretary of Defense (Administration and Management), transmitting, pursuant to law, a report entitled "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC–4386. A communication from the Secretary of Defense, transmitting, notices relative to retirement; to the Committee on Armed Services.

EC–4387. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the numbers of military technician positions; to the Committee on Armed Services.

EC–4388. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the DDG-51 program; to the Committee on Armed Services.

EC–4389. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to commissary stores; to the Committee on Armed Services.

EC–4390. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to DOD purchases; to the Committee on Armed Services.

EC–4391. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the F-22 aircraft program; to the Committee on Armed Services.

EC–4392. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to AGR personnel; to the Committee on Armed Services.

EC–4393. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Manufacturing Technology Program; to the Committee on Armed Services.

EC–4394. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Research Working Group of the interagency Persian Gulf Veterans' Coordinating Board; to the Committee on Armed Services.

EC–4395. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Joint Demilitarization Technology Program; to the Committee on Armed Services.

EC–4396. A communication from the Administrator of the Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4397. A communication from the General Sales Manager and Vice President of the Commodity Credit Corporation, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4398. A communication from the Administrator of Rural Development, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4399. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on February

24, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4400. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the reports of two rules received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 11, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 20, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4403. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a report of a rule received on February 25, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4404. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the reports of three rules received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4405. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4406. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4407. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 18, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4408. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4409. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4410. A communication from the Administrator of the Farm and Foreign Agricultural Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 5, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4411. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 2, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4412. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 6, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4413. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule received on March 13, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4414. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 3, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4415. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 10, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4416. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the report of a rule received on March 16, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4417. A communication from the Manager of the Federal Crop Insurance Corporation, Department of Agriculture, the reports of twenty-two rules received on February 23, 1998; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4418. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Commerce, Science, and Transportation.

EC–4419. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Energy and Natural Resources.

EC–4420. A communication from the Director of the Office of Rulemaking Coordination, Department of Energy, transmitting, pursuant to law, the report of a rule received on March 23, 1998; to the Committee on Energy and Natural Resources.

EC–4421. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a draft of proposed legislation entitled "Hawaii Volcanoes National Park Adjustment Act of 1998"; to the Committee on Energy and Natural Resources.

EC–4422. 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–4423. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the notice of the proposed issuance of an export license; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–357. A petition from the Lithuanian American Council, Inc. of Cicero, Illinois relative to the East Prussia, Kaliningrad Region; to the Committee on Foreign Relations.

POM–358. A petition from a citizen of the State of Texas relative to the Congressional Record and the Journal of the U.S. Senate; to the Committee on Rules and Administration.

POM–359. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Agriculture, Nutrition, and Forestry.

JOINT RESOLUTION

Whereas, tobacco is addictive and detrimental to people's health; and

Whereas, people of all ages are affected by the use of tobacco; and

Whereas, the United States Secretary of Agriculture sets price supports for tobacco; authorizes loans to tobacco producers; provides noninsured crop disaster assistance; and, through the Commodity Credit Corporation, provides federal crop insurance for tobacco producers; and

Whereas, the State of Maine, the 49 other states and the Federal Government have spent billions of dollars collectively on health care costs related to tobacco; and

Whereas, farms with fertile soil grow over a ton of tobacco per acre; and

Whereas, 124,000 farms in the United States grow a total of 1.65 billion pounds of tobacco annually; and

Whereas, the $358.5 billion settlement from tobacco companies to the states could be used by producers to grow food crops; and

Whereas, the tobacco quota rights program gives producers permission to grow tobacco at $8 per pound and gives transition payments to producers who lease the quota rights; and

Whereas, the price paid to tobacco producers for tobacco will fall if the price support is eliminated; and

Whereas, federal price supports are critical and producers will not grow tobacco without this assistance; now, therefore, be it

Resolved, That We, your Memorialists, request the President of the United States and the United States Congress to remove the financial assistance necessary to grow the tobacco crop; and be it further

Resolved, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to Honorable William J. Clinton, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Speaker of the House or the equivalent officer in the 49 other states; the President of the Senate or the equivalent officer in the 49 other states; and each member of the Maine Congressional Delegation.

POM–360. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Armed Services.

HOUSE JOINT RESOLUTION 24

Whereas, the State of New Hampshire was the ninth state to enter the union; and

Whereas, the first-in-the-nation New Hampshire presidential primary plays a vital role in the election of our nation's presidents; and

Whereas, 59 servicemen from New Hampshire have earned the United States highest military honor, the Congressional Medal of Honor; and

Whereas, since June 12, 1800, the Portsmouth Naval Shipyard has provided invaluable service to the fleet; and

Whereas, New Hampshire was the home of Franklin Pierce, the fourteenth president of the United States; and

Whereas, New Hampshire veterans have fought for the United States in every major conflict in American history; and

Whereas, the people of New Hampshire are extremely proud of their service members who today serve in all corners of the world; and

Whereas, the United States Navy has not had a commissioned vessel in its fleet honoring the state of New Hampshire since May 21, 1921; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened, That the state of New Hampshire encourages the Department of the Navy to name a vessel in its fleet the U.S.S. New Hampshire; and

That copies of this resolution signed by the governor, the speaker of the house, and the president of the senate be forwarded by the house clerk to each member of the New Hampshire congressional delegation to be forwarded to the Secretary of the Navy for consideration and appropriate action.

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. 105–172).

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. ABRAHAM (for himself, Mr. LEVIN, Mr. LEAHY, Mr. SANTORUM, Mr. DEWINE, Mr. GLENN, Mr. COATS, Mr. KOHL, Mr. GORTON, and Mr. GRAMS):

S. 1823. A bill to amend the National Sea Grant College Program Act with respect to the treatment of Lake Champlain; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1824. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain skating boots used for in-line skates; to the Committee on Finance.

By Mrs. MURRAY (for herself, Mr. MURKOWSKI, and Mr. SARBANES):

S. 1825. A bill to amend title 10, United States Code, to provide sufficient funding to assure a minimum size for honor guard details at funerals of veterans of the Armed Forces, to establish the minimum size of such details, and for other purposes; to the Committee on Armed Services.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. LAUTENBERG, and Mr. TORRICELLI):

S. 1826. A bill to amend the Harmonized Tariff Schedule of the United States to suspend temporarily the duty on personal effects of participants in the 1999 Women's World Cup; to the Committee on Finance.

By Mr. HELMS:

S. 1827. A bill to suspend temporarily the duty on dialklnaphthalene suflonic acid sodium salt; to the Committee on Finance.

S. 1828. A bill to suspend temporarily the duty on sodium N-methyl-N-oleoly taurate; to the Committee on Finance.

S. 1829. A bill to suspend temporarily the duty on O-(6-chloro-3-phenyl-4-pyridazinyl)-S-0ctyl-carbonothioate; to the Committee on Finance.

S. 1830. A bill to suspend temporarily the duty on 4-cyclopropyl-6-methyl-2-phenylamino-pyrimidine; to the Committee on Finance.

S. 1831. A bill to suspend temporarily the duty on O,O-Dimethyl-S-(5-methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl-methyl)-dithiophosphate; to the Committee on Finance.

S. 1832. A bill to suspend temporarily the duty on (Ethyl (2-(4-phenoxyphenoxy) ethyl) carbamate; to the Committee on Finance.

S. 1833. A bill to suspend temporarily the duty on 1-(4-methoxy-6-methyl-triazin-2-yl)-3-(2-(3,3,3-trifluoropropyl)-phenylsulfonyl)-urea; to the Committee on Finance.

S. 1834. A bill to suspend temporarily the duty on 3-(4,6-Bis (difluoromethoxy)-pryimidin-2-yl)-1-(methoxy-carbonylphenylsulfonyl) urea; to the Committee on Finance.

S. 1835. A bill to suspend temporarily the duty on 3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)-phenylsulfonyl)-urea; to the Committee on Finance.

S. 1836. A bill to suspend temporarily the duty on ((2S,4R)/(2R,4S)/(2R,4R)/(2S,4S))-1-(2-(4-(4-chloro-phenoxy)-2-chlorophenyl)-4-methyl-1,3-dioxolan-2-yl-methyl)-1H-1,2,4-triazole; to the Committee on Finance.

S. 1837. A bill to suspend temporarily the duty on 2,4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Finance.

S. 1838. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Finance.

S. 1839. A bill to suspend temporarily the duty on 2-chloro-N-(2,6-dinitro-4-(trifluoromethyl) phenyl)-N-ethyl-6-fluorobenzenemethanamine; to the Committee on Finance.

S. 1840. A bill to suspend temporarily the duty on chloroacetone; to the Committee on Finance.

S. 1841. A bill to suspend temporarily the duty on orthonitrophenyl; to the Committee on Finance.

S. 1842. A bill to suspend temporarily the duty on acetic acid, ((2-chloro-4-fluoro-5-((tetrahydro-3-oxo-1h,3H-(1,3,4) thiadiazolo(3,4-A)pyridazin-1-ylidene)amino)phenyl)thio)-,methyl ester; to the Committee on Finance.

S. 1843. A bill to suspend temporarily the duty on acetic acid, ((5-chloro-8-quinolinyl)oxy)-1-methyhexyl ester; to the Committee on Finance.

S. 1844. A bill to suspend temporarily the duty on calcium oxytetracycline; to the Committee on Finance.

S. 1845. A bill to suspend temporarily the duty on Tinopal CBS-X; to the Committee on Finance.

S. 1846. A bill to suspend temporarily the duty on 2,4 dichloro 3,5 dinitro benzotrifluoride; to the Committee on Finance.

S. 1847. A bill to suspend temporarily the duty on streptomycin sulfate; to the Committee on Finance.

S. 1848. A bill to suspend temporarily the duty on propanoic acid, 2-(4-((5-chloro-3-fluor-2-pyridinyl)oxy)-phenoxyl)-2-propynyl ester; to the Committee on Finance.

S. 1849. A bill to suspend temporarily the duty on trifluoromethylaniline; to the Committee on Finance.

S. 1850. A bill to suspend temporarily the duty on mucochloric acid; to the Committee on Finance.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 1851. A bill to suspend temporarily the duty on certain rocket engines; to the Committee on Finance.

By Mr. THURMOND:

S. 1852. A bill to suspend temporarily the duty on parts for use in the manufacture of loudspeakers; to the Committee on Finance.

S. 1853. A bill to suspend temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

S. 1854. A bill to suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Finance.

By Mr. WYDEN (for himself and Ms. COLLINS):

S. 1855. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. TORRICELLI:

S. Res. 199. A resolution designating the last week of April of each calendar year as "National Youth Fitness Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND.

S. 1852. A bill to suspend temporarily the duty on parts for use in the manufacture of loudspeakers; to the Committee on Finance.

S. 1853. A bill to temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

S. 1854. A bill to suspend temporarily the duty on certain electrical transformers for use in the manufacture of audio systems; to the Committee on Finance.

DUTY SUSPENSION LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce three bills which will temporarily suspend the duties on parts used to manufacture loudspeakers. Currently, these parts are imported into the United States.

The three items which will receive temporary duty suspensions are certain electrical transformers, loudspeakers not mounted in their enclosures, and parts for loudspeakers. The tariffs on these items are scheduled for elimination in the Information Technology Agreement II that is currently being negotiated in the World Trade Organization.

Mr. President, suspending the duty on these items will allow a South Carolina industry to be competitive in the world marketplace. I hope the Senate will consider these measures expeditiously.

Mr. President, I ask unanimous consent that the text of the bills be printed in the RECORD.

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

S. 1852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON PARTS FOR USE IN THE MANUFACTURE OF LOUDSPEAKERS.

(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 subheading:

"9902.85.18	Parts for use in the manufacture of loudspeakers (provided for in subheading 8518.90.80)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) 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.

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON LOUDSPEAKERS NOT MOUNTED IN THEIR ENCLOSURES.

(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 subheading:

"9902.85.19	Loudspeakers not mounted in their enclosures (provided for in subheading 8518.29.80)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) 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.

S. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUSPENSION OF DUTY ON CERTAIN ELECTRICAL TRANSFORMERS FOR USE IN THE MANUFACTURE OF AUDIO SYSTEMS.

(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 subheading:

"9902.85.04	Electrical transformers having a power handling capacity less than 1 kVA for use in the manufacture of audio systems (provided for in subheading 8504.31.40)	Free	No change	No change	On or before 12/31/2002".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) 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. WYDEN (for himself and Ms. COLLINS):

S. 1855. A bill to require the Occupational Safety and Health Administration to recognize that electronic forms of providing MSDSs provide the same level of access to information as paper copies; to the Committee on Labor and Human Resources.

THE WORKPLACE INFORMATION READABILITY AND ELECTRONIC DISSEMINATION ACT

Mr. WYDEN. Mr. President, today, I am introducing legislation that would improve and modernize the current system for accessing information about hazardous chemicals in the workplace. This legislation will make it easier for workers to protect themselves against chemical exposure risks in their workplaces by giving them online access to essential safety information. It will also make this information more quickly accessible in the event of an emergency.

Under current regulations, employers are required to have available in the workplace Material Safety Data Sheets (MSDS) describing every chemical ever used at the site. The MSDS contains information about the chemical and what to do in the event a worker is exposed by ingesting it, having it splash on the skin or in the eyes.

Employers typically keep MSDS sheets in huge binders making them difficult to access quickly during actual exposure incidents. As a result, emergency personnel may have to flip through page after page of information to find out how to respond to the specific chemical exposure. This complies with the law, but it's not the best way to get critical information in an emergency.

The better approach is to have the information accessible online. This can greatly reduce the time it takes to get essential information on the proper first aid procedures in the event of exposure. In some cases, this faster response can literally mean the difference between life and death.

The bill I am introducing today allows—but does not require—electronic access to MSDS information, so there is no mandate that employers have to switch to an electronic system. This legislation simply updates the current workplace safety system to recognize the widespread use of computers in the workplace. It merely provides an additional option that can yield better protection for workers with less hassle for employers.

My legislation requires chemical hazard information to be written in plain English, so that workers and emergency personnel can better understand the risks and what to do in an emergency. The MSDS sheets now in use are typically written by lawyers to protect the chemical manufacturers from liability. Because they are often written in legalese, it is difficult for workers to understand MSDS, especially in emergencies.

For example, instead of simply stating, "Keep this material away from your eyes," the instructions on one MSDS say "Avoid ocular contact." Workplace safety information should be understandable to all employees without having to look up every other word in the dictionary.

My legislation addresses this problem by requiring information on new hazardous chemicals brought into the workplace to be written in easily understandable English.

This legislation has the support of Oregon OSHA officials, industry and union safety officials. A companion bill introduced in the House this week has bipartisan support. I urge my colleagues to support this common sense workplace safety initiative.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Oregon, Senator WYDEN, in introducing the Workplace Information, Readability and Electronic Dissemination (or WIRED) Act, which will significantly improve the ability of both workers and employers to use and understand the Material Safety Data Sheets that accompany potentially hazardous chemicals used in the workplace.

The Occupational Safety and Health Administration rightly requires employers to provide information to their employees about hazardous chemicals used in the workplace on Material Safety Data Sheets, or MSDSs. These MSDSs, which are provided by the manufacturer, must be "readily accessible" to employees during each work shift and must include information about the manufacturer, the physical properties of the chemical, health precautions that should be taken, and instructions on how to handle spills and other emergencies.

OSHA issued the rule requiring MSDSs in the workplace in the early 1980s, well before computers and fax machines became routine fixtures in virtually every workplace. As a consequence, employers are required to keep huge, loose-leaf notebooks or file cabinets filled with handwritten or printed MSDSs in the workplace at all times. More often than not, the MSDSs are tattered, stained and out-of-date since, in an average inventory, as many as 7 percent will become obsolete within a month. Finding the right MSDS quickly in an emergency under these circumstances can be a real challenge, particularly since they can easily be misfiled.

In this age of electronic communication, there simply are better ways for employers and employees to maintain and access this important safety information. Currently, there are a number of different products on the market

such as CD-ROMs and fax-on-demand response systems that provide all the MSDS information an employer or employee might need within minutes of the request. Businesses contend that these services are more efficient, since they allow an independent service to maintain the information and the employees to access the information instantaneously and at will. Not only are computer systems faster, but they also enable employees to cross-reference different chemicals. These electronic systems are certainly better than the current paper system required by OSHA, which requires fumbling through a notebook or file cabinet, hoping that the MSDSs are current and filed correctly.

Unfortunately, OSHA will not allow employers to replace their paper MSDS systems with electronic access. As a consequence, many employers have been reluctant to take advantage of these superior new systems. The legislation we are introducing today will enable employers to bring their MSDS system into the 21st century by clarifying that employers have the option of replacing their paper system with electronic access, as long as the new system is readily available to all employees.

Another problem with the current system is that the information presented on a MSDS is extremely technical and complicated, making it difficult for many employees to understand, particularly when an accident has occurred and time is of the essence. Not only is the information on the MSDS itself technical, but it is also presented in language that is too advanced for the vast majority of manufacturing workers to understand. According to a review of the National Center for Education Statistics 1992 Adult Literacy Survey, the information on a typical MSDS requires a Level 5 reading proficiency, while the same survey shows that manufacturing workers typically read at a Level 2.

This situation is complicated by the fact that there is no standard format for MSDSs and different manufacturers have different formats for presenting the same information. This makes it difficult for employees who must look at more than one MSDS to find the information they need quickly, and quick information is particularly important in an emergency. The legislation we are introducing today will therefore require OSHA not only to standardize the format for MSDSs, but also to ensure that they are written at a literacy level that is appropriate for the typical industrial worker.

Mr. President, the legislation we are introducing today will not only make it easier for employers to comply with important OSHA safety standards, but it will also ensure that their employees have better access to accurate and up-to-date safety information that they can both read and understand. Enactment of the WIRED Act will result in safer, more efficient workplaces, and I encourage all of my colleagues to join us as cosponsors.

ADDITIONAL COSPONSORS

S. 314

At the request of Mr. THOMAS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 1260

At the request of Mr. GRAMM, the names of the Senator from Virginia (Mr. WARNER), the Senator from Virginia (Mr. ROBB), and the Senator from Kentucky (Mr. FORD) were added as cosponsors of S. 1260, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes.

S. 1284

At the request of Mr. ROBERTS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1284, a bill to prohibit construction of any monument, memorial, or other structure at the site of the Iwo Jima Memorial in Arlington, Virginia, and for other purposes.

S. 1600

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1600, a bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years.

S. 1677

At the request of Mr. CHAFEE, the name of the Senator from South Dakota (Mr. DASCHLE) 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. 1737

At the request of Mr. MACK, the name of the Senator from Kansas (Mr. BROWNBACK) 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. 1811

At the request of Mr. FAIRCLOTH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of 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.

SENATE CONCURRENT RESOLUTION 84

At the request of Mr. KEMPTHORNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of Senate Concurrent Resolution 84, a concurrent resolution expressing the sense of Congress that the Government of Costa Rica should take steps to protect the lives of property owners in Costa Rica, and for other purposes.

AMENDMENT NO. 2077

At the request of Mr. LEVIN the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 2077 proposed to S. 1768, an original bill 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.

SENATE RESOLUTION 199—DESIGNATING "NATIONAL YOUTH FITNESS WEEK"

Mr. TORRICELLI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 199

Whereas we are witnessing a historic decrease in the health of our Nation's adolescents with only 22 percent of our children physically active for the recommended 30 minutes each day and nearly 15 percent of American youths almost completely inactive;

Whereas even physical education classes are on the decline with 75 percent of students in America not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in just 4 years;

Whereas more than 60,000,000 people, ⅓ of the Nation's population, are overweight and even more disturbing, the percentage of overweight adolescents has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, our Nation's adolescents;

Whereas adolescents represent the future of the Nation and the decrease in physical fitness in the United States may destroy our future potential unless we invest in our youthful population today to increase our productivity and stability tomorrow;

Whereas regular physical activity has proven effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of our Nation's youth; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning with the last Sunday in April of each calendar year as "National Youth Fitness Week";

(2) urges parents, families, caregivers, and teachers to encourage and help adolescents to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation each calendar year designating such week as "National Youth Fitness Week" and encouraging the people of the United States to observe this week with appropriate activities and celebrations.

Mr. TORRICELLI. Mr. President, I rise today to address a crisis facing our youngest citizens. Physical inactivity among our children is threatening the very foundation of the health of our nation. Physical inactivity and poor diet together account for at least 300,000 deaths in the United States each year. Only tobacco use contributes to more preventable deaths. More than 58 million American adults, one third of the population, are overweight or obese. Even more alarming, childhood obesity rates are rising with 22 percent of children now overweight, a percentage that has doubled in the past 30 years.

This growing trend of inactivity is especially dangerous for our younger generations. According to the National Center for Health Statistics, nearly half of our young people aged 12–21 do not engage in vigorous physical activity on a regular basis. In fact, only 22 percent of American children are physically active for the recommended 30 minutes each day and nearly 15 percent are completely inactive. As the Centers for Disease Control point out, these destructive behaviors established during youth are likely to extend into adulthood. We must be proactive in setting a positive example for our children and stop the negative behavior before it starts.

To plant the seed for a healthy future, we must continue to cultivate and educate our children. Fostering enjoyment of exercise in our adolescents will spur them to maintain a healthy lifestyle into adulthood. The result will be fewer physical and mental disorders and increased productivity. As Dr. C. Everett Koop recently pointed out "this is not an issue requiring additional fact-finding before action is taken." The time for action is now.

A national commitment to lifetime fitness must be fostered. Congress has the opportunity and the responsibility to step forward and take a crucial leadership role. Several programs are currently addressing this important issue but they need our active support: the CDC's National Physical Activity Initiative, the President's Council on Physical Fitness and Sports, C. Everett Koop's "Shape Up America" campaign, the YMCA's Healthy Kids Day, and most recently, the National Sporting Good Association's "Wannabe Cool, Gottabe Active" campaign.

These programs, and others like them, need our encouragement, our gratitude and our support. That is why I am here today. To submit a resolution declaring the last week in April National Youth Fitness Week. Together we can reverse the trend in physical inactivity and restore our nation to a course of wellness, fitness and productivity. It is our responsibility as the nation's leaders to ensure a healthy America.

AMENDMENTS SUBMITTED

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

McCAIN AMENDMENT NO. 2084

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him 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:

SEC. . ELIGIBILITY FOR REFUGEE STATUS.

Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–171) is amended—

(1) in subsection (a)—

(A) by striking "For purposes" and inserting "Notwithstanding any other provision of law, for purposes"; and

(B) by striking "fiscal year 1997" and inserting "fiscal year 1998 and 1999"; and

(2) by amending subsection (b) to read as follows:

"(b) ALIENS COVERED.—

"(1) IN GENERAL.—An alien described in this subsection is an alien who—

"(A) is the son or daughter of a qualified national;

"(B) is 21 years of age or older; and

"(C) was unmarried as of the date of acceptance of the alien's parent for resettlement under the Orderly Departure Program.

"(2) QUALIFIED NATIONAL.—For purposes of paragraph (1), the term 'qualified national' means a national of Vietnam who—

"(A)(i) was formerly interned in a reeducation camp in Vietnam by the Government of the Socialist Republic of Vietnam; or

"(ii) is the widow or widower of an individual described in clause (i); and

"(B)(i) qualified for refugee processing under the reeducation camp internees subprogram of the Orderly Departure Program; and

"(ii) on or after April 1, 1995, is accepted—

"(I) for resettlement as a refugee; or

"(II) for admission as an immigrant under the Orderly Departure Program.".

STEVENS (AND OTHERS) AMENDMENT NO. 2085

Mr. STEVENS (for himself, Mr. COCHRAN, Mrs. BOXER, Mr. BUMPERS, Mr. BYRD, Mr. BOND, Mr. LOTT, and Mr. FORD) proposed an amendment to the bill, S. 1768, supra; as follows:

Pg. 15, after line 21 of the bill insert:

"SEC. . Nothwithstanding any other provision of law, in the case of a person who is selected for training in a State program conducted under the National Guard Challenge Program and who obtains a general education diploma in connection with such training, the general education diploma shall be treated as equivalent to a high school diploma for purposes of determining the eligibility of the person for enlistment in the armed forces."

HATCH (AND OTHERS) AMENDMENT NO. 2086

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. WARNER, Mr. LAUTENBERG, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

On page 51, strike lines 5 through 16 and insert in lieu thereof the following:

"SEC. 2001. None of the funds appropriated or otherwise made available in this or any other Act may be obligated or expended by the Patent and Trademark Office to plan for the construction or lease of new facilities until 30 days after the submission of a report by the Secretary of Commerce, to be delivered not later than May 1, 1998, to the Committees on Appropriations analyzing whether the project is properly scoped, the procurement properly structured, and whether the project should go forward. Such funds shall only be made available in accordance with section 605 of Public Law 105–119."

GRAMM (AND SANTORUM) AMENDMENT NO. 2087

(Ordered to lie on the table.)

Mr. GRAMM (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

WYDEN AMENDMENT NO. 2088

(Ordered to lie on the table.)

Mr. WYDEN submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . ELIMINATION OF SECRECY IN INTERNATIONAL FINANCIAL AND TRADE ORGANIZATIONS.

The President shall instruct the United States Representatives to the World Trade

Organization, the International Monetary Fund, the World Bank, and regional development banks in which the United States is a member to seek the implementation of a system of open meetings and activities in their respective organizations. Open meetings and activities in an organization include, but are not limited to, a policy that—

(1) all meetings sponsored by the organization and involving delegates from member countries are open to the public;

(2) all activities involving voting by member countries are open to the public; and

(3) all records of meetings and activities are made available to the public.

BAUCUS AMENDMENT NOS. 2089–2090

(Ordered to lie on the table.)

Mr. BAUCUS submitted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2089

On page 5, after line 23, add the following:

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

FOOD ANIMAL RESIDUE AVOIDANCE DATABASE

For an additional amount for the Food Animal Residue Avoidance Database, $150,000.

AMENDMENT NO. 2090

On page 59, between lines 7 and 8, insert the following:

SEC. . CLAIMS REGARDING PROTEIN CONTENT OF WHEAT.

(a) IN GENERAL.—Notwithstanding section 2401 of title 28, United States Code, a claim described in subsection (b) shall be considered to be timely filed if the claim is filed with the Secretary of Agriculture by the date that is 90 days after the date of enactment of this Act.

(b) CLAIMS.—Subsection (a) applies to a claim that is—

(1) filed under section 1346 of title 28, United States Code, by a wheat producer in the United States that sold hard red spring wheat or durum wheat during the period beginning May 2, 1993, and ending January 24, 1994; and

(2) based on the alleged negligence of the Secretary of Agriculture in connection with the determination of the protein content of the wheat.

BAUCUS (AND BURNS) AMENDMENT NO. 2091

(Ordered to lie on the table.)

Mr. BAUCUS (for himself and Mr. BURNS) submitted an amendment intended to be proposed by them to the bill. S. 1768, supra; as follows:

On page 59, between lines 7 and 8, insert the following:

SEC. . EXTENSION OF MARKETING ASSISTANCE LOANS.

Section 133 of the Agricultural Market Transition Act (7 U.S.C. 7233) is amended by striking subsection (c) and inserting the following:

"(c) EXTENSION.—The Secretary may extend the term of a marketing assistance loan made to producers on a farm for any loan commodity for 1 6-month period.".

STEVENS AMENDMENT NO. 2092

Mr. STEVENS proposed an amendment to the bill, S. 1768, supra; as follows:

On page 51, line 22, strike Section 2004 and insert in lieu thereof the following:

SEC. 2005. PROVISIONS RELATING TO UNIVERSAL SERVICE SUPPORT FOR PUBLIC INSTITUTIONAL TELECOMMUNICATIONS USERS.

(a) NO INFERENCE REGARDING EXISTING UNIVERSAL SERVICE ADMINISTRATIVE MECHANISM.—Nothing in this section may be considered as expressing the approval of the Congress of the action of the Federal Communications Commission in establishing, or causing to be established, one or more corporations to administer the schools and libraries program and the rural health care provider program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)), or the approval of any provision of such programs.

(b) FCC TO REPORT TO THE CONGRESS.—

(1) REPORT DUE DATE.—Pursuant to the findings of the General Accounting Office (B-278820) dated February 10, 1998, the Federal Communications Commission shall, by May 8, 1998, submit a 2-part report to the Congress under this section.

(2) REVISED STRUCTURE.—The report shall propose a revised structure for the administration of the programs established under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)). The revised structure shall consist of a single entity.

(A) LIMITATION ON ADMINISTRATION OF PROGRAMS.—The entity proposed by the Commission to administer the programs—

(i) is limited to implementation of the FCC rules for applications for discounts and processing the applications necessary to determine eligibility for discounts under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) as determined by the Commission;

(ii) may not administer the programs in any manner that requires that entity to interpret the intent of the Congress in establishing the programs or interpret any rule promulgated by the Commission in carrying out the programs, without appropriate consultation and guidance from the Commission.

(B) APA REQUIREMENTS WAIVED.—In preparing the report required by this section, the Commission shall find that good cause exists to waive the requirements of section 553 of title 5, United States Code, to the extent necessary to enable the Commission to submit the report to the Congress by May 8, 1998.

(3) REPORT ON FUNDING OF SCHOOLS AND LIBRARIES PROGRAM AND RURAL HEALTH CARE PROGRAM.—The report required by this section shall also provide the following information about the contributions to, and requests for funding from, the schools and libraries subsidy program:

(A) An estimate of the expected reductions in interstate access charges anticipated on July 1, 1998.

(B) An accounting of the total contributions to the universal service fund that are available for use to support the schools and libraries program under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) for the second quarter of 1998.

(C) An accounting of the amount of the contribution described in subparagraph (B) that the Commission expects to receive from—

(i) incumbent local exchange carriers;

(ii) interexchange carriers;

(iii) information service providers;

(iv) commercial mobile radio service providers; and

(v) any other provider.

(D) Based on the applications for funding under section 254(h) of the Communications Act of 1934 (47 U.S.C. 254(h)) received as of April 15, 1998, an estimate of the costs of providing universal service support to schools and libraries under that section disaggregated by eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, including—

(i) the amounts requested for costs associated with telecommunications services;

(ii) the amounts requested for costs described in clause (i) plus the costs of internal connections under the program; and

(iii) the amounts requested for the costs described in clause (ii), plus the cost of internet access;

(iv) the amount requested by eligible schools and libraries in each category and discount level listed in the matrix appearing at paragraph 520 of the Commission's May 8, 1997 Order, calculated as dollar figures and as percentages of the total of all requests:

(I) the amount requested by eligible schools and libraries in each such category and discount level to provide telecommunications services;

(II) the amount requested by eligible schools and libraries in each such category and discount level to provide internal connections; and

(III) the amount requested by eligible schools and libraries in each such category and discount level to provide internet access.

(E) A justification for the amount, if any, by which the total requested disbursements from the fund described in subparagraph (D) exceeds the amount of available contributions described in subparagraph (B).

(F) Based on the amount described in subparagraph (D), an estimate of the amount of contributions that will be required for the schools and libraries program in the third and fourth quarters of 1998, and, to the extent these estimated contributions for the third and fourth quarter exceed the current second-quarter contribution, the Commission shall provide an estimate of the amount of support that will be needed for each of the eligible services and facilities as set forth in the eligibility list of the Schools and Libraries Corporation, and disaggregated as specified in subparagraph (D).

(G) An explanation of why restricting the basis of telecommunications carriers' contributions to universal service under 254(a)(3) of the Communications Act of 1934 (47 U.S.C. 254(a)(3)) to interstate revenues, while requiring that contributions to universal service under section 254(h) of that Act (47 U.S.C. 254(h)) be based on both interstate as well as intrastate revenues, is consistent with the provisions of section 254(d) of that Act (47 U.S.C. 254(d)).

(H) An explanation as to whether access charge reductions should be passed through on a dollar-for-dollar basis to each customer class on a proportionate basis.

(I) An explanation of the contribution mechanisms established by the Commission under the Commission's Report and Order (FCC 97-157), May 8, 1997, and whether any direct end-user charges on consumers are appropriate.

(c) IMPOSITION OF CAP ON COMPENSATION OF INDIVIDUALS EMPLOYED TO CARRY OUT THE PROGRAMS.—No officer or employee of the entity to be proposed to be established under subsection (b)(2) of this section may be compensated at an annual rate of pay, including any non-regular, extraordinary, or unexpected payment based on specific determinations of exceptionally meritorious service or otherwise, bonuses, or any other compensation (either monetary or in-kind), which exceeds the rate of basic pay in effect from

time to time for level I of the Executive Schedule under section 5312 of title 5, United States Code.

(d) SECOND-HALF 1998 CONTRIBUTIONS.—Before June 1, 1998, the Federal Communications Commission may not—

(1) adjust the contribution factors for telecommunications carriers under section 254; or

(2) collect any such contribution due for the third or fourth quarter of calendar year 1998.

BROWNBACK AMENDMENT NO. 2093

(Ordered to lie on the table.)

Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

On page ___, after line ___, insert the following:

SEC. ___. FULL OFFSET OF SPENDING.

Upon enactment of this Act, the Director of the Office of Management and Budget shall reduce the nondefense discretionary spending limits (on a pro rata basis for each category) for budget authority for fiscal year 1999 by the amounts required to offset budget authority provided for fiscal year 1998 in this Act. This section shall apply to any amount designated as emergency spending in this Act.

ASHCROFT AMENDMENTS NOS. 2094–2095

Ordered to lie on the table.)

Mr. ASHCROFT submittted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2094

At the appropriate place insert the following:

SEC. ___. ESTABLISHMENT OF, AND LIMITATION ON FUTURE CHANGES TO, PUBLICLY-HELD FEDERAL DEBT CEILING.

(a) ESTABLISHMENT OF PUBLICLY-HELD FEDERAL DEBT CEILING.—Section 3101(b) of title 31, United States Code, is amended—

(1) by striking "(b) The face amount" and inserting "(b)(1) Subject to paragraph (2), the face amount", and

(2) by adding at the end the following:

"(2) The face amount of the obligations described in paragraph (1) not held by Government accounts may not be more than $3,774,000,000,000 outstanding at one time.".

(b) POINT OF ORDER AGAINST CHANGES IN PUBLICLY-HELD FEDERAL DEBT CEILING.—Title IV of the Congressional Budget Act of 1974 is amended by—

(1) redesignating section 407 as section 408; and

(2) inserting after section 406 the following:

"POINT OF ORDER AGAINST CHANGES IN PUBLICLY-HELD FEDERAL DEBT CEILING

"SEC. 407. (a) IN GENERAL.—Except as otherwise provided in this section and notwithstanding any other provision of law, it shall not be in order in the Senate or House of Representatives to consider any bill, resolution, or resolution of ratification (or amendment, motion, or conference report on that bill or resolution) that would raise the Federal debt limit specified in section 3101(b)(2) of title 31, United States Code, for any fiscal year.

"(b) EXCEPTION FOR DECLARATION OF WAR.—Subsection (a) shall not apply if a declaration of war by the Congress is in effect.

"(c) TIMING OF POINTS OF ORDER IN THE SENATE.—A point of order under subsection (a) may not be raised against a bill, resolution, amendment, motion, or conference report while an amendment or motion, the adoption of which would remedy the violation of subsection (a), is pending before the Senate.

"(d) POINTS OF ORDER IN THE SENATE AGAINST AMENDMENTS BETWEEN THE HOUSES.—The provision of subsection (a) that establishes a point of order against an amendment also establishes a point of order in the Senate against an amendment between the Houses. If a point of order under subsection (a) is raised in the Senate against an amendment between the Houses and the point of order is sustained, the effect shall be the same as if the Senate had disagreed to the amendment.

"(e) EFFECT OF A POINT OF ORDER IN THE SENATE.—In the Senate, if a point of order under subsection (a) against a bill or resolution is sustained, the Presiding Officer shall then recommit the bill or resolution to the committee of appropriate jurisdiction for further consideration.

"(f) WAIVER.—A point of order under subsection (a) may be waived or suspended in the Senate and the House of Representatives only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.".

(c) CLERICAL AMENDMENT.—The table of contents of the Congressional Budget and Impoundment Control Act of 1974 is amended in title IV by—

(1) redesignating section 407 as section 408; and

(2) inserting after the item for section 406 the following:

"Sec. 407. Point of order against changes in level of publicly-held Federal debt.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1998.

AMENDMENT NO. 2095

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. ___. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(1) increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability; and

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

GORTON AMENDMENTS NOS. 2096–2097

(Ordered to lie on the table.)

Mr. GORTON submitted two amendments intended to be proposed by him to the bill, S. 1768, supra; as follows:

AMENDMENT NO. 2096

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

AMENDMENT NO. 2097

On page ___, line ___ of the amendment, strike "House of Representatives." and insert the following:

House of Representatives.

SEC. ___. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

LEAHY (AND OTHERS) AMENDMENT NO. 2098

Mr. LEAHY (for himself, Mr. ABRAHAM, Mr. LEVIN, Mr. DEWINE, Mr. GLENN, Mr. KOHL, Mr. GORTON, Mr. MOYNIHAN, Mr. SANTORUM, and Mr. FEINGOLD) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

SEC. . Section 203 of the National Sea Grant College Program Act (33 U.S.C. 1122) is amended by—

(1) striking paragraph (5) and redesignating paragraphs (6) through (17) as paragraphs (5) through (16);

(2) redesignating subparagraphs (C) through (F) of paragraph (7), as redesignated, as subparagraphs (D) through (G); and

(3) inserting after subparagraph (B) of paragraph (7), as redesignated, the following:

"(C) Lake Champlain (to the extent that such resources have hydrological, biological, physical, or geological characteristics and problems similar or related to those of the Great Lakes);"

CHAFEE AMENDMENT NO. 2099

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1768, supra; as follows:

On page 17, beginning on line 10, strike "to be conducted at full Federal expense".

MCCONNELL (AND OTHERS) AMENDMENT NO. 2100

Mr. MCCONNELL (for himself, Mr. HAGEL, Mr. GRAMM, and Mr. STEVENS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —INTERNATIONAL MONETARY FUND

That the following sums are appropriated, out of any money in the Treasury and otherwise appropriated, for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes, namely:

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

LOANS TO INTERNATIONAL MONETARY FUND

NEW ARRANGEMENTS TO BORROW

For loans to the International Monetary Fund (Fund) under the New Arrangements to Borrow, the dollar equivalent of 2,462,000,000 Special Drawing Rights, to remain available until expended; in addition, up to the dollar equivalent of 4,250,000,000 Special Drawing Rights previously appropriated by the Act of November 30, 1983 (Public Law 98–181), and the Act of October 23, 1962 (Public Law 87–872), for the General Arrangements to Borrow, may also be used for the New Arrangements to Borrow.

UNITED STATES QUOTA

For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 10,622,500,000 Special Drawing Rights, to remain available until expended.

GENERAL PROVISIONS

SECTION . CONDITIONS FOR THE USE OF QUOTA RESOURCES.—(a) None of the funds appropriated in this Act under the heading "United States Quota, International Monetary Fund" may be obligated, transferred or made available to the International Monetary Fund until 30 days after the Secretary of the Treasury certifies that the major shareholders of the International Monetary Fund, including the United States, Japan, the Federal Republic of Germany, France, Italy, the United Kingdom, and Canada have publicly agreed to, and will seek to implement in the Fund, policies that provide conditions in stand-by agreements or other arrangements regarding the use of Fund resources, requirements that the recipient country—

(1) liberalize restrictions on trade in goods and services and on investment, at a minimum consistent with the terms of all international trade obligations and agreements; and

(2) to eliminate the practice or policy of government directed lending on non-commercial terms or provision of market distorting subsidies to favored industries, enterprises, parties, or institutions.

(b) Subsequent to the certification provided in subsection (a), in conjunction with the annual submission of the President's budget, the Secretary of the Treasury shall report to the appropriate committees on the implementation and enforcement of the provisions in subsection (a).

(c) The United States shall exert its influence with the Fund and its members to encourage the Fund to include as part of its conditions of stand-by agreements or other uses of the Fund's resources that the recipient country take action to remove discriminatory treatment between foreign and domestic creditors in its debt resolution proceedings. The Secretary of the Treasury shall report back to the Congress six months after the enactment of this Act, and annually thereafter, on the progress in achieving this requirement.

(d) Nothing in this section shall be construed to create any private right of action with respect to the enforcement of its terms.

SEC. . TRANSPARENCY AND OVERSIGHT.—(a) Not later than 30 days after enactment of this Act, the Secretary of the Treasury shall certify to the appropriate committees that the Board of Executive Directors of the International Monetary Fund has agreed to provide timely access by the Comptroller General to information and documents relating to the Fund's operations, program and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(b) The Secretary of the Treasury shall direct, and the U.S. Executive Director to the International Monetary Fund shall agree to—

(1) provide any documents or information available to the Director that are requested by the Comptroller General;

(2) request from the Fund any documents or material requested by the Comptroller General; and

(3) use all necessary means to ensure all possible access by the Comptroller General to the staff and operations of the Fund for the purposes of conducting financial and program audits.

(c) The Secretary of the Treasury, in consultation with the Comptroller General and the U.S. Executive Director of the Fund, shall develop and implement a plan to obtain timely public access to information and documents relating to the Fund's operations, programs and policy reviews and decisions regarding stand-by agreements and other uses of the Fund's resources.

(d) No later than July 1, 1998 and, not later than March 1 of each year thereafter, the Secretary of the Treasury shall submit a report to the appropriate committees on the status of timely publication of Letters of Intent and Article IV consultation documents and the availability of information referred to in (c).

SEC. . ADVISORY COMMISSION.—(a) The President shall establish an International Financial Institution Advisory Commission (hereafter "Commission").

(b) The Commission shall include at least five former United States Secretaries of the Treasury.

(c) Within 180 days, the Commission shall report to the appropriate committees on the future role and responsibilities, if any, of the International Monetary Fund and the merit, costs and related implications of consolidation of the organization, management, and activities of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization.

SEC. . BRETTON WOODS CONFERENCE.—Not later than 180 days after the Commission reports to the appropriate committees, the President shall call for a conference of representatives of the governments of the member countries of the International Monetary Fund, the International Bank for Reconstruction and Development and the World Trade Organization to consider the structure, management and activities of the institutions, their possible merger and their capacity to contribute to exchange rate stability and economic growth and to respond effectively to financial crises.

SEC. . REPORTS.—(a) Following the extension of a stand-by agreement or other uses of the resources by the International Monetary Fund, the Secretary of the Treasury, in consultation with the U.S. Executive Director of the Fund, shall submit a report to the appropriate committees providing the following information—

(1) the borrower's rules and regulations dealing with capitalization ratios, reserves, deposit insurance system and initiatives to improve transparency of information on the financial institutions and banks which may benefit from the use of the Fund's resources;

(2) the burden shared by private sector investors and creditors, including commercial banks in the Group of Seven Nations, in the losses which have prompted the use of the Fund's resources;

(3) the Fund's strategy, plan and timetable for completing the borrower's pay back of the Fund's resources including a date by which he borrower will be free from all international institutional debt obligation; and

(4) the status of efforts to upgrade the borrower's national standards to meet the Basle Committee's Core Principles for Effective Banking Supervision.

(b) Following the extension of a stand-by agreement or other use of the Fund's resources, the Secretary of the Treasury shall report to the appropriate committees in conjunction with the annual submission of the President's budget, an account of the direct and indirect institutional recipients of such resources: *Provided*, That this account shall include the institutions or banks indirectly supported by the Fund through resources made available by the borrower's Central Bank.

(c) Not later than 30 days after the enactment of this Act, the Secretary shall submit a report to the appropriate committees of Congress providing the information requested in paragraphs (a) and (b) for the countries of South Korea, Indonesia, Thailand and the Philippines.

SEC. . CERTIFICATIONS.—(a) The Secretary of the Treasury shall certify to the appropriate committees that the following conditions have been met—

(1) No International Monetary Fund resources have resulted in direct support to the semiconductor, steel, automobile, or textile and apparel industries in any form;

(2) The Fund has not guaranteed nor underwritten the private loans of semiconductor, steel, automobile, or textile and apparel manufacturers; and

(3) Officials from the Fund and the Department of the Treasury have monitored the implementation of the provisions contained in stabilization programs in effect after July 1, 1997, and all of the conditions have either been met, or the recipient government has committed itself to fulfill all of these conditions according to an explicit timetable for completion; which timetable has been provided to and approved by the Fund and the Department of the Treasury.

(b) Such certifications shall be made 14 days prior to the disbursement of any Fund resources to the borrower.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the Executive Director to oppose disbursement of further funds if such certification is not given.

(d) Such certifications shall continue to be made on an annual basis as long as Fund contributions continue to be outstanding to the borrower country.

SEC. . DEFINITIONS.—For the purposes of this Act, "appropriate committees" includes the Appropriations Committee, the Committee on Foreign Relations, Committee on Finance and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Appropriations and the Committee on Banking and Financial Services in the House of Representatives.

This title may be cited as the "1998 Supplemental Appropriations Act for the International Monetary Fund".

FRIST (AND BYRD) AMENDMENT NO. 2101

Mr. STEVENS (for Mr. FRIST, for himself and Mr. BYRD) proposed an amendment 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.

GORTON (AND GREGG) AMENDMENT NO. 2102

Mr. GORTON (for himself and Mr. GREGG) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON INTERNATIONAL MONETARY FUND LOANS TO INDONESIA.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to prevent the extension by the International Monetary Fund of loans or credits that would—

(1) personally benefit the President of Indonesia or any member of the President's family, or

(2) benefit any financial institution or commercial enterprise in which the President of Indonesia or any member of the President's family has a financial interest.

FAIRCLOTH AMENDMENT NO. 2103

Mr. FAIRCLOTH proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, add the following:

SEC. ___. EDUCATION STABILIZATION LOANS AND FUND.

(a) LOANS.—

(1) IN GENERAL.—The Secretary of Education (referred to in this subsection as the "Secretary") shall make loans to States for the purpose of constructing and modernizing elementary schools and secondary schools.

(2) TERMS.—The Secretary shall make low interest, long-term loans, as determined by the Secretary, under paragraph (1). The Secretary shall determine the eligibility requirements for, and the terms of, any loan made under paragraph (1).

(3) ALLOCATION OF FUNDS.—The Secretary shall determine a formula for allocating the funds made available under subsection (b)(4) to States for loans under paragraph (1). The Secretary shall ensure that the formula provides for the allocation of funds for such loans to each eligible State. In determining the formula, the Secretary shall take into consideration the need for financial assistance of States with significant increases in populations of elementary school and secondary school students.

(4) DEFINITIONS.—In this subsection, 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).

(b) FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund, to be known as the "Education Stabilization Fund", consisting of the amounts transferred to or deposited in the Trust Fund under paragraph (2) and any interest earned on investment of the amounts in the Trust Fund under paragraph (3).

(2) TRANSFERS AND DEPOSITS.—

(A) TRANSFER.—The Secretary of the Treasury shall transfer to the Trust Fund an amount equal to $5,000,000,000 from the stabilization fund described in section 5302 of title 31, United States Code.

(B) DEPOSITS.—There shall be deposited in the Trust Fund all amounts received by the Secretary of Education incident to loan operations under subsection (a), including all collections of principal and interest.

(3) INVESTMENT OF TRUST FUND.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest the portion of the Trust Fund that is not, in the Secretary's judgment, required to meet current withdrawals.

(B) OBLIGATIONS.—Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) PURPOSES FOR OBLIGATIONS OF THE UNITED STATES.—The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are extended to authorize the issuance at par of special obligations exclusively to the Trust Fund.

(D) INTEREST.—Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt, except that where such average rate is not a multiple of ⅛ of 1 percent, the rate of interest of such special obligations shall be the multiple of ⅛ of 1 percent next lower than such average rate.

(E) DETERMINATION.—Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(F) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(G) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

GRAMM (AND SANTORUM) AMENDMENT NO. 2104

Mr. GRAMM (for himself and Mr. SANTORUM) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of budget authority provided in this Act that is obligated during fiscal year 1998 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining budget authority provided in this Act shall not be available for obligation until October 1, 1998.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

FAIRCLOTH AMENDMENT NO. 2105

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 2029 submitted by Mr. KERREY 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:

Beginning with page 5, line 8, and ending with page 30, line 13, strike all, and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Internal Revenue Service Private Citizen Oversight Board Act of 1998".

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Internal Revenue Service Oversight Board.
Sec. 3. Commissioner of Internal Revenue; other officials.
Sec. 4. Other personnel.
Sec. 5. Prohibition on executive branch influence over taxpayer audits and other investigations.

SEC. 2. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

(a) IN GENERAL.—Section 7802 (relating to the Commissioner of Internal Revenue) is amended to read as follows:

"SEC. 7802. INTERNAL REVENUE SERVICE OVERSIGHT BOARD.

"(a) ESTABLISHMENT.—There is established within the Department of the Treasury the

Internal Revenue Service Oversight Board (hereafter in this subchapter referred to as the 'Oversight Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Oversight Board shall be composed of 9 members who are not Federal officers or employees and who are appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS AND TERMS.—

"(A) QUALIFICATIONS.—Members of the Oversight Board shall be appointed solely on the basis of their professional experience and expertise in 1 or more of the following areas:

"(i) Management of large service organizations.

"(ii) Customer service.

"(iii) Federal tax laws, including tax administration and compliance.

"(iv) Information technology.

"(v) Organization development.

"(vi) The needs and concerns of taxpayers.

"(vii) Management or ownership of a small business.

In the aggregate, the members of the Oversight Board should collectively bring to bear expertise in all of the areas described in the preceding sentence.

"(B) TERMS.—Each member shall be appointed for a term of 5 years, except that of the members first appointed under paragraph (1)—

"(i) 1 member shall be appointed for a term of 1 year,

"(ii) 1 member shall be appointed for a term of 2 years,

"(iii) 2 members shall be appointed for a term of 3 years, and

"(iv) 2 members shall be appointed for a term of 4 years.

Such terms shall begin on the date of appointment.

"(C) REAPPOINTMENT.—An individual may be appointed to no more than two 5-year terms on the Oversight Board.

"(D) VACANCY.—Any vacancy on the Oversight Board shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that term.

"(E) SPECIAL GOVERNMENT EMPLOYEES.—During the entire period that an individual is a member of the Oversight Board, such individual shall be treated as—

"(i) serving as a special government employee (as defined in section 202 of title 18, United States Code) and as described in section 207(c)(2) of such title, 18, and

"(ii) serving as an officer or employee referred to in section 101(f) of the Ethics in Government Act of 1978 for purposes of title I of such Act.

"(3) QUORUM.—6 members of the Oversight Board shall constitute a quorum. A majority of members present and voting shall be required for the Oversight Board to take action.

"(4) REMOVAL.—Any member of the Oversight Board may be removed at the will of the President.

"(5) CLAIMS.—

"(A) IN GENERAL.—Members of the Oversight Board shall have no personal liability under Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member. The preceding sentence shall not be construed to limit personal liability for criminal acts or omissions, willful or malicious conduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of such member on the Oversight Board."

"(B) EFFECT ON OTHER LAW.—This paragraph shall not be construed—

"(i) to affect any other immunities and protections that may be available to such member under applicable law with respect to such transactions,

"(ii) to affect any other right or remedy against the United States under applicable law, or

"(iii) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(c) GENERAL RESPONSIBILITIES.—

"(1) IN GENERAL.—The Oversight Board shall oversee the Internal Revenue Service in its administration, management, conduct, direction, and supervision of the execution and application of the internal revenue laws or related statues and tax conventions to which the United States is a party.

"(2) REQUIREMENT FOR DISCLOSURE OF RETURN INFORMATION TO OVERSIGHT BOARD MEMBERS.—Notwithstanding any other provision of law, any return, return information, or taxpayer return information (as defined in section 6103(b)) shall, without written request, be open to inspection by or disclosure to the members and staff of the Internal Revenue Service Oversight Board.

"(d) SPECIFIC RESPONSIBILITIES.—The Oversight Board shall have the following specific responsibilities:

"(1) STRATEGIC PLANS.—To review and approve strategic plans of the Internal Revenue Service, including the establishment of—

"(A) mission and objectives, and standards of performance relative to either, and

"(B) annual and long-range strategic plans.

"(2) OPERATIONAL PLANS.—To review the operational functions of the Internal Revenue Service, including—

"(A) plans for modernization of the tax system, including the procurement of information technology intended to process tax returns,

"(B) plans for outsourcing or managed competition, and

"(C) plans for training and education.

"(3) MANAGEMENT.—To—

"(A) recommend to the President candidates for appointment as the Commissioner of Internal Revenue and recommend to the President the removal of the Commissioner,

"(B) review the Commissioner's selection, evaluation, and compensation of senior managers,

"(C) review and approve the Commissioner's plans for any major reorganization of the Internal Revenue Service, and

"(D) review, and make recommendations to the Commissioner concerning, the auditing procedures and collection activities of the Internal Revenue Service.

"(4) BUDGET.—To—

"(A) review and approve the budget request of the Internal Revenue Service prepared by the Commissioner,

"(B) submit such budget request to the Secretary of the Treasury, and

"(C) ensure that the budget request supports the annual and long-range strategic plans.

The Secretary shall submit the budget request referred to in paragraph (4)(B) for any fiscal year to the President who shall submit such request, without revision, to Congress together with the President's annual budget request for the Internal Revenue Service for such fiscal year.

"(e) OVERSIGHT BOARD PERSONNEL MATTERS.—

"(1) COMPENSATION OF MEMBERS.—

"(A) IN GENERAL.—Each member of the Oversight Board shall be compensated at a rate not to exceed $30,000 per year.

"(B) CHAIRPERSON.—In lieu of the amount specified in subparagraph (A), the Chairperson of the Oversight Board shall be compensated at a rate not to exceed $50,000.

"(2) TRAVEL EXPENSES.—The members of the Oversight Board 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 for purposes of attending meetings of the Oversight Board.

"(3) STAFF.—At the request of the Chairperson of the Oversight Board, the Commissioner shall detail to the Oversight Board such personnel as may be necessary to enable the Oversight Board to perform its duties. Such detail shall be without interruption or loss of civil service status or privilege. The Chairperson of the Oversight Board may recommend to the Commissioner specific staff of the Internal Revenue Service for detail to the Oversight Board, and may recommend to the Commissioner specific individuals not employed by the Internal Revenue Service to be hired by the Internal Revenue Service for the purpose of being detailed to the Oversight Board.

"(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Oversight Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(f) ADMINISTRATIVE MATTERS.—

"(1) CHAIR.—The members of the Oversight Board shall elect for a 2-year term a chairperson from among the members.

"(2) COMMITTEES.—The Oversight Board may establish such committees as the Oversight Board determines appropriate.

"(3) MEETINGS.—The Oversight Board shall meet at least once each month and at such other times as the Oversight Board determines appropriate.

"(4) REPORTS.—The Oversight Board shall each year report to the President and the Congress with respect to the conduct of its responsibilities under this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 4946(c) (relating to definitions and special rules for chapter 42) is amended—

(A) by striking "or" at the end of paragraph (5),

(B) by striking the period at the end of paragraph (6) and inserting ", or", and

(C) by adding at the end the following new paragraph:

"(7) a member of the Internal Revenue Service Oversight Board.".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7802 and inserting the following new item:

"Sec. 7802. Internal Revenue Service Oversight Board.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) NOMINATIONS TO INTERNAL REVENUE SERVICE OVERSIGHT BOARD.—The President shall submit nominations under section 7802 of the Internal Revenue Code of 1986, as added by this section, to the Senate not later than 6 months after the date of the enactment of this Act.

SEC. 3. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

(a) IN GENERAL.—Section 7803 (relating to other personnel) is amended to read as follows:

"SEC. 7803. COMMISSIONER OF INTERNAL REVENUE; OTHER OFFICIALS.

"(a) COMMISSIONER OF INTERNAL REVENUE.—

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate, to a 5-year term. The appointment shall be made without regard to political affiliation or activity.

"(B) VACANCY.—Any individual appointed to fill a vacancy in the position of Commissioner occurring before the expiration of the term for which such individual's predecessor was appointed shall be appointed only for the remainder of that term.

"(C) REMOVAL.—The Commissioner may be removed at the will of the President.

"(2) DUTIES.—The Commissioner shall have such duties and powers as the Secretary may prescribe, including the power to—

"(A) administer, manage, conduct, direct, and supervise the execution and application of the internal revenue laws or related statutes and ax conventions to which the United States is a party; and

"(B) recommend to the President a candidate for appointment as Chief Counsel for the Internal Revenue Service when a vacancy occurs, and recommend to the President the removal of such Chief Counsel.

If the Secretary determines not to delegate a power specified in subparagraph (A) or (B), such determination may not take effect until 30 days after the Secretary notifies the Committees on Ways and Means, Government Reform and Oversight, and Appropriations of the House of Representatives, the Committees on Finance, Government Operations, and Appropriations of the Senate, and the Joint Committee on Taxation.

"(3) CONSULTATION WITH OVERSIGHT BOARD.—The Commissioner shall consult with the Oversight Board on all matters set forth in paragraphs (2) and (3) (other than paragraph (3)(A) of section 7802(d).

"(b) ASSISTANT COMMISSIONER FOR EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS.—There is established within the Internal Revenue Service an office to be known as the "Office of Employee Plans and Exempt Organizations' to be under the supervision and direction of an Assistant Commissioner of Internal Revenue. As head of the Office, the Assistant Commissioner shall be responsible for carrying out such functions as the Secretary may prescribe with respect to organizations exempt from tax under section 501(a) and with respect to plans to which part I of subchapter D of chapter 1 applies (and with respect to organizations designed to be exempt under such section and plans designed to be plans to which such part applies) and other nonqualified deferred compensation arrangements. The Assistant Commissioner shall report annually to the Commissioner with respect to the Assistant Commissioner's responsibilities under this section.

"(c) OFFICE OF TAXPAYER ADVOCATE.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT.—There is established in the Internal Revenue Service an office to be known as the "Office of the Taxpayer Advocate'. Such office shall be under the supervision and direction of an official to be known as the "Taxpayer Advocate' who shall be appointed with the approval of the Oversight Board by the Commissioner of Internal Revenue and shall report directly to the Commissioner. The Taxpayer Advocate shall be entitled to compensation at the same rate as the highest level official reporting directly to the Commissioner of Internal Revenue.

"(B) RESTRICTION ON SUBSEQUENT EMPLOYMENT.—An individual who is an officer or employee of the Internal Revenue Service may be appointed as Taxpayer Advocate only if such individual agrees not to accept any employment with the Internal Revenue Service for at least 5 years after ceasing to be the Taxpayer Advocate.

"(2) FUNCTIONS OF OFFICE.—

"(A) IN GENERAL.—It shall be the function of the Office of Taxpayer Advocate to—

"(i) assist taxpayers in resolving problems with the Internal Revenue Service,

"(ii) identify areas in which taxpayers have problems in dealings with the Internal Revenue Service,

"(iii) to the extent possible, propose changes in the administrative practices of the Internal Revenue Service to mitigate problems identified under clause (ii), and

"(iv) identify potential legislative changes which may be appropriate to mitigate such problems.

"(B) ANNUAL REPORTS.—

"(i) OBJECTIVES.—Not later than June 30 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Subcommittees on Treasury, Postal Service, and General Government of the Committees on Appropriation of the House of Representatives and the Senate on the objectives of the Taxpayer Advocate for the fiscal year beginning in such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information.

"(ii) ACTIVITIES.—Not later than December 31 of each calendar year, the Taxpayer Advocate shall report to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Subcommittees on Treasury, Postal Service, and General Government of the Committees on Appropriation of the House of Representatives and the Senate on the activities of the Taxpayer Advocate during the fiscal year ending during such calendar year. Any such report shall contain full and substantive analysis, in addition to statistical information, and shall—

"(I) identify the initiatives the Taxpayer Advocate has taken on improving taxpayer services and Internal Revenue Service responsiveness,

"(II) contain recommendations received from individuals with the authority to issue Taxpayer Assistance Orders under section 7811,

"(III) contain a summary of at least 20 of the most serious problems encountered by taxpayers, including a description of the nature of such problems,

"(IV) contain an inventory of the items described in subclauses (I), (II), and (III) for which action has been taken and the result of such action,

"(V) contain an inventory of the items described in subclauses (I), (II), and (III) for which action remains to be completed and the period during which each item has remained on such inventory,

"(VI) contain an inventory of the items described in subclauses (I), (II), and (III) for which no action has been taken, the period during which each item has remained on such inventory, the reasons for the inaction, and identify any Internal Revenue Service official who is responsible for such inaction,

"(VII) identify any Taxpayer Assistance Order which was not honored by the Internal Revenue Service in a timely manner, as specified under section 7811(b),

"(VIII) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by taxpayers,

"(IX) identify areas of the tax law that impose significant compliance burdens on taxpayers or the Internal Revenue Service, including specific recommendations for remedying these problems,

"(X) in conjunction with the National Director of Appeals, identify the 10 most litigated issues for each category of taxpayers, including recommendations for mitigating such disputes, and

"(XI) include such other information as the Taxpayer Advocate may deem advisable.

"(iii) SUBMISSION OF REPORT.—Each report required under this subparagraph shall be provided to the committees described in clauses (i) and (ii) with prior review and comment from the Oversight Board, but without any prior review or comment from the Secretary of the Treasury, any other officer or employee of the Department of the Treasury, or the Office of Management and Budget.

"(C) OTHER RESPONSIBILITIES.—The Taxpayer Advocate shall—

"(i) monitor the coverage and geographic allocation of problem resolution officers, and

"(ii) develop guidance to be distributed to all Internal Revenue Service officers and employees outlining the criteria for referral of taxpayer inquiries to problem resolution officers.

"(3) RESPONSIBILITIES OF COMMISSIONER.—The Commissioner shall establish procedures requiring a formal response to all recommendations submitted to the Commissioner by the Taxpayer Advocate within 3 months after submission to the Commissioner.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7803 and inserting the following new item:

"Sec. 7803. Commissioner of Internal Revenue; other officials.".

(2) Subsection (b) of section 5109 of title 5, United States Code, is amended by striking "7802(b)" and inserting "7803(b)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CURRENT OFFICERS.—

(A) In the case of an individual serving as Commissioner of Internal Revenue on the date of the enactment of this Act who was appointed to such position before such date, the 5-year term required by section 7803(a)(1) of the Internal Revenue Code of 1986, as added by this section, shall begin as of the date of such appointment.

(B) Section 7803(c)(1)(B) of such Code, as added by this section, shall not apply to the individual serving as Taxpayer Advocate on the date of the enactment of this Act.

SEC. 4. OTHER PERSONNEL.

(a) IN GENERAL.—Section 7804 (relating to the effect of reorganization plans) is amended to read as follows:

"SEC. 7804. OTHER PERSONNEL.

"(a) APPOINTMENT AND SUPERVISION.—Unless otherwise prescribed by the Secretary, the Commissioner of Internal Revenue is authorized to employ such number of persons as the Commissioner deems proper for the administration and enforcement of the internal revenue laws, and the Commissioner shall issue all necessary directions, instructions, orders, and rules applicable to such persons.

"(b) POSTS OF DUTY OF EMPLOYEES IN FIELD SERVICE OR TRAVELING.—Unless otherwise prescribed by the Secretary—

"(1) DESIGNATION OF POST OF DUTY.—The Commissioner shall determine and designate the posts of duty of all such persons engaged in field work or traveling on official business outside of the District of Columbia.

"(2) DETAIL OF PERSONNEL FROM FIELD SERVICE.—The Commissioner may order any such person engaged in field work to duty in the District of Columbia, for such periods as the Commissioner may prescribe, and to any designated post of duty outside the District of Columbia upon the completion of such duty.

"(c) DELINQUENT INTERNAL REVENUE OFFICERS AND EMPLOYEES.—If any officer or employee of the Treasury Department acting in connection with the internal revenue laws fails to account for and pay over any amount of money or property collected or received by him in connection with the internal revenue laws, the Secretary shall issue notice and demand to such officer or employee for payment of the amount which he failed to account for and pay over, and, upon failure to pay the amount demanded within the time specified in such notice, the amount so demanded shall be deemed imposed upon such officer or employee and assessed upon the date of such notice and demand, and the previsions of chapter 64 and all other provisions of law relating to the collection of assessed taxes shall be applicable in respect of such amount.".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 6344 is amended by striking "section 7803(d)" and inserting "section 7804(c)".

(2) The table of sections for subchapter A of chapter 80 is amended by striking the item relating to section 7804 and inserting the following new item:

"Sec. 7804. Other personnel.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 5. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

(a) IN GENERAL.—Part I of subchapter A of chapter 75 (relating to crimes, other offenses, and forfeitures) is amended by adding after section 7216 the following new section:

"SEC. 7217. PROHIBITION ON EXECUTIVE BRANCH INFLUENCE OVER TAXPAYER AUDITS AND OTHER INVESTIGATIONS.

"(a) PROHIBITION.—It shall be unlawful for any applicable person to request any officer or employee of the Internal Revenue Service to conduct or terminate an audit or other investigation of any particular taxpayer with respect to the tax liability of such taxpayer.

"(b) REPORTING REQUIREMENTS.—Any officer or employee of the Internal Revenue Service receiving any request prohibited by subsection (a) shall report the receipt of such request to the Chief Inspector of the Internal Revenue Service.

"(c) EXCEPTIONS.—Subsection (a) shall not apply to—

"(1) any request made to an applicable person by the taxpayer or a representative of the taxpayer and forwarded by such applicable person to the Internal Revenue Service,

"(2) any request by an applicable person for disclosure of return or return information under section 6103 if such request is made in accordance with the requirements of such section, or

"(3) any request by the Secretary of the Treasury as a consequence of the implementation of a change in tax policy.

"(d) PENALTY.—Any person who willfully violates subsection (a) or fails to report under subsection (b) shall be punished upon conviction by a fine in any amount not exceeding $5,000, or imprisonment of not more than 5 years, or both, together with the costs of prosecution.

"(e) APPLICABLE PERSON.—For purposes of this section, the term 'applicable person' means—

"(1) the President, the Vice President, any employee of the executive office of the President, and any employee of the executive office of the Vice President, and

"(2) any individual (other than the Attorney General of the United States) serving in a position specified in section 5312 of title 5, United States Code.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 75 is amended by adding after the item relating to section 7216 the following new item:

"Sec. 7217. Prohibition on executive branch influence over taxpayer audits and other investigations.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to requests made after the date of the enactment of this Act.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

MACK (AND GRAHAM) AMENDMENT NO. 2106

(Ordered to lie on the table.)

Mr. MACK (and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1768, supra; as follows:

On page 38, after line 18, add the following:

SEC. 4___. COASTAL BARRIER RESOURCES SYSTEM.

(a) REPLACEMENT OF MAPS.—

(1) IN GENERAL.—The final set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, and revised November 12, 1996, and relating to the units of the Coastal Barrier Resources System specified in subsection (b) (which set of maps was created by the Department of the Interior to comply with section 220 of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 3503 note; 110 Stat. 4115), and notice of which was published in the Federal Register on May 28, 1997) shall have the force and effect of law and replace any other inconsistent Coastal Barrier Resources System maps in the possession of the Department of the Interior.

(2) UNITS.—The units of the Coastal Barrier Resources System referred to in subsection (a) are the following: P04A, P05/P05P; P05A/P05AP, FL-06P; P10/P10P; P11; P11AP, P11A; P18/P18P; P25/P25P; and P32/P32P.

(b) EFFECTIVE DATE.—Subsection (a) shall be effective on the date of enactment of this Act, and the Secretary of the Interior shall replace the inconsistent maps on that date.

1998 SUPPLEMENTAL APPROPRIATIONS ACT FOR THE INTERNATIONAL MONETARY FUND

ASCHCROFT AMENDMENT NO. 2107

(Ordered to lie on the table.)

Mr. ASHCROFT submitted an amendment intended to be proposed by him to the bill (S. 1769) making supplemental appropriations for the International Monetary Fund for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. ___. ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

THE EDUCATION SAVINGS ACT FOR PUBLIC AND PRIVATE SCHOOLS

GREGG AMENDMENT NO. 2108

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to an amendent submitted by Ms. MOSELEY-BRAUN to the bill (H.R. 2646) to amend the Internal Revenue Code of 1986b 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:

At the end of the amendment, insert the following:

(3) APPLICATION.—Notwithstanding any other provision of law, the amendments made by this section shall not apply to obligations issued before January 1, 2005, which is the date on which the amount appropriated to carry out part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) for a fiscal year should be sufficient to fully fund such part for the fiscal year at the originally promised by providing to each State 40 percent of the average per-pupil expenditure for providing special education and related services for each child with a disability in the State.

1998 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS

D'AMATO (AND OTHERS) AMENDMENT NO. 2109

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. JEFFORDS, Mr. LEAHY, Ms. SNOWE, and Ms. COLLINS) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 5, line 5, strike "DAIRY AND".

On page 5, line 8, strike "and dairy".

On page 5, line 10, strike "and milk".

On page 5, line 20, beginning with the word "is", strike everything down through and including the word "amended" on line 23, and insert in lieu thereof:

"shall be available only to the extent that an official budget request for $4,000,000, 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."

On page 5, after line 23, insert the following:

"DAIRY PRODUCTION DISASTER ASSISTANCE PROGRAM

"Effective only for natural disasters beginning on November 27, 1997, through the date of enactment of this Act, $10,000,000 to implement a dairy production indemnity program to compensate producers for losses of milk that had been produced but not marketed or for diminished production (including diminished future production due to mastitis) due to natural disasters designated pursuant to a Presidential or Secretarial declaration requested during such period: *Provided*, That payments for diminished production shall be determined on a per head basis derived from a comparison to a like production period from the previous year, the disaster period is 180 days starting with the date of the disaster and the payment rate shall be $4.00 per hundredweight of milk: *Provided further*, That in establishing this program, the Secretary shall, to the extent practicable, utilize gross income and payment limitations established for the Disaster Reserve Assistance Program for the 1996 crop year: *Provided further*, That the entire amount is available only to the extent that an official budget request for $10,000,000, 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."

HELMS AMENDMENT NO. 2110

(Ordered to lie on the table.)

Mr. HELMS 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. . POLITICAL REFORM IN INDONESIA.

(a) IN GENERAL.—The Secretary of the Treasury shall not make any of the funds appropriated or otherwise made available for the International Monetary Fund by this Act available for Indonesia until the Secretary of the Treasury determines and certifies to the appropriate congressional committees that the Government of Indonesia—

(1) has announced a timetable for free and fair elections for the presidency, vice presidency, and parliament of Indonesia; and

(2) is providing for such elections to be completed within one year.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—As used in this section, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Bankiial Services and the Committee on Appropriations of the House of Representatives.

LEAHY AMENDMENT NO. 2111

Mr. STEVENS (for Mr. LEAHY) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) or any other provision of law, of the amount made available under the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119) for the account for salaries and expenses of the Small Business Administration, to fund grants for performance in fiscal year 1998 or fiscal year 1999 as authorized by section 21 of the Small Business Act (15 U.S.C. 648), any funds obligated or expended for the conduct of a pilot project for a study on the current state of commerce on the Internet in Vermont shall not be subject to a non-Federal matching requirement.

COVERDELL (AND OTHERS) AMENDMENT NO. 2112

Mr. STEVENS (for Mr. COVERDELL, for himself, Mr. COCHRAN, Mr. BUMPERS, Mrs. BOXER, and Mr. CLELAND) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 4, line 1, beginning with the word "of", strike all down through and including the word "That" at the end of line 3.

On page 6, line 6, strike "$50,000,000" and insert "$100,000,000".

On page 6, line 7, beginning with the word "of", strike all down through and including the word "That" on line 10.

On page 6, line 12, strike "$50,000,000" and insert "$100,000,000".

KENNEDY (AND KERRY) AMENDMENT NO. 2113

Mr. STEVENS (for Mr. KENNEDY, for himself and Mr. KERRY) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, below line 21, add the following:

SEC. 205. (a)(1) The Secretary of Defense may enter into a lease or acquire any other interest in the parcels of land described in paragraph (2). The parcels consist in aggregate of approximately 90 acres.

(2) The parcels of land referred to in paragraph (1) are the following land used for the commercial production of cranberries:

(A) The parcels known as the Mashpee bogs, located in the Quashupt River adjacent to the Massachusetts Military Reservation, Massachusetts.

(B) The parcels known as the Falmouth bogs, located on the Coonamessett River adjacent to the Massachusetts Military Reservation, Massachusetts.

(3) The term of any lease or other interest acquired under paragraph (1) may not exceed two years.

(4) Any lease or other real property interest acquired under paragraph (1) shall be subject to such other terms and conditions as are agreed upon jointly by the Secretary and the person or entity entering into the lease or extending the interest.

(b) Of the amounts appropriated or otherwise made available for the Department of Defense for fiscal year 1998, up to $2,000,000 may be available to acquire the lease or other interest under subsection (a).

COATS (AND LIEBERMAN) AMENDMENT NO. 2114

Mr. STEVENS (for Mr. COATS, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 15, after line 21, insert the following:

SEC. 205. (a) Section 924(j) of Public Law 104–201 (110 Stat. 2628) is amended to read as follows:

"(j) DURATION OF PANEL.—The Panel shall exist until September 30, 1998, and shall terminate at the end of the day on such date.".

(b) The National Defense Panel established under section 924 of Public Law 104–201 shall be deemed to have continued in existence after the Panel submitted its report under subsection (e) of such section until the Panel terminates under subsection (j) of such section as amended by subsection (a).

SHELBY (AND OTHERS) AMENDMENT NO. 2115

Mr. STEVENS (for Mr. SHELBY, for himself, Mr. BYRD, Mrs. BOXER, and Mr. DORGAN) proposed an amendment to the bill, S. 1768, supra; as follows:

(On page 45 of the bill, between lines 13 and 14, insert the following:

FEDERAL RAILROAD ADMINISTRATION

EMERGENCY RAILROAD REHABILITATION AND REPAIR

For necessary expenses to repair and rebuild freight rail lines of regional and short line railroads or a State entity damaged by floods, $10,600,000, to be awarded subject to the discretion of the Secretary on a case-by-case basis: *Provided*, That not to exceed $5,250,000 shall be solely for damage incurred in the Northern Plains States in March and April 1997 and in California in January 1997 and in West Virginia in September 1996: *Provided further*, That not less than $5,350,000 shall be solely for damage incurred in Fall 1997 and Winter 1998 storms: *Provided further*, That funds provided under this head shall be available for rehabilitation of railroad rights-of-way, bridges, and other facilities which are part of the general railroad system of transportation, and primarily used by railroads to move freight traffic: *Provided further*, That railroad rights-of-way, bridges, and other facilities owned by class I railroads are not eligible for funding under this head unless the rights-of-way, bridges or other facilities are under contract lease to a class II or class III railroad under which the lessee is responsible for all maintenance costs of the line: *Provided further*, That railroad rights-of-way, bridges and other facilities owned by passenger railroads, or by tourist, scenic, or historic railroads are not eligible for funding under this head: *Provided further*, That these funds shall be available only to the extent an official budget request, for a special dollar amount, that includes designation of the entire amount 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 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 all funds made available under this head are to remain available until September 30, 1998: *Provided further*, That the Secretary of Transportation shall report to the House and Senate Appropriations Committees not later than December 31, 1998, with recommendations on how future emergency railroad repair costs should be borne by the railroad industry and their underwriters.

GREGG (AND HOLLINGS) AMENDMENT NO. 2116

Mr. STEVENS (for Mr. GREGG, for himself and Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) Any agency listed in section 404(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105–119, may transfer any amount to the Department of State, subject to the limitations of subsection (b) of this section, for the purpose for making technical adjustments to the amounts transferred by section 404 of such act.

(b) Funds transferred pursuant to subsection (a) shall not exceed $12,000,000, of which not to exceed $3,500,000 may be transferred from the U.S. Information Agency, of which not to exceed $3,600,000 may be transferred from the Defense Intelligence Agency, of which not to exceed $1,600,000 may be transferred from the Defense Security Assistance Agency, of which not to exceed $900,000 may be transferred from the Peace Corps, and of which not to exceed $500,000 may be transferred from any other single agency listed in section 404(b) of P.L. 105–119.

(c) A transfer of funds pursuant to this section shall not require any notification or certification to Congress or any committee of Congress, notwithstanding any other provision of law.

ASHCROFT AMENDMENT NO. 2117

Mr. STEVENS (for Mr. ASHCROFT) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 8, after line 25, insert the following new section and renumber the remaining section accordingly:

SEC. . ADVOCACY OF POLICIES TO ENHANCE THE GENERAL EFFECTIVENESS OF THE INTERNATIONAL MONETARY FUND.

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to—

(2) Encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

HOLLINGS AMENDMENT NO. 2118

Mr. STEVENS (for Mr. HOLLINGS) proposed an amendment to the bill, S. 1768, supra; as follows:

Insert at the appropriate place in the IMF Title:

SEC. . IMF INDUSTRY IMPACT TEAM.—(a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry; and

(D) the textile and apparel industry;

(2) to monitor the effect of the Asian economic crisis on these industries;

(3) to collect accounting data from Asian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

GRASSLEY AMENDMENT NO. 2119

Mr. STEVENS (for Mr. GRASSLEY) proposed an amendment to amendment No. 2100 proposed by Mr. MCCONNEL to the bill, S. 1768, supra; as follows:

At an appropriate place add the following:

"(c) BANKRUPTCY LAW REFORM.—The United States shall exert its influence with the IMF and its members to encourage the IMF to include as part of its conditions of assistance that the recipient country take action to adopt, as soon as possible, modern insolvency laws that—

(1) emphasize reorganization of business enterprises rather than liquidation whenever possible;

(2) provide for a high degree of flexibility of action, in place of rigid requirements of form or substance, together with appropriate review and approval by a court and a majority of the creditors involved;

(3) include provisions to ensure that assets gathered in insolvency proceedings are accounted for and put back into the market stream as quickly as possible in order to maximize the number of businesses that can be kept productive and increase the number of jobs that can be saved; and

(4) promote international cooperation in insolvency matters by including—

(A) provisions set forth in the Model Law on Cross-Border Insolvency approved by the United Nations Commission on International Trade Law, including removal of discriminatory treatment between foreign and domestic creditors in debt resolution proceedings; and

(B) other provisions appropriate for promoting such cooperation.

The Secretary of the Treasury shall report back to Congress six months after the enactment of this Act, and annually, thereafter, on the progress in achieving this requirement."

NICKLES AMENDMENT NO. 2120

Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill, S. 1768, supra; as follows:

On page 39, strike beginning with line 21 through line 24.

On page 50, strike beginning with line 20 through line 24.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 24, 1998, at 9:30 a.m. on business practices in the professional boxing industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation by authorized to meet on Tuesday, March 24, 1998, at 2:30 p.m. on tobacco legislation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President. I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting to consider S. 8, the Superfund Cleanup Acceleration Act of 1997, Tuesday, March 24, 11 a.m., hearing room (SD–406).

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet for a joint hearing on Tuesday, March 24, 1998, at 2 p.m. The subject of the hearing is the Fair Competition Act of 1998: A New Free Market Approach to Federal Contracting.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 24, 1998 at 2:30 p.m. in room 138 of the Senate Dirksen Office Building to hold a hearing on "Judicial Nominations."

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Care Quality during the session of the Senate on Tuesday, March 24, 1998, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on S. 1021, the Veterans' Employment Opportunities Act.

The hearing will take place on Tuesday, March 24, 1998, at 2:15 p.m., in

room 418 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON ACQUISITION AND TECHNOLOGY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Acquisition and Technology of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 24, 1998, in open session, to receive testimony on RDT&E Management Reform and related issues.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 24, 1998, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 24, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to receive testimony on S. 887, the National Underground Railroad Network to Freedom Act of 1997; S. 991, a bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; S. 1695, the Sand Creek Massacre National Historic Site Preservation Act of 1998; and Senate Joint Resolution 41, legislation approving the location of a Martin Luther King, Jr., Memorial in the Nation's Capitol.

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

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. STEVENS. Mr. President, the Finance Committee Subcommittee on Social Security and Family Policy requests unanimous consent to conduct a hearing on Tuesday, March 24, 1998, beginning at 2 p.m. in room 215 Dirksen.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet on Tuesday, March 24, 1998, at 2:30 p.m. in open session, to receive testimony on ballistic missile defense programs in review of the Defense authorization request for fiscal year 1999 and the future years Defense program.

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

ADDITIONAL STATEMENTS

HONORING MR. SIDNEY GRAYBEAL

• Mr. BINGAMAN. Mr. President, an American hero in both wartime and peacetime passed away on March 19, 1998 in Santa Fe, New Mexico. I'd like to take a moment to honor the memory of Mr. Sidney Graybeal, one of the nation's finest patriots. Mr. Graybeal's contributions to the nation spanned six decades, from his decorated service as a B–29 pilot during World War II through his distinguished career as a public servant to more recent years when he served as a distinguished member of the Secretary of Defense's high level Defense Policy Board. His many accomplishments in the nation's service have been recognized and applauded by both sides of the political aisle. Presidents Nixon and Ford commended Mr. Graybeal during their tenures in the White House, and in 1980, President Carter awarded Mr. Graybeal the nation's highest civilian honor, the President's Award for Distinguished Federal Service.

Mr. Graybeal will be remembered and revered for his pioneering work in arms control during the coldest years of the Cold War. His extensive experience in intelligence matters and strategic nuclear policy issues served him well during his tenure on the negotiating team that crafted the historic SALT I agreements limiting offensive and defensive strategic weapons for the first time. As a result of his trailblazing work on those agreements, Mr. Graybeal was appointed as the first commissioner on the Standing Consultative Commission (SCC)—the first official U.S.-Soviet organization established to resolve arms control compliance disputes between the two superpowers. SALT I and the SCC stand as enduring legacies of Mr. Graybeal's dedicated efforts to bring the Cold War to a successful conclusion.

Sidney Graybeal was admired by his colleagues for his energy and dedication to the nation. He was widely known as a tough negotiator, but widely loved for his warm sense of humor and diplomatic skills. New Mexico will miss one of our finest citizens. The nation will miss his wisdom and experience as we navigate these uncharted waters of the post-Cold War era. I urge my colleagues in the Congress to join me in saluting this great American.

Mr. President, I ask that a March 20 article in the Santa Fe New Mexican on Mr. Graybeal be printed in the RECORD.

The article follows:

[From the Santa Fe New Mexican, Mar. 20, 1998]

SIDNEY GRAYBEAL, INTELLIGENCE ADVISER, DIES AT 73

Sidney N. Graybeal, a Central Intelligence Agency senior intelligence adviser during the Cuban missile crisis, died Thursday of a heart attack at his Santa Fe home. He was 73.

A memorial service will be held at St. Francis Auditorium on March 27 at 6 p.m.

Graybeal, who had more than 40 years of experience in arms control, intelligence, and national security, in 1994 was appointed to the Defense Policy Board by Secretary of Defense William Perry.

At the time of his death, he was a chief scientist for Science Applications International Corp.

Born in Butler, Tenn., Graybeal was a B–29 pilot during World War II and flew 32 missions over Japan. He received the Distinguished Flying Cross and other decorations for his military service.

After the war, he joined the CIA and was responsible for analysis of all foreign missile and space programs. During the 1962 missile crisis, Graybeal was the first person to inform President John F. Kennedy of the presence of Soviet missiles in Cuba.

Graybeal was recently filmed by the BBC for a documentary on the Cold War.

He also served in the State Department in the Arms Control and Disarmament Agency and was a member of the negotiating team for the Strategic Arms Limitation Treaty (SALT)–I agreements.

He helped negotiate the Anti-Ballistic Missile (ABM) Treaty and was appointed as the first U.S. commissioner of the Standing Consultative Commission, the body that administered the ABM treaty.

In 1980, Graybeal received the President's Award for Distinguished Federal Civilian Service from President Carter.

In Santa Fe, Graybeal was on the board of the Santa Fe Chamber Music Festival.

He is survived by his wife, Patricia McFate; his son Douglas of Aspen, Colo.; his daughter, Joan Graybeal Menard of Annandale, Va.; and two grandchildren, Katrina and Steven Menard.•

NASHUA LIONS CLUB 75 YEARS OF PUBLIC SERVICE

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate the Nashua Lions Club for devoting over 75 years to humanitarian acts of public service. I commend their fervent passion and aggressive dedication to improving the quality of life for fellow Americans. They have touched the lives of many through gifts of hope and continued support through countless charitable endeavors.

I am proud to know many of the members in the Nashua Lions Club. I recently had the opportunity to address the club, and enjoyed the time I spent with them. They are great men who live by their motto of "We Serve," and give others the chance to better their lives.

The Nashua Lions Club was started in 1923 by a small group of businessmen led by William Hillman, Jr., and former Mayor Alvin Lucier. It became

the first club in District 44–H and remains the second oldest Lions Club in New Hampshire. As a result of their foresight, these businessmen started a tradition of service and benevolence still exemplified today.

The Nashua Lions Club has kept this 75-year old legacy alive by raising money and funding organizations like the Lions Sight and Hearing Foundation, Lions Eye Clinic and Lions Diabetes Awareness Programs. Also, major building projects have been realized like the "Friendship Club," for the handicapped and "Melanie's Room," for multiple handicapped young girls.

Over the years, the Lions Club has raised over $750,000. Its members continue to develop new and innovative ways to invest that money back into the community. The above mentioned groups are just a few of the wonderful organizations for which the Nashua Lions Club have spent countless hours and dedicated service. This impressive list goes on and they should be very proud of these contributions. Mr. President, I want to congratulate the Nashua Lions Club for their outstanding work over the past three-quarters of a century. I am proud to represent them in the U.S. Senate.●

NORTHERN STATE UNIVERSITY MEN'S BASKETBALL TEAM MAKES IT TO THE NCAA DIVISION II ELITE EIGHT TOURNAMENT

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize an extraordinary group of young athletes from Northern State University in Aberdeen, South Dakota. The Northern State University Men's Basketball Team won the 1998 NCAA Division II North Central Regional Basketball Championship held on Sunday, March 8, 1998 in Brookings, South Dakota. In a battle of South Dakota basketball powers, NSU took charge in the final minute to win a hard-fought victory over South Dakota State University. The NSU Wolves, with a 27–5 record, ended the season in a close 67–63 loss to Virginia Union University in the 1998 NCAA Division II Elite Eight Tournament.

The athletes that made this great season happen include Scott Hanson, Jared Miller, Todd Schlekeway, Ryan Miller, Kyle Johnson, Dan Fischer, Jim Sumption, Jake Phillips, Ross Pankratz, Dustin Undlin, Mark Rich, Ben Dahl, Jeff Rich, Andy Foster and Brad Hansen. Their coaches include: Bob Olson, Mike Hultz, Brad Christenson, Craig Smith and Kent Leiss. Team Managers are Joe Flynn and Justin Forde. The NSU strength coach is Doug Bull, and the training staff is directed by Lisa McIntyre. The NSU Wolves cheerleaders are Jennifer Eye, Tonya Bird, Jackie Hortes, Jaine Fauth, Erica Paulson, Gary Olson along with advisor Susan Rozell.

I want to commend Coach Olson for providing outstanding leadership to the NSU team, and I also want to compliment Ryan Miller on his contribution of 45 points in the regional championship game.

The State of South Dakota has much to be proud of in this accomplishment. I again want to congratulate all of these fine young athletes from Northern State University, and to all the many others who contributed to this outstanding accomplishment.●

TRIBUTE TO FRANK A. GERMACK, JR.

● Mr. ABRAHAM. Mr. President, I rise to pay homage to Frank A. Germack, of Grosse Pointe Farms, Michigan. Mr. Germack, who ran his family's business in Detroit's historic Eastern Market passed away recently. Although Frank is gone, his legacy will live on throughout the Detroit community.

The family business, the Germack Pistachio Co., was founded in 1924 by Mr. Germack's father. Considered to be the oldest pistachio importing company in the country, Germack Pistachio Co. eventually expanded to include a full line of nut products. After graduating from Fordham University and the Detroit College of Law, Frank began working at the family business in 1961. Frank contributed greatly to the success of his family's company. For example, through his leadership in the Executive International Advisory Board, Frank helped expand the cashew crop to countries such as Guatemala and Indonesia.

According to Frank's son, "The business was his life." Up until the time he passed away, he was actively involved in making the company run as efficiently as possible. In addition to working at the company, Frank enjoyed boating on Lake St. Clair, listening to classical music and jazz, and contributing to his community. He was active within many organizations such as the Detroit Rotary, the Detroit Symphony Orchestra and United Way. He was also an active member of St. Paul's Catholic Church in Grosse Pointe Farms, Michigan. Despite his tireless dedication to his company and the causes that were important to him, he remained deeply committed to his family. He was a wonderful husband to his wife, Stephanie, father to his son Frank III and daughter Suzanne Gregory Frederickson, and grandfather to Olivia Frederickson.

During this difficult time, my thoughts and prayers go out to Frank Germack's family and friends.●

POSITION ON VOTE NO. 39

● Mr. KERREY. Mr. President, due to an unavoidable delay in my travel, I missed yesterday's rollcall vote number 39. Had I been present, I would have voted against tabling that amendment.●

ORDERS FOR WEDNESDAY, MARCH 25, 1998

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, March 25, 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.

PROGRAM

Mr. STEVENS. Mr. President, on behalf of the leader, it is his intention tomorrow that the Senate will resume consideration of the emergency supplemental appropriations bill with the hope of concluding action on that bill early Wednesday.

As a reminder to all Members, the second cloture vote on H.R. 2646, the Coverdell A+ education bill, was postponed this evening and will occur at a time to be determined by the majority leader. As always, all Members will be notified as to when that vote will occur. It is still hoped that an agreement can be worked out for an orderly handling of that bill. Therefore, tomorrow Members can anticipate a busy day of floor activity on the emergency supplemental appropriations bill as well as the Coverdell education bill. In addition, the Senate may consider any executive or legislative items cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. STEVENS. Mr. President, I seek to inquire whether there is any Member seeking time in morning business. I don't see anyone. If there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:48 p.m., adjourned until Wednesday, March 25, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 24, 1998:

DEPARTMENT OF STATE

WILLIAM JOSEPH BURNS, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

RYAN CLARK CROCKER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SYRIAN ARAB REPUBLIC.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. HAL M. HORNBURG, x...

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN F. KANE, x...

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. WILLIAMS, x...